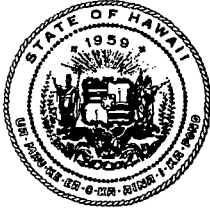


SB 2182



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

February 8, 2010

TESTIMONY TO THE SENATE COMMITTEE ON TRANSPORTATION, INTERNATIONAL AND INTERGOVERNMENTAL AFFAIRS

Senate Bill 2182 – Relating to Parking Spaces Reserved for Persons with Disabilities

The Disability and Communication Access Board (DCAB) supports Senate Bill 2182 Relating to Parking Spaces Reserved for Persons with Disabilities.

We understand that this bill will improve the ability of the Honolulu Police Department to enforce parking violations and thus preserve the use of the accessible parking stalls for those individuals who legitimately are permitted to use the stall.

We defer to the Honolulu Police Department on the details on parking enforcement.

Thank you for the opportunity to testify on this measure.

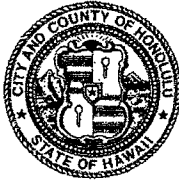
Respectfully submitted,

CHARLES W. FLEMING
Chairperson
Legislative Committee

FRANCINE WAI
Executive Director

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



MUFI HANNEMANN
MAYOR

LOUIS M. KEALOHA
CHIEF

DELBERT T. TATSUYAMA
RANDAL K. MACADANGDANG
DEPUTY CHIEFS

OUR REFERENCE TTN-LC

February 8, 2010

The Honorable J. Kalani English, Chair
and Members
Committee on Transportation, International and
Intergovernmental Affairs
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair English and Members:

Subject: Senate Bill No. 2182, Relating to Parking Spaces Reserved for
Persons with Disabilities

I am Major Thomas Nitta of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD strongly supports Senate Bill No. 2182, Relating to Parking Spaces Reserved for Persons with Disabilities. The current reading of the law only allows the driver of the vehicle to be cited. The proposed changes will bring section 291-57 of the Hawaii Revised Statutes in accordance with all other parking citations allowing the driver or registered owner of the vehicle to be held accountable.

Thank you for this opportunity to testify.

Sincerely,

Handwritten signature of Thomas T. Nitta in black ink.

THOMAS T. NITTA, Major
Traffic Division

APPROVED:

for LOUIS M. KEALOHA
Chief of Police

Honorable J. Kalani English
Committee on Transportation, International
and Intergovernmental Affairs
Hawaii State Senate

Hearing: February 8, 2010, 2:00p.m.; Room 224

Re: SB 2182 – Relating To Parking Spaces Reserved For Persons With Disabilities

Chair English and Honorable Committee Members,

My name is Paul Kopel and I am the Chair of the Legislative Committee for Catrala-Hawaii. Catrala's membership consists of the major u-drive companies in Hawaii and the many businesses which support the industry

If this Committee is inclined to pass this bill, Catrala supports this bill with amendment attached to testimony as Exhibit 1 which seeks to exempt the u-drive industry.

Under current law "persons" who park in spaces reserved for the disabled are responsible for the payment of fines from \$250 to \$500 plus court costs, etc.

This bill seeks to extend such "costly penalties" to no longer the violators or the persons committing the violation but to the "owner of the vehicle" who did not commit the violation and who may not learn of the violation committed by a friend or relative until many months later perhaps during renewal of vehicle registration. Is this fair?

For the u-drive industry whose member companies own many thousands of vehicles this is not fair and very costly and will place a tremendous financial burden on the industry which simple is not fair since someone else committed the violation. U-drive companies already like other businesses serving our tourist industry are struggling to survive. It's simply not fair to burden u-drive companies as owners of vehicles which such "costly penalties" and fines.

The u-drive industry is already presently burden with various fines it pays for renters of vehicles for which the u-drive industry does not recover anything in many cases. Thus, the industry is already burdened with paying fines for violators who committed the violation when it was not the u-drive (rental company) company's fault. Many renters pay by cash or other means of payment and thus it's difficult to recover from them after they leave Hawaii. Further, some at times put a stop payment on a credit-charge which they believe is unfair and for a ticket or violation which the renter claims he/she knows nothing about.

Thus, the u-drive company is stuck in the middle of such dispute, spending man power time trying to address a violation allegedly caused by its renter and then paying for the violation of the renter who may have paid in cash and difficult to find or denies a credit card charge.

This is obviously not fair to the u-drive industry. Thus, if this Committee is inclined to pass this bill making vehicle owners responsible for the violations of a friend or relative who may be driving the vehicle (or someone else if vehicle stolen), Catrala request that u-drive vehicles be exempted as proposed in attached Exhibit 1 for various reasons including those stated above.

CATRALA --- EXHIBIT 1

S.B. NO. 2182

TWENTY-FIFTH LEGISLATURE, 2010
STATE OF HAWAII

A BILL FOR AN ACT

RELATING TO PARKING SPACES RESERVED FOR PERSONS WITH
DISABILITIES.

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

SECTION 1. Section 291-57, Hawaii Revised Statutes, is amended to read as follows:

"§291-57 Parking spaces reserved for persons with disabilities; penalties. (a) Any [~~person who~~] driver or registered owner of a vehicle, EXCEPT SUCH OWNER DEFINED AS A LESSOR IN SECTION 437D-3, that uses a parking space reserved for persons with disabilities who:

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

- (2) Displays an invalid removable windshield placard, an invalid temporary removable windshield placard, or invalid special license plates;
- (3) Uses a removable windshield placard, a temporary removable windshield placard, or special license plate that was not issued to that person or to any passengers occupying the vehicle in the parking space; or
- (4) With or without a removable windshield placard, a temporary removable windshield placard, or special license plates:
 - (A) Parks in an access aisle; or
 - (B) Obstructs the ingress or egress to a parking space reserved for a person with a disability;

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

(b) Any person who uses a parking space reserved for persons with disabilities and refuses or fails to present an identification card issued under this chapter or the rules adopted thereunder to an enforcement officer upon request shall be guilty of a traffic infraction under chapter 291D and shall be fined not less than \$250 nor more than \$500.

(c) Any citation issued under this chapter may be [mailed]:

- (1) Handed to the violator;
- (2) Mailed to the violator pursuant to section 291C-165 (b) [-] when the violator refuses the citation;
or
- (3) Affixed to the vehicle pursuant to section 291C-167 in the case of an unattended vehicle."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 2010.



The Hertz Corporation
677 Ala Moana Blvd., STE# 916
Honolulu, HI 96813

Honorable J. Kalani English
Committee on Transportation, International
and Intergovernmental Affairs
Hawaii State Senate

Hearing: February 8, 2010, 2:00p.m.; Room 224

Re: SB 2182 – Relating To Parking Spaces Reserved For Persons With Disabilities

Chair English and Honorable Committee Members:

My name is Aaron Medina and I am the General Manager for Hawaii, with The Hertz Corporation.

We oppose this bill, unless it is amended to exclude car rental companies as owners of vehicles from paying such fines. This mirrors Catrala-Hawaii's position on this bill. Under current law "persons" who park in spaces reserved for the disabled are responsible for payment of fines from \$250 to \$500 plus court costs, etc.

This bill seeks to extend such "costly penalties" to not only the violators or the persons committing the violation but to the "owner of the vehicle", who did not commit the violation and who may not learn of the violation committed by a customer, friend or relative until many months later perhaps during renewal of vehicle registration. Is this fair?

For the car rental industry whose member companies own many thousands of vehicles, this is not fair and very costly, and will place a tremendous financial burden on the industry which simple is not fair since someone else committed the violation. Car rental companies, like other businesses, already serving our tourist industry are struggling to survive. It's simply not fair to burden our industry with such arbitrary and unfair penalties.

Thus, if this Committee is inclined to pass this bill making vehicle owners responsible for the violations of a friend or relative who may be driving the vehicle (or someone else if vehicle stolen), we request that vehicles owned by car rental companies be exempted as proposed in attached Exhibit 1 for various reasons including those stated above. Thank you for allowing us to testify.

Respectfully,

Aaron Medina
General Manager, Hawaii

A BILL FOR AN ACT

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