

JAN 25 2006

A BILL FOR AN ACT

MAKING AN APPROPRIATION FOR THE REIMBURSEMENT TO THE COUNTIES
FOR THE ISSUANCE OF PARKING PLACARDS TO PERSONS WITH
DISABILITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that administration of
2 the program to issue parking placards to qualified persons with
3 disabilities is a state responsibility. The Uniform System for
4 Handicapped Parking, Public Law No. 100-641, was enacted on
5 November 9, 1988, and established guidelines for the uniform
6 issuance and use of parking placards to persons with
7 disabilities meeting specific eligibility criteria, thereby
8 allowing them to park in stalls designed and reserved for
9 persons with disabilities. The enabling regulations
10 implementing Public Law No. 100-641, issued by the United States
11 Department of Transportation on March 11, 1991, set guidelines
12 for states to use in establishing a uniform parking system to
13 enhance access and safety of persons with disabilities that
14 limit or impair their ability to walk.

15 The regulations also establish the parameters for the
16 states to follow, including the design of the placard,



1 definition of eligible persons, issuance of permanent or
2 temporary placards, and issuance of special license plates.

3 The State of Hawaii has established a program for the
4 issuance of parking permits to persons with disabilities under
5 part III of chapter 291, Hawaii Revised Statutes. The four
6 counties have issued the parking placards to eligible persons
7 with disabilities since the inception of the program.

8 Consistent with other functions of traffic control and
9 customer service, permitting, and licensing, such as issuance of
10 drivers' licenses that the counties have undertaken on behalf of
11 the State, the issuance of parking permits has functionally been
12 integrated into most county offices to the benefit of the
13 public.

14 Approximately 25,559 removable windshield placards and
15 temporary removable windshield placards were issued in fiscal
16 year 2004-2005 by the four counties to qualified persons with
17 disabilities. The federal courts have ruled that the imposition
18 of a fee on qualified persons with disabilities is an
19 impermissible surcharge under the Americans with Disabilities
20 Act (Dare v. State of California, 191 F.3d 1167 (9th Cir. 1999),
21 and Emerick v. City and County of Honolulu, 205 F.3d 1351 (9th
22 Cir. 1999). As a result of the courts' rulings, moneys cannot



1 be recouped through the assessment of administrative fees
2 related to the issuance of the removable windshield placards.

3 The legislature further finds that it is in the interest of
4 the State to have the counties continue administering the
5 program on behalf of the State. The State has not consistently
6 reimbursed the counties for issuing parking permits to persons
7 with disabilities. The appropriation to the counties in fiscal
8 year 2005-2006 was \$105,300. However, based upon a unit cost of
9 \$10 per placard, reimbursement to the counties should be
10 \$255,590. The legislature believes that the counties should be
11 reimbursed for their actual total costs incurred, rather than
12 for the costs the State is willing to pay, and that this Act is
13 necessary to make the counties whole with regard to
14 administering the parking placard program for persons with
15 disabilities.

16 The purpose of this Act is to reimburse the counties for
17 the remaining balance of the cost for issuing parking placards
18 to persons with disabilities on behalf of the State.

19 SECTION 2. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$150,290, or so much
21 thereof as may be necessary for fiscal year 2006-2007, to
22 reimburse the counties for the remaining balance of the cost for



1 issuing parking placards to persons with disabilities on behalf
2 of the State. The specific county appropriations are as
3 follows:

- 4 The city and county of Honolulu \$
- 5 The county of Hawaii \$
- 6 The county of Maui \$
- 7 The county of Kauai \$;

8 provided that the moneys appropriation pursuant to this Act
9 shall be in addition to, and not in lieu of, any other moneys
10 appropriated by the legislature for the purpose of funding the
11 state parking placard program for persons with disabilities that
12 is administered by the counties.

13 The sum appropriated shall be expended by the department of
14 health through the disability and communication access board.

15 SECTION 3. This Act shall take effect on July 1, 2006.

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SB. NO. 3272

Report Title:

Parking Placards; County Reimbursement

Description:

Appropriates funds to the counties as reimbursement for expenses incurred for administering the parking placard program for persons with disabilities.

