

JAN 18 2008

A BILL FOR AN ACT

RELATING TO PARKING FOR DISABLED PERSONS.

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

1 SECTION 1. The purpose of this Act is to allow companies
2 or facilities whose primary function is to transport disabled
3 persons to qualify for removable windshield placards and license
4 plates that designate the approved use of parking stalls
5 reserved for disabled persons.

6 SECTION 2. Section 291-51, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By adding a new definition to be appropriately inserted
9 and to read:

10 "Qualified company or facility" means a company, nonprofit
11 organization, or facility that has applied for and received a
12 temporary removable windshield placard, a removable windshield
13 placard, or special license plates, and an identification card
14 issued through rules adopted by the disability and communication
15 access board pursuant to section 291-56."

16 2. By amending the definition of "removable windshield
17 placard" to read:



1 "Removable windshield placard" means a two-sided, hanger-
2 style placard issued under this part to a qualified company or
3 facility, or a person with a disability who presents a
4 certificate of disability that verifies that the applicant's
5 disability is expected to last for at least four years."

6 3. By amending the definition of "temporary removable
7 windshield placard" to read:

8 "Temporary removable windshield placard" means a
9 two-sided, hanger-style placard issued under this part to [a]:

10 (1) A person with a disability who presents a certificate
11 of disability that verifies the person's disability in
12 monthly increments, which shall not exceed six
13 months [-]; and

14 (2) A qualified company or facility for a temporary period
15 set by rules adopted by the disability and
16 communication access board."

17 SECTION 3. Section 291-51.5, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§291-51.5 Special license plates.** (a) Upon application
20 by a person with a disability, each county shall issue special
21 license plates for the vehicle registered in the applicant's
22 name if the vehicle is primarily used to transport that person.



1 (b) Each county shall issue special license plates for
2 each vehicle shown to be owned and operated by a qualified
3 company or facility and used for the primary purpose of
4 providing transportation services to persons with disabilities.
5 Any limit on the number of special license plates that may be
6 issued to a single qualified company or facility may be set by
7 the disability and communication access board.

8 (c) The fee for the issuance of special license plates
9 shall not exceed the fee charged for similar license plates for
10 the same class vehicle."

11 SECTION 4. Section 291-51.6, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§291-51.6 Issuance of temporary removable windshield**
14 **placards. (a) Each county shall issue one temporary removable**
15 **windshield placard and a second temporary removable windshield**
16 **placard to each applicant who requests and presents a**
17 **certificate of disability that verifies the duration of the**
18 **applicant's disability in monthly increments, which shall not**
19 **exceed six months, and upon payment of a fee to the issuing**
20 **agency.**

21 (b) Each county shall issue to a qualified company or
22 facility a temporary removable windshield placard approved



1 through rules adopted by the disability and communication access
2 board. A qualified company or facility that is issued a
3 temporary removable windshield placard may, upon its expiration,
4 apply for a new temporary removable windshield placard in
5 accordance with rules adopted by the disability and
6 communication access board.

7 (c) All fees collected by the counties for issuing
8 temporary removable windshield placards shall be deposited into
9 the state general fund.

10 (d) The temporary removable windshield placard shall be
11 designed, fabricated, and sold to the counties at a rate
12 negotiated by the disability and communication access board."

13 SECTION 5. Section 291-52, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§291-52 Issuance of removable windshield placard. (a)
16 Each county shall issue one removable windshield placard and a
17 second removable windshield placard to each applicant who so
18 requests and presents a certificate of disability that verifies
19 that the applicant's disability is expected to last for at least
20 four years. The removable windshield placard shall expire four
21 years after the date of its issuance.



1 (b) Each county shall issue a removable windshield placard
2 to a qualified company or facility approved through rules
3 adopted by the disability and communication access board, with
4 an expiry date that is set by rule.

5 (c) The removable windshield placard shall be designed,
6 fabricated, and sold to the counties at a rate negotiated by the
7 disability and communication access board."

8 SECTION 6. Section 291-52.5, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§291-52.5 Issuance of identification card.** Each issuing
11 agency shall issue [~~one~~] an identification card at the same time
12 it issues a removable windshield placard, temporary removable
13 windshield placard, or special license plates to a person with a
14 disability[~~-~~] or to a designated employee of a qualified company
15 or facility. A limit on the number of identification cards that
16 may be issued to a single qualified company or facility may be
17 set by the disability and communication access board."

18 SECTION 7. Section 291-52.6, Hawaii Revised Statutes, is
19 amended to read as follows:

20 **"§291-52.6 Replacement of a lost, stolen, or mutilated**
21 **removable windshield placard or identification card.** A
22 removable windshield placard, temporary removable windshield



1 placard, or identification card that is reported lost, stolen,
2 or mutilated shall be replaced upon[+]

3 ~~(1) Submittal]~~ submission to the issuing agency of:

4 ~~[(A)]~~ (1) A written statement by a person with a
5 disability or an officer or manager of a
6 qualified company or facility, that the placard
7 or identification card was either lost, stolen,
8 or mutilated; ~~[and~~

9 ~~(B) A completed]~~ (2) An approvable application for
10 a new removable windshield placard, temporary
11 removable windshield placard, or identification
12 card to the issuing agency; and

13 ~~[(2)]~~ (3) Payment of [~~a~~] the applicable fee [~~to the issuing~~
14 ~~agency~~].

15 All fees collected by the counties for replacement of a lost,
16 stolen, or mutilated removable windshield placard shall be
17 deposited into the state general fund."

18 SECTION 8. Section 291-52.7, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§291-52.7 Fraudulent manufacture or alteration of**
21 **placards and identification cards.** Any person who fraudulently
22 manufactures or alters a removable windshield placard, temporary



1 removable windshield placard, or identification card for
2 personal use, sale, or issuance to another person or entity to
3 circumvent the issuance requirements of this part, or any person
4 [~~who~~] or entity that uses a fraudulently manufactured or altered
5 placard or identification card to circumvent the issuance
6 requirements of this part, shall be guilty of a misdemeanor.
7 The fraudulent manufacture or alteration of each placard and of
8 each identification card for personal use, sale, or issuance or
9 [~~is otherwise used~~] any other use of the placard or
10 identification card in violation of this section shall
11 constitute a separate offense."

12 SECTION 9. Section 291-53, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§291-53 **Nontransferability; penalty.** The removable
15 windshield placard, temporary removable windshield placard, or
16 special license plates shall not be used by [~~anyone~~] any party
17 other than the person with a disability or qualified company or
18 facility to [~~whom~~] which it [~~is~~] has been issued unless it is
19 being used in connection with the transport of [~~the~~] a person
20 with a disability[-] who has been issued a valid identification
21 card under this part. An unauthorized person or entity using
22 the removable windshield placard, temporary removable windshield



1 placard, or special license plates to obtain the special parking
2 privileges authorized under this part or otherwise afforded by
3 the State or counties, shall be guilty of a traffic infraction
4 under chapter 291D and fined not less than \$250 nor more than
5 \$500. A removable windshield placard, temporary removable
6 windshield placard, or special license plates may be confiscated
7 by a law enforcement officer or commissioned volunteer
8 enforcement officer of the county law enforcement agency for any
9 unauthorized use."

10 SECTION 10. Section 291-57, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) Any person who uses a parking space reserved for
13 persons with disabilities who:

14 (1) Fails to properly display a removable windshield
15 placard, a temporary removable windshield placard, or
16 special license plates;

17 (2) Displays an invalid removable windshield placard, an
18 invalid temporary removable windshield placard, or
19 invalid special license plates;

20 (3) Uses a removable windshield placard, a temporary
21 removable windshield placard, or special license plate
22 that was not issued to that person, that person's



1 employer as a qualified company or facility, or to any
2 passengers occupying the vehicle in the parking space;
3 or

4 (4) With or without a removable windshield placard, a
5 temporary removable windshield placard, or special
6 license plates:

7 (A) Parks in an access aisle; or

8 (B) Obstructs the ingress or egress to a parking
9 space reserved for a person with a disability;

10 shall be guilty of a traffic infraction under chapter 291D and
11 shall be fined not less than \$250 nor more than \$500 and pay any
12 costs incurred by the court related to assessing the fine;
13 provided that a person with a disability who has been issued a
14 valid placard or special license plate that is currently in
15 effect, and who has failed to display the placard or license
16 plate while parking in a space reserved for persons with
17 disabilities, shall pay a fine of not less than \$25 nor more
18 than \$100 and any costs incurred by the court related to
19 assessing the fine."

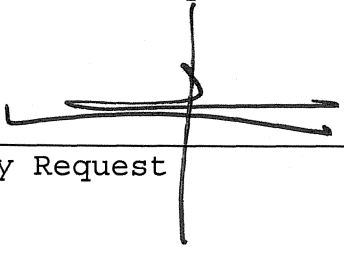
20 SECTION 11. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 12. This Act shall take effect upon its approval.

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INTRODUCED BY:


By Request



Report Title:

Motor Vehicles; Disabled Parking

Description:

Allows companies or facilities that transport disabled persons to qualify for removable windshield placards and license plates that designate approved use of disabled parking stalls.

