

H.B. NO. 1108

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 legislature finds that the statewide
2 parking program for persons with disabilities, as established
3 under part III of chapter 291, Hawaii Revised Statutes, pursuant
4 to the federal Uniform System for Handicapped Parking Act,
5 Public Law 100-641, and administered by the disability and
6 communication access board, provides individuals with mobility
7 disabilities the ability to travel and park in accessible
8 parking stalls.

9 The legislature finds that the exemption from payment of
10 parking meter fees for the first two-and-a-half hours or the
11 maximum time the meter allows, whichever is longer, was a
12 privilege not intended as a benefit for persons with mobility
13 impairments who qualified for a disability parking permit. The
14 exemption was established as a broad exemption for permittees,
15 because the legislature recognized that some permittees who were
16 licensed drivers could not reach or operate a parking meter
17 because of a disability.

1 The legislature finds that the rationale for exempting such
2 individuals is still justified; however, the exemption should
3 not extend to permittees who are able to reach and operate
4 parking meters or to permittees who are transported in vehicles
5 driven by another person because the driver is able to reach and
6 operate a parking meter.

7 The legislature further finds that it is necessary to
8 distinguish permittees who are licensed drivers and not able to
9 operate parking meters because of a disability from other
10 permittees. Therefore, the disability and communication access
11 board shall develop a disability parking permit that is
12 different in appearance from those currently issued or a decal
13 that is affixed onto current disability parking permits that
14 will indicate to law enforcement that a vehicle displaying such
15 a disability parking permit or decal is authorized to park in
16 metered parking spaces without payment of parking meter fees for
17 the first two-and-a-half hours or the maximum time the meter
18 allows, whichever is longer.

19 The purpose of this Act is to limit the privilege of
20 parking a vehicle in a metered parking space without payment of
21 parking meter fees for the first two-and-a-half hours or the
22 maximum time the meter allows, whichever is longer, only to

1 permittees who are licensed drivers and not able to operate
2 parking meters because of a disability.

3 SECTION 2. Chapter 291, Hawaii Revised Statutes, is
4 amended by adding to part III a new section to be appropriately
5 designated and to read as follows:

6 "§291- Issuance of distinguishing parking permit or
7 decal. The issuing agency shall issue one distinguishing
8 parking permit or decal to each applicant who presents a
9 certificate of disability that verifies that the applicant is
10 licensed to drive a motor vehicle and cannot reach or operate
11 parking meters because of a physical disability. The
12 distinguishing parking permit or decal shall have the same
13 expiration as the removable windshield placard, temporary
14 removable windshield placard, or special license plates issued
15 to the applicant."

16 SECTION 3. Section 291-51, Hawaii Revised Statutes, is
17 amended by adding a new definition to be appropriately inserted
18 and to read as follows:

19 ""Distinguishing parking permit or decal" means a two-
20 sided, hanger-style placard or a decal affixed to a current
21 disability parking permit or a document displayed on a dashboard
22 issued under this part to a person with a disability who

1 presents a certificate of disability that verifies that the
2 applicant is licensed to drive a motor vehicle and cannot reach
3 or operate a parking meter because of a physical disability."

4 SECTION 4. Section 291-55, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§291-55 **Metered parking privileges.** Any vehicle
7 displaying [~~special license plates, a removable windshield~~
8 ~~placard, or a temporary removable windshield placard]~~ a
9 distinguishing parking permit or decal issued under this part
10 shall be permitted to park, without payment of metered parking
11 fees, in any metered parking space for a maximum of two-and-a-
12 half hours or the maximum amount of time the meter allows,
13 whichever is longer. All parking fees not specifically exempted
14 under this part shall remain in effect. The vehicle shall
15 prominently display the distinguishing parking permit or decal
16 when parked in a metered parking space."

17 SECTION 5. Section 291-56, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§291-56 **Rules.** The disability and communication access
20 board shall adopt rules under chapter 91 to carry out the
21 purposes of this part, including rules for:

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Report Title:

Disabled Persons Parking; Paying Parking Meter Fees

Description:

Limits the exemption from payment of parking meter fees to vehicles that display a distinguishing parking permit or decal issued to an applicant who presents a certificate of disability that verifies that the applicant is licensed to drive a motor vehicle and cannot reach or operate a parking meter because of a physical disability.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Health

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

PURPOSE: To limit the exemption from payment of parking meter fees to an applicant who presents a certificate of disability verifying that the applicant is licensed to drive a motor vehicle and cannot reach or operate parking meters because of physical disability or architectural barriers.

MEANS: Add new section to part III of chapter 291 and amend sections 291-51, 291-55, and 291-56, Hawaii Revised Statutes (HRS).

JUSTIFICATION: The original intent of this section of the law was to allow the privilege of not paying parking meter fees to a person with a physical disability that resulted in the lack of ability to feed the parking meter. The way the law is currently written, anyone who has a parking permit for a person with a disability is exempt from paying the meter, whether or not the person can physically feed the meter. While the rationale for exempting the payment of a parking meter is still justified, the exemption should be restricted to permittees who own and drive their own vehicle, and not for someone who drives and is able to feed the meter, or who is transporting an individual with a disability who can also feed the meter.

Impact on the public: Anyone with disability who qualifies for a parking permit for disabled persons, and is able to feed the meter will be required to pay the meter for the amount of time the parking space is used, similar to the general public. Anyone who has a physical

disability limiting the ability to pay the meter is still exempt from feeding the meter and will be issued a distinguishing parking permit or decal that will indicate the person is exempt from feeding the meter.

Impact on the department and other agencies:

The bill requires the Disability and Communication Access Board to amend existing administrative rules to establish a method for law enforcement officers to recognize parking permits for persons with disabilities that exempt the driver from feeding the meter.

State and county agencies that maintain parking meters should see an increase in revenue generated from metered parking spaces.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HTH 520

OTHER AFFECTED
AGENCIES: County law enforcement agencies and State Department of Transportation.

EFFECTIVE DATE: July 1, 2018.