

# H.B. NO. 1109

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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 was established  
3 under part III of chapter 291, Hawaii Revised Statutes, pursuant  
4 to the federal Uniform System for Handicapped Parking Act,  
5 Public Law 100-641. The disability and communication access  
6 board administers the program, which together with the counties,  
7 issues disability parking permits (removable windshield  
8 placards, temporary removable windshield placards, or special  
9 license plates) to applicants who are certified by a physician  
10 or advance practice registered nurse. A vehicle displaying a  
11 disability parking permit is authorized to park in spaces  
12 designed and reserved for persons with mobility disabilities.

13           The legislature further finds that, while part III of  
14 chapter 291 provides for the imposition of fines for the use of  
15 a disability parking permit that was fraudulently manufactured  
16 or altered, used by unauthorized persons, or rendered invalid,  
17 it does not expressly authorize law enforcement officers to

1 confiscate the permits. Therefore, law enforcement officers may  
2 not confiscate such permits, which means that individuals who  
3 may be cited for unlawfully using them will be at liberty to  
4 violate the law again and thereby reduce the availability of  
5 parking spaces designed and reserved for persons who need them.

6 The purpose of this Act is to clarify the authority of law  
7 enforcement officers or commissioned volunteer enforcement  
8 officers of a county law enforcement agency to confiscate  
9 disability parking permits that are fraudulently manufactured or  
10 altered, used by unauthorized persons, or rendered invalid,  
11 which will prevent further violations and increase the  
12 availability of parking spaces designed and reserved for persons  
13 who need them.

14 SECTION 2. Section 291-51, Hawaii Revised Statutes, is  
15 amended by adding a new definition to be appropriately inserted  
16 and to read as follows:

17 ""Invalid" means expired or voided removable windshield  
18 placards, temporary removable windshield placards, or special  
19 license plates."

20 Section 3. Section 291-53, Hawaii Revised Statutes is  
21 amended to read as follows:

1           "§291-53 Nontransferability; penalty. The removable  
2 windshield placard, temporary removable windshield placard, or  
3 special license plates shall not be used by anyone other than  
4 the person with a disability to whom it is issued unless it is  
5 being used in connection with the transport of the person with a  
6 disability. An unauthorized person using the removable  
7 windshield placard, temporary removable windshield placard, or  
8 special license plates to obtain the special parking privileges  
9 authorized under this part or otherwise afforded by the State or  
10 counties, shall be guilty of a traffic infraction under chapter  
11 291D and fined not less than \$250 nor more than \$500. [A  
12 ~~removable windshield placard, temporary removable windshield~~  
13 ~~placard, or special license plates may be confiscated by a law~~  
14 ~~enforcement officer or commissioned volunteer enforcement~~  
15 ~~officer of the county law enforcement agency for any~~  
16 ~~unauthorized use."~~]

17           SECTION 4. Chapter 291, Hawaii Revised Statutes, is  
18 amended by adding to Part III a new section to be appropriately  
19 designated and to read as follows:

20           "§291-\_\_\_\_\_ Confiscation. A removable windshield placard,  
21 temporary removable windshield placard, or special license  
22 plates may be confiscated by a law enforcement officer or a

1 commissioned volunteer enforcement officer of a county law  
2 enforcement agency for:

3 (1) Fraudulent manufacture or alteration pursuant to  
4 section 291-52.7;

5 (2) Any unauthorized use pursuant to section 291-53; or

6 (3) Display of an invalid removable windshield placard, an  
7 invalid temporary removable windshield placard, or  
8 invalid special license plates pursuant to section  
9 291-57(2)."

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

12 SECTION 5. This Act, upon its approval, shall take effect  
13 on January 1, 2018.

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

BY REQUEST

JAN 23 2017

# H.B. NO. 1109

**Report Title:**

Disabled Persons Parking; Permit Confiscation

**Description:**

Clarifies the authority of law enforcement officers or commissioned volunteer enforcement officers to confiscate disability parking permits that are used unlawfully.

*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 clarify under what circumstances an enforcement officer or a commissioned volunteer enforcement officer may confiscate a disability parking permit which is being used in violation of part III, chapter 291, Hawaii Revised Statutes (HRS).

MEANS: Add a new section to part III of chapter 291, HRS; and amend sections 291-51 and 291-53, HRS.

JUSTIFICATION: Currently law only allows for a parking permit to be confiscated if it is valid and being used by a person other than the individual who the permit was issued to. Hawaii Revised Statutes contains several different types of violations in relation to a disability parking permit, this bill would allow a parking permit to be confiscated regardless of the type of violation it is used in conjunction with.

Impact on the public: The bill will require people to surrender their parking permits to law enforcement or commissioned volunteer officer.

Impact on the department and other agencies: The bill will expand the authority of law enforcement agencies to allow them to confiscate any disability parking permit used in violation of part III of chapter 291, HRS.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: HTH 520.

OTHER AFFECTED  
AGENCIES: County law enforcement agencies and state  
Department of Transportation.

EFFECTIVE DATE: January 1, 2018.