



DISABILITY AND COMMUNICATION ACCESS BOARD

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February 1, 2019

TESTIMONY TO THE HOUSE COMMITTEES ON HEALTH AND HUMAN SERVICES AND HOMELESSNESS

House Bill 696 and Proposed House Bill 696, HD1 – Relating to Parking for Persons
with Disabilities

The Disability and Communication Access Board (DCAB), as the state agency that administers the statewide program on parking for persons with disabilities **SUPPORTS House Bill 696 as originally introduced with proposed amendments.**

The proposed House Draft 1 would remove the original language that amends the parking meter fee exemption to only permittees who drive and are physically unable to reach or operate a parking meter. DCAB believes the primary purpose of the bill was to limit 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, 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. House Draft 1 does not do that. We offer language at the end of our testimony to reinsert such language.

House Draft 1 proposes to:

- 1) Prohibit the unauthorized sale or purchase of certain disability parking permits;
and
- 2) Clarify the authority of law enforcement officers and commissioned volunteer enforcement officers of the county law enforcement agencies to confiscate invalid and valid disability parking permits in certain circumstances.

We support these changes that are proposed to strengthen issuance and enforcement, reduce abuse, and provide clarity in the law and subsequent administrative rules of parking for persons with disabilities.

We note the existence of two similar parking bills, House Bill 1010 and Senate Bill 1236 (companion bills) that were introduced as part of the Administration's package.

OUR PROPOSED AMENDMENTS ARE TO HOUSE DRAFT 1 as follows:

- 1) Amend the definition of "person with a disability" – without changing eligibility – to achieve clarity. DCAB proposes 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. Our proposal would not change who is eligible for the permits under the current law.

"Person with a disability" means a person with a disability which limits or impairs the ability to walk, and who, as determined by a licensed practicing physician or [:] or advanced practice registered nurse:

(1) *Cannot walk two hundred feet without stopping to rest, [~~due to a diagnosed arthritic, neurological, orthopedic, renal, vascular, or oncological condition;~~] and who has been diagnosed with:*

(A) An arthritic, neurological, orthopedic, renal, vascular, or oncological condition;

(B) Lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or

(C) A cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association;

(2) *[~~Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;~~] And because of a condition identified in paragraph (1):*

(A) Cannot walk two hundred feet under the person's own power without stopping to rest; or

(B) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or

(C) Uses portable oxygen.

2) Add a definition of "disability parking permit" to mean "a removable windshield placard, special license plate, temporary removable windshield placard, or distinguishing parking device, code, or placard." DCAB proposed this term to prevent the lengthy phrase from being repeated multiple times throughout the statute.

"Disability parking permit" means a removable windshield placard, special license plate, temporary removable windshield placard, or distinguishing parking device, code, or placard."

As a result, §§291-51.4, 291-51.7, 291-52.5, 291-52.6, 291-52.7, 291-53, 291-56, and 291-57 would all be amended to use the term "disability parking permit" instead of the aforementioned lengthy phrase.

3) Amend §291-55 to read as follows:

~~“291-55 [Metered parking privileges] Parking fees. [Any vehicle displaying special license plates, a removable windshield placard, or a temporary removable windshield placard issued under this part shall be permitted to park, without payment of metered parking fees, in any metered parking space for a maximum of the first two and a half hours or the maximum amount of time the meter allows, whichever is longer. All parking fees not specifically exempted under this part shall remain in effect.] (a) All parking fees not specifically exempted under this section shall remain in effect. (b) A driver who is issued a distinguishing device, code, or placard pursuant to section 291-A shall be permitted to park a vehicle, without payment of parking fees, in any parking area where payment is required via a meter or unattended pay station. The vehicle must prominently display the distinguishing parking device, code, or placard.”~~

4) In Sections 2 and 3 of House Draft 1, which propose to add a new section on Confiscation and amend the current section on Non-Transferability; Penalty, we ask that you retain the current fine of \$250 minimum to \$500 maximum rather than the proposed \$500 minimum and \$1,000 maximum. (Note: This was not changed in the original House Draft.) There is no compelling evidence to indicate that a higher fee is a larger deterrent. Furthermore, the change would require costly changes to the thousands of signs around the State that have the current penalty posted.

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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KIRK CALDWELL
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SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
JONATHAN GREMS
DEPUTY CHIEFS

OUR REFERENCE AP-GR

February 1, 2019

The Honorable John M. Mizuno, Chair
and Members
Committee on Health
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 Chairs Mizuno and San Buenaventura 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. This bill would limit free metered parking to the first two and a half hours for a vehicle with a disabled parking placard. It would also create a misdemeanor offense for selling or buying such a placard. In addition, the bill would allow volunteer special enforcement officers, parking violation clerks, and HPD officers to confiscate removable placards, license plates, permits and/or decals that are being used in an unauthorized manner.

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


for Andre Peters, Acting Captain
Traffic Division

HB-696

Submitted on: 1/29/2019 9:55:15 PM

Testimony for HLT on 2/1/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brett Kulbis	Honolulu County Republican Party	Support	No

Comments:

HB-696

Submitted on: 1/29/2019 7:39:36 PM

Testimony for HLT on 2/1/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Murakami-Akatsuka	Individual	Support	No

Comments:

Dear Committee,

I strongly support the passage of the proposed HB 696, HD 1 bill to remedy the misuse and abuse of the current handicap parking pass privileges and to increase the fines as stated in the bill.

Thank you for the opportunity to testify in support of HB 696, HD 1.

Lynn Murakami-Akatsuka

HB-696

Submitted on: 1/30/2019 7:58:08 AM

Testimony for HLT on 2/1/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Support	No

Comments:

February 1, 2019

To: Committee on Health, and
Committee on Human Services and Homelessness

From: Bryan K. Mick

Re: HB 696 Relating to the Parking Program for People with Disabilities – Hearing on
Feb 1, 2019 at 9:00 am

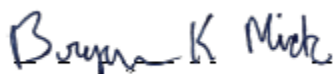
Aloha Chairs Mizuno and San Buenaventura and committee members,

I write to you in full support of HB 696 as introduced. This 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.

DCAB will be suggesting several amendments that would further combat abuse, I urge you to incorporate them. 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.

Mahalo,



Bryan K. Mick

Testimony of Kirby L. Shaw

House of Representatives

Committee on Health / Committee on Human Services and Homelessness

Friday, February 1, 2019

9:00 a.m.

Conference Room 329

Dear Chairs Mizuno and Buenaventura and Members of the Committees:

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 persons parking permit.

I am writing in SUPPORT of HB 696 – Relating to Parking for Disabled Persons – as introduced. It is unfortunate that the proposed HD1 guts the most important provision of the bill – limiting the meter fee exemption to permittees who drive themselves, but who, because of their physical disability cannot gain access to or feed a meter.

Giving free parking to anyone with a disabled persons parking permit is not justifiable. That is, there is no practical reason to give free parking to people who have no physical problem gaining access to or feeding a parking meter. The gutted provision would remove this unjustified economic benefit – free parking – for anyone with a disabled persons parking permit.

The gutted provision would also remove the incentive for many medically unqualified individuals who pressure their doctors to certify their eligibility to obtain a disabled persons parking permit. I have witnessed on countless occasions obviously unqualified individuals taking advantage of the "free parking" giveaway. Perhaps the committee members have witnessed the same and thought that something should be done about this.

Perhaps the worst part about incentivizing medically unqualified individuals to obtain a disabled persons parking permit is the unintended consequence of such persons using parking spaces reserved for persons with disabilities. There are a limited amount of the spaces in parking lots. When medically unqualified individuals use 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.

Please reinsert the meter fee exemption limitation provision that was in HB696 as introduced.

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

Respectfully,

KIRBY L. SHAW



LATE

STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
PRINCESS VICTORIA KAMAMALU BUILDING
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543

February 1, 2019

The Honorable Representative John Mizuno, Chair
House of Representatives Committee on Health
and

The Honorable Representative Joy San Buenaventura, Chair
House of Representatives Committee on Human Services and Homelessness
Thirtieth Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative John Mizuno, Representative Joy San Buenaventura, and
Members of the Committee:

SUBJECT: HB 0696 Proposed HD1 - Relating to Parking for Disabled Persons

The State Council on Developmental Disabilities **SUPPORTS HB 0696 Proposed HD1**. The bill 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. Establishes a misdemeanor offense for unauthorized sale or purchase of a disability parking permit. Clarifies law enforcement authority to confiscate altered, invalid, or unauthorized disability parking permits.

The Disability and Communication Access Board (DCAB) is responsible for providing technical assistance regarding the Americans with Disabilities Act (ADA) to State and County Government agencies, as well as private businesses. As such, the Council respectively defers to DCAB for any further proposed amendments they may have that would strengthen this measure to eliminate the abusive practices associated with disability parking permits.

Thank you for the opportunity to submit testimony **supporting HB 0696 Proposed HD1**.

Sincerely,

Daintry Bartoldus
Executive Administrator