

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. By amending the title of part III of chapter
2 291, Hawaii Revised Statutes, to read:

3 "PART III. PARKING FOR [~~DISABLED~~] PERSONS WITH
4 DISABILITIES AND NURSING FACILITY VEHICLES"

5 SECTION 2. Section 291-51, Hawaii Revised Statutes, is
6 amended:

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

9 ""Nursing facility vehicle" means any motor vehicle owned
10 or operated by a nursing facility, as that term is defined in
11 section 346E-1, that is used solely to transport patients of the
12 nursing facility."

13 2. By amending the definition of "access aisle" to read:

14 ""Access aisle" means the area that is adjacent to a
15 parking space reserved for a person with a disability or a
16 nursing facility vehicle and that is to be used exclusively by



1 that person or the nursing facility vehicle for the purpose of
2 entering and exiting a vehicle."

3 3. By amending the definition of "parking space reserved
4 for persons with disabilities" to read:

5 ""Parking space reserved for persons with disabilities or
6 nursing facility vehicles" means a public or private parking
7 space, including the access aisle, designated for the use of a
8 person with a disability or nursing facility vehicle that is
9 designed and constructed in compliance with the requirements of
10 the federal Americans with Disabilities Act of 1990, as amended,
11 and related rules and guidelines, and is marked with a sign
12 designating the parking space as reserved for persons with
13 disabilities[~~-~~] or nursing facility vehicles."

14 4. By amending the definition of "removable windshield
15 placard" to read:

16 ""Removable windshield placard" means a two-sided, hanger-
17 style placard issued under this part to [a]:

18 (1) A person with a disability who presents a certificate
19 of disability that verifies that the applicant's
20 disability is expected to last for at least four
21 years[~~-~~]; or



1 (2) A nursing facility for a nursing facility vehicle that
2 is used solely to transport patients of the nursing
3 facility."

4 5. By amending the definition of "sign designating the
5 parking space as reserved for persons with disabilities" to
6 read:

7 ""Sign designating the parking space as reserved for
8 persons with disabilities or nursing facility vehicles" means a
9 sign [~~which~~] that contains:

- 10 (1) The words, "Reserved Parking";
- 11 (2) The international symbol of access;
- 12 (3) Words indicating that the space is reserved for
13 parking by persons with disabilities or nursing
14 facility vehicles who have valid placards or special
15 license plates; and
- 16 (4) The maximum fine for parking illegally in the space."

17 6. By amending the definition of "temporary removable
18 windshield placard" to read:

19 ""Temporary removable windshield placard" means a two-
20 sided, hanger-style placard issued under this part to a person
21 with a disability who presents a certificate of disability that
22 verifies the person's disability in monthly increments, which



1 shall not exceed six months~~[7]~~, or to a nursing facility for a
2 nursing facility vehicle that is used solely to transport
3 patients of the nursing facility."

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

6 "**§291-51.5 Special license plates.** Upon application by a
7 person with a disability~~[7]~~ or a nursing facility for a nursing
8 facility vehicle, each county shall issue special license plates
9 for the vehicle registered in the applicant's name if the
10 vehicle is primarily used to transport that person~~[7]~~, or, for a
11 nursing facility vehicle if the vehicle is used solely to
12 transport patients of the nursing facility. The fee for the
13 issuance of special license plates shall not exceed the fee
14 charged for similar license plates for the same class vehicle."

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

17 "**§291-51.6 Issuance of temporary removable windshield**
18 **placards.** Each county shall issue, upon payment of a fee to the
19 issuing county, one temporary removable windshield placard and a
20 second temporary removable windshield placard to each:

21 (1) Individual applicant who requests and presents a
22 certificate of disability that verifies the duration



1 of the applicant's disability in monthly increments,
2 which shall not exceed six months [~~and upon payment~~
3 ~~of a fee to the issuing agency.~~]; and

4 (2) Nursing facility who so requests and who certifies to
5 the county that the nursing facility vehicle is used
6 solely to transport patients of the nursing facility.

7 All fees collected by the counties for issuing temporary
8 removable windshield placards shall be deposited into the state
9 general fund. The temporary removable windshield placard shall
10 be designed, fabricated, and sold to the counties at a rate
11 negotiated by the disability and communication access board."

12 SECTION 5. Section 291-51.7, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§291-51.7 Reciprocity.** The State, counties, and private
15 property owners shall recognize removable windshield placards,
16 temporary removable windshield placards, and special license
17 plates [~~which~~] that have been issued by authorities of other
18 states and countries, for the purpose of identifying persons or
19 nursing facility vehicles permitted to:

20 (1) Utilize parking spaces reserved for persons with
21 disabilities[+] or nursing facility vehicles; or



1 (2) Exercise other parking privileges afforded by the
2 State, counties, or private property owners for the
3 benefit of persons with disabilities[-] or nursing
4 facility vehicles."

5 SECTION 6. Section 291-52, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§291-52 Issuance of removable windshield placard[-];**
8 **individuals and nursing facilities.** Each county shall issue one
9 removable windshield placard and a second removable windshield
10 placard to each:

11 (1) Individual applicant who so requests and presents a
12 certificate of disability that verifies that the
13 applicant's disability is expected to last for at
14 least four years[-]; and

15 (2) Nursing facility who so requests and who certifies to
16 the county that the nursing facility vehicle is used
17 solely to transport patients of the nursing facility.

18 The removable windshield placard shall expire four years after
19 the date of its issuance. The removable windshield placard
20 shall be designed, fabricated, and sold to the counties at a
21 rate negotiated by the disability and communication access
22 board."



1 SECTION 7. Section 291-52.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§291-52.5 Issuance of identification card.** Each issuing
4 agency shall issue one identification card at the same time it
5 issues a removable windshield placard, temporary removable
6 windshield placard, or special license plates to a person with a
7 disability[-] or a nursing facility for a nursing facility
8 vehicle."

9 SECTION 8. Section 291-52.6, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§291-52.6 Replacement of a lost, stolen, or mutilated**
12 **removable windshield placard or identification card.** A
13 removable windshield placard, temporary removable windshield
14 placard, or identification card that is reported lost, stolen,
15 or mutilated shall be replaced upon:

16 (1) Submittal to the issuing agency of:

17 (A) A written statement by a person with a disability
18 or nursing facility that the placard or
19 identification card was either lost, stolen, or
20 mutilated; and

21 (B) A completed application for a removable
22 windshield placard, temporary removable



1 windshield placard, or identification card to the
2 issuing agency; and

3 (2) Payment of a fee to the issuing agency.

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

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

9 "**§291-53 Nontransferability; penalty.** The removable
10 windshield placard, temporary removable windshield placard, or
11 special license plates shall not be used by anyone other than
12 the person with a disability or the nursing facility to whom it
13 is issued unless it is being used in connection with the
14 transport of the person with a disability. An unauthorized
15 person using the removable windshield placard, temporary
16 removable windshield placard, or special license plates to
17 obtain the special parking privileges authorized under this part
18 or otherwise afforded by the State or counties, shall be guilty
19 of a traffic infraction under chapter 291D and fined not less
20 than \$250 nor more than \$500. A removable windshield placard,
21 temporary removable windshield placard, or special license
22 plates may be confiscated by a law enforcement officer or



1 commissioned volunteer enforcement officer of the county law
2 enforcement agency for any unauthorized use."

3 SECTION 10. Section 291-54, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§291-54 Display of removable and temporary removable**
6 **windshield placards.** The placard shall be displayed in such a
7 manner that it may be viewed from the front and rear of the
8 vehicle by hanging it from the front windshield rearview mirror
9 of a vehicle utilizing a parking space reserved for persons with
10 disabilities[~~-~~] or nursing facility vehicles. When there is no
11 rearview mirror, the placard shall be displayed on the
12 dashboard."

13 SECTION 11. Section 291-57, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§291-57 Parking spaces reserved for persons with**
16 **disabilities[~~-~~] or nursing facility vehicles; penalties.** (a)

17 Any person who uses a parking space reserved for persons with
18 disabilities or nursing facility vehicles who:

- 19 (1) Fails to properly display a removable windshield
20 placard, a temporary removable windshield placard, or
21 special license plates;



- 1 (2) Displays an invalid removable windshield placard, an
2 invalid temporary removable windshield placard, or
3 invalid special license plates;
- 4 (3) Uses a removable windshield placard, a temporary
5 removable windshield placard, or special license plate
6 that was not issued to that person [~~or to~~], any
7 passengers occupying the vehicle in the parking
8 space[~~+~~], or to a nursing facility for a nursing
9 facility vehicle; or
- 10 (4) With or without a removable windshield placard, a
11 temporary removable windshield placard, or special
12 license plates:
- 13 (A) Parks in an access aisle; or
- 14 (B) Obstructs the ingress or egress to a parking
15 space reserved for [~~a person~~] persons with [a
16 disability] disabilities or nursing facility
17 vehicles;
- 18 shall be guilty of a traffic infraction under chapter 291D and
19 shall be fined not less than \$250 nor more than \$500 and pay any
20 costs incurred by the court related to assessing the fine;
21 provided that a person with [~~a disability~~] disabilities or a
22 nursing facility who has been issued a valid placard or special



1 license plate that is currently in effect, and who has failed to
2 display the placard or license plate while parking in a space
3 reserved for persons with disabilities~~[7]~~ or nursing facility
4 vehicles, shall pay a fine of not less than \$25 nor more than
5 \$100 and any costs incurred by the court related to assessing
6 the fine.

7 (b) Any person who uses a parking space reserved for
8 persons with disabilities or nursing facility vehicles and
9 refuses or fails to present an identification card issued under
10 this ~~[chapter]~~ part or the rules adopted thereunder to an
11 enforcement officer upon request shall be guilty of a traffic
12 infraction under chapter 291D and shall be fined not less than
13 \$250 nor more than \$500.

14 (c) Any citation issued under this chapter may be mailed
15 to the violator pursuant to section 291C-165(b)."

16 SECTION 12. Section 291-58, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "[~~f~~]**\$291-58[~~f~~]** **Requirement to provide parking for persons**
19 **with disabilities~~[7]~~ or nursing facility vehicles; penalty.**

20 Beginning July 1, 2002, any public or private entity that
21 provides a parking space reserved for persons with disabilities
22 or nursing facility vehicles shall comply with this part and any



1 administrative rules adopted under this part. A private entity
2 that fails to comply with this section shall be fined not less
3 than \$250 nor more than \$500 for each separate offense. Each
4 day of violation shall constitute a separate offense. Any
5 action taken to impose or collect any penalty provided for in
6 this section shall be considered a civil action."

7 SECTION 13. Section 291-59, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "[+]§291-59[+] **Enforcement.** Notwithstanding any law to
10 the contrary, and in addition to any other authority provided by
11 law that is not inconsistent with the purposes of this part:

12 (1) A law enforcement officer may access the property of a
13 private entity to enforce the provisions of this part;
14 and

15 (2) A commissioned volunteer enforcement officer may
16 access the property of a private entity during normal
17 business hours of the entity to enforce the provisions
18 of this part;

19 provided that the private entity's parking lot contains a
20 parking space reserved for persons with disabilities[+] or
21 nursing facility vehicles."



1 SECTION 14. Section 291C-165, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) In every case when a citation is issued, the original
4 of the citation shall be given to the violator; provided that:

5 (1) In the case of an unattended vehicle, the original of
6 the citation shall be affixed to the vehicle as
7 provided for in section 291C-167; or

8 (2) In the case of:

9 (A) A vehicle utilizing the high occupancy vehicle
10 lane illegally; or

11 (B) A vehicle illegally utilizing a parking space
12 reserved for persons with disabilities[7] or
13 nursing facility vehicles, where the violator
14 refuses the citation;

15 the original of the citation shall be sent by certified or
16 registered mail, with a return receipt that is postmarked within
17 forty-eight hours of the time of the incident, as provided in
18 section 291C-223 for vehicles illegally utilizing the high
19 occupancy vehicle lane, or within seventy-two hours of the time
20 of the incident for vehicles illegally utilizing a parking space
21 reserved for persons with disabilities[7] or nursing facility
22 vehicles, to the registered owner of the vehicle at the address



1 on record at the vehicle licensing division. If the end of the
2 applicable forty-eight or seventy-two hour period falls on a
3 Saturday, Sunday, or holiday, then the ending period shall run
4 until the end of the next day which is not a Saturday, Sunday,
5 or holiday; provided that the administrative judge of the
6 district courts may allow a carbon copy of the citation to be
7 given to the violator or affixed to the vehicle and provide for
8 the disposition of the original and any other copies of the
9 citation."

10 SECTION 15. Section 348F-3, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "[+]§348F-3[+] **Duties and functions of the board.** The
13 board shall perform the following duties and functions:

- 14 (1) Establish guidelines for the design of buildings and
15 facilities by or on behalf of the State and counties
16 in accordance with section 103-50;
- 17 (2) Provide review and recommendations on all state and
18 county plans for buildings and facilities, in
19 accordance with section 103-50;
- 20 (3) Establish guidelines for the utilization of
21 communication access services provided for persons who
22 are deaf, hard-of-hearing, or deaf-blind in state



1 programs and activities. Guidelines include, but are
2 not limited to, determining the qualifications of
3 interpreters who may provide services, the amount of
4 payment to interpreters, and the credentialing of
5 interpreters who do not hold national certification
6 via a state screening process;

7 (4) Administer the statewide program for parking for
8 ~~[disabled persons,]~~ persons with disabilities and
9 nursing facility vehicles, in accordance with part III
10 of chapter 291;

11 (5) Serve as public advocate of persons with disabilities
12 by providing advice and recommendations on matters
13 relating to access for persons with disabilities, with
14 emphasis on legislative matters, administrative rules,
15 policies, and procedures of the state and county
16 governments;

17 (6) Review and assess the problems and needs relating to
18 access for persons with disabilities in the State in
19 order to provide recommendations in the improvement of
20 laws and services;

21 (7) Serve as the designated state agency to coordinate the
22 efforts of the State to comply with the requirements



1 of the Americans with Disabilities Act for access to
2 services, employment, telecommunications, and facility
3 and site design;

4 (8) Provide technical assistance and guidance to, but not
5 limited to, state and county entities in order to meet
6 the requirements of state, federal, and county laws
7 providing for access for persons with disabilities
8 through public education programs and other voluntary
9 compliance efforts; and

10 (9) Administer funds allocated for its work, including
11 disbursement and allocation of funds that may be
12 available from public and private sources; provided
13 that such disbursement and allocation shall be
14 consistent with the specific requirements and purposes
15 of this chapter."

16 SECTION 16. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 17. This Act does not affect rights and duties
19 that matured, penalties that were incurred, and proceedings that
20 were begun, before its effective date.



1 SECTION 18. This Act shall take effect upon its approval.

2

INTRODUCED BY:

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Report Title:

Parking; Disabled Persons; Nursing Facility Vehicles

Description:

Allows nursing facilities to apply for and receive removable windshield placards for their vehicles that are used solely for transporting nursing facility patients for the purpose of parking in spaces reserved for persons with disabilities.

