
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 three new sections to part III to be
10 appropriately designated and to read as follows:

11 "§291-A Issuance of distinguishing parking device, code,
12 permit, or decal. The issuing agency shall issue one
13 distinguishing parking device, code, permit, or decal to each
14 applicant who presents a certificate of disability which
15 verifies that the applicant is:

16 (1) A person with a disability as defined by section 291-
17 51;

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

21 (3) Licensed to drive a motor vehicle.



1 The distinguishing parking device, code, permit, or decal shall
2 have the same expiration as the removable windshield placard,
3 temporary removable windshield placard, or special license
4 plates issued to the applicant.

5 §291-B Unlawful sale or purchase. Any person who sells or
6 purchases a placard that was fraudulently manufactured or
7 altered in violation of section 291-52.7 or who purchases or
8 sells a removable windshield placard, temporary removable
9 windshield placard, or special license plates except in
10 compliance with sections 291-51.5, 291-51.6, 291-52, and 291-
11 52.6 shall be guilty of a misdemeanor.

12 §291-C Confiscation. (a) A law enforcement officer or
13 commissioned volunteer enforcement officer of a county law
14 enforcement agency may confiscate:

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

17 (A) Fraudulent manufacturing or alteration pursuant
18 to section 291-52.7;

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

20 or



1 (C) Unlawful sale or purchase pursuant to section
2 291-B; or

3 (2) An invalid removable windshield placard, an invalid
4 temporary removable windshield placard, or invalid
5 special license plates for display of an invalid
6 removable windshield placard, invalid temporary
7 removable windshield placard, or invalid special
8 license plates pursuant to section 291-57(a) (2).

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

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

19 ""Person with a disability" means a person with a
20 disability which limits or impairs the ability to walk, and who,



1 as determined by a licensed practicing physician[+] or an
2 advanced practice registered nurse:

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

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



1 "**§291-53 Nontransferability; penalty.** The removable
2 windshield placard, temporary removable windshield placard, or
3 special license plates shall not be used by anyone other than
4 the person with a disability to whom it is issued unless it is
5 being used in connection with the transport of the person with a
6 disability. An unauthorized person using the removable
7 windshield placard, temporary removable windshield placard, or
8 special license plates to obtain the special parking privileges
9 authorized under this part or otherwise afforded by the State or
10 counties, shall be guilty of a traffic infraction under chapter
11 291D and fined not less than \$250 nor more than \$500. [A
12 ~~removable windshield placard, temporary removable windshield~~
13 ~~placard, or special license plates may be confiscated by a law~~
14 ~~enforcement officer or commissioned volunteer enforcement~~
15 ~~officer of the county law enforcement agency for any~~
16 ~~unauthorized use.] "~~

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

19 "**§291-55 [Metered] On-street parking [privileges.]**
20 **privileges where a fee is imposed.** Any vehicle displaying
21 [~~special license plates, a removable windshield placard, or a~~



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

12 SECTION 6. In codifying the new sections added by section
13 2 of this Act, the revisor of statutes shall substitute
14 appropriate section numbers for the letters used in designating
15 the new sections in this Act.

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

18 SECTION 8. This Act shall take effect on July 1, 2050.



Report Title:

Disabled Persons; Parking; Placards and Plates; Violations

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. 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 HD2)

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