
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.

14 The regulations also establish the parameters for the
15 states to follow, including the design of the placard,
16 definition of eligible persons, issuance of permanent or
17 temporary placards, and issuance of special license plates.



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

6 Consistent with other functions that the counties have
7 undertaken on behalf of the State, including traffic control and
8 customer service, permitting, and the issuance of drivers'
9 licenses, the issuance of parking permits has functionally been
10 integrated into most county offices to the benefit of the
11 public. Approximately 25,559 removable windshield placards and
12 temporary removable windshield placards were issued in fiscal
13 year 2004-2005 by the four counties to qualified persons with
14 disabilities.

15 The federal courts have ruled that the imposition of a fee
16 on qualified persons with disabilities is an impermissible
17 surcharge under the Americans with Disabilities Act (*Dare v.*
18 *State of California*, 191 F.3d 1167 (9th Cir. 1999), and *Emerick*
19 *v. City and County of Honolulu*, 205 F.3d 1351 (9th Cir. 1999)).
20 As a result of the courts' rulings, county assessed fees cannot
21 be recouped for the issuance of the removable windshield
22 placards.



1 The legislature further finds that it is in the interest of
2 the State to have the counties continue administering the
3 program, but the State has not consistently reimbursed the
4 counties for issuing parking permits to persons with
5 disabilities. The appropriation to the counties in fiscal year
6 2005-2006 was \$105,300. However, based upon a unit cost of \$10
7 per placard, the reimbursement to the counties should have been
8 \$255,590. The legislature believes that the counties should be
9 reimbursed for their actual costs incurred, rather than for the
10 costs the State is willing to pay.

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

14 SECTION 2. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$, or so
16 much thereof as may be necessary for fiscal year 2006-2007, to
17 reimburse the counties for the remaining balance of the cost for
18 issuing parking placards to persons with disabilities on behalf
19 of the State. The specific county appropriations are as
20 follows:

- 21 The city and county of Honolulu \$
- 22 The county of Hawaii \$

1 The county of Maui §

2 The county of Kauai §

3 provided that the moneys appropriated pursuant to this Act shall
4 be in addition to, and not in lieu of, any other moneys
5 appropriated by the legislature for the purpose of funding the
6 state parking placard program for persons with disabilities that
7 is administered by the counties.

8 The sums appropriated shall constitute the State's share of
9 the cost of mandated programs under article VIII, section 5, of
10 the state constitution.

11 The sums appropriated shall be expended by the department
12 of health through the disability and communication access board.

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



SB3272, SD2

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. (SD2)

