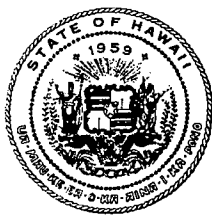


**SB2182**



## DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814  
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

February 23, 2010

### TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senate Bill 2182 – Relating to Parking Spaces Reserved for Persons with Disabilities

The Disability and Communication Access Board (DCAB) supports Senate Bill 2182 Relating to Parking Spaces Reserved for Persons with Disabilities.

We understand that this bill will improve the ability of the Honolulu Police Department to enforce parking violations and thus preserve the use of the accessible parking stalls for those individuals who legitimately are permitted to use the stall.

We defer to the Honolulu Police Department on the details on parking enforcement.

Thank you for the opportunity to testify on this measure.

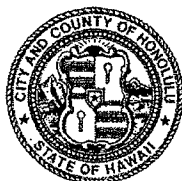
Respectfully submitted,

CHARLES W. FLEMING  
Chairperson  
Legislative Committee

FRANCINE WAI  
Executive Director

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honoluluupd.org



MUFI HANNEMANN  
MAYOR

LOUIS M. KEALOHA  
CHIEF

DELBERT T. TATSUYAMA  
RANDAL K. MACADANGDANG  
DEPUTY CHIEFS

OUR REFERENCE TTN-LC

February 23, 2010

The Honorable Brian T. Taniguchi, Chair  
and Members  
Committee on Judiciary and Government Operations  
The Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Taniguchi and Members:

Subject: Senate Bill No. 2182, Relating to Parking Spaces Reserved for  
Persons with Disabilities

I am Major Thomas Nitta of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

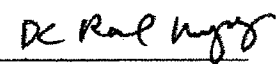
The HPD strongly supports Senate Bill No. 2182, Relating to Parking Spaces Reserved for Persons with Disabilities. The current reading of the law only allows the driver of the vehicle to be cited. The proposed changes will bring section 291-57 of the Hawaii Revised Statutes in accordance with all other parking citations allowing the driver or registered owner of the vehicle to be held accountable.

Thank you for this opportunity to testify.

Sincerely,

  
THOMAS T. NITTA, Major  
Traffic Division

APPROVED:

  
FOR LOUIS M. KEALOHA  
Chief of Police

*Serving and Protecting With Aloha*

**Dollar Thrifty  
Automotive Group, Inc.**



Honorable Brian T. Taniguchi  
Committee on Judiciary and  
Government Operations  
Hawaii State Senate

Hearing: February 23, 2010, 10a.m.; Room 016

Re: SB 2182 – Relating To Parking Spaces Reserved For Persons With Disabilities

Chair Taniguchi and Honorable Committee Members,

My name is Garrick Higuchi and I am the Area Director with Dollar Thrifty Automotive Group.

We support Catrala-Hawaii's position on this bill for an amendment. If the Committee is going to pass this bill please include an amendment that reduces like other parking violations or exempts the u-drive industry from having to pay fines of its renter/violators in the amount from \$250 to \$500 plus court and other expenses.

A the prior Committee's hearing on this bill Honolulu Police Department (HPD) offered suggested language (similar to current law) that allows u-drives to pay reduced fines if it provides the names and address of its renters (lessors) to the court. HPD provided a handout at the hearing.

We have no objection to comparable language proposed by HPD. The prior Committee suggested that such language be finalized with this Judiciary Committee. Please make such an amendment as proposed in Catrala's testimony.

Under current law "persons" who park in spaces reserved for the disabled are responsible for the payment of fines from \$250 to \$500 plus court costs, etc.

This bill in its present form seeks to extend such "costly penalties" to no longer the violators or the persons committing the violation but to the "owner of the vehicle" who did not commit the violation. This is not fair since the owner may not learn of the violation committed by a friend or relative until many months later perhaps during renewal of vehicle registration. Is this fair?

For the u-drive industry whose member companies own many thousands of vehicles this is not fair and very costly and will place a tremendous financial burden on the industry which simple is not fair since someone else committed the violation. U-drive companies already like other businesses serving our tourist industry are struggling to survive. It's simply not fair to burden u-drive companies as owners of vehicles which such "costly penalties" of \$250 to \$500 plus court costs and expenses for a violation caused by the renters of the vehicles who committed the violation and not the u-drive company which owns the vehicle. Presently even with paying the reduced parking violations of its renters under current law u-drives are not made whole and suffer losses since they often are not able to recoup the payment of such fines from their renters with associated administrative costs.

Thus, if this Committee is inclined to pass this bill making vehicle owners responsible for such violations we ask that it be passed with the amendment proposed by Catrala and suggested by HPD.

DTG Operations, Inc.  
1600 Kapiolani Blvd.  
Ste. 825  
Honolulu, HI 96814  
808-952-4242  
Fax 808-952-4255

**Martin Mylott**  
Hawaii Regional Manager

808 840 5500 T  
808 836 7803 F  
martin.mylott@avisbudget.com

Honorable Brian T. Taniguchi  
Committee on Judiciary and  
Government Operations  
Hawaii State Senate

Hearing: February 23, 2010, 10a.m.; Room 016

**Re: SB 2182 – Relating To Parking Spaces Reserved For Persons With Disabilities**

Chair Taniguchi and Honorable Committee Members,

My name is Martin Mylott and I am the Regional Manager with Avis Rent A Car and Budget Rent A Car Hawaii.

We support Catrala-Hawaii's position on this bill for an amendment. If the Committee is going to pass this bill please include an amendment that reduces like other parking violations or exempts the u-drive industry from having to pay fines of its renter/violators in the amount from \$250 to \$500 plus court and other expenses.

A the prior Committee's hearing on this bill Honolulu Police Department (HPD) offered suggested language (similar to current law) that allows u-drives to pay reduced fines if it provides the names and address of its renters (lessors) to the court. HPD provided a handout at the hearing.

We have no objection to comparable language proposed by HPD. The prior Committee suggested that such language be finalized with this Judiciary Committee. Please make such an amendment as proposed in Catrala's testimony.

Under current law "persons" who park in spaces reserved for the disabled are responsible for the payment of fines from \$250 to \$500 plus court costs, etc.

This bill in its present form seeks to extend such "costly penalties" to no longer the violators or the persons committing the violation but to the "owner of the vehicle" who did not commit the violation. This is not fair since the owner may not learn of the violation committed by a friend or relative until many months later perhaps during renewal of vehicle registration. Is this fair?

For the u-drive industry whose member companies own many thousands of vehicles this is not fair and very costly and will place a tremendous financial burden on the industry which simple is not fair since someone else committed the violation. U-drive companies already like other businesses serving our tourist industry are struggling to survive. It's simply not fair to burden u-drive companies as owners of vehicles which such "costly penalties" of \$250 to \$500 plus court costs and expenses for a violation caused by the renters of the vehicles who committed the violation and not the u-drive company which owns the vehicle. Presently even with paying the reduced parking violations of its renters under current law u-drives are not made whole and suffer losses since they often are not able to recoup the payment of such fines from their renters with associated administrative costs.

Thus, if this Committee is inclined to pass this bill making vehicle owners responsible for such violations we ask that it be passed with the amendment proposed by Catrala and suggested by HPD.



The Hertz Corporation  
677 Ala Moana Blvd., STE# 916  
Honolulu, HI 96813

Honorable Brian T. Taniguchi  
Committee on Judiciary and  
Government Operations  
Hawaii State Senate

Hearing: February 23, 2010, 10a.m.; Room 016

Re: SB 2182 – Relating To Parking Spaces Reserved For Persons With Disabilities

Chair Taniguchi and Honorable Committee Members,

My name is Aaron Medina and I am the General Manager for Hawaii, with The Hertz Corporation.

We support Catrala-Hawaii's position on this bill for an amendment. If the Committee is going to pass this bill, please include an amendment that reduces or exempts the car rental industry from having to pay fines incurred by its renters/customers.

At the prior Committee's hearing on this bill, the Honolulu Police Department (HPD) offered suggested language (similar to current law) which would allow car rental companies to pay reduced fines if it provides the names and address of its renters (lessors) to the court. HPD provided a handout at the hearing.

We have no objection to comparable language proposed by the HPD. The prior Committee suggested that such language be finalized with this Judiciary Committee. Please make such an amendment as proposed in Catrala's testimony.

Under current law "persons" who park in spaces reserved for the disabled are responsible for the payment of fines from \$250 to \$500 plus court costs, etc.

This bill in its present form seeks to extend such "costly penalties" to no longer the violators or the persons committing the violation but to the "owner of the vehicle" who did not commit the violation. This is not fair since the owner may not learn of the violation committed by a friend or relative until many months later perhaps during renewal of vehicle registration. Is this fair?

For the car rental industry, whose member companies own tens of thousands of vehicles, this is not fair, is very costly, and will place a tremendous financial burden on our industry. Even with paying the reduced parking violations of its renters under current law, car rental companies are not made whole and suffer losses since they often are not able to recoup the payment of such fines and associated collection/administrative costs from their renters.

Thus, if this Committee is inclined to pass this bill making vehicle owners responsible for such violations, we ask that it be passed with the amendment proposed by Catrala and suggested by the HPD.

Thank you for allowing us to testify.

Respectfully,



Aaron Medina  
General Manager, Hawaii

CATRALA --- EXHIBIT 1

S.B. NO. 2182

TWENTY-FIFTH LEGISLATURE, 2010  
STATE OF HAWAII

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## A BILL FOR AN ACT

RELATING TO PARKING SPACES RESERVED FOR PERSONS WITH  
DISABILITIES.

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

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

"§291-57 **Parking spaces reserved for persons with disabilities; penalties.** (a) Any [~~person-who~~] driver or registered owner of a vehicle, EXCEPT SUCH OWNER DEFINED AS A

LESSOR IN SECTION 437D-3, that uses a parking space reserved for persons with disabilities who:

- (1) Fails to properly display a removable windshield placard, a temporary removable windshield placard, or special license plates;
- (2) Displays an invalid removable windshield placard, an invalid temporary removable windshield placard, or invalid special license plates;
- (3) Uses a removable windshield placard, a temporary removable windshield placard, or special license plate that was not issued to that person or to any passengers occupying the vehicle in the parking space;  
or
- (4) With or without a removable windshield placard, a temporary removable windshield placard, or special license plates:
  - (A) Parks in an access aisle; or
  - (B) Obstructs the ingress or egress to a parking space reserved for a person with a disability;

shall be guilty of a traffic infraction under chapter 291D and shall be fined not less than \$250 nor more than \$500 and pay any costs incurred by the court related to assessing the fine; provided that a person with a disability who has been issued a valid placard or special license plate that is currently in



effect, and who has failed to display the placard or license plate while parking in a space reserved for persons with disabilities, shall pay a fine of not less than \$25 nor more than \$100 and any costs incurred by the court related to assessing the fine.

(b) Any person who uses a parking space reserved for persons with disabilities and refuses or fails to present an identification card issued under this chapter or the rules adopted thereunder to an enforcement officer upon request shall be guilty of a traffic infraction under chapter 291D and shall be fined not less than \$250 nor more than \$500.

(c) Any citation issued under this chapter may be [mailed]:

(1) Handed to the violator;

(2) Mailed to the violator pursuant to section 291C-165(b) [-] when the violator refuses the citation;  
or

(3) Affixed to the vehicle pursuant to section 291C-167 in the case of an unattended vehicle."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 2010.

Honorable Brian T. Taniguchi  
Committee on Judiciary and  
Government Operations  
Hawaii State Senate

Hearing: February 23, 2010, 10a.m.; Room 016

Re: SB 2182 – Relating To Parking Spaces Reserved For Persons With Disabilities

Chair Taniguchi and Honorable Committee Members,

My name is Paul Koppel and I am the Legislative Chair for Catrala-Hawaii whose membership consists of the major u-drive companies in Hawaii and the many businesses which support the industry.

We support this bill with the attached amendment which seeks to make u-drives responsible for the traffic infarctions of their renters (lessees) in accordance with present law, 291D-3.5. It should be recognized that u-drive owners did not commit such traffic infarctions and u-drives often don't recover payment of such infarctions on behalf of their renters. Thus, please don't add to the burdens of the industry which continues to struggle like the rest of Hawaii's tourism economy.

At the prior Committee's hearing on this bill Honolulu Police Department (HPD) offered suggested language (similar to current law) that allows u-drives to pay reduced fines if it provides the names and address of its renters (lessors) to the court. HPD provided a handout at the hearing.

We have no objection to comparable language proposed by HPD. The prior Committee suggested that such language be finalized with this Judiciary Committee. Please make such an amendment as proposed in Catrala's testimony.

Under current law "persons" who park in spaces reserved for the disabled are responsible for the payment of fines from \$250 to \$500 plus court costs, etc.

This bill in its present form seeks to extend such "costly penalties" to no longer the violators or the persons committing the violation but to the "owner of the vehicle" who did not commit the violation. This is not fair since the owner may not learn of the violation committed by a friend or relative until many months later perhaps during renewal of vehicle registration. Is this fair?

For the u-drive industry whose member companies own many thousands of vehicles this is not fair and very costly and will place a tremendous financial burden on the industry which simple is not fair since someone else committed the violation. U-drive companies already like other businesses serving our tourist industry are struggling to survive. It's simply not fair to burden u-drive companies as owners of vehicles which such "costly penalties" of \$250 to \$500 plus court costs and expenses for a violation caused by the renters of the vehicles who committed the violation and not the u-drive company which owns the vehicle. Presently even with paying the reduced parking violations of its renters under current law u-drives are not made whole and suffer losses since they often are not able to recoup the payment of such fines from their renters with associated administrative costs.

Thus, if this Committee is inclined to pass this bill making vehicle owners responsible for such violations we ask that it be passed with the amendment proposed by Catrala and suggested by HPD.

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## A BILL FOR AN ACT

RELATING TO PARKING SPACES RESERVED FOR PERSONS WITH  
DISABILITIES.

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

"§291-57 **Parking spaces reserved for persons with disabilities; penalties.** (a) Any [~~person who~~] driver or registered owner of a vehicle that uses a parking space reserved for persons with disabilities who:

- (1) Fails to properly display a removable windshield placard, a temporary removable windshield placard, or special license plates;
- (2) Displays an invalid removable windshield placard, an invalid temporary removable windshield placard, or invalid special license plates;
- (3) Uses a removable windshield placard, a temporary removable windshield placard, or special license plate

that was not issued to that person or to any passengers occupying the vehicle in the parking space; or

(4) With or without a removable windshield placard, a temporary removable windshield placard, or special license plates:

(A) Parks in an access aisle; or

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

shall be guilty of a traffic infraction under chapter 291D and shall be fined not less than \$250 nor more than \$500 and pay any costs incurred by the court related to assessing the fine;

provided that if the owner of a vehicle is a lessor of a rental or u-drive motor vehicle as defined in section 286-2 such owner shall be responsible for the traffic infraction of this section as and to the extent provided for in accordance with the

provisions of section 291-D-3.5; and further provided that a person with a disability who has been issued a valid placard or special license plate that is currently in effect, and who has failed to display the placard or license plate while parking in a space reserved for persons with disabilities, shall pay a fine of not less than \$25 nor more than \$100 and any costs incurred by the court related to assessing the fine.

(b) Any person who uses a parking space reserved for persons with disabilities and refuses or fails to present an identification card issued under this chapter or the rules adopted thereunder to an enforcement officer upon request shall be guilty of a traffic infraction under chapter 291D and shall be fined not less than \$250 nor more than \$500.

(c) Any citation issued under this chapter may be mailed:

(1) Handed to the violator;

(2) Mailed to the violator pursuant to section 291C-165(b) [-] when the violator refuses the citation;

or

(3) Affixed to the vehicle pursuant to section 291C-167 in the case of an unattended vehicle."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 2010.

INTRODUCED BY: \_\_\_\_\_ BY  
REQUEST

**Report Title:**

Parking Spaces; Persons With Disabilities; Violations

**Description:**

Clarifies that a violation is committed by a driver or registered owner of a vehicle. Allows citations to be handed to the violator or affixed to the vehicle if the vehicle is unattended. Clarifies that a citation may be mailed when the violator refuses the citation.