

STAND. COM. REP. NO. 636

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 1236
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committees on Transportation and Judiciary, to which was referred S.B. No. 1236 entitled:

"A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify that the exemption for disabled persons from the payment of parking fees is an exception for drivers who are unable to reach or operate a parking meter or unattended pay station due to a physical disability, display a distinguishing parking device, code, or placard;
- (2) Make the act of selling or buying a disability parking permit a misdemeanor;
- (3) Authorizes law enforcement to confiscate a disability parking permit that has been altered or invalid; and
- (4) Clarify the types of disabilities that qualify for a disability parking permit.

Your Committees received testimony in support of this measure from the Disability and Communication Access Board, Honolulu Police Department, and three individuals. Your Committees



received testimony in opposition to this measure from the Ho'omanapono Political Action Committee and one individual. Your Committees received comments on this measure from the Department of Accounting and General Services.

Your Committees find that the current exemption for disabled persons to park vehicles in metered parking spaces without paying parking meter fees for an initial period exceeds the original intent of section 291-55, Hawaii Revised Statutes. The original intent was to exempt disabled persons who are licensed to drive and unable to reach or feed a parking meter due to their disability. However, as currently written, the section exempts any vehicle displaying a valid disability parking permit from paying the parking fee.

Your Committees further find that this measure will narrow the exemption from payment of parking meter fees to align to the original intent of section 291-55, Hawaii Revised Statutes, by allowing only disabled person who are unable to reach or feed a parking meter because of their disability.

Your Committees have amended this measure by:

- (1) Changing reference of "distinguishing parking device, code, or placard" to "disabled paid parking exemption permit";
- (2) Inserting a definition for "commissioned volunteer enforcement officer";
- (3) Specifying that disabled paid parking exemption permit holders will be exempt from parking meter fees for the first two-and-a-half hours or the maximum amount of time the meter allows, whichever is longer; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1236, as amended herein, and recommend that it

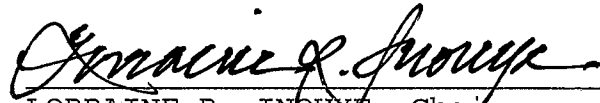


pass Second Reading in the form attached hereto as S.B. No. 1236, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Transportation and Judiciary,



KARL RHOADS, Chair

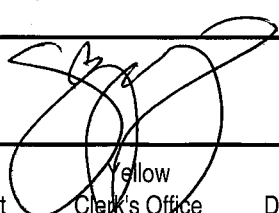


LORRAINE R. INOUE, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1236	TBS/JDC, WAM	2/14/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted				
<input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes