

S.B. NO. 2727

JAN 25 2010

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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. Section 291-51, Hawaii Revised Statutes, is  
2 amended by amending the definitions of "issuing agency" and  
3 "removable windshield placard" to read as follows:

4           "issuing agency" means ~~[an agency authorized by a county to~~  
5 ~~issue removable windshield placards, temporary removable~~  
6 ~~windshield placards, special license plates, and identification~~  
7 ~~cards pursuant to this part]~~ the disability and communication  
8 access board.

9           "Removable windshield placard" means a two-sided, hanger-  
10 style placard issued under this part to a person with a  
11 disability who presents a certificate of disability that verifies  
12 that the applicant's disability is expected to last for at least  
13 ~~[four]~~ six years."

14           SECTION 2. Section 291-51.3, Hawaii Revised Statutes, is  
15 amended to read as follows:

16           "§291-51.3 Reimbursement to counties. ~~[The State shall~~  
17 ~~reimburse the counties for the unit cost of issuing a removable~~  
18 ~~windshield placard or a temporary removable windshield placard on~~  
19 ~~behalf of the State. Beginning July 1, 2006, the rate of the per~~

1 ~~unit cost reimbursement shall be \$12. All fees collected by the~~  
2 ~~counties for issuing removable and temporary removable windshield~~  
3 ~~placards shall be deposited into the state general fund.] The~~  
4 ~~reimbursement rate to the counties to issue removable and~~  
5 ~~temporary removable windshield placards on behalf of the issuing~~  
6 ~~agency shall be established by rules adopted pursuant to section~~  
7 ~~291-56. The counties shall retain any fees collected by the~~  
8 ~~counties."~~

9 SECTION 3. Section 291-51.6, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "**§291-51.6 Issuance of temporary removable windshield**  
12 **placards.** [~~Each county~~] The issuing agency shall issue one  
13 temporary removable windshield placard [~~and a second temporary~~  
14 ~~removable windshield placard~~] to each applicant who [~~requests~~  
15 ~~and~~] presents a certificate of disability that verifies the  
16 duration of the applicant's disability in monthly increments,  
17 which shall not exceed six months, and upon payment of a fee [~~to~~  
18 ~~the issuing agency. All fees collected by the counties for~~  
19 ~~issuing temporary removable windshield placards shall be~~  
20 ~~deposited into the state general fund. The temporary removable~~  
21 ~~windshield placard shall be designed, fabricated, and sold to the~~  
22 ~~counties at a rate negotiated by the disability and communication~~  
23 ~~access board]. A second temporary removable placard shall be~~  
24 ~~issued upon the request of the applicant."~~

1 SECTION 4. Section 291-52, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§291-52 Issuance of removable windshield placard.** [~~Each~~  
4 ~~county~~] The issuing agency shall issue one removable windshield  
5 placard [and a second removable windshield placard] to each  
6 applicant who [so requests and] presents a certificate of  
7 disability that verifies that the applicant's disability is  
8 expected to last for at least [four] six years. The removable  
9 windshield placard shall expire [four] six years after the date  
10 of its issuance. The removable windshield placard shall expire  
11 [four] six years after the date of its issuance. [The removable  
12 windshield placard shall be designed, fabricated, and sold to the  
13 counties at a rate negotiated by the disability and communication  
14 access board]. A second removable placard shall be issued upon  
15 the request of the applicant."

16 SECTION 5. Section 291-52.6, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 **"§291-52.6 Replacement of a lost[~~7~~] or stolen[~~7~~ ~~or~~**  
19 **~~mutilated~~] removable windshield placard or identification card.**  
20 A removable windshield placard, temporary removable windshield  
21 placard, or identification card that is reported lost[~~7~~] or  
22 ~~stolen[~~7~~ ~~or~~ mutilated]~~ shall be replaced upon:

23 (1) Submittal to the issuing agency of[~~+~~

1           ~~(A) A written statement by a person with a disability~~  
2                   ~~that the placard or identification card was either~~  
3                   ~~lost, stolen, or mutilated; and~~

4           ~~(B) A] a completed application for a removable~~  
5           windshield placard, temporary removable windshield  
6           placard, or identification card to the issuing agency;  
7           and

8           (2) Payment of a fee [~~to the issuing agency.~~

9 ~~All fees collected by the counties for replacement of a lost,~~  
10 ~~stolen, or mutilated removable windshield placard shall be~~  
11 ~~deposited into the state general fund]."~~

12           SECTION 6. Section 291-56, Hawaii Revised Statutes, is  
13 amended to read as follows:

14           "**§291-56 Rules.** The disability and communication access  
15 board shall adopt rules under chapter 91 to carry out the  
16 purposes of this part, including rules for:

17           (1) The issuance, renewal, confiscation, revocation, and  
18           suspension of removable windshield placards, temporary  
19           removable windshield placards, and special license  
20           plates;

21           (2) Decertification, reciprocity, and the replacement of  
22           placards and identification cards;

23           (3) The design of the placard, identification card, and  
24           special license plates;

25           (4) The establishment of fees for placards;

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1 (5) Signage and marking of parking spaces; ~~[and]~~  
2 (6) [Penalties.] Reimbursement rates; and  
3 ~~[-(6)]~~ (7) Penalties."

4 SECTION 7. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 8. This Act shall take effect upon its approval.

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INTRODUCED BY: ~~\_\_\_\_\_~~  
BY REQUEST

**Report Title:**

Parking for Disabled Persons

**Description:**

To establish the Disability and Communication Access Board as the issuing agency that authorizes the issuance of removable windshield placards, temporary removable windshield placards, special license plates, and identification cards; to extend the validity of the placard from 4 to 6 years.

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS.

PURPOSE: To (1) establish the Disability and Communication Access Board as the issuing agency that authorizes the issuance of removable windshield placards, temporary removable windshield placards, special license plates, and identification cards and (2) extend the validity of the placard from 4 to 6 years.

MEANS: Amend sections 291-51, 291-51.3, 291-51.6, 291-52, 291-52.6, and 291-56, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Public Law 100-641, the Federal Uniform System for Handicapped Parking Law, establishes the State as the entity to administer the parking program for persons with disabilities, with the placard (permit) as a State-issued document. Although Hawaii has chosen to utilize the counties as a mechanism to issue placards on behalf of the State, state law needs to more clearly establish state authority.

Sections 291-51, 291-51.6, and 291-52, HRS, as amended will clarify the State's role as the issuing agency.

Section 291-51.3, HRS, currently mandates that the counties shall issue windshield placards on behalf of the State and that the State shall reimburse the counties for the unit cost at a rate of \$12 per windshield placard issued. As proposed, the bill will allow the counties to issue placards with the rates and fees determined by rules promulgated by the Disability and Communication Access Board rather than statute. The bill will also give the State Disability and Communication Access Board flexibility to issue placards as well.

Section 291-52, HRS, extends the validity of the placard from 4 to 6 years, thus reducing the frequency and cost of future renewals.

Section 291-52.6(1)(A), HRS, amends the requirement to pay for the replacement of a mutilated placard by exchanging it for a new one at no charge.

Impact on the public: Extends the validity of the removable windshield placard by 2 years, saves costs to the consumer by extending the re-certification by a qualifying physician, and eliminates a procedural process that was not being used.

Impact on the department and other agencies: Impacts the counties by allowing the Disability and Communication Access Board to issue placards. Will reduce workload on counties. May reduce revenue to counties with reduced workload.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH-520.

OTHER AFFECTED AGENCIES: County government.

EFFECTIVE DATE: Upon approval.