

LATE

SB-1236-SD-1

Submitted on: 2/19/2019 10:48:48 AM

Testimony for WAM on 2/20/2019 10:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
ROBERTA CHUN	Individual	Oppose	No

Comments:

Dear Senator Dela Cruz and the Ways and Means Committee:

I am in strong opposition to SB1236, SD1. The current parking meters, especially the Smart Meters (credit card/coin operated) may be reachable within 42 inches but the displays are often facing upward making **Late**le only to those who can stand to view it and for extended periods of time as the meters verify and approve payment. The resolution of the Smart Meters screens are also very difficult to see in sunlight as well as in low light environments, therefore, discriminating against individuals vision impairment.

I strongly encourage the Ways and Means Committee to reconsidered the intent of this bill as the requirement of a 42-inch reach to pay for parking is not the only possibility that a disabled person cannot pay for metered parking.

Sincerely,

Roberta Chun

February 20, 2019

To: House Committee on Ways and Means

From: Bryan K. Mick

Re: SB 1236 SD 1 Relating to the Parking Program for People with Disabilities –
Hearing on February 20, 2019 at 10:05 am

Aloha Chair Dela Cruz and committee members,

I write to you in full support of SB 1236 SD 1. This bill will do four things, all of them efforts to reduce the large amount of abuse that occurs with parking disability permits. In order of importance, those four 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) Reword the eligibility criteria to help ensure only qualified applicants receive certification from their physicians or advanced practiced registered nurse.
- 3) Make it illegal for a private citizen to buy or sell a parking permit.
- 4) Provide that parking enforcement officers can confiscate permits that are fraudulent, expired, bought or sold, or used by someone other than the permittee.

I want to focus your attention the first item. Hawaii would be the fifth state to restrict parking in this manner, while 23 states provide no free parking for anyone at the state level. With the recent increase in parking meter rates in the urban core of Honolulu and Waikiki, a standard shift employee who uses a disability parking permit to improperly avoid paying a meter is avoiding over **\$7,000** in annual parking meter fees. That is simply a huge financial incentive for people to abuse the system right now, either by obtaining a permit when not qualified for one, borrowing a permit that was issued to someone else, or by overstaying the amount of time that's legally exempted from payment (two and a half hours of the maximum time the meter allows, whichever is longer).

If ten percent of permit holders use the permit to avoid paying parking fees while they work, you are looking at a \$70 million loss in revenue. Even if one percent does this it equals \$7 million dollars in lost annual revenue. Before you consider raising the gas tax or the weight tax, please tighten up areas where transportation related revenue is being

lost. Based on other states' data, we can confidently predict that only between 3 and 7 percent of permittees would qualify for the new parking meter fee exempt permit.

If the State wants to provide transportation related subsidies for people with disabilities, it should do it in a way where all types of disabilities eligible, not just mobility ones, and it should allow for greater safeguards against abuse than our parking permit system can offer. The tiered system this bill creates is a good compromise.

Mahalo,

A handwritten signature in blue ink that reads "Bryan K. Mick". The signature is written in a cursive, slightly slanted style.

Bryan K. Mick



LATE

DISABILITY AND COMMUNICATION ACCESS BOARD

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February 20, 2019

TESTIMONY TO THE SENATE COMMITTEE ON WAYS AND MEANS

Senate Bill 1236, SD 1 - 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 strongly SUPPORTS Senate Bill 1236, SD 1.

Senate Bill 1236 was originally introduced by the Governor at the request of DCAB and was reviewed by the State Department of the Attorney General prior to introduction. Senate Draft 1 was reviewed by DCAB and we do not have any concerns with the changes offered by the Senate Committees on Transportation and Judiciary.

The purpose of the bill is to:

- 1) Limits the privilege of parking a vehicle in an on-street metered parking space without payment of parking fees for the first two and a half hours or the maximum time the meter allows, whichever is longer, available 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) Prohibit the unauthorized sale or purchase of certain disability parking permits;
- 3) Clarify the authority of law enforcement officers and commissioned volunteer enforcement officers to confiscate disability parking permits in certain circumstances;
- 4) Clarify the eligibility requirements to obtain a disability parking permit; and
- 5) Adds the term "disability parking permit" that encompasses the various forms of a disability parking permit.

DCAB strongly supports the changes that are proposed because they will help to ensure the appropriate issuance of permits, strengthen enforcement, reduce abuse, and provide clarity in the law.

The current parking meter fee exemption has become a free parking benefit for all permittees, but it was never intended as such. On the contrary, the exemption was intended for drivers who could not reach or operate parking meters because of a physical disability. The exemption was never intended to be a free parking benefit for all permittees. However, the unintended consequence of the current exemption was the creation of an incentive for persons to obtain a permit for the benefit of free parking. In addition, the exemption created an added temptation for those other than the permittees, such as family members, to illegally use the permit to obtain free parking at meters. We should note that this bill does not change any person's eligibility for a permit or suggest that they do not need a permit. It only removes the free meter privilege for those who can personally feed meters or who are driven by someone else who can feed the meter.

Importantly, limiting the meter exemption as proposed does not take away from any permittee the right to park in a parking space reserved for persons with disabilities. Permittees, as certified by a physician or advanced practice registered nurse, need - (1) parking that is closest to an accessible entrance of a facility, and or (2) a five foot or eight foot wide access aisle next to the parking space to enter or exit their vehicle with or without a mobility device - because they cannot walk two hundred feet without stopping to rest due to a diagnosed condition.

Four other states have limited the exemption as proposed in Senate Bill 1236, SD 1, and based on their data, we estimate that between three and seven percent of Hawaii permittees would qualify for the meter fee exemption.

DCAB is aware of one instance of a Hawaii disability parking permit offered for sale online, and therefore supports adding a provision to the parking statute to make the practice illegal.

DCAB supports the addition of a provision to the parking statute that uses express, unequivocal wording to authorize law enforcement officers and commissioned volunteer enforcement officers to confiscate disability parking permits that are invalid or illegally used by someone other than the permittee. This provision is necessary to help law enforcement remove invalid permits from circulation and to reduce the abuse of permits.

DCAB supports requiring the certifying physician or advanced practice registered nurse to identify a permit applicant's (1) qualifying health condition and (2) its functional impact on the applicant's physical inability to walk two hundred feet without stopping to rest. This amendment to the "person with a disability" definition will help physicians and advanced practice registered nurses certify only applicants who are eligible to obtain a permit, but it will not change the eligibility requirements.

DCAB supports adding a definition of the term "disability parking permit" to the parking statute to mean "a removable windshield placard, special license plate, temporary removable windshield placard, or distinguishing parking device, code, or placard." Use of the new term would eliminate the need to repeat the lengthy phrase multiple times throughout the statute.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

A handwritten signature in blue ink that reads "Francine Wai". The signature is written in a cursive, flowing style.

FRANCINE WAI
Executive Director

LATE

Testimony of Kirby L. Shaw

Senate Committee on Ways and Means
Wednesday, February 20, 2019
10:05 a.m.
Conference Room 211

Aloha Chair Dela Cruz, Vice-Chair Keith-Agaran and Members of the Committee:

I am a quadriplegic and use a power wheelchair. I do not drive my vehicle. My wife or another person drives me. I have a disabled parking permit.

I am writing in STRONG SUPPORT of SB 1236, SD1 – Relating to Parking for Disabled Persons.

The bill makes several important and necessary amendments to Chapter 291, Part III, Hawaii Revised Statutes (HRS) – the disabled persons parking statute. One of the significant provisions of the bill is the amendment of §291-55, HRS, which establishes a "disabled paid parking exemption permit" to be issued only to applicants who are licensed to drive and who, because of their physical disability, cannot reach or operate parking meters or unattended pay stations. The "disabled paid parking exemption permit" will allow qualified applicants to park in 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 amendment of §291-55, HRS ends the unjustified "free parking" giveaway to individuals with a disabled parking permit regardless of whether they have or do not have a physical disability that prevents them from gaining access to or operating a parking meter. In addition, the amendment removes a powerful incentive for many medically unqualified individuals who pressure their doctors to certify their eligibility to obtain a permit. I have witnessed on countless occasions obviously unqualified individuals taking advantage of the "free parking" giveaway. Members of the committee may have witnessed the same and thought that something should be done about this egregious abuse of the program. Given the recent increases in parking meter fees, the incentive for medically unqualified individuals to obtain a permit has become stronger.

Perhaps the worst part about incentivizing medically unqualified individuals to obtain a disabled parking permit is that they also park their vehicles in parking spaces reserved for persons with disabilities. There are a limited number of these spaces in parking lots. When medically unqualified individuals take these parking spaces, they prevent the people who truly need them from parking and thereby prevent them from visiting their intended destinations. This is the resulting harm that you can fix.

Lastly and likely an important matter for this committee, is the realization of a year after year increase in meter fee revenues from State owned meters if this bill becomes law.

Please pass this long overdue bill. Mahalo nui for considering my testimony.

Respectfully,

KIRBY L. SHAW