



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

March 15, 2018

TESTIMONY TO THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES Senate Bill 974, SD2 – Relating to Parking for Disabled Persons

The Disability and Communication Access Board (DCAB) supports Senate Bill 974, SD2-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."

DCAB is following a beginning trend in other states to reduce abuse by limiting 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.

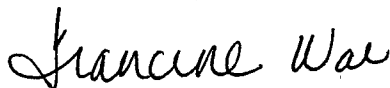
We would like to draw your attention to item (4) above. This bill will increase revenue, although that is not the primary motivation for the bill. By eliminating the free meter privilege, parking revenue will increase. We have no way of knowing exactly how much revenue would increase. However, we know 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,

A handwritten signature in cursive script that reads "Francine Wai".

FRANCINE WAI
Executive Director

Testimony of Kirby L. Shaw

House Committee on Health and Human Services

Thursday, March 15, 2018

10:00 a.m.

Conference Room 329

Dear Chair Mizuno and Committee Members:

I am writing in support of SB 974 SD2 – Relating to Parking for Disabled Persons. I am a quadriplegic and use a power wheelchair. I do not drive my vehicle. My wife or another person drives me.

This bill will correct the State statute – H.R.S §291-55 – that allows anyone with a disability parking permit to park a vehicle at a metered parking space without feeding the meter for 2.5 hours or the maximum time the meter allows, whichever is longer. The law is overly broad because it gives away free parking to anyone with a parking permit, regardless of whether the person is able to gain access to or feed a meter because of his or her disability.

The law should only waive the meter fee for those who drive themselves, but who, because of their disability cannot gain access to or feed a meter. The bill will remove an unjustified economic benefit – free parking – for anyone with a disability parking permit. Instead, the grounds for the meter fee waiver should be this justifiable purpose: relieving a licensed driver from the obligation to pay parking meter fees because he or she cannot gain access to or feed the meter because of his or her disability.

The bill will remove the incentive of many medically unqualified individuals who I believe pressure their physicians to certify their eligibility to obtain a disability parking permit. I have witnessed on countless occasions obviously unqualified individuals taking advantage of the "free parking" giveaway. In addition, family members and others associated with the permittee "borrow" the permit to obtain free parking without transporting the permittee. The practice is illegal, but without adequate enforcement, such persons are not deterred. Perhaps you and the other committee members have witnessed the same and wondered how the heck this is happening. Moreover, the bill will result in larger revenue from meter collections.

Thank you very much for considering my testimony on this important and long overdue bill.

Sincerely,

KIRBY L. SHAW

SB-974-SD-2

Submitted on: 3/13/2018 10:37:12 AM

Testimony for HHS on 3/15/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bryan Mick	Individual	Support	No

Comments:

Aloha,

Please pass SB974 SD2. I live and work in downtown Honolulu, and see the same cars parked all day using their disability parking permit to avoid paying the meter. While the legal exception 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. These people are quite likely to use the permits to park in accessible stalls, denying the use of them to people who actually need them. 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 lost a leg 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. This bill corrects what was an unintended consequence of anoble thought, and will help to reduce abuse of parking permits. Mahalo.

SB-974-SD-2

Submitted on: 3/13/2018 9:25:02 PM

Testimony for HHS on 3/15/2018 10:00:00 AM

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

Comments:

We STRONGLY OPPOSE this bill, as it is SPECIAL LEGISLATION that targets as protected class of people, to wit: Persons with Disabilities pursuant to the Americans with Disabilities Act, and attempts to create a SPECIAL SUBCLASS of persons with Disabilities. All persons with Disabilities are the same and must receive EQUAL TREATMENT UNDER THE LAW! Mahalo!

SB-974-SD-2

Submitted on: 3/13/2018 5:41:53 PM

Testimony for HHS on 3/15/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Individual	Oppose	No

Comments:

Aloha Chair, Vice Chair and members,

I am totally opposed to this unjust notion. DAGS keeps removing and limiting handicapped parking places in all public buildings including the legislature. As a disabled vet with mobility issues I object to this attempt to limit our access to public buildings.

While I can reach and operate a parking meter, I cannot walk for more than a few yards without it becoming painful.

I ask you to defer this ill-conceived idea and ask DAGs to look into adding more handicapped spaces rather than taking them away as they have been doing.

When I was staff at the legislature DAGs made no accommodation for my parking. To this day staff are prohibited from the handicapped parking spaces at the legislature, something that is surely grounds for a law suit.

Again, I ask you to defer this bill.

Ann S. Freed

Mililani

SB-974-SD-2

Submitted on: 3/13/2018 9:44:48 PM

Testimony for HHS on 3/15/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Oppose	Yes

Comments:

In STRONG OPPOSITION TO BAD LEGISLATION, creating TWO different classes of disabled persons.