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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 parking spaces  
2 reserved for persons with disabilities are vital for ensuring  
3 that public and private places remain accessible to everyone in  
4 our community. When persons who are not entitled to use these  
5 reserved spaces park in them nonetheless, they put that  
6 accessibility at risk.

7           The legislature further finds that when a person illegally  
8 parks in a parking space for persons with disabilities, that  
9 person often does so because they do not understand the rules  
10 surrounding these spaces, or because they do not believe they  
11 will be caught for doing so, or both.

12           Accordingly, the purpose of this Act is to enable those who  
13 are entitled to park in spaces for persons with disabilities to  
14 report violations when they see them, and for the State to use  
15 those reports to educate violators about the law and penalties  
16 and deter future violations.



1 SECTION 2. Section 291-57, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§291-57 Parking spaces reserved for persons with  
4 **disabilities; penalties[-]; citizen reporting.** (a) Any person  
5 who uses a parking space reserved for persons with disabilities  
6 who:

7 (1) Fails to properly display a disability parking permit;

8 (2) Displays an invalid disability parking permit;

9 (3) Uses a disability parking permit that was not issued

10 to that person or to any passengers occupying the  
11 vehicle in the parking space; or

12 (4) With or without a disability parking permit:

13 (A) Parks in an access aisle; or

14 (B) Obstructs the ingress or egress to a parking

15 space reserved for a person with a disability;

16 shall be guilty of a traffic infraction under chapter 291D and

17 shall be fined no less than \$250 nor more than \$500 and pay any

18 costs incurred by the court related to assessing the fine;

19 provided that a person with a disability who has been issued a

20 valid disability parking permit that is currently in effect, and

21 who has failed to display the disability parking permit while



1 parking in a space reserved for persons with disabilities, shall  
2 pay a fine of no less than \$25 nor more than \$100 and any costs  
3 incurred by the court related to assessing the fine.

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

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

12 (d) Any person who possesses a valid special license  
13 plate, removable windshield placard, disabled paid parking  
14 exemption permit, or identification card issued under this  
15 chapter, who witnesses a violation of subsection (a) may submit  
16 a citizen's report of the violation to the department of law  
17 enforcement. The report shall include sufficient photographic  
18 evidence to enable the department of law enforcement to discern:

19 (1) The complete license plate number of the offender's  
20 vehicle;



1       (2) That the vehicle is not displaying a removable  
2       windshield placard or disabled paid parking exemption  
3       permit; and

4       (3) That the vehicle is parked in a parking space reserved  
5       for persons with disabilities.

6       The report shall also include the date, time, and location of  
7       the violation, and the full legal name, telephone number, and  
8       serial number of the removable windshield placard or parking  
9       permit belonging to the reporting party. The director of the  
10      department of law enforcement may require other information to  
11      be included in the report, such as the make, model, and color of  
12      the offending vehicle.

13      (e) Upon receipt of a citizen's report pursuant to  
14      subsection (d), the department of law enforcement shall review  
15      the report. If the department of law enforcement is satisfied  
16      that the report is legitimate and the violation of subsection  
17      (a) is more likely than not to have occurred, the department  
18      shall mail a notice to the registered owner of the motor  
19      vehicle. The notice shall inform the owner that a vehicle  
20      registered in the owner's name has been reported by a citizen  
21      for violating subsection (a); provided that the notice shall not



1 contain the name of the reporting party. In addition, the  
2 notice shall include the following information:

- 3 (1) The date, time, and location of the violation;
- 4 (2) The license plate number of the vehicle reported;
- 5 (3) An explanation of the conduct prohibited by this  
6 section; and
- 7 (4) An explanation of the fines permitted under this  
8 section.

9 (f) A notice issued pursuant to subsection (e) shall not  
10 be treated as a summons, citation, or other penalty under this  
11 title.

12 (g) The department of law enforcement shall adopt rules  
13 pursuant to chapter 91, as may be necessary to implement this  
14 section."

15 SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:



# S.B. NO. 431

**Report Title:**

DLE; Traffic Violations; Parking for Disabled Persons; Citizen Reporting

**Description:**

Allows persons entitled to park in disabled parking spaces to report vehicles illegally parked in disabled parking spaces to the Department of Law Enforcement. Upon receipt of a legitimate report, requires the Department to send a notice to the offender informing them of the report and advising them of the law and penalties for illegally parking in a handicapped space.

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

