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**A BILL FOR AN ACT**

RELATING TO PARKING FOR DISABLED PERSONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the statewide  
2 parking program for persons with disabilities, as established  
3 under part III of chapter 291, Hawaii Revised Statutes, pursuant  
4 to the federal Uniform System for Parking for Persons With  
5 Disabilities, 23 C.F.R. §1235, and administered by the  
6 disability and communication access board, provides individuals  
7 with mobility disabilities the ability to travel and park in  
8 accessible parking spaces via the use of parking placards.  
9 However, improper use and insufficient enforcement impact access  
10 for legitimate program participants. Therefore, the purpose of  
11 this Act is to assure appropriate use of placards by expanding  
12 enforcement at the municipal level.

13           SECTION 2. Section 286-119, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15           "(a) The examiner of drivers may suspend any driver's  
16 license without hearing when the examiner:

17           (1) Has reasonable cause to believe that the licensee is  
18           incompetent to operate the type of motor vehicle for

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1           which the licensee holds a license or is afflicted  
2           with mental or physical infirmities or disabilities  
3           ~~[which]~~ that would make it unsafe for the licensee to  
4           operate a motor vehicle of the type for which the  
5           licensee is licensed; ~~[or]~~

6           (2) Is notified by the appropriate county director of  
7           finance that the licensee has outstanding charges and  
8           fines relating to the disposition of an abandoned  
9           vehicle, as provided pursuant to section 290-13 ~~[or]~~; or

10          (3) Is notified that the licensee has violated section  
11          291-57(a)."

12          SECTION 3. Section 291-57, Hawaii Revised Statutes, is  
13          amended to read as follows:

14          "**§291-57 Parking spaces reserved for persons with**  
15          **disabilities; penalties.** (a) Any person who uses a parking  
16          space reserved for persons with disabilities who:

- 17           (1) Fails to properly display a disability parking permit;  
18           (2) Displays an invalid disability parking permit;  
19           (3) Uses a disability parking permit that was not issued  
20           to that person or to any passengers occupying the  
21           vehicle in the parking space; ~~[or]~~

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1        (4) Displays a disability parking permit that was issued  
2        to a person who was deceased at the time of the  
3        display; or

4        [~~(4)~~] (5) With or without a disability parking permit:

5            (A) Parks in an access aisle; or

6            (B) Obstructs the ingress or egress to a parking  
7                                  space reserved for a person with a disability;

8 shall be guilty of a traffic infraction under chapter 291D and  
9 shall be fined no less than \$250 nor more than \$500 and pay any  
10 costs incurred by the court related to assessing the fine;  
11 provided that a person with a disability who has been issued a  
12 valid disability parking permit that is currently in effect, and  
13 who has failed to display the disability parking permit while  
14 parking in a space reserved for persons with disabilities, shall  
15 pay a fine of no less than \$25 nor more than \$100 and any costs  
16 incurred by the court related to assessing the fine.

17        (b) Any person who uses a parking space reserved for  
18 persons with disabilities and refuses or fails to present an  
19 identification card issued under this chapter or the rules  
20 adopted thereunder to an enforcement officer upon request shall  
21 be guilty of a traffic infraction under chapter 291D and shall  
22 be fined no less than \$250 nor more than \$500.

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1 (c) Any citation issued under this chapter may be mailed  
2 to the violator pursuant to section 291C-165(b).

3 (d) The court shall distribute fifty per cent of the fine  
4 imposed on any person who is found guilty of or pleads guilty to  
5 violating this section to the law enforcement agency that issued  
6 the citation."

7 SECTION 4. Section 291-58, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 " ~~[+] §291-58 [.]~~ Requirement to provide parking for persons  
10 with disabilities; ~~[penalty.]~~ ordinances to enforce authorized.

11 ~~[Beginning July 1, 2002, any public or private entity that~~  
12 ~~provides a parking space reserved for persons with disabilities~~  
13 ~~shall comply with this part and any administrative rules adopted~~  
14 ~~under this part. A private entity that fails to comply with~~  
15 ~~this section shall be fined not less than \$250 nor more than~~  
16 ~~\$500 for each separate offense. Each day of violation shall~~  
17 ~~constitute a separate offense. Any action taken to impose or~~  
18 ~~collect any penalty provided for in this section shall be~~  
19 ~~considered a civil action.]~~ (a) Each county may enact

20 ordinances to:

21 (1) Enforce the design and construction requirements of  
22 this part, and any administrative rules adopted

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1           pursuant to this part, pertaining to the provision of  
2           parking spaces and access to parking spaces reserved  
3           for persons with disabilities, including but not  
4           limited to the number, location, design, and signage  
5           of these parking spaces; and

6           (2) Establish penalties for failure to comply with the  
7           ordinances enacted pursuant to this section.

8           (b) An official appointed by a county may enter the  
9           property of places of public accommodation to enforce any  
10          applicable ordinances enacted pursuant to this section.

11          (c) For the purpose of this section, "place of public  
12          accommodation" shall have the same meaning as defined in section  
13          489-2."

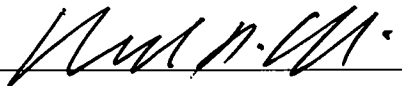
14          SECTION 5. Statutory material to be repealed is bracketed  
15          and stricken. New statutory material is underscored.

16          SECTION 6. This Act, upon its approval, shall take effect  
17          on July 1, 2024.

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INTRODUCED BY: 

BY REQUEST

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**Report Title:**

Disabled Persons Parking

**Description:**

Authorizes the Examiner of Drivers to suspend the driver's license of a person using a parking permit issued to a deceased person who was deceased when the permit was issued to obtain parking privileges; provides that fifty per cent of any fine imposed for violating part III of chapter 291, HRS, is remitted to the law enforcement agency that issued the citation. Authorizes each county to enact ordinances to enforce the design and construction requirements for the provision of accessible parking spaces, including the establishment of penalties for failure to comply with the ordinances. Authorizes officials appointed by a county to enter the property of places of public accommodation to enforce violations of the county ordinances.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS.

PURPOSE: To allow the Examiner of Drivers to suspend the driver's license of anyone found guilty of using a disability parking permit of a deceased person to obtain parking privileges; to provide that fifty percent of a fine imposed for a violation of section 291-57, Hawaii Revised Statutes, is remitted to the law enforcement agency that issued the citation; and to authorize each county to enact ordinances and enforce the design requirements of accessible parking spaces at places of public accommodation.

MEANS: Amend sections 286-119(a), 291-57, and 291-58, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Household members obtaining parking privileges by using the disability parking permit issued to a person who was deceased when the permit was used is a common form of accessible parking space abuse. Authorizing the Examiner of Drivers to suspend the driver's license of anyone cited by parking enforcement using a parking permit of a person who is deceased will serve as a strong deterrent against such abuse.

Enforcement of the legal use of accessible parking spaces is the responsibility of county and state law enforcement agencies. A lack of enforcement is often raised with the Disability and Communication Access Board (DCAB). However, DCAB lacks jurisdiction to enforce the proper use of reserved accessible parking spaces. This bill may incentivize enforcement agencies to increase their level of enforcement, which could include an expansion of the use of Volunteer Special Enforcement Officers.

Section 291-58, HRS, currently provides that a civil action may be brought against a place of public accommodation that does not provide an accessible parking space that meets design requirements to impose or collect a fine of \$250-\$500 per day. A successful action has never been brought under this section. The counties, via their building departments are better positioned to enforce accessible parking space design requirements at places of public accommodation and levy appropriate fines for noncompliance violations. Under section 291-73, HRS, the counties have similarly been authorized to enact ordinances to enforce electric vehicle parking and charging requirements in places of public accommodation.

Impact on the public: This bill will help ensure accessible parking spaces that comply with federal and state design requirements are available for qualified persons with disabilities.

Impact on the department and other agencies: If the number of citations issued at least doubles, the revenue to the State's general fund will not be reduced.

GENERAL FUND: None.

OTHER FUNDS: DCAB Parking Special Fund.

PPBS PROGRAM DESIGNATION: HTH 520.

OTHER AFFECTED AGENCIES: County Examiners of Drivers, State and County Law Enforcement Agencies, Judiciary.

EFFECTIVE DATE: July 1, 2024.