
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 was established
3 under part III of chapter 291, Hawaii Revised Statutes, pursuant
4 to Public Law 100-641. The disability and communication access
5 board administers the program, which in conjunction with the
6 counties, issues disability parking permits to applicants who
7 are certified to have a qualifying disability by a physician or
8 advance practice registered nurse. A vehicle displaying a
9 disability parking permit is authorized to park in spaces
10 designed and reserved for persons with mobility disabilities.

11 The legislature further finds that, while current statutes
12 impose fines for fraudulent manufacturing, alteration, or use of
13 permits; unauthorized use of permits; and use of invalid
14 permits, it does not specifically require law enforcement
15 officers to confiscate permits upon finding a violation. If
16 invalid, fraudulent, or unauthorized permits are not
17 confiscated, individuals who have been cited for unlawfully



1 using them will be at liberty to violate the law again and
2 thereby reduce the availability of parking spaces designed and
3 reserved for persons who need them.

4 The purpose of this Act is to clarify the authority of law
5 enforcement officers or commissioned volunteer enforcement
6 officers of a county law enforcement agency to confiscate
7 disability parking permits that are fraudulently manufactured or
8 altered, used by unauthorized persons, or invalid, which will
9 prevent further violations and increase the availability of
10 reserved parking spaces for persons who need them.

11 SECTION 2. Chapter 291, Hawaii Revised Statutes, is
12 amended by adding two new sections to part III to be
13 appropriately designated and to read as follows:

14 **"§291-A Confiscation.** A removable windshield placard,
15 temporary removable windshield placard, or special license
16 plates shall be confiscated by a law enforcement officer or a
17 commissioned volunteer enforcement officer of a county law
18 enforcement agency for:

19 (1) Fraudulent manufacture or alteration in violation of
20 section 291-52.7;



- 1 (2) Any unauthorized use in violation of section 291-53 or
2 291-57(a)(3);
- 3 (3) Display of an invalid removable windshield placard, an
4 invalid temporary removable windshield placard, or
5 invalid special license plates in violation of section
6 291-57(a)(2);
- 7 (4) Use of an invalid removable windshield placard,
8 temporary windshield placard, or special license plate
9 to obtain a parking privilege under section 291-55; or
- 10 (5) Sale of purchase of a removable window placard,
11 temporary removable window placard, or special license
12 plate in violation of section 291-B.
- 13 **§291-B Sale or purchase prohibited.** Any person who sells
14 or purchases a removable windshield placard, temporary removable
15 windshield placard, or special license plate shall be guilty of
16 a misdemeanor. Each sale or purchase of a single removable
17 windshield placard, temporary removable windshield placard, or
18 special license plate in violation of this section shall
19 constitute a separate violation."



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

4 "Invalid" means expired or voided."

5 SECTION 4. Section 291-53, Hawaii Revised Statutes, is
6 amended to read as follows:

7 **"§291-53 Nontransferability; penalty.** The removable
8 windshield placard, temporary removable windshield placard, or
9 special license plates shall not be used by anyone other than
10 the person with a disability to whom it is issued unless it is
11 being used in connection with the transport of the person with a
12 disability. An unauthorized person using the removable
13 windshield placard, temporary removable windshield placard, or
14 special license plates to obtain the special parking privileges
15 authorized under this part or otherwise afforded by the State or
16 counties, shall be guilty of a traffic infraction under chapter
17 291D and fined not less than \$250 nor more than \$500. [A
18 ~~removable windshield placard, temporary removable windshield~~
19 ~~placard, or special license plates may be confiscated by a law~~
20 ~~enforcement officer or commissioned volunteer enforcement~~



1 ~~officer of the county law enforcement agency for any~~
2 ~~unauthorized use.] "~~

3 SECTION 5. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 6. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 7. This Act shall take effect on July 1, 2090.



Report Title:

Disabled Persons Parking; Permit Confiscation

Description:

Clarifies the authority of law enforcement officers or commissioned volunteer enforcement officers to confiscate disability parking permits that are used unlawfully. Specifies that the sale or purchase of a disability parking permit is a misdemeanor. (HD1)

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