



## DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813  
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March 21, 2018

### TESTIMONY TO THE HOUSE COMMITTEE ON TRANSPORTATION Senate Bill 974, SD2, HD1 – Relating to Parking for Disabled Persons

The Disability and Communication Access Board (DCAB) supports Senate Bill 974, SD2, HD1 - Relating to Parking for Disabled Persons. DCAB is the state agency responsible for coordinating the statewide parking program for persons with disabilities and this bill was initiated by DCAB.

Section 291-55, Hawaii Revised Statutes (HRS), provides that any vehicle displaying a disability parking permit is exempted from payment of parking meter fees for two-and-a-half hours or the maximum time allowed by the meter, whichever is longer. The current exemption goes beyond the original intent of the law, which was to waive the fee for drivers who could not reach or operate parking meters because of a physical disability. The original purpose of the law was not to provide free parking for all disability parking permit holders. An unintended consequence of the current exemption was the creation of an incentive for persons to obtain a permit for the benefit of not paying the meter fees. In addition, it is an added temptation for those other than the permit holders, such as family members and others, to illegally use the permit to avoid paying parking meter fees.

A recent study, "Emerging Trends in Parking Survey," conducted by the International Parking Institute indicates that the #1 recommended "solution" for accessible parking placard abuse is to "eliminate free parking for placard users."

We wish to clarify that this bill does not change any person's eligibility for a permit or suggest that they do not need a permit. It only removes the free meter privilege. For example, if you park in a lot with an attendant, everyone must pay the parking fee regardless of whether one has a placard. There are jurisdictions that are removing the free parking privilege entirely. However, DCAB is following the lead in other states to limit the meter fee exemption to only those people who cannot feed the meter and are drivers. We have researched other states and believe that we can, with lead time, implement such a program.

Therefore, this bill will (1) narrow the exemption from payment of parking meter fees to only licensed drivers who cannot reach or operate a parking meter because of their disability, (2) reduce the illegal use of disability parking permits by persons other than permit holders to avoid parking meter fees, (3) clarify the meter fee exemption which applies to the first two-and-half hours or the maximum time the meter allows requiring permit holders to move their vehicles after the time expires, and (4) increase revenue to the State. In addition, qualified applicants will be issued a distinguishing parking permit decal while parked in metered parking spaces to signify their exemption from payment pursuant to Section 291-55, HRS.

We would like to draw your attention to item (4) above. This bill will increase revenue, although that is not the primary motivation for the bill. By eliminating the free meter privilege, parking revenue will increase. We have no way of knowing exactly how much revenue would increase. However, we know that there are 107,895 permits issued as of June 30, 2017. We estimate, based on the experience of other states, that approximately 100,000 of those permittees will not qualify for the meter exemption. Conservatively, if each person pays only \$10 in meter fees in a year, the additional revenue would be \$1,000,000.

DCAB respectfully requests that the effective date of the bill be amended to January 1, 2020 to allow sufficient time to amend our rules and implement the program.

Thank you for the opportunity to testify.

Respectfully submitted,



FRANCINE WAI  
Executive Director



**DOWNTOWN-CHINATOWN NEIGHBORHOOD BOARD NO. 13**

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NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BOULEVARD, SUITE 160 • HONOLULU, HAWAII, 96817  
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET <http://www.honolulu.gov/ncq>

State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Dear State Senate,

At the meeting of Thursday, February 2, 2017, the No. 13 Downtown-Chinatown Neighborhood Board voted, 7-0-0 in support of Senate Bill (SB) 974.

Sincerely,

A handwritten signature in black ink, appearing to read "Alvin Au", with a long horizontal flourish extending to the right.

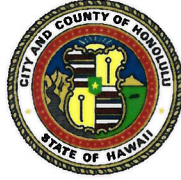
Alvin Au, Chair  
Downtown Neighborhood Board No. 13

DEPARTMENT OF TRANSPORTATION SERVICES  
CITY AND COUNTY OF HONOLULU

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HONOLULU, HAWAII 96813

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KIRK CALDWELL  
MAYOR



WES FRYSZTACKI  
DIRECTOR

JON Y. NOUCHI  
DEPUTY DIRECTOR

March 21, 2018

The Honorable Henry J. C. Aquino, Chair  
and Members of the House  
Committee on Transportation  
State Capitol, Room 423  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Aquino and Members of the Committee:

**SUBJECT: Testimony in SUPPORT of Senate Bill No. 974, S.D.2, H.D.1  
Relating to Parking for Disabled Persons**

The Department of Transportation Services, on behalf of the City and County of Honolulu ("City"), is providing testimony in support of Senate Bill No. 974, S.D.2, H.D. 1, relating to parking for disabled people with suggested technical amendments to address the following concerns:

1. We request that the legislature find that parking technology and management practices are changing such that the terminology in the legislation needs to be updated to include references to "devices," "codes" and "pay stations" and to make other related and appropriate language changes to reflect current on-street parking practices and procedures.
2. The legislation should be limited to "on-street" parking. Off-street metered parking lots already set aside designated accessible parking stalls for the disabled that do not require a person to use a meter or pay station.
3. The term "parking meter fees" should be changed to "parking fees" because the industry practice is to use pay stations, account-based parking and other best practice parking programs to identify parking fees or other terms and conditions.
4. The legislation uses the term "the maximum time the meter allows" in reference to the governing maximum time limits. This should be changed to "the maximum time allowed" since time limits are governed by the applicable regulatory signage and other terms and conditions applicable to specific management of a curb area.

The Honorable Henry Aquino, Chair  
and Members  
March 21, 2018  
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5. The legislation uses the term “in any metered parking space” in reference to the governing maximum time limits. This should be changed to “in any parking area” since parking spaces may not be marked as “spaces” in an area where a pay station or account-based parking program is being used. On-street parking areas may have multiple uses such as being used as a commercial freight or passenger loading zones at some times of the day and as on-street parking at other times of the day.
6. The legislation should authorize the Disability and Communication Access Board to eliminate on-street parking privileges where a fee is imposed whenever the use of new parking technology and program applications makes it unnecessary for an individual to reach or operate a parking meter or pay station.

The City and County of Honolulu operates over 10,000 parking spaces for a fee. About 4,000 of those are on-street metered spaces and another 1,000 are off-street metered spaces. The statewide program for persons with disabilities, established under part III of chapter 291, HRS, provides individuals with mobility disabilities the ability to park in any metered space for free for the first two-and-a-half hours or the maximum time the meters allows. The program was established to give reasonable accommodation to those who could not reach or operate a parking meter because of a disability.

Few persons who take advantage of the disability parking privilege have the disability the legislation was intended to accommodate. Instead, many people are abusing the program which is difficult to enforce. Recent data indicates that up to 50% of all metered parking spaces along some streets in Waikiki are occupied by vehicles displaying disabled placards and not paying for parking. The City supported the establishment of the Waikiki Transportation Management Association (“WTMA”) to assist the City in better managing the limited curb space in Waikiki for the benefit of the many who desire to use such space. Enactment of Senate Bill No. 974, S.D.2, H.D. 1, with the proposed technical amendments will greatly assist the City and organizations such as the WTMA in making parking management more efficient and equitable.

Thank you for your consideration of the City and County of Honolulu’s proposed amendments.

Very truly yours,

  
Wes Frysztacki  
Director

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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. The legislature finds that the statewide  
2 parking program for persons with disabilities, established under  
3 part III of chapter 291, Hawaii Revised Statutes, pursuant to  
4 P.L. 100-641, and administered by the disability and  
5 communication access board, provides individuals with mobility  
6 disabilities the ability to travel and park in accessible  
7 parking stalls.

8           The legislature further finds that the exemption from  
9 payment of parking meter fees for the first two-and-a-half hours  
10 or the maximum time the meter allows, whichever is longer, was a  
11 privilege not intended as a benefit for persons with mobility  
12 impairments who qualified for a disability parking permit. The  
13 exemption was established as a broad exemption for permittees  
14 because the legislature recognized that some permittees who were  
15 licensed drivers could not reach or operate a parking meter  
16 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 on-  
4 street parking meters and pay stations or to permittees who are  
5 transported in vehicles driven by another person because the  
6 driver is able to reach and operate a parking meter.

7           The legislature finds that parking technology and  
8 management practices are changing such that the terminology in  
9 legislation needs to be updated to include references to  
10 "devices," "codes," and "pay stations" and to make other related  
11 and appropriate language changes.

12           The legislature further finds that it is necessary to  
13 distinguish permittees who are licensed drivers and not able to  
14 operate on-street parking meters and pay stations because of a  
15 disability from other permittees who are able to operate on-  
16 street parking meters and pay stations. To address this issue,  
17 the disability and communication access board should develop a  
18 disability parking device or permit that is different in  
19 appearance from those currently issued or a device or decal that  
20 is affixed onto current disability parking permits that  
21 indicates to law enforcement that a vehicle displaying or

1 containing such a disability parking device, permit, or decal is  
2 authorized to park in on-street metered parking spaces without  
3 payment of parking fees for the first two-and-a-half hours or  
4 the maximum time allowed, whichever is longer.

5 The purpose of this Act is to limit the privilege of  
6 parking a vehicle in an on-street parking space without payment  
7 of parking fees for the first two-and-a-half hours or the  
8 maximum time allowed, whichever is longer, only to permittees  
9 who are licensed drivers and are not personally able to operate  
10 parking meters or pay stations because of a physical disability.

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

14 "§291- Issuance of distinguishing parking device, code,  
15 permit, or decal. The issuing agency shall issue one  
16 distinguishing parking device, code, permit, or decal to each  
17 applicant who presents a certificate of disability which  
18 verifies that the applicant is licensed to drive a motor vehicle  
19 and cannot reach or operate parking meters or pay stations  
20 because of the applicant's physical disability. The  
21 distinguishing parking device, code, permit, or decal shall have



1 the same expiration as the removable windshield placard,  
2 temporary removable windshield placard, or special license  
3 plates issued to the applicant."

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

7 "Distinguishing parking device, code, permit, or decal"  
8 means a two-sided, hanger-style placard, a decal to be affixed  
9 to a disability parking permit, or a device to be displayed on a  
10 dashboard or contained elsewhere on the vehicle that indicates  
11 that the individual to whom the device, code, permit, or decal  
12 is issued pursuant to this part is licensed to drive a motor  
13 vehicle and cannot reach or operate a parking meter or pay  
14 station because of a physical disability."

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

17 "§291-55 Metered On-street parking [privileges.]  
18 privileges where a fee is imposed. Any vehicle displaying or  
19 containing [~~special license plates, a removable windshield~~  
20 ~~placard, or a temporary removable windshield placard] a  
21 distinguishing parking device, code, permit, or decal issued~~

1 ~~[under this part]~~ pursuant to section 291- shall be permitted  
2 to park, without payment of [metered] parking fees, in any  
3 [metered] on-street parking [space] area for ~~[a maximum of]~~ the  
4 first two-and-a-half hours or the maximum amount of time [~~the~~  
5 ~~meter allows,~~] allowed, whichever is longer. All parking fees  
6 not specifically exempted under this part shall remain in  
7 effect. The vehicle shall prominently display the  
8 distinguishing parking device, code, permit, or when parked in  
9 an on-street parking for a fee area."

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

12 "§291-56 Rules. The disability and communication access  
13 board shall adopt rules under chapter 91 to carry out the  
14 purposes of this part, including rules for:

15 (1) The issuance, renewal, confiscation, revocation, and  
16 suspension of removable windshield placards, temporary  
17 removable windshield placards, distinguishing parking  
18 devices, codes, permits, or decals, and special  
19 license plates;

1 (2) Decertification, reciprocity, and the replacement of  
2 placards, distinguishing parking devices, codes,  
3 permits, or decals, and identification cards;

4 (3) The design of the placard, identification card,  
5 distinguishing parking permit or decal, and special  
6 license plates;

7 (4) The establishment of transaction fees for devices,  
8 codes, permits, or decals, or placards;

9 (5) Signage and marking of on-street parking [~~spaces,~~]  
10 areas;

11 (6) Reimbursement rates to the counties; [~~and~~]

12 (7) [~~Penalties-~~] Penalties; and

13 (8) The elimination of on-street parking privileges, where  
14 a fee is imposed wherever the use of new parking  
15 technology and program applications make it  
16 unnecessary for an individual to reach or operate a  
17 parking meter or pay station."

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

20 SECTION 7. This Act shall take effect on July 1, 3000.

**Report Title:**

Persons with a Disability; Parking Meters; Exemption

**Description:**

Limits the exemption from parking meter fees to drivers with a disability who are unable to operate a parking meter or pay station because of the driver's disability and who display a distinguishing parking device, code, permit, or decal.

Clarifies time limits applicable to the exemption. (SB974 HD2 PROPOSED)

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

**SB-974-HD-1**

Submitted on: 3/19/2018 10:37:24 AM

Testimony for TRN on 3/21/2018 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

**SB-974-HD-1**

Submitted on: 3/19/2018 8:23:04 PM

Testimony for TRN on 3/21/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Craig Watase	Mark Development, Inc.	Support	No

Comments:

Aloha,

My name is Craig Watase, President of Mark Development and writing in support of SB974. Mark Development is an affordable housing developer and property manager, including several government assisted senior rentals. Many of our tenants have various disabilities. Our experience with this drives our support for SB974 which we feel will provide better access to handicap parking for those that actually need it because their disability prevents them from accessing the meter.

A tiered permit system here in Hawaii, will eliminate the financial incentive to abuse handicap parking. The parking meter exemption should only be available to those with a mobility disability. We humbly ask for the Legislatures assistance by passing SB974 SD2.

**SB-974-HD-1**

Submitted on: 3/19/2018 10:39:03 PM

Testimony for TRN on 3/21/2018 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
De MONT R. D. CONNER	Ho'omanapono Political Action Committee (HPAC)	Oppose	Yes

Comments:

We continue to STRONGLY OPPOSE this resolution on the basis that it aims to discriminate against a protected class of persons with disabilities, by virtually creating a subclass of persons with disabilities, to wit: Those persons who have a disability & CANNOT FEED THE PARKING METER. Secondly, the only reason why people with handicaps use metered stalls is due to there being no handicap stalls or not enough handicap stalls. Handicap stalls have no meters, thus, as long as a handicap person displays their placard, the stall is treated as a handicap stall. Mahalo.

**SB-974-HD-1**

Submitted on: 3/19/2018 2:56:44 PM

Testimony for TRN on 3/21/2018 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bryan Mick	Individual	Support	Yes

Comments:

Aloha,

Please pass SB974 SD2 HD1. I live and work in downtown Honolulu, and see the same cars parked all day in the same stall using their disability parking permit to avoid paying the meter. While the legal exemption is for two and a half hours or the maximum time the meter allows, whichever is longer, in practice that is very difficult for HPD to enforce. This financial benefit encourages people to fraudulently obtain a parking permit or to borrow a permit that belongs to someone else. Besides reducing available on street parking, these people are cheating the state and counties out of tens of thousands of dollars of parking revenue, possibly hundreds of thousands. The parking meter exemption was never intended as a financial benefit, and indeed it is limited to just those disabilities which qualify for a parking permit. Why should someone who has arthritis in their feet get free parking but someone who has lost both arms not? The legislature should financially help those with disabilities, but it ought to be available to people with all types of disabilities or related to the disability. This bill corrects what was an unintended consequence of a noble effort, and will help reduce abuse of parking permits. Mahalo.



**SB-974-HD-1**

Submitted on: 3/19/2018 11:11:56 PM

Testimony for TRN on 3/21/2018 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel L. Kailianu	Individual	Oppose	Yes

Comments:

In STRONG OPPOSITION. Due to my severe arthritis and limited mobility with shortness of breathe. Even though I may be able to put money into the meter the time allowed could be encumbering to rush back to my vehicle in time to avoid being cited.

**TESTIMONY TO THE HOUSE COMMITTEE ON TRANSPORTATION**  
**Senate Bill 974, SD2, HD1 - Relating to Parking for Disabled Persons**

**DATE: Wednesday, March 21, 2018**

**TIME: 9:45 am**

Aloha to the Honorable Chairperson Henry J.C. Aquino, Vice Chairperson Sean Quinlan, and members of the House Committee on Transportation, my name is Bryant Yabui and I respectfully submit written testimony in support of Senate Bill 974, SD2, HD1 – Relating to Parking for Disabled Persons. Although there are many disabled people who use the disability parking permit daily, including myself, I believe that the exemption applied broadly to all disabled parking permit holders from paying the parking meter fees goes against the original intent of the law. The law should be applied to only disabled drivers who are disability parking permit holders and who are unable to operate a parking meter because of their disability.

I was born with a physical disability, but I did not apply for a disability parking permit until I needed to use a wheelchair. My thought was that disabled parking stalls should be used by people with mobility issues who need assistive devices such as a wheelchair or walker, because they need the extra space that the access aisle affords them to safely get in and out of their vehicle. Little did I know that few people think like me. Drivers with a disability parking permit will sometimes park in a disabled parking stall even if they don't need the access aisle and a regular parking stall is open only a few feet away.

Prior to receiving a disability parking permit, I would always feed the parking meter out of fear that my car could be towed away if I didn't. Now that I have a disability parking permit, I still feed the parking meter because I am physically able to do so. If I am a passenger in someone's vehicle, the driver of the vehicle would feed the meter. Why should it be any different for disabled drivers who are physically able to feed a parking meter?

What is important to me is being able to find a disabled parking stall because I need an access aisle to get in and out of my car and not whether I should feed the parking meter or not. Do we really need to add more problems to an already complex issue on the use and abuse of the disabled parking permit?

Therefore, I humbly request your support to pass this bill. Mahalo for the opportunity to testify on this important matter.

Respectfully Submitted,

  
Bryant Yabui (Mar 19, 2018)

Bryant Yabui

# Testimony in Support of SB974, SD2, HD1 (3.19.18)





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03/20/2018



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By:	Mark Yabui (myabui@gmail.com)
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## "Testimony in Support of SB974, SD2, HD1 (3.19.18)" History

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**LATE**



## Waikiki Improvement Association

March 20, 2018

House Committee on Health and Human Services

SUBJECT: Testimony for Senate Bill 974, SD2 – relating to Parking for Disabled Persons

Dear Chair Mizuno and Committee Members,

I am writing today on behalf of the Waikiki Improvement Association (WIA). WIA supports SB 974 SDS – Relating to Parking for Disabled Persons. This bill would clarify the benefit of free parking to those whom it was intended for: those disabled persons who hold a disabled parking permit and are unable to operate, access or reach the parking meter. This bill would also clarify that those individuals are accountable to the posted time limits of the parking area.

The current law gives the sense to those holding a disabled parking permit that they, as a disabled person, are exempt from paying for parking and abiding time limits. This also provides an incentive to individuals who may not need a disabled parking permit to attempt to acquire one so that they may receive the free parking benefit. The hang tag is easily moved between cars and drivers so that individuals who are not disabled at all can use the permit to receive free parking.

In Waikīkī, abuse of the disabled parking permit is regularly observed, as many do not adhere to time limits, further tying up valuable parking spaces, limiting others' access to street parking and the ability of the City to earn revenue.

It is not the wish of the WIA to deny benefits to those in need. Our goal in supporting this bill is to clarify the laws to aid the HPD in enforcement and limit the ability to abuse the disabled parking benefits, ensuring that they are available to those who truly need them.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Egged', written in a cursive style.

Rick Egged, President  
Waikīkī Improvement Association