
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) Prohibit the unauthorized sale or purchase of certain
16 disability parking permits;



1 (2) Clarify the authority of law enforcement officers and
2 commissioned volunteer enforcement officers of the
3 county law enforcement agencies to confiscate valid
4 and invalid disability parking permits in certain
5 circumstances; and

6 (3) Allow advanced practice registered nurses to make a
7 determination regarding a person's mobility.

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

11 "§291-A Unlawful sale or purchase. Any person who sells
12 or purchases a placard that was fraudulently manufactured or
13 altered in violation of section 291-52.7 or who purchases or
14 sells a removable windshield placard, temporary removable
15 windshield placard, or special license plates except in
16 compliance with sections 291-51.5, 291-51.6, 291-52, and 291-
17 52.6 shall be guilty of a misdemeanor.

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



1 (1) A removable windshield placard, a temporary removable
2 windshield placard, or special license plates for:

3 (A) Fraudulent manufacturing or alteration pursuant
4 to 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-A; or

9 (2) An invalid removable windshield placard, an invalid
10 temporary removable windshield placard, or invalid
11 special license plates for display of an invalid
12 removable windshield placard, invalid temporary
13 removable windshield placard, or invalid special
14 license plates pursuant to section 291-57(a)(2).

15 (b) Any law enforcement officer or commissioned volunteer
16 enforcement officer of a county law enforcement agency who
17 confiscates a removable windshield placard, temporary removable
18 windshield placard, or special license plate pursuant to this
19 section shall issue a citation to the purported violator. Any
20 citation issued pursuant to this section shall include a fine of
21 at least \$ but no more than \$."



1 SECTION 3. Section 291-51, Hawaii Revised Statutes, is
2 amended by amending the definition of "person with a disability"
3 to read as follows:

4 "Person with a disability" means a person with a
5 disability which limits or impairs the ability to walk, and who,
6 as determined by a licensed practicing physician[+] or an
7 advanced practice registered nurse:

- 8 (1) Cannot walk two hundred feet without stopping to rest,
9 due to a diagnosed arthritic, neurological,
10 orthopedic, renal, vascular, or oncological condition;
- 11 (2) Cannot walk without the use of, or assistance from, a
12 brace, cane, crutch, another person, prosthetic
13 device, wheelchair, or other assistive device;
- 14 (3) Is restricted by lung disease to such an extent that
15 the person's forced (respiratory) expiratory volume
16 for one second, when measured by spirometry, is less
17 than one liter, or the arterial oxygen tension is less
18 than sixty mm/hg on room air at rest;
- 19 (4) Uses portable oxygen; or
- 20 (5) Has a cardiac condition to the extent that the
21 person's functional limitations are classified in



1 severity as Class III or Class IV according to the
2 standards set by the American Heart Association."

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

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



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

7 SECTION 7. This Act shall take effect on July 1, 2050.



Report Title:

Disabled Persons; Parking; Placards and Plates; Violations

Description:

Prohibits the unauthorized sale or purchase of disability parking placards and special license plates. Clarifies authority of enforcement officers to confiscate placards and special license plates for violations of requirements for manufacture, sale, purchase, or use. Allows advanced practice registered nurses to make a determination regarding a person's mobility. (SB1236 HD1)

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