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# A BILL FOR AN ACT

RELATING TO PARKING.

**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 was established to  
3 issue disability parking permits to applicants who are certified  
4 by a physician or advance practice registered nurse. A vehicle  
5 displaying a disability parking permit is authorized to park in  
6 spaces designed and reserved for persons with mobility  
7 disabilities. However, improper use and insufficient  
8 enforcement impact access for legitimate program participants.

9           The legislature further finds that adoption of electric  
10 vehicles is a vital step in the State's efforts to combat  
11 climate change, reach the 2045 mandated carbon neutrality, and  
12 create a more sustainable future. The legislature has made  
13 efforts to encourage and facilitate the adoption of electric  
14 vehicles with tax credits and designated charging parking  
15 spaces. These parking spaces not only encourage the adoption of  
16 electric vehicles but are a vital component to personal and  
17 statewide use. The ability to park in an electric vehicle space



1 allows individuals to make sure they can continue to use their  
2 vehicle with ease and have the security to make it to their next  
3 destination with adequate fuel. The use of these spaces by  
4 non-electric vehicles not only takes away an incentive granted  
5 to electric vehicle drivers, but can imperil their  
6 transportation use by not allowing them the opportunity to  
7 recharge.

8 Therefore, the purpose of this Act is to:

9 (1) Establish a state reserved parking space enforcement  
10 fine for the unauthorized use of parking spaces  
11 reserved for persons with disabilities or electric  
12 vehicles;

13 (2) Specify that a fine shall not be imposed on a person  
14 who parks in a parking space reserved for electric  
15 vehicles if the charging system is inoperable or  
16 broken; and

17 (3) Require the fines be deposited into the safe routes to  
18 school program special fund.

19 SECTION 2. Section 291-57, Hawaii Revised Statutes, is  
20 amended by amending subsections (a) and (b) to read as follows:



1           "(a) Any person who uses a parking space reserved for  
2 persons with disabilities who:

3           (1) Fails to properly display a disability parking permit;  
4           (2) Displays an invalid disability parking permit;  
5           (3) Uses a disability parking permit that was not issued  
6           to that person or to any passengers occupying the  
7           vehicle in the parking space; or  
8           (4) With or without a disability parking permit:  
9           (A) Parks in an access aisle; or  
10           (B) Obstructs the ingress or egress to a parking  
11           space reserved for a person with a disability[+],  
12 shall be guilty of a traffic infraction under chapter 291D [~~and~~  
13 ~~shall~~], be fined no less than \$250 nor more than \$500, and pay  
14 any costs incurred by the court related to assessing the fine;  
15 provided that a person with a disability who has been issued a  
16 valid disability parking permit that is currently in effect, and  
17 who has failed to display the disability parking permit while  
18 parking in a space reserved for persons with disabilities, shall  
19 pay a fine of no less than \$25 nor more than \$100 and any costs  
20 incurred by the court related to assessing the fine. In  
21 addition to any other applicable penalties and fines, any person



1 who violates this subsection shall be assessed an additional  
 2 state reserved parking space enforcement fine of \$25; provided  
 3 that a person with a disability who has been issued a valid  
 4 disability parking permit that is currently in effect, and who  
 5 has failed to display the disability parking permit while  
 6 parking in a space reserved for persons with disabilities, shall  
 7 not be assessed the state reserved parking space enforcement  
 8 fine. The state reserved parking space enforcement fine shall  
 9 be enforced and collected by the district courts and be  
 10 deposited into the safe routes to school program special fund  
 11 established pursuant to section 291C-4.

12 (b) Any person who uses a parking space reserved for  
 13 persons with disabilities and refuses or fails to present an  
 14 identification card issued under this chapter or the rules  
 15 adopted thereunder to an enforcement officer upon request shall  
 16 be guilty of a traffic infraction under chapter 291D [~~and~~  
 17 ~~shall~~], be fined no less than \$250 nor more than \$500[-], and  
 18 pay any costs incurred by the court related to assessing the  
 19 fine. In addition to any other applicable penalties and fines,  
 20 any person who violates this subsection shall be assessed an  
 21 additional state reserved parking space enforcement fine of \$25.



1 The state reserved parking space enforcement fine shall be  
2 enforced and collected by the district courts and be deposited  
3 into the safe routes to school program special fund established  
4 pursuant to section 291C-4."

5 SECTION 3. Section 291-72, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7 "(a) Any person who parks a non-electric vehicle in a  
8 space designated and marked as reserved for electric vehicles or  
9 parks any vehicle in a parking space equipped with an electric  
10 vehicle charging system while not actively charging shall ~~[be]~~:

11 (1) Be guilty of a traffic infraction under chapter 291D  
12 ~~[and shall be]~~;

13 (2) Be fined ~~[not]~~ no less than \$50 nor more than \$100~~[r]~~;  
14 and ~~[shall pay]~~

15 (3) Pay any costs incurred by the court related to  
16 assessing the fine~~[r]~~;

17 provided that a fine shall not be imposed on a person who parks  
18 in a space designated and marked as reserved for electric  
19 vehicles if the electric vehicle charging system is visibly  
20 inoperable or broken, as determined by an enforcement officer



1 upon visual inspection. The enforcement officer shall document  
2 the inoperability of the charging system in their report.

3 In addition to any other applicable penalties and fines,  
4 any person who violates this subsection shall be assessed an  
5 additional state reserved parking space enforcement fine of \$25.  
6 The state reserved parking space enforcement fine shall be  
7 enforced and collected by the district courts and be deposited  
8 into the safe routes to school program special fund established  
9 pursuant to section 291C-4."

10 SECTION 4. Section 291C-4, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 **"§291C-4 Safe routes to school program special fund;**  
13 **establishment.** There [~~is~~] shall be established in the state  
14 treasury the safe routes to school program special fund, into  
15 which shall be deposited:

16 (1) Assessments collected for speeding in a school zone,  
17 pursuant to section 291C-104; [~~and~~]

18 (2) Safe routes to school program surcharges collected in  
19 accordance with sections 291-16 and 291C-5[~~-~~]; and



1        (3) Moneys collected from state reserved parking space  
2                    enforcement fines pursuant to sections 291-57 and  
3                    291-72."

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

6        SECTION 6. This Act shall take effect on July 1, 3000.



**Report Title:**

State Reserved Parking Space Enforcement Fine; Parking; Persons with Disabilities; Electric Vehicles

**Description:**

Establishes a state reserved parking space enforcement fine for the unauthorized use of parking spaces reserved for persons with disabilities or electric vehicles to be deposited into the Safe Routes to School Program Special Fund. Specifies that a fine shall not be imposed on a person who parks in a space designated and marked as reserved for electric vehicles if the electric vehicle charging system is visibly inoperable or broken. Effective 7/1/3000. (HD2)

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