



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
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March 13, 2019

TESTIMONY TO THE HOUSE COMMITTEE ON HUMAN SERVICES AND HOMELESSNESS

Senate Bill 1236, SD 2 - 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 2 as it revises several provisions of the disabled persons parking program.

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.

The purposes of the bill are to:

- 1) Prohibit the unauthorized sale or purchase of certain disability parking permits;
- 2) Clarify the authority of law enforcement officers and commissioned volunteer enforcement officers to confiscate disability parking permits in certain circumstances;
- 3) Clarify but not change, the eligibility requirements to obtain a disability parking permit;
- 4) Adds the term "disability parking permit" that encompasses the various forms of a disability parking permit; and
- 5) 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.

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.

The law, at one time did not provide any free parking at meters. That was changed by Act 161 in 1990. The current parking meter fee exemption has become a free parking benefit for all permittees. The exemption was intended for drivers who could not reach or operate parking meters because of a physical disability. 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, SD2, and based on their data, we estimate that between three and seven percent of Hawaii permittees would qualify for the meter fee exemption.

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-GR

March 13, 2019

The Honorable Joy A. San Buenaventura, Chair
and Members
Committee on Human Services and
Homelessness
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 329
Honolulu, Hawaii 96813

Dear Chair San Buenaventura and Members:

SUBJECT: Senate Bill No. 1236, S.D. 2, 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.

Senate Bill No. 1236, S.D. 2, would allow any law enforcement and commissioned volunteer enforcement officers the ability to cite and confiscate fraudulent placards.

The Revised Ordinances of Honolulu, Section 15-4.10, states that the Chief of Police shall commission special officers designated by the director of the department of transportation services to issue citations for all nonmoving traffic violations including but not limited to citations for parking and tow zone violations. These special officers are designated as parking violation clerks in the HPD. The HPD requests that the bill be amended to add in language of "special officers" to the list of authorized persons.

The HPD supports creating a misdemeanor offense for the sale, manufacture, alteration, or unauthorized use of valid or invalid placards.

The HPD requests that there be conspicuous differences on a disability parking permit and a disabled paid parking permit to allow law enforcement, commissioned volunteer enforcement, and special officers to be able to quickly and correctly identify the permits.

The HPD urges you to support Senate Bill No. 1236, S.D. 2, Relating to Parking for Disabled Persons.

Serving and Protecting With Aloha

The Honorable Joy A. Buenaventura, Chair
and Members
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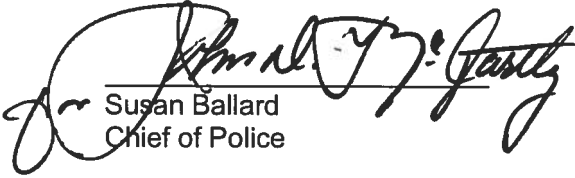
Thank you for the opportunity to testify.

Sincerely,



Andre Peters, Acting Captain
Traffic Division

APPROVED:



Susan Ballard
Chief of Police

Testimony of Kirby Shaw

House Committee on Human Services and Homelessness
Wednesday, March 13, 2019
8:30 a.m.
Conference Room 329

Aloha Chair San Buenaventura, Vice Chair Nakamura and Committee Members:

My name is Kirby Shaw. I strongly SUPPORT SB 1236, SD2 – 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 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 amendment of §291-55, HRS ends the unjustified "free parking" giveaway to individuals with a disabled persons parking permit who have no problem 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 into certifying their eligibility for a permit. I have witnessed on countless occasions obviously unqualified individuals with a permit taking advantage of the "free parking" giveaway. You may have noticed 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 medically unqualified individuals having permit is the fact that they park their vehicles in accessible parking spaces. Accessible parking spaces have two main features: (1) an adjacent 5 or 8 foot wide access aisle to load and unload a mobility device, and (2) close proximity between the parking space and the accessible entrance of a facility for person who have difficulty moving under their own power. There are a limited number of accessible spaces in parking lots. When medically unqualified individuals take these parking spaces, they prevent 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.

Importantly, persons who are issued a regular disabled persons parking permit – distinct from the "disabled paid parking exemption permit" – will retain the right to park in accessible parking spaces, which is the ultimate purpose of having the permit.

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

KIRBY SHAW

**TESTIMONY OF
LARRY S VERAY
TO
COMMITTEE ON HUMAN SERVICES & HOMELESSNESS
SUPPORT OF SB 1236 SD2
RELATING TO PARKING FOR DISABLED PERSONS
MARCH 11, 2019**

Aloha, Chair Joy San Buenaventura, Vice Chair Nadine Nakamura and Committee members. Although I am Chair for the Pearl City Neighborhood Board No. 21, I am submitting this testimony as an individual.

This bill is extremely important to enhance safety, respect and ability for disabled drivers who are unable to reach, operate a parking meter or an unattended pay station because of one's physical disability, and who display a disabled paid parking exemption permit. Importantly, this bill allows law enforcement to confiscate a disabled parking permit that has been altered or is invalid.

You have the ability to dramatically improve policy and the law for disabled persons that have been privileged with the use of disabled parking placards. Many family members and friends of those disabled persons who use of their family members personal vehicle and disabled parking placard illegally will now have law enforcement to confiscate those altered or invalid placards. This bill will be an impact on the elderly and disabled when permits are confiscated by law enforcement; however, this bill will make those family members think about parking in a disabled parking stall illegally or altering placards for their own use.

I most strongly urge you to pass SB1236 HD2. Mahalo!

Very respectfully,

Larry S. Veray

SB-1236-SD-2

Submitted on: 3/11/2019 11:47:24 PM

Testimony for HSH on 3/13/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Samuel Kaolulo	Individual	Support	No

Comments:

District of Makakilo/Kapolei

Representative Sharon E. Har, Vice Chair

House District: 42

Senator Mike Gabbard, Chair

Senate District: 20

TESTIMONY ON SENATE BILL 1236

RELATING TO PARKING FOR DISABLED PERSONS

By

Samuel L. Kaolulo, Student

University of Hawaii

Committee on Human Services and Homelessness

Representative Joy A. San Buenaventura, Chair

Representative Nadine K. Nakamura, Vice Chair

Wednesday, March 13, 2019; 8:30am

State Capitol, Conference Room 329

Chair Buenaventura, Vice Chair Nakamura, and Members of the Committee:

Hi, my name is Samuel Kaolulo and I am concerned constituent of my community in the Makakilo/Kapolei district and a student at the University of Hawaii. I am in strong support of SB1236 Relating to Parking for Disabled Persons. I believe that this bill will bring about the changes that is necessary to ensure the appropriate issuing of permits, reduce abuse of permits, and strengthen police enforcement. In addition, hopefully, it allows those that are not able to feed the meter due to a legitimate disability and also this bill does not change anyone's eligibility for a permit.

Thank for giving me the opportunity to provide testimony on Senate Bill 1326.

March 12, 2019

To: House Committee on Ways and Means

From: Bryan K. Mick

Re: SB 1236 SD 2 Relating to the Parking Program for People with Disabilities –
Hearing on March 13, 2019 at 8:30 am

Aloha Chair San Buenaventura and committee members,

I write to you in full support of SB 1236 SD 2. 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).

There are just over 100,000 permits statewide. If the equivalent of one percent uses their placard to improperly avoid parking meters fee while working a standard shift, \$7 million dollars is being lost every year. 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, it can confidently be predicted 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 are eligible, not just mobility ones, and it should allow for greater safeguards against abuse than the parking permit system can offer. The tiered system this bill creates is a good compromise.

Mahalo,

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

Bryan K. Mick

SB-1236-SD-2

Submitted on: 3/12/2019 10:42:58 PM

Testimony for HSH on 3/13/2019 8:30:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Karen Stone	Individual	Comments	No

Comments:

I support this SB1236 position, however the effective date should be amended to a more

current date, such as 7/1/2019-20. 7/1/50 is unacceptable.

Thank you for allowing public testimony.