
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 (23 C.F.R. 1235), and administered by the
5 disability and communication access board, provides individuals
6 with mobility disabilities the opportunity to travel and park in
7 accessible parking stalls. The disability and communication
8 access board administers the program, which together with the
9 counties, issues removable windshield placards, temporary
10 removable windshield placards, or special license plates. A
11 vehicle displaying a disability parking permit is authorized to
12 park in spaces designed and reserved for persons with mobility
13 disabilities.

14 The purpose of this Act is to:

15 (1) Limit the privilege of parking a vehicle in an on-
16 street metered parking space without payment of
17 parking fees for the first two-and-a-half hours or the



1 maximum time allowed, whichever is longer, to only
2 permittees who are licensed drivers and are not
3 personally able to operate parking meters or pay
4 stations because of a physical disability;

5 (2) Prohibit the unauthorized sale or purchase of certain
6 disability parking permits; and

7 (3) Clarify the authority of law enforcement officers and
8 commissioned volunteer enforcement officers of the
9 county law enforcement agencies to confiscate valid
10 and invalid disability parking permits in certain
11 circumstances.

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

15 **"§291-A Issuance of distinguishing parking device, code,**
16 **permit, or decal.** The issuing agency shall issue one
17 distinguishing parking device, code, permit, or decal to each
18 applicant who presents a certificate of disability which
19 verifies that the applicant is:

20 (1) A person with a disability as defined by section 291-
21 51;



1 (2) Unable to reach or operate parking meters or pay
2 stations because of the applicant's physical
3 disability; and

4 (3) Licensed to drive a motor vehicle.

5 The distinguishing parking device, code, permit, or decal shall
6 have the same expiration as the removable windshield placard,
7 temporary removable windshield placard, or special license
8 plates issued to the applicant.

9 **§291-B Unlawful sale or purchase.** Any person who sells or
10 purchases a placard that was fraudulently manufactured or
11 altered in violation of section 291-52.7 or who purchases or
12 sells a removable windshield placard, temporary removable
13 windshield placard, special license plates, or distinguishing
14 parking device, code, permit or decal except in compliance with
15 sections 291-51.5, 291-51.6, 291-52, and 291-55 shall be guilty
16 of a misdemeanor.

17 **§291-C Confiscation.** (a) A law enforcement officer or
18 commissioned volunteer enforcement officer of a county law
19 enforcement agency may confiscate:

20 (1) A removable windshield placard, a temporary removable
21 windshield placard, special license plates, or a



1 distinguishing parking device, code, permit, or decal

2 for:

3 (A) Fraudulent manufacturer or alteration pursuant to

4 section 291-52.7;

5 (B) Any unauthorized use pursuant to section 291-53;

6 or

7 (C) Unlawful sale or purchase pursuant to section

8 291-B; or

9 (2) An invalid removable windshield placard, an invalid

10 temporary removable windshield placard, invalid

11 special license plates, or an invalid distinguishing

12 parking device, code, permit, or decal for:

13 (A) Display of an invalid removable windshield

14 placard, invalid temporary removable windshield

15 placard, or invalid special license plates

16 pursuant to section 291-57(a)(2); or

17 (B) Use of an invalid distinguishing parking device,

18 code, permit, or decal to obtain the parking

19 privilege authorized under section 291-55.

20 (b) Any law enforcement officer or commissioned volunteer

21 enforcement officer of a county law enforcement agency who



1 confiscates a removable windshield placard, temporary removable
2 windshield placard, special license plate, or distinguishing
3 parking device, code, permit, or decal pursuant to this section
4 shall issue a citation to the purported violator. Any citation
5 issued pursuant to this section shall include a fine of at least
6 \$ _____ but no more than \$ _____."

7 SECTION 3. Section 291-51, Hawaii Revised Statutes, is
8 amended by adding two new definitions to be appropriately
9 inserted and to read as follows:

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

18 "Invalid" means expired or voided removable windshield
19 placards, temporary removable windshield placards, special
20 license plates, or distinguishing parking device, code, permit,
21 or decal."



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

3 "**§291-53 Nontransferability; penalty.** The removable
4 windshield placard, temporary removable windshield placard, or
5 special license plates shall not be used by anyone other than
6 the person with a disability to whom it is issued unless it is
7 being used in connection with the transport of the person with a
8 disability. An unauthorized person using the removable
9 windshield placard, temporary removable windshield placard, or
10 special license plates to obtain the special parking privileges
11 authorized under this part or otherwise afforded by the State or
12 counties, shall be guilty of a traffic infraction under chapter
13 291D and fined not less than \$250 nor more than \$500. [A
14 ~~removable windshield placard, temporary removable windshield~~
15 ~~placard, or special license plates may be confiscated by a law~~
16 ~~enforcement officer or commissioned volunteer enforcement~~
17 ~~officer of the county law enforcement agency for any~~
18 ~~unauthorized use.]"~~

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



1 "**§291-55** ~~[Metered]~~ On-street parking ~~[privileges.]~~
2 privileges where a fee is imposed. Any vehicle displaying
3 ~~[special license plates, a removable windshield placard, or a~~
4 ~~temporary removable windshield placard]~~ or containing a
5 distinguishing parking device, code, permit, or decal issued
6 ~~[under this part]~~ pursuant to section 291-A shall be permitted
7 to park, without payment of ~~[metered]~~ parking fees, in any
8 ~~[metered]~~ on-street parking ~~[space]~~ area for ~~[a maximum of]~~ the
9 first two-and-a-half hours or the maximum ~~[amount of time the~~
10 ~~meter allows,]~~ time allowed, whichever is longer. All parking
11 fees not specifically exempted under this part shall remain in
12 effect. The vehicle shall prominently display the
13 distinguishing parking device, code, permit, or decal when
14 parked in an on-street parking area where a fee is imposed."

15 SECTION 6. Section 291-56, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§291-56 Rules.** The disability and communication access
18 board shall adopt rules under chapter 91 to carry out the
19 purposes of this part, including rules for:

20 (1) The issuance, renewal, confiscation, revocation, and
21 suspension of removable windshield placards, temporary



- 1 removable windshield placards, distinguishing parking
2 devices, codes, permits, or decals, and special
3 license plates;
- 4 (2) Decertification, reciprocity, and the replacement of
5 placards, distinguishing parking devices, codes,
6 permits, or decals, and identification cards;
- 7 (3) The design of the placard, identification card,
8 distinguishing parking devices, codes, permits, or
9 decals, and special license plates;
- 10 (4) The establishment of transaction fees for devices,
11 codes, permits, or decals, or placards;
- 12 (5) Signage and marking of on-street parking [~~spaces~~]
13 areas;
- 14 (6) Reimbursement rates to the counties; [~~and~~]
- 15 (7) Penalties[~~-~~]; and
- 16 (8) The elimination of on-street parking privileges where
17 a fee is imposed and the use of new parking technology
18 or program applications that make it unnecessary for
19 an individual to reach or operate a parking meter or
20 pay station."



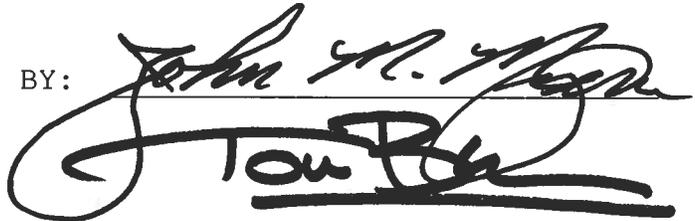
1 SECTION 7. In codifying the new sections added by section
2 2 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

5 SECTION 8. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 9. This Act shall take effect on January 1, 2020.

8

INTRODUCED BY:

Handwritten signatures of John M. Thayer and Tom P. De. The signature of John M. Thayer is written above the signature of Tom P. De. The signature of Tom P. De is written below the signature of John M. Thayer and is underlined.

JAN 18 2019



Report Title:

Disabled Persons; Parking; Placards and Plates; Traffic Violations; Parking Meters

Description:

Limits the exemption from parking 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. Establishes a misdemeanor offense for unauthorized sale or purchase of a disability parking permit. Clarifies law enforcement authority to confiscate altered, invalid, or unauthorized disability parking permits.

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

