

DISABILITY AND COMMUNICATION ACCESS BOARD

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February 26, 2019

Testimony to the House Committee on Judiciary

House Bill 696, HD1 - Relating to Parking for Persons with Disabilities

The Disability and Communication Access Board (DCAB) is the State agency that administers the statewide program on parking for persons with disabilities. DCAB supported HB 696 as originally introduced. However, we prefer the contents of SB 1236 SD1, a similar bill that was drafted by DCAB and introduced as part of the Governor's legislative package. If you use the contents of SB 1236, SD1 the bill would do the following:

- 1) Limit the privilege of parking a vehicle in a metered parking area without payment of parking fees for the first two-and-a half hours or the maximum time the meter allows, whichever is longer, to only permittees who are licensed drivers and are not personally able to reach or operate parking meters or pay stations because of a physical disability;
- 2) Reword the definition of "person with a disability" to achieve clarity. DCAB proposed this change to require the certifying physician or advanced practice registered nurse to properly certify an applicant by having them identify the qualifying condition and its functional impact on the applicant's physical inability to walk 200 feet without stopping to rest. This amendment would not change who is eligible for disability parking permit;
- 3) Add the term "disability parking permit" to the parking statute and defines it to encompass the various types of disability parking permits. DCAB proposed this term to prevent each permit type from being repeated multiple times throughout the statute; and
- 4) Make the purchasing or selling of a permit by a private individual, and provide express authorization for law enforcement to confiscate for – fraudulent manufacture or alteration of a permit for personal use, sale, or issuance to another person; use of an invalid permit; and selling or purchasing a permit by a private individual.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

FRANCINE WAI
Executive Director

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE AP-LC

February 26, 2019

The Honorable Chris Lee, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: House Bill No. 696, H.D. 1, Relating to Parking for Disabled Persons

I am Andre Peters, Acting Captain of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports the passage of House Bill No. 696, H.D. 1, Relating to Parking for Disabled Persons. We support creating a misdemeanor offense for selling, manufacturing, altering, or the unauthorized use of valid or invalid placards.

The current bill allows any law enforcement officer and commissioned volunteer enforcement officer the ability to cite and confiscate fraudulent placards. The HPD employs parking violations clerks who are allowed to cite and tow vehicles for parking violations under Revised Ordinances 15-4.10. The HPD requests that the bill be amended to add in language of "special officers" to the list of authorized persons that are able to cite and tow vehicles and confiscate fraudulent placards.


The HPD urges you to support House Bill No. 696, H.D. 1, Relating to Parking for Disabled Persons.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,


Susan Ballard
Chief of Police


Andre Peters, Acting Captain
Traffic Division

February 25, 2019

To: Committee on Judiciary

From: Bryan K. Mick

Re: HB 696 HB 1 Relating to the Parking Program for People with Disabilities –
Hearing on Feb 26, 2019 at 2:05 pm

Aloha Chair Lee and committee members,

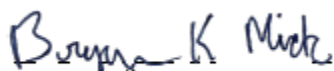
I write to you in full support of HB 696 as introduced, or as an alternative the administration version of this bill SB 1236 / HB 1010. HB 696 bill as introduced will do three things, all of them efforts to reduce the large amount of abuse that occurs with parking permits. In order of importance, those three things are:

- 1) Restrict the parking meter fee exemption to only those who drive and are unable to feed or operate a meter. This will remove one of the greatest incentives for someone to obtain a permit under false pretenses or to use a permit that belongs to someone else.
- 2) Make it illegal for a private citizen to buy or sell a parking permit.
- 3) Provide that parking enforcement officers can confiscate permits that are fraudulent, expired, bought or sold, or used by someone other than the permittee.

The current House Draft 1 eliminates the restriction of the free meter parking; however, I support that continuing to be included in the bill. Hawaii would be the fifth state to restrict parking in this manner, while 23 states have no free parking for anyone. The tired system is a good compromise that reduces the financial incentive for people to fraudulently obtain or use a placard. States who have implemented this system have seen the total number of permit holders drop, which indicates quite a few people are applying for permits only to get free parking, not because they need to use an accessible parking stall.

People who use placards illegally to avoid paying a meter are costing the State and Counties hundreds of thousands of dollars per year. Those moneys should be going into the Highway fund, and it makes sense to try and capture it rather than raising the gas tax or vehicle weight tax.

Mahalo,



Bryan K. Mick

LATE

Testimony of Kirby L. Shaw

House of Representatives
Committee on Judiciary
Tuesday, February 26, 2019
2:05 p.m.
Conference Room 329

Aloha Chair Lee and Members of the Committee:

My name is Kirby Shaw. I have a disabled persons parking permit.

I SUPPORT HB 696, HD1 – Relating to Parking for Disabled Persons. The bill provides needed improvements to the existing statute on parking for disabled persons. The improvements include –

- (1) Prohibiting the unauthorized sale or purchase of disabled persons parking permits;
- (2) Clarifying the authority of law enforcement officers and commissioned volunteer enforcement officers of the county law enforcement agencies to confiscate disabled persons parking permits in certain circumstances; and
- (3) Allowing advanced practice registered nurses to make a determination regarding a person's eligibility to obtain a disabled persons parking permit.

These are good amendments. However, I was very disappointed that HB 696 HD1 gutted the most important provision contained in HB 696 as it was originally introduced. That is, the original HB 696 would have repealed the parking meter fee exemption for all permittees. It would have ended the unjustified "free parking" giveaway to anyone with a disabled persons parking permit regardless of whether they have a physical disability that prevents them from gaining access to or operating a parking meter. It would have removed the powerful incentive for many medically unqualified individuals who pressure their doctors to certify their eligibility to obtain a "free parking" permit. Plus, it would have prevented such individuals from taking parking spaces reserved for persons with disabilities away from the people who truly need them. That said, the amendment would not have affected the right of any permittee to park in a space reserved for persons with disabilities.

The original HB 696 would have established a "distinguishing device, code, permit or decal" to be issued only to persons who are licensed to drive and who, because of their physical disability, cannot reach or operate parking meters or unattended pay stations. The "distinguishing device, code, permit or decal" would have allowed qualified applicants to park at parking meters and unattended pay stations without having to pay for the first 2.5 hours or the maximum time the meter allows, whichever is longer.

The original HB 696 was a better bill. Please restore the original provisions to the bill before you.

Mahalo nui for considering my testimony on this important and long overdue bill.

KIRBY L. SHAW