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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON THE DISABLED AND

4

THE HANDICAPPED

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Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, October 28, 2008
1:40 p.m.

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PRESENT:

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COUNCILWOMAN DONNA REED MILLER, CHAIR

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COUNCILMAN CURTIS JONES, JR.

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COUNCILMAN JAMES F. KENNEY

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COUNCILWOMAN MARIA QUINONES-SANCHEZ

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COUNCILWOMAN BLONDELL REYNOLDS BROWN

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COUNCILMAN FRANK RIZZO

17

COUNCILMAN BRIAN O'NEILL

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BILL 080149 - An ordinance amending Section
12-1117 of The Philadelphia Code, entitled
"Physically Handicapped and Disabled Veteran
Parking"...

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22

23

- - -

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V A R A L L O Incorporated

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Litigation Support Services

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Eleven Penn Center

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1835 Market Street, Suite 600

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Philadelphia, Pennsylvania 19103

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215.561.2220 215.567.2670

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COUNCILWOMAN MILLER: Good

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afternoon. We want to call the Committee

4

on the Disabled and Handicapped.

5

(Witness approached witness

6

table.)

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COUNCILWOMAN MILLER: Good

8

afternoon, everyone. My name is Donna

9

Reed Miller. I am Chair of the Committee

10

on the Disabled and Handicapped. The

11

Committee on Disabled and Handicapped is

12

now in session. Let the record reflect

13

that in attendance are to my left

14

Councilwoman Sanchez, to my right

15

Councilman Curtis Jones and Councilwoman

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Blondell Reynolds Brown. And also in

17

attendance, Councilman Jim Kenney and

18

Councilman Frank Rizzo.

19

Would the Clerk please read the

20

title of the bill.

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THE CLERK: Bill No. 080149, an

22

ordinance amending Section 12-1117 of The

23

Philadelphia Code, entitled "Physically

24

Handicapped and Disabled or Severely

25

Disabled Veteran Parking," and Section

1 10/28/08 - DISABLED - BILL 080149
2 12-2809, entitled "Civil Penalties and
3 Costs," by expressly prohibiting certain
4 improper uses of Disabled Parking Permits
5 and providing for penalties, all under
6 certain terms and conditions.

7 COUNCILWOMAN MILLER: Thank
8 you.

9 We also have Councilman Brian
10 O'Neill in attendance.

11 I'd like to begin by thanking
12 all in attendance. This bill addresses
13 an issue that usually goes unnoticed.
14 Members of the disabled and handicapped
15 community rely heavily on their parking
16 spots. However, insensitive drivers
17 either illegally park or improperly use a
18 valid handicapped permit.

19 To show the seriousness of this
20 infraction, we are calling on the
21 creation of a \$1,000 fine for this
22 conduct.

23 With that in mind, Councilman
24 Jim Kenney, I know that you have some
25 opening remarks.

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2 COUNCILMAN KENNEY: Thank you,
3 Madam Chair, for scheduling the hearing
4 and for your comments. You've made some
5 of the remarks already. I just would
6 like to say for the record that it is
7 certainly appropriate for the City of
8 Philadelphia to be providing space for
9 disabled individuals, whether it's
10 parking poles in front of a house or
11 whether it's special spots in a surface
12 parking garage or special meters on the
13 street. And I think that it's
14 appropriate that we do so, because people
15 do have difficulty getting out and about
16 and we want to allow disabled folks to
17 enjoy the same level of convenience as
18 non-disabled folks.

19 The problem is, with all
20 things, is that people always try to get
21 over. If you are an able-bodied person
22 and you use a disabled person's placard
23 for merely your convenience, I think you
24 really ought to examine your own
25 conscience in the first place. And,

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2 secondly, what we'd like to do is to get
3 the government involved in enforcing that
4 misuse of those placards.

5 This has nothing to do with
6 parking poles or with meters. This has
7 to do with the transferable placard. And
8 as we know, the rule in the Commonwealth
9 of Pennsylvania is that you must either
10 be the disabled person themselves using
11 the placard or the disabled individual
12 must be in the car with an ID card
13 provided by PennDOT to prove the
14 disability.

15 Rick Dickson from the Parking
16 Authority is here to testify on some of
17 the anecdotal information that their
18 people bring back to their staff about
19 the misuse and abuse of handicapped
20 parking placards. I've seen myself
21 individuals pull up quickly into a
22 disabled parking spot at a supermarket,
23 plop the handicapped placard in the
24 rear-view mirror, then dash off at a jog
25 into the store. And Rick will tell you

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2 about some people going to gyms to work
3 out, with their gym bag on their
4 shoulder, while they're using the
5 handicapped placard.

6 So we just want people to start
7 thinking about what it is they're doing
8 and what they're abusing, and we'd like
9 the Parking Authority -- I would like the
10 Parking Authority, and the approval of
11 this Committee to do so, to get them
12 involved in approaching individuals who
13 are exiting or getting into a car with a
14 handicapped placard to ask them to
15 produce the ID card, and if not, then
16 they would be fined appropriately.

17 So this is a way to free up
18 spaces for disabled individuals and to
19 stop the abuse of people trying to get
20 over when they're not disabled.

21 Thank you, Madam Chair.

22 COUNCILWOMAN MILLER: Thank
23 you. Thank you, Councilman Kenney.

24 Does any other Councilmembers
25 want to make any remarks?

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2 Councilman Rizzo.

3 COUNCILMAN RIZZO: Mr. Dickson,
4 it's fair to say that there are at least
5 I know --

6 COUNCILWOMAN MILLER: Excuse
7 me. We have not had his testimony yet.

8 COUNCILMAN RIZZO: I was going
9 to comment on something.

10 COUNCILWOMAN MILLER: Okay.
11 All right.

12 COUNCILMAN RIZZO: I just
13 wanted to ask a question so as we go on,
14 I better understand.

15 You have a license plate that
16 has physically disabled and handicapped,
17 correct?

18 MR. DICKSON: No. They're all
19 physically disabled. There are no longer
20 any HP. They're all DP plates.

21 COUNCILMAN RIZZO: So there's
22 only one plate?

23 MR. DICKSON: Well, no. There
24 are two plates, one for a person with
25 disabilities and there are also severely

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2 disabled veterans plates. So there's two
3 plates. One for people who are
4 non-veterans, one for people who are
5 veterans.

6 COUNCILMAN RIZZO: So not
7 everybody that's physically disabled has
8 a missing leg or arm. You could have
9 other medical conditions that would
10 qualify you for that, correct?

11 COUNCILWOMAN MILLER: Why don't
12 we call on Mr. Dickson for his testimony
13 and then --

14 COUNCILMAN RIZZO: Fine.

15 COUNCILMAN KENNEY: And, Madam
16 Chair, just so the record is clear, this
17 has nothing to do with the metal plate on
18 the back of the car. This is when a
19 disabled placard in the rear-view mirror
20 is being used on a car with a
21 non-disabled plate.

22 COUNCILWOMAN MILLER: Right. I
23 know exactly what you're using. I had
24 one of those plates when my daughter had
25 her leg amputated. So it's a removable

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2 plate actually.

3 Okay. Thank you. Mr. Dickson,
4 since you are our witness.

5 MR. DICKSON: Thank you, Madam
6 Chair, members of the Committee. My name
7 is Richard Dickson. I'm the Senior
8 Director of Strategic Planning and
9 Administration for the Philadelphia
10 Parking Authority.

11 I've submitted written
12 testimony, but I want to take a couple of
13 minutes to talk about the frustration
14 that our parking enforcement officers
15 often face when confronted with people
16 who don't appear to have any physical
17 disability, but are using credentials for
18 people with disability to get parking.

19 This is a long-running series
20 of steps that need to be taken in order
21 to provide access to parking for people
22 with disabilities. Philadelphia is 300
23 years old. The curb space we have is all
24 we're ever going to have. There's a
25 limited number of parking spaces.

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2 There's an even more severely limited
3 number of spaces reserved for people with
4 disabilities, and these are the people
5 whose convenient access to our stores and
6 restaurants and doctors' offices are even
7 more important than those of us that
8 don't have those kinds of restrictions.

9 Six or seven years ago, the
10 Council changed the law regarding the
11 privileges that were available for people
12 with disabilities, because prior to that
13 time, it was free all-day parking was
14 provided for anyone with a plate or a
15 placard reserved for people with
16 disabilities. Prior to that time, 70
17 percent of some of the blocks in Center
18 City were occupied all day with people
19 with these credentials. By changing the
20 law to permit a one-hour time limit, one
21 hour beyond the posted time limit, we
22 reduced that number from 70 percent on
23 some of those blocks on Chestnut Street
24 down to less than five percent. At the
25 same time, we installed meters reserved

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2 exclusively for people with disabilities.

3 So the economic incentive was taken away
4 from those people that were using it for
5 commuter parking.

6 What we now have, however, is
7 people using placards that were issued to
8 truly disabled people and being taken by
9 people who are not disabled. These are
10 not the license plates. These are the
11 placards that you hang on the rear-view
12 mirror. For example, if my grandmother
13 receives a placard and she doesn't have a
14 car and I drive her around in my car, I'm
15 permitted to use that placard only during
16 the time that I'm transporting my
17 disabled grandmother.

18 What we see every day -- and
19 it's particularly apparent -- go any day
20 on Walnut Street in front of the gym at
21 the University of Pennsylvania and you
22 will see 20-some-year-old people park
23 their car, put the placard on the window,
24 put their gym bag over their shoulder and
25 jog into the gym. We get parking

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2 enforcement officers every day coming
3 into the office that say this is a
4 problem that we need to confront.

5 There's one reserved meter
6 space on every metered block. When that
7 person takes that meter space out of
8 service, there's nowhere else for that
9 disabled person to go. So we have people
10 who have no level of disability taking
11 advantage of a system only to get
12 convenient and, in some places,
13 lower-priced parking.

14 The Parking Authority's mission
15 is to provide access for people to take
16 advantage of the full range of services
17 in the City. When we have people that
18 are taking advantage of it, we're taking
19 those opportunities away from those
20 people that have incredible obstacles for
21 the full participation in this life
22 anyway. And it is an obligation that we
23 believe that we have, and we think
24 Councilman Kenney's bill goes a long way
25 towards addressing that issue, to say if

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2 you are really disabled or you're
3 transporting a person with a disability,
4 you have an identification card that you
5 can easily show to say that you're
6 entitled to that space.

7 But those people that we see
8 every single day parking in those spaces
9 who have no apparent mobility impairment,
10 we should be able to go -- when they see
11 them entering or exiting the vehicle, all
12 we do is ask to see the identification
13 card that is required under state law to
14 be carried with them when they're using
15 those credentials.

16 A thousand dollar fine is a
17 pretty steep incentive not to violate the
18 law. It doesn't take too many of those
19 tickets before people are going to begin
20 to get the message that this is not the
21 way that we're going to conduct business
22 in the City. And this will really
23 improve the quality of life for those
24 people who have disabilities.

25 COUNCILWOMAN MILLER:

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2 Councilman Rizzo.

3 COUNCILMAN RIZZO: How do you
4 get a hang tag?

5 MR. DICKSON: An application to
6 the Pennsylvania Department of
7 Transportation. Under Pennsylvania law,
8 you can get that by having a doctor
9 certify the nature of your disability.
10 The disability should be related to a
11 mobility impairment. It doesn't
12 necessarily mean an amputee, but someone
13 with a severe heart condition that would
14 reduce a person's mobility would also be
15 eligible to apply.

16 The other flaw in the law,
17 which this Council can't address but the
18 state Legislature can address, is that
19 sworn police officers are also entitled
20 to sign that application to attest to a
21 person's disability. Police officers are
22 wonderful people and they do incredible
23 things for the people of the City, but I
24 don't know that they have the medical
25 qualifications to make a determination as

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2 to the level of impairment that would be
3 necessary to get one of these placards.

4 The Police Commissioner in the
5 City of Philadelphia has issued a
6 directive that Philadelphia police
7 officers are not permitted to sign that
8 for that very reason. However, suburban
9 police officers have no such restriction.

10 COUNCILMAN RIZZO: The process
11 to get one of these placards, that needs
12 obviously some work. Why can't the
13 person that the placard applies to have
14 their name on it or some way of
15 identifying them?

16 MR. DICKSON: Well, one thing
17 that we don't want to do and one thing
18 that the state has, I think,
19 appropriately been reluctant to do is to
20 publicly display a person's name or any
21 identifying characteristic for those
22 people who could have some predatory
23 instincts to take advantage of someone
24 who does not have the physical capability
25 of defending themselves. You're taking

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2 people who are already at risk and
3 putting them in possible peril in another
4 way by doing that.

5 COUNCILMAN RIZZ0: But your
6 statement about the gym, University of
7 Pennsylvania, it's an assumption. You
8 don't know that those people aren't
9 physically -- have physical disabilities,
10 that they don't have a heart condition
11 and they're going to get therapy at the
12 gym. Is it fair to say it's an
13 assumption?

14 MR. DICKSON: We are assuming
15 that based on the evidence that we see
16 when we see someone, a 20-year-old man or
17 woman, throw a gym bag over their
18 shoulder and run into a gym.

19 COUNCILMAN RIZZ0: I know a lot
20 of sick people that are 20.

21 MR. DICKSON: The reason that
22 the Legislature -- that the Department of
23 Transportation issues identification
24 cards with these placards is because of
25 the potential for abuse and to provide

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2 municipalities the possibility of
3 enforcing this, because -- so that you
4 can say to the driver of the vehicle, Can
5 I see the identification card that goes
6 with this placard, to ensure that it's
7 being used appropriately.

8 COUNCILMAN RIZZO: Is there any
9 reason the Department of Transportation
10 who issues these would object to having
11 an ID card associated with their placard?

12 MR. DICKSON: They currently
13 issue ID cards associated with the
14 placard for that reason. Councilman
15 Kenney's ordinance would permit the
16 Parking Authority or police officers to
17 request a motorist to show the
18 identification and it provides the
19 violation, which currently doesn't exist
20 in the City of Philadelphia, to punish
21 those people who are inappropriately
22 using it.

23 COUNCILMAN RIZZO: So what
24 happens in the scenario that you used,
25 that you're taking your relative to the

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2 doctor, you drop them at the doctor's
3 office, you then go park the car and you
4 don't have the ID card?

5 MR. DICKSON: We would put
6 safeguards in place that if we could
7 document that that person -- if they
8 could submit documentation that that
9 person was at the doctor's office at that
10 time from the doctor's office, we would
11 be able to review it in that manner, so
12 that nobody would be inappropriately
13 penalized.

14 COUNCILMAN RIZZIO: Thank you.

15 COUNCILWOMAN MILLER: Thank
16 you.

17 Councilwoman Brown.

18 COUNCILWOMAN BROWN: Thank you
19 very, very much.

20 Good afternoon. I wanted to
21 read this before asking my question.
22 Currently when the Parking Authority
23 moves to change policy and needs to
24 inform Philadelphia residents or citizens
25 about a new change of policy that might

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2 affect them financial or otherwise,
3 procedurally what do you do in-house?

4 MR. DICKSON: We always try to
5 get as extensive press coverage as we can
6 to those policies. Often we also put out
7 warning notices for some period of time
8 prior to that.

9 What we probably would do in
10 this case is, if we see vehicles parked
11 with placards, that we would have a flyer
12 that we would put on there to say, Be
13 reminded that there's a new law in the
14 City of Philadelphia and these are the
15 penalties for violation of the law. And
16 we'd probably do that for a couple of
17 weeks before we issued actual tickets.

18 COUNCILWOMAN BROWN: Might you
19 have a database of persons who have
20 handicapped placards internally?

21 MR. DICKSON: We do not have
22 one. The Pennsylvania Department of
23 Transportation would have that. I don't
24 know if there is a mechanism for us to
25 access that. It may be possible. I

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2 don't know the answer to that right now,
3 but we could find out.

4 COUNCILWOMAN BROWN: Here are
5 the reasons for my question: I come from
6 a school of thought, don't hold me
7 responsible for anything for that which
8 you have not brought to my attention, and
9 if we as a city move to adopt these new
10 increases in the violations, for sure
11 citizens should be penalized, but for
12 sure also they should be informed,
13 alerted, red flagged that it's pretty
14 severe now. So that's why I raise the
15 question.

16 Internally, how do you go about
17 alerting citizens? For example, you
18 don't send -- I don't know who does -- I
19 know you file the tickets or you write
20 the tickets, but there's a back-office
21 entity that actually mails the tickets,
22 correct?

23 MR. DICKSON: Well, delinquency
24 notices are mailed. That's under our
25 supervision. There's a contractor that

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2 does it, but we're responsible for
3 mailing of those. The ticket is issued
4 to the vehicle.

5 COUNCILWOMAN BROWN: Okay. And
6 there's no first, second, third warning
7 kind of thing in place?

8 MR. DICKSON: No.

9 COUNCILWOMAN BROWN: I'll have
10 a sidebar with the sponsor of the bill,
11 but my -- it's not a reservation. My
12 caution is, as we move to institute what
13 I believe is a fair means of correcting
14 the problem, because it is a problem, we
15 also inform citizens that there's a
16 severe penalty. And that's my only
17 observation and caution about this.

18 COUNCILMAN KENNEY: May I --

19 MR. DICKSON: Councilwoman, I
20 think that we could contact PennDOT and
21 ask if they could send notification to
22 those people to whom placards have been
23 issued, at least in this area.

24 COUNCILMAN KENNEY: May I
25 respond to Councilwoman Brown's concern?

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2 COUNCILWOMAN MILLER:

3 Councilman Kenney.

4 COUNCILMAN KENNEY: I agree
5 with you that notification should be
6 ample and clear, but the true fact of the
7 matter is that if you have two strong
8 legs and a strong back and you get out of
9 your bed in the morning and get in your
10 car and put your handicapped placard in,
11 I don't know if you need to be notified
12 about that. I think you need to be
13 notified through the methods that they're
14 going to employ, and maybe the PennDOT
15 letter would help, but in the end, it's
16 your own conscience that should be
17 telling you you don't need this.

18 COUNCILWOMAN BROWN: I agree
19 with you 2,000 percent, so what I'm
20 suggesting is, also at fault are the
21 persons who are -- or some persons who
22 have had the placard, who've actually
23 received the placard, because they are
24 sharing that with whomever. And so it's
25 important to alert those who legally

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2 legitimately have requested the placard
3 now know, should you decide to pass this
4 on to Ken, friend or whatever, there's a
5 severe penalty involved.

6 COUNCILMAN KENNEY: But I also
7 have situations in my own neighborhood
8 where people come and visit their friend,
9 who has a disabled plate on the back of
10 their car, and the disabled plate guy
11 gives his placard to the visitor, who
12 parks in his handicapped parking spot for
13 the weekend. Or I had actually a
14 situation down in South Philly where a
15 house was up for sale and one of the
16 features of the house was handicapped
17 parking poles. It came with a bath and a
18 half, a remodeled kitchen, nice rear yard
19 and a handicapped parking spot in front
20 of your house. And he was selling his
21 house.

22 COUNCILWOMAN BROWN: Some might
23 call that laughable.

24 COUNCILMAN KENNEY: That
25 already got taken care of.

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2 COUNCILWOMAN BROWN: So that
3 goes to the gist of my questioning. I
4 think we as a government have to go the
5 extra mile to inform consumers they're
6 going to be penalized.

7 MR. DICKSON: We agree.

8 COUNCILWOMAN O'NEILL: Madam
9 Chair?

10 COUNCILWOMAN BROWN: Thank you.

11 COUNCILWOMAN MILLER:
12 Councilman O'Neill.

13 COUNCILMAN O'NEILL: I had a
14 question and I also again want to thank
15 Mr. Dickson, who always comes here
16 prepared, totally knowledgeable and can
17 answer every question sharply, right on
18 point. It's a privilege to be around
19 when you're here, Mr. Dickson.

20 MR. DICKSON: Thank you,
21 Councilman.

22 COUNCILMAN O'NEILL: But I
23 understand my bleeding heart friend over
24 there, even having a heart bleeding for
25 people who are doing a despicable act,

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2 which I, who would do anything for a
3 parking spot, figure out anything to do,
4 I would never touch that short blue one,
5 because it's like electrocution in your
6 head, because you know you're depriving
7 someone of a spot. You're not -- even if
8 you're willing to pay the ticket that's
9 out there now. There are not that many
10 of them. In some areas they're always
11 filled. Now I know why they're more
12 filled in some areas than others.

13 But it occurred to me that
14 there are certain parking restrictions
15 that we have in the City where under the
16 sign or we create a sign, but it's
17 usually talking about the fine, and if
18 you just had some plates made up -- you'd
19 pay for them the first hour -- stating
20 that it's a \$1,000 fine right there, you
21 don't have to give warnings. Because
22 these people don't deserve a warning.
23 They should know it's serious what
24 they're doing. They're not doing the old
25 thing that Frank DiCicco introduced where

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2 he cured the lame and disabled at 1801
3 Vine Street. The day after it went in --
4 every spot across from the courthouse was
5 taken with employees, and the next day
6 they were all cured, they walked. They
7 found spots somewhere else. But at least
8 then you were just trying to beat the
9 system. This is a little different.
10 You're not just beating the system not
11 having to pay for your spot. You are
12 depriving a handicapped person of a
13 parking spot that they need.

14 So if you can create a metal
15 piece to add on or create something like
16 that, I think it would pay for itself.

17 The last question I have, it's
18 not covered by Councilman Kenney's bill
19 that's before us, and the Parking
20 Authority, I'm sure -- I shouldn't say
21 I'm sure. Probably doesn't have
22 jurisdiction, but if someone can answer
23 us while we are making a record here. I
24 go into a lot of shopping centers,
25 because that's mostly what I have in my

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2 district for parking. I can't tell
3 you -- you think the people going into
4 the gym are a joke at Penn. These people
5 park right in front of the store and
6 these elderly people, they can't find a
7 spot. I mean, because they don't have
8 that many usually, and they're the best
9 spots usually in the shopping center.
10 And I've never seen anyone have to pay
11 any price for it. You know, something
12 like this, I would think there would be a
13 lot of police officers that would love --
14 because no one likes people that do this.
15 And I don't know how we can do it with
16 the private property and all that, but
17 they're required to have so many, so
18 there must be government in play here.

19 Not today's bill, I understand.
20 The Parking Authority may never get
21 jurisdiction on it, but if we could do
22 something, I think this kind of thing is
23 what keeps those spots open.

24 MR. DICKSON: Well, Councilman,
25 in response to that, Councilman DiCicco's

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2 bill, the earlier bill, gave the Parking
3 Authority and the Police automatic
4 authority to enforce reserved spaces in
5 public garages, garages that are
6 available to the public, enforce this
7 restriction on the spaces that are
8 reserved for people with disabilities.
9 We do that in several areas. We may not
10 do it as effectively or as consistently
11 as we should, but we do have that
12 authority now. But I will take that
13 back --

14 COUNCILMAN O'NEILL: Would that
15 include shopping centers?

16 MR. DICKSON: Yes. Yes.

17 COUNCILMAN O'NEILL: And maybe
18 this would apply to that without any
19 amendments or anything?

20 MR. DICKSON: Yes. We
21 currently have the authority to do that.

22 COUNCILMAN O'NEILL: But this
23 thousand dollars would apply to that?

24 MR. DICKSON: Yeah. It's in
25 the same section of the Code.

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2 COUNCILMAN O'NEILL: Because
3 those signs would be great.

4 COUNCILMAN KENNEY: We could
5 double-check before final passage.

6 COUNCILMAN O'NEILL: Okay.
7 Thank you.

8 COUNCILWOMAN MILLER: I just
9 have one question, too.
10 When you say "garages," you
11 also mean lots?

12 MR. DICKSON: Yes.

13 COUNCILWOMAN MILLER: Great.
14 And trust me, I mean, I feel this bill.
15 I transported for almost two years a
16 disabled child, and I was so frustrated
17 when we'd get to certain places and
18 couldn't find parking close to the door.
19 It just adds a whole level of burden.

20 And I just want everybody to be
21 clear. The ticket goes to the vehicle?

22 MR. DICKSON: Yes.

23 COUNCILWOMAN MILLER: Do we
24 need to warn the owner of the placard?

25 MR. DICKSON: Well, that was

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2 Councilwoman Brown's issue, and I will
3 research the feasibility of getting
4 information out to placard holders. That
5 would have to come through PennDOT,
6 because we don't currently have that.

7 COUNCILMAN KENNEY:

8 Councilwoman Miller, I tell you, that's
9 not a bad idea, because a lot of times
10 these placards are abused by relatives of
11 the disabled person. So if grand mom
12 legitimately has the placard and the
13 grandchildren are using it for their own
14 convenience, maybe if she knows about it,
15 she'll put an end to what they're doing.

16 COUNCILWOMAN MILLER: That's
17 right.

18 Thank you.

19 Councilman Rizzo.

20 COUNCILMAN RIZZO: Could you
21 please -- since PennDOT is the regulator
22 of the placard, is there a process where
23 if you abuse it at the PennDOT level, it
24 can be revoked? Should we possibly talk
25 to those folks and communicate with them

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2 that they need to establish if you have
3 one violation, the same way like the
4 point system with a motor vehicle, if
5 those should be revokable, where if
6 they're abused or someone does abuse
7 them, that PennDOT cancel them?

8 Now, they have a bar code, I
9 think, on them and someone mentioned that
10 eventually the Police were going to be
11 able to read those hang tags with some
12 device, but I think that we haven't
13 really done all we can do at the PennDOT
14 level to have them buy into this, that if
15 they're abused like we've described
16 today, that they take them away or just
17 cancel them.

18 COUNCILMAN KENNEY: Madam
19 Chairman, we researched that. I just
20 want to give a response to the issue. We
21 felt that at the time -- I mean, I'm
22 going to use grand mom as the example.
23 Grand mom has the legitimate placard and
24 the grandchildren or other relatives are
25 abusing it. Well, if we revoke grand

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2 mom's placard, she didn't do it. It's
3 the grandchildren that did it, and the
4 grandchildren, who probably own the car,
5 are the ones who are going to pay the
6 fine, and if grand mom gets notified that
7 this abuse is potential, then she'll put
8 an end to it hopefully before -- I don't
9 want to in any way penalize the disabled
10 person when the non-disabled people are
11 the ones that are the abusers.

12 COUNCILMAN RIZZO: Or the
13 problem could be where grand mom's car is
14 used where a relative goes shopping, uses
15 the placard, grand mom then gets the
16 thousand dollar ticket.

17 MR. DICKSON: No, no. In a
18 situation like that --

19 COUNCILMAN RIZZO: If the car
20 is in her name, if they use grand mom's
21 car.

22 MR. DICKSON: If the vehicle is
23 not in that person's name, if the vehicle
24 is in someone else's name, we would issue
25 the ticket to the person who was driving

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2 the vehicle based on the driver's

3 license. We have to tie it to a plate in

4 order to process it, but we would change

5 the responsibility from the owner of the

6 vehicle to the person who was the driver.

7 COUNCILMAN KENNEY: But

8 wouldn't the odds be that grand mom

9 doesn't have a car, that's why she needs

10 a placard for her relatives to run her

11 around?

12 MR. DICKSON: That's the normal

13 case, yes.

14 COUNCILWOMAN MILLER: All

15 right. Councilman Jones.

16 COUNCILMAN JONES: Thank you.

17 Have you experienced an attempt

18 to actually duplicate these falsely,

19 counterfeit them?

20 MR. DICKSON: Yes. That

21 happens with some degree of regularity,

22 and it's becoming harder to detect with

23 the improvement in copying machines and

24 things like that. And actually the

25 placards do not currently have a bar code

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2 on them. One of the things that -- we've
3 asked PennDOT to explore anti-fraud kinds
4 of production methods in order to
5 increase the safety of -- I mean, limit
6 the ability of people to duplicate them
7 inappropriately.

8 COUNCILMAN JONES: What are the
9 penalties for counterfeiting these
10 placards?

11 MR. DICKSON: This bill
12 establishes a thousand dollar penalty for
13 that.

14 COUNCILMAN JONES: And are
15 there any other charges that can be
16 applied? Like if we counterfeit
17 currency, there is a federal -- is there
18 any statute or criminal penalty
19 associated with it other than a fine?

20 MR. DICKSON: There's none that
21 I'm aware of.

22 COUNCILMAN JONES: Is there
23 cause to look into that? Because I
24 understand it's a thriving business.

25 COUNCILMAN KENNEY: Madam

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2 Chair, our research has indicated that --
3 actually, we have a letter we're going to
4 submit from the Police Department
5 supporting the legislation. They are
6 upset that the fine isn't higher for the
7 counterfeiting, and we can consider
8 amending it, if you like. I think the
9 criminal penalties for it would have to
10 come out of the Commonwealth as opposed
11 to us.

12 COUNCILMAN JONES: Thank you,
13 Madam President.

14 COUNCILWOMAN MILLER: Thank
15 you.

16 Councilwoman Brown.

17 COUNCILWOMAN BROWN: I just
18 want to put on the record the placard
19 idea offered by Councilman O'Neill where
20 you sort of -- not placard, but you
21 indicate on the notice. That goes
22 exactly to informing the person who is
23 about to park there, here's what you're
24 up against if you're in violation.

25 MR. DICKSON: Yes,

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2 Councilwoman. We did that when we
3 increased the fine for parking, just
4 anybody parking in the space. I don't
5 see any reason why we couldn't add
6 language to the reserved parking signs
7 that would give that information.

8 COUNCILWOMAN BROWN: Thank you.

9 COUNCILWOMAN MILLER:

10 Councilman Kenney, I think I heard you
11 say that the testimony -- the Police
12 Department's testimony will be given to
13 the stenographer to be entered in the
14 record?

15 COUNCILMAN KENNEY: Yes, Madam
16 Chair.

17 COUNCILWOMAN MILLER: I wasn't
18 sure, because your mike was not on.

19 COUNCILMAN KENNEY: Yes. I
20 will be submitting it to her.

21 COUNCILWOMAN MILLER: Great.

22 Are there any other witnesses
23 to testify on this bill?

24 (No response.)

25 COUNCILWOMAN MILLER: Seeing

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2 none, thank you. Thank you, Rick.

3 MR. DICKSON: Thank you.

4 COUNCILWOMAN MILLER: Seeing
5 none, this concludes the public hearing
6 on the Committee on Disabled and the
7 Handicapped. We will now go into our
8 public meeting.

9 The Chair recognizes
10 Councilwoman Sanchez.

11 COUNCILWOMAN SANCHEZ: Do you
12 need a suspension, Councilman Kenney?

13 COUNCILMAN KENNEY: Yes,
14 please.

15 COUNCILWOMAN SANCHEZ: Thank
16 you. I move that Bill 080149 be moved
17 out of Committee with a favorable
18 recommendation and that the rules of
19 Council be suspended to allow first
20 reading at our next meeting.

21 (Duly seconded.)

22 COUNCILWOMAN MILLER: All in
23 favor?

24 (Aye.)

25 COUNCILWOMAN MILLER: All

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2 opposed?

3 (No response.)

4 COUNCILWOMAN MILLER: Seeing no
5 opposition, this bill has been properly
6 moved and seconded and, furthermore, the
7 rules of Council have been requested to
8 be suspended so as to permit first
9 reading at our next session.

10 Thank you.

11 COUNCILWOMAN SANCHEZ: Thank
12 you.

13 COUNCILWOMAN MILLER: This
14 concludes the hearing. Thank you.

15 (Committee on the Disabled and
16 the Handicapped adjourned at 2:10 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on October 28, 2008, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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