

A BILL FOR AN ACT

To amend State Law No. 12-145, by modifying and renumbering certain sections of Part II of Title 12 of the Kosrae State Code; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1 Section 1. Purpose. The purpose of this Act is to amend State Law No. 12-145, by
2 modifying and renumbering certain sections of Part II of Title 12 of the Kosrae State
3 Code; and for other purposes.

4 Section 2. Amendment. State Law No. 12-145 is hereby amended by modifying
5 and renumbering certain sections of Part II of Title 12 of the Kosrae State Code as
6 follows:

7 “Chapter 19 Kosrae Disabilities Act of 2020

8 Section 12.1901. This Act shall be known as the Kosrae Disabilities Act of 2020

9 “Section 12.1902. Statement of Policy.

10 The United Nations Convention on the Rights of Persons with Disabilities begins
11 with a reference to the United Nations Charter that recognizes “the inherent dignity and
12 worth and the equal and inalienable rights of all members of the human family as the
13 foundation of freedom, justice and peace in the world.” The U.N. Convention on the
14 Rights of Persons with Disabilities further declares that the purpose of the Convention is
15 “to promote, protect, and ensure the full and equal enjoyment of all human rights and
16 fundamental freedoms by all persons with disabilities, and to promote respect for their
17 inherent dignity.” On the 7th of October 2016, the Nineteenth Congress of the Federated

1 States of Micronesia officially ratified the United Nations Convention on the Rights of
2 Persons with Disabilities, through the adoption of C.R. No. 19- 268, after noting that all
3 four State Legislatures of the FSM had adopted resolutions in support of the ratification of
4 the Convention. The Kosrae Legislature, in recognition of the FSM’s ratification of the
5 U.N. Convention on the Rights of Persons with Disabilities and cognizant of our own
6 obligations within the Kosrae Government to provide equal opportunities and to promote
7 genuine respect for all persons with disabilities, hereby declares that it is the policy of the
8 State of Kosrae, as well as the purpose of this chapter of the Code, to ensure that
9 accessible/disability friendly reserved parking spaces, ease of access to building facilities,
10 inclusive educational services, as well as employment opportunities and expressly created
11 supportive social services are readily available to accommodate the needs of all persons
12 with disabilities in both public areas and privately owned or controlled areas that are open
13 to the public.

14 Section 12.1903 Definitions-as used in this Chapter, unless the context otherwise

15 requires:

16 (1) “Persons with disabilities,” include those individuals, regardless of age and gender,
17 who have been evaluated in the past and who are currently evaluated as having a
18 mental health disability; sensory impairment, including a hearing, speech or language
19 impairment; visual impairment, including blindness; mobility impairment; orthopedic
20 impairment; autism; traumatic brain injury; specific learning disability; deaf-blindness;
21 multiple such impairments or other medically identified health impairment that affects

1 their mobility and the existence of such disabilities may hinder community integration,
2 in terms of their effective participation within society on an equal basis.

3 (2) "Areas designated for people with mobility disabilities" means any area that has
4 been marked or will be marked for the specific purpose of assisting people with
5 mobility disabilities to accommodate their general needs, which areas should be
6 located in the closest and most convenient location to the entrance of the establishment
7 of interest and may include the following:

8 (a) Parking spaces;

9 (b) Wheelchair ramps; and

10 (c) Comfort rooms.

11 (3) "Government public buildings" means buildings owned or controlled by the state
12 government that are open to public access and/or use.

13 (4) "Person with a mobility disability" means a person who, for medical reasons, is
14 confined to a wheelchair or uses crutches, a cane or walker.

15 (5) "Convention on the Rights of Persons with Disabilities or CRPD" means an
16 initiative of The United Nations to promote, protect, and ensure the full and equal
17 enjoyment of all human rights and fundamental freedoms by all persons with
18 disabilities, and to promote respect for their inherent dignity.

19 Section. 12.19074 Administration

20 (1) The Kosrae Disabilities Program, to be established pursuant to this chapter of the
21 Code, shall be headed by the Director of the Department of Health Services, or his or

1 her designee, who shall take responsibilities for and give direction to the establishment
2 of the program and other necessary and related services associated with the program.

3 (2) The Director of the Department of Health Services in collaboration with the
4 Director of the Department of Education shall establish and make such studies,
5 surveys, evaluations, policies, rules and regulations as are necessary to carry out the
6 intent of this chapter and the Kosrae Disabilities Program enacted herein; PROVIDED
7 that the Chief of Police is responsible for rules and regulations respecting the marking
8 and use of mobility accessible/disabled parking spaces, as initially set forth in Section
9 12.1908 and thereafter, in the enactment of the Kosrae Disabilities Program;

10 PROVIDED FURTHER that the Director of Transportation and Infrastructure is
11 responsible for ensuring that when the Kosrae Building Code, is prepared and drafted
12 it is to include the infrastructure requirements of the Kosrae Disabilities Program.

13 (3) The Director of the Department of Health Services, the Chief of Police and the
14 Director of Transportation and Infrastructure are each authorized to issue regulations
15 for the effective implementation of this chapter of the Code and the Kosrae Disabilities
16 Program enacted pursuant hereto in their respective categories of responsibility. The
17 regulations so issued shall be adopted in accordance with the procedural requirements
18 of Chapter 4 of Title 2 of this the Code.

19 (4) The Director of the Department of Health Services, as the administrative head of
20 the Kosrae Disabilities Program, shall have the continuing responsibility to analyze
21 and comment on the Kosrae Disabled Persons Program, both on its practical

1 importance and its legal implications, and recommend necessary program changes to
2 the Governor and to the Kosrae Legislature for administrative action and/or enactment
3 into law.

4 (5) The administrative heads of other agencies and entities of the state government are
5 encouraged to contact the Director of the Department of Health Services and cooperate
6 with said Director in refining the parts of the Kosrae Disabilities Program that affect
7 the operations of their agencies and entities with respect to the accommodations they
8 should be making and the services they should be providing to all persons with
9 disabilities.

10 Section 12.1904-5 Plan for Kosrae Disabilities Program

11 (1) Not later than ~~forty-five~~ ninety days after the enactment of this Act, the Director of
12 the Department of Health Services shall submit to the Governor and to the Kosrae
13 Legislature a plan to implement a specifically tailored state government program
14 for all persons with disabilities, to be known as the “Kosrae Disabilities Program”.

15 The plan shall incorporate the recommended statutory and administrative means to
16 provide to the people with disabilities:

17 (a) Accessible/disability friendly reserved parking places;

18 (b) Accessible/disability friendly reserved accommodations for access to the
19 facilities of government public buildings;

20 (c) Accessible/disability friendly reserved accommodations for the obtainment and
21 use of the services of state government agencies and instrumentalities;

1 (d) Inclusive educational services, at every level, in order to promote community
2 integration for all persons with disabilities and enable them to realize their full
3 potential;

4 (e) Inclusive employment opportunities, in order to promote community
5 integration for all persons with disabilities, including quota considerations, so that
6 they are afforded the opportunity to provide for themselves, as well as their loved
7 ones; and

8 (f) Social services programs designed to support all persons with disabilities, in
9 order to promote community integration.

10 (2) The plan for the Kosrae Disabilities Program shall ensure that state government
11 public buildings built after the enactment of the Kosrae Disabilities Program are
12 constructed with doorways wide enough to accommodate wheelchairs, wheelchairs
13 ramps to enable persons in wheelchairs to enter the first floor of each such building,
14 and at least one male and one female toilet facility with oversized doorways and safety
15 rails to accommodate wheelchair users.

16 (3) The Director of the Department of Health Services shall simultaneously submit to
17 the Governor and the Kosrae Legislature draft legislation pertaining to the
18 administration, financing and other aspects of the plan and program.

19 (4) Not later than 180 days following the submission of the initial plan as set forth in
20 this section, the Director of the Department of Health Services shall submit to the
21 Governor and the Kosrae Legislature an enlargement of the plan to incorporate

1 provisions related to enforceable physical adjustments and accommodations in
2 privately owned or controlled areas that are open to the public to accommodate the
3 needs of all persons with disabilities within this state.

4 Section 12.19056 Support for the development of the plan

5 (1) The Director of the Department of Transportation and Infrastructure shall submit to
6 the Director of the Department of Health Services, for incorporation into the plan
7 required by this chapter of the Code, a detailed estimate of the cost of installing
8 wheelchair ramps, widening of entrance ways to allow persons in wheelchairs to enter
9 the first floor of each government public building that is already in operation, and
10 ensuring the presence of at least one male and one female oversized toilet facility,
11 including safety rails, therein.

12 (2) The Director of the Department of Education shall submit to the Director of the
13 Department of Health Services, for incorporation in the plan required by this chapter
14 of the Code, aspects of the Education Department's inclusive educational programs, at
15 every level, for all persons with disabilities.

16 (3) The Director of the Department of Administration and Finance shall submit to the
17 Director of the Department of Health Services, for incorporation in the plan required
18 by this chapter of the Code, aspects of the Division's program in promoting inclusive
19 employment opportunities and all other financial assistance for all persons with
20 disabilities.

1 (4) Other agencies and entities of the state government shall likewise provide input
2 and support to the Director of the Department of Health Services in developing the
3 plan for the Kosrae Disabilities Program and in fulfilling the purposes of this chapter
4 of the Code.

5 (5) The Director of the Department of Health Services shall, in consultation with
6 relevant stakeholders including Kosrae Special Parents Network, the Chief of Police,
7 the departments and agencies of the state government and relevant agencies of the
8 national government, incorporate into the plan his or her estimated budgetary
9 requirements for the effective implementation of the Kosrae Disabilities Program and,
10 in so doing, the Director shall identify possible sources of Compact grants and
11 international, U.S. federal and FSM national grant funding which may be available for
12 the implementation of the Kosrae Disabilities Program.

13 Section 12.19067 Action on the plan

14 (1) Upon submission of the plan and draft legislation called for in this chapter of the
15 Code, the Governor and the Members of the Kosrae Legislature are encouraged to act
16 swiftly in the enactment of the Kosrae Disabilities Program as a matter of priority that
17 is consistent with an objective and strategy of ceremoniously announcing its official
18 opening and implementation as soon as practicable.

19 (2) The plan called for in this chapter of the Code shall, upon its enactment into state
20 law, become the official Kosrae Disabilities Program, incorporating the set of guiding
21 principles and the action directives of the State of Kosrae with regard to public and

1 private efforts that should and can be carried out in the State of Kosrae to assist all
2 persons with disabilities.

3 Section 12.1908 Initial access to government public buildings

4 (1) Until the Kosrae Disabilities Program is officially enacted into law, the Chief of
5 Police shall designate at least one parking space closest to the main entrance of
6 each state government public building as a mobility accessible/disabled parking
7 space. These mobility accessible/disabled parking spaces shall be clearly
8 designated on signs and pavement markings with the use of words or symbols
9 indicating that the designated parking space is available for use only by persons
10 with mobility disabilities in motor vehicles displaying the necessary sticker as
11 required by this chapter of the Code and that unlawful use thereof is subject to a
12 criminal fine and other penalties as set forth in this chapter of the Code.

13 Section 12.1909 Certificate, permits and stickers for the transport of persons with
14 mobility disabilities.

15 (1) The owner of any motor vehicle that is used regularly by the owner who has a
16 mobility disability or who regularly uses the motor vehicle to transport a spouse or
17 family dependent who has a mobility disability may apply to the Director of the
18 Department of Health Services for a transport certificate of mobility disability. The
19 Director, upon verification that such mobility disability exists, shall issue the transport
20 certificate of mobility to the owner of the subject vehicle. The submission of an
21 application for a transport certificate of mobility disability and the issuance of the

1 certificate shall be made with a one-dollar (\$1.00) annual fee to the owner of the
2 vehicle. Unless a shorter time is set forth in the transport certificate of mobility
3 disability for a temporary disability, the certificate shall be valid for one year from the
4 date of the issuance thereof.

5 (2) Upon the presentation of the transport certificate of disability, set forth in
6 Subsection (1) of this section, to the Chief of Police, said Chief of Police shall issue a
7 mobility disability parking permit and accompanying mobility disability parking space
8 sticker to the person to whom the certificate has been issued.

9 (3) In addition to the motor vehicle owners identified in Subsection (1) of this section,
10 public entities, non-governmental organizations and private businesses regularly
11 engaged in the transport of persons with mobility disabilities for public good or for
12 profit may request and receive directly from the Chief of Police, a mobility disabled
13 parking permit and-sticker for the transport motor vehicles operated by said entities
14 that are regularly used for the transport of mobility disabled persons. Such mobility
15 disabled parking permits and stickers shall be issued under this subsection of the Code
16 without the necessity of a certificate from the Department of Health Services, but only
17 upon verification by the Chief of Police or his or her designee that the motor vehicle of
18 the requesting entity is or will be regularly used to transport passengers with mobility
19 disabilities.

20 (4) The permit and sticker set forth in this section of the Code shall identify the person
21 or entity to whom it is issued and the date of the expiration thereof, which in the case

1 of a private person issued under the authority of Subsection (1) of this section shall be
2 the same as the date of expiration of the transport certificate of mobility disability
3 issued by the Department of Health Services or in the case of a permit and sticker
4 issued under the authority of Subsection (3) of this section shall be one year from the
5 date of issuance by the Chief of Police or such shorter time as the Chief of Police, for
6 cause, shall so prescribe.

7 (5) The submission of an application and granting of a mobility disability parking
8 permit and accompanying mobility disability parking space sticker shall be made with
9 a one-dollar (\$1.00) annual fee to the owner of the motor vehicle or the entity engaged
10 in the transport of persons with mobility disabilities.

11 (6) The sticker as described in this section of the Code shall be in the form of a
12 brightly colored tag and shall utilize internationally accepted icons directly related to
13 the permitted uses of the sticker. The sticker shall be designed in such a way that it can
14 be readily hung on the windshield centered rear view mirror of the host motor vehicle
15 or prominently displayed and clearly visible through the front windshield of the
16 vehicle and readily removed from said locations when not in active use as prescribed
17 by this chapter of the Code.

18 Section 12.1910 Display of Sticker: The driver of the vehicle transporting one or more
19 mobility disabled persons shall, as described in Section 12.1909, hang the sticker from
20 the windshield centered rear-view mirror of said motor vehicle or prominently display
21 the sticker so that it is clearly visible through the front windshield of the vehicle

1 whenever the driver lawfully parks the vehicle in a mobility accessible disabled
2 parking space that has been designated as such pursuant to the provisions of this
3 chapter of the Code and the regulations issued pursuant hereto.

4 Section. 12.1911 Penalties.

5 (1) No person may park a motor vehicle in a space reserved for persons with mobility
6 disabilities unless a properly issued and valid mobility disability parking space sticker
7 is displayed on the motor vehicle in the manner described in Section 12.1910 and one
8 of the occupants of the vehicle is a person with a mobility disability.

9 (2) Any person who willingly violates Subsection (1) of this section of the Code shall
10 be penalized under Category four misdemeanor.

11 (3) No person may utilize a mobility disability parking space sticker when parking a
12 motor vehicle or when picking up a passenger in that motor vehicle in a mobility
13 accessible/disabled parking space when there is no such mobility disabled person
14 within the motor vehicle when the vehicle is parked or when it departs from the
15 reserved space for mobility disabled persons.

16 (4) Any person who willingly violates Subsection (3) of section of the Code shall be
17 penalized under Category three misdemeanor.

18 (5) In the event that the violator of Subsection (3) of this section is found to be the
19 person to whom the mobility disabled parking permit and mobility disability-parking
20 space sticker has been issued for the motor vehicle found to be unlawfully parking or


1 picking up a passenger, said mobility disabled parking permit shall be immediately
2 revoked and the respective sticker confiscated.

3 Section 12.1912. Reporting Requirement. The Director of the Department of Health
4 Services, as lead department, shall submit to the Kosrae State Legislature and the
5 Governor the following reports:

- 6 (a) An implementation plan (as provided under Section 12.1904~~5~~5 of this Act), not
7 later than ~~45~~ 90 days after the enactment of this Act; The plan should also
8 encompass relative updates from all relevant departments, offices, and agencies (as
9 enumerated under Section 12.1905~~6~~6 of this Act);
- 10 (b) An enlargement of the plan to incorporate provisions related to enforceable
11 physical adjustments and accommodations in privately owned or controlled areas
12 that are open to the public to accommodate the needs of all persons with
13 disabilities within this state, not later than 180 days following the submission of
14 the initial plan, as provided under Section 12.1904~~5~~5(4) of this Act; and
- 15 (c) Quarterly reports on the progress of the Kosrae Disabilities Program thereafter.

16 Section 3. Effective Date. This Act takes effect upon the approval of the Governor or
17 upon its becoming law without such approval.

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20 Date: Jan 28, 2022

Introduced by: 
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