



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 7, 2019

GOV. MSG. NO. 1188

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 7, 2019, the following bill was signed into law:

SB1236 SD2 HD2 CD1

RELATING TO PARKING FOR DISABLED
PERSONS.
ACT 087 (19)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

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, established under
3 part III of chapter 291, Hawaii Revised Statutes, pursuant to
4 federal Public Law 100-641, and administered by the disability
5 and communication access board, provides individuals with
6 mobility disabilities the ability to travel and park in
7 accessible stalls.

8 The legislature finds that the exemption from payment of
9 parking fees for the first two-and-a-half hours or the maximum
10 time the meter allows, whichever is longer, was not intended as
11 a benefit for persons with mobility impairments. Rather, this
12 exemption was intended for those who drove themselves and who
13 were unable to reach or operate a parking meter because of a
14 physical disability.

15 The legislature finds that while part III of chapter 291,
16 Hawaii Revised Statutes, provides for the imposition of fines
17 for the use of disability parking permits that were fraudulently
18 manufactured or altered, used by unauthorized persons, or



1 rendered invalid, it does not expressly authorize law
2 enforcement to confiscate the permits. Therefore, law
3 enforcement officers may not confiscate such permits and
4 individuals who may be cited for unlawfully using a permit may
5 be at liberty to violate the law again, thereby reducing the
6 availability of parking spaces designed and reserved for persons
7 who need them.

8 The legislature further finds that while part III of
9 chapter 291, Hawaii Revised Statutes, establishes the
10 disabilities that qualify for a disability parking permit, the
11 current wording is vague. This causes physicians and advanced
12 practice registered nurses to incorrectly certify certain
13 applicants.

14 The purpose of the Act is to:

- 15 (1) Clarify that the exemption from parking fees is only
16 for those who drive and are unable to reach or operate
17 a parking meter due to a physical disability;
- 18 (2) Stipulate that the exemption also applies to areas
19 where parking fee payment is made via an unattended
20 pay station;



1 (3) Add additional wording to reflect changes in parking
2 technology and terminology;

3 (4) Authorize law enforcement to confiscate a permit that
4 is invalid or has been fraudulently manufactured or
5 altered; and

6 (5) Clarify the disabilities that qualify an applicant for
7 certification of eligibility.

8 SECTION 2. Chapter 291, Hawaii Revised Statutes, is
9 amended by adding three new sections to part III to be
10 appropriately designated and to read as follows:

11 "§291-A Issuance of a disabled paid parking exemption
12 permit. The issuing agency shall issue one disabled paid
13 parking exemption permit to each applicant who presents a
14 certificate of disability that verifies that the applicant is
15 licensed to drive a motor vehicle and that the applicant cannot
16 reach or operate parking meters or unattended pay stations
17 because of the applicant's physical disability. The disabled
18 paid parking exemption permit shall have the same expiration as
19 the removable windshield placard, temporary removable windshield
20 placard, or special license plates issued to the applicant.



1 §291-B Sale or purchase. Only a state or county issuing
2 agency may offer for sale a disability parking permit and no
3 person may purchase a disability parking permit except from a
4 state or county issuing agency. Any person who sells or
5 purchases a disability parking permit in violation of this
6 section shall be guilty of a misdemeanor. The sale or purchase
7 of each disability parking permit in violation of this section
8 shall constitute a separate offense.

9 §291-C Confiscation. A disability parking permit may be
10 confiscated by a law enforcement officer or a commissioned
11 volunteer enforcement officer of a county law enforcement agency
12 for:

- 13 (1) Fraudulent manufacture or alteration pursuant to
14 section 291-52.7;
15 (2) Any unauthorized use pursuant to section 291-53;
16 (3) Display of an invalid disability parking permit; or
17 (4) Selling or purchasing a disability parking permit
18 pursuant to section 291-B.

19 For the purposes of this section, "commissioned volunteer
20 enforcement officer" means a civilian volunteer commissioned by



1 a county chief of police to act as an enforcement officer for
2 limited purposes as determined by the county chief of police."

3 SECTION 3. Section 291-51, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By adding three new definitions to be appropriately
6 inserted and to read as follows:

7 "Disability parking permit" means a removable windshield
8 placard, special license plate, temporary removable windshield
9 placard, or disabled paid parking exemption permit.

10 "Disabled paid parking exemption permit" means a permit to
11 be displayed on a dashboard or contained elsewhere on the
12 vehicle, a code, or a two-sided, hanger style placard that
13 indicates that the individual to whom the permit, code, or
14 placard is issued pursuant to this part is licensed to drive a
15 motor vehicle and not able to reach or operate a parking meter
16 or unattended pay station because of a physical disability.

17 "Invalid disability parking permit" means an expired or
18 voided removable windshield placard, temporary removable
19 windshield placard, special license plates, or disabled paid
20 parking exemption permit."



1 2. By amending the definition of "person with a
2 disability" to read as follows:

3 "Person with a disability" means a person with a
4 disability [~~which~~] that limits or impairs the ability to walk,
5 and who, as determined by a licensed practicing physician[+] or
6 an advanced practice registered nurse:

7 (1) Cannot walk two hundred feet without stopping to rest,
8 ~~[due to a diagnosed arthritic, neurological,~~
9 ~~orthopedic, renal, vascular, or oncological~~
10 ~~condition;]~~ and who has been diagnosed with:

11 (A) An arthritic, neurological, orthopedic, renal,
12 vascular, or oncological condition;

13 (B) Lung disease to such an extent that the person's
14 forced (respiratory) expiratory volume for one
15 second, when measured by spirometry, is less than
16 one liter, or the arterial oxygen tension is less
17 than sixty mm/hg on room air at rest; or

18 (C) A cardiac condition to the extent that the
19 person's functional limitations are classified in
20 severity as Class III or Class IV according to



1 the standards set by the American Heart

2 Association; and

3 (2) ~~[Cannot walk without the use of, or assistance from, a~~
4 ~~brace, cane, crutch, another person, prosthetic~~
5 ~~device, wheelchair, or other assistive device;]~~

6 Because of a condition identified in paragraph (1):

7 (A) Cannot walk two hundred feet under the person's
8 own power without stopping to rest; or

9 (B) Cannot walk without the use of, or assistance
10 from, a brace, cane, crutch, another person,
11 prosthetic device, wheelchair, or other assistive
12 device; or

13 (C) Uses portable oxygen.

14 ~~[(3) Is restricted by lung disease to such an extent that~~
15 ~~the person's forced (respiratory) expiratory volume~~
16 ~~for one second, when measured by spirometry, is less~~
17 ~~than one liter, or the arterial oxygen tension is less~~
18 ~~than sixty mm/hg on room air at rest;~~

19 ~~(4) Uses portable oxygen; or~~

20 ~~(5) Has a cardiac condition to the extent that the~~
21 ~~person's functional limitations are classified in~~



1 ~~severity as Class III or Class IV according to the~~
2 ~~standards set by the American Heart Association.] "~~

3 SECTION 4. Section 291-51.4, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§291-51.4 **Fraudulent verification of an applicant as a**
6 **person with a disability; penalty.** A physician or advanced
7 practice registered nurse who fraudulently verifies that an
8 applicant is a person with a disability to enable the person to
9 represent to the issuing agency that the person is qualified to
10 obtain a [~~removable windshield placard, temporary removable~~
11 ~~windshield placard, or special license plates~~] disability
12 parking permit shall be guilty of a petty misdemeanor. Each
13 fraudulent verification shall constitute a separate offense."

14 SECTION 5. Section 291-51.7, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§291-51.7 **Reciprocity.** The State, counties, and private
17 property owners shall recognize [~~removable windshield placards,~~
18 ~~temporary removable windshield placards, and special license~~
19 ~~plates which~~] disability parking permits that have been issued
20 by authorities of other states and countries, for the purpose of
21 identifying persons permitted to:



- 1 (1) Utilize parking spaces reserved for persons with
- 2 disabilities; or
- 3 (2) Exercise other parking privileges afforded by the
- 4 State, counties, or private property owners for the
- 5 benefit of persons with disabilities."

6 SECTION 6. Section 291-52.5, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§291-52.5 Issuance of identification card. The issuing
9 agency shall issue one identification card at the same time it
10 issues a [~~removable windshield placard, temporary removable~~
11 ~~windshield placard, or special license plates~~] disability
12 parking permit to a person with a disability."

13 SECTION 7. Section 291-52.6, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§291-52.6 Replacement of a removable windshield placard,
16 disabled paid parking exemption permit, or identification card.

17 A removable windshield placard, temporary removable windshield
18 placard, disabled paid parking exemption permit, or
19 identification card shall be replaced upon:

- 20 (1) Submittal to the issuing agency of a completed
- 21 application for a removable windshield placard,



1 temporary removable windshield placard, disabled paid
2 parking exemption permit, or identification card to
3 the issuing agency; and

4 (2) Payment of a fee."

5 SECTION 8. Section 291-52.7, Hawaii Revised Statutes is
6 amended to read as follows:

7 "§291-52.7 Fraudulent manufacture or alteration, sale,
8 issuance, or use of [~~placards~~] disability parking permits and
9 identification cards. Any person who fraudulently manufactures
10 or alters a [~~removable windshield placard, temporary removable~~
11 ~~windshield placard,~~] disability parking permit or identification
12 card for personal use, sale, or issuance to another person to
13 circumvent the issuance requirements of this part, or any person
14 who uses a fraudulently manufactured or altered [~~placard~~]
15 disability parking permit or identification card to circumvent
16 the issuance requirements of this part, shall be guilty of a
17 misdemeanor. The fraudulent manufacture or alteration of each
18 [~~placard~~] disability parking permit and of each identification
19 card for personal use, sale, or issuance or is otherwise used in
20 violation of this section shall constitute a separate offense."



1 SECTION 9. Section 291-53, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§291-53 Nontransferability; penalty. The [~~removable~~
4 ~~windshield placard, temporary removable windshield placard, or~~
5 ~~special license plates~~] disability parking permit shall not be
6 used by anyone other than the person with a disability to whom
7 it is issued unless it is being used in connection with the
8 transport of the person with a disability. An unauthorized
9 person using the [~~removable windshield placard, temporary~~
10 ~~removable windshield placard, or special license plates~~]
11 disability parking permit to obtain the special parking
12 privileges authorized under this part or otherwise afforded by
13 the State or counties, shall be guilty of a traffic infraction
14 under chapter 291D and fined [~~not~~] no less than \$250 nor more
15 than \$500. [~~A removable windshield placard, temporary removable~~
16 ~~windshield placard, or special license plates may be confiscated~~
17 ~~by a law enforcement officer or commissioned volunteer~~
18 ~~enforcement officer of the county law enforcement agency for any~~
19 ~~unauthorized use.~~"] "

20 SECTION 10. Section 291-54, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§291-54 Display of removable [~~and~~] windshield placards;
2 temporary removable windshield placards [-]; and disabled paid
3 parking exemption permit. The placard or disabled paid parking
4 exemption permit shall be displayed in such a manner that it may
5 be viewed from the front and rear of the vehicle by hanging it
6 from the front windshield rearview mirror of a vehicle when the
7 placard or disabled paid parking exemption permit is in use. If
8 the design or condition of the rearview mirror, or the design or
9 condition of the placard or disabled paid parking exemption
10 permit precludes hanging the placard or disabled paid parking
11 exemption permit in a secure manner, the placard or disabled
12 paid parking exemption permit shall be displayed on the
13 dashboard."

14 SECTION 11. Section 291-55, Hawaii Revised Statutes is
15 amended to read as follows:

16 "§291-55 [~~Metered parking privileges.~~] Parking fees. [Any
17 ~~vehicle displaying special license plates, a removable~~
18 ~~windshield placard, or a temporary removable windshield placard~~
19 ~~issued under this part shall be permitted to park, without~~
20 ~~payment of metered parking fees, in any metered parking space~~
21 ~~for a maximum of two and a half hours or the maximum amount of~~



1 ~~time the meter allows, whichever is longer. All parking fees~~
2 ~~not specifically exempted under this part shall remain in~~
3 ~~effect.] (a) All parking fees not specifically exempted under~~
4 this section shall remain in effect.

5 (b) A driver who is issued a disabled paid parking
6 exemption permit pursuant to section 291-A shall be permitted to
7 park a vehicle in any parking area where payment is required,
8 via a parking meter or unattended pay station, without payment
9 of parking fees for the first two-and-a-half hours or the
10 maximum amount of time the meter allows, whichever is longer."

11 SECTION 12. Section 291-56, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§291-56 Rules. The disability and communication access
14 board shall adopt rules under chapter 91 to carry out the
15 purposes of this part, including rules for:

- 16 (1) The issuance, renewal, confiscation, revocation, and
17 suspension of [~~removable windshield placards,~~
18 ~~temporary removable windshield placards, and special~~
19 ~~license plates,]~~ disability parking permits;



1 (2) Decertification, reciprocity, and the replacement of
2 [~~placards~~] disability parking permits and
3 identification cards;

4 (3) The design of [~~the placard,~~] disability parking
5 permits and identification [~~card,~~] cards; [~~and special~~
6 ~~license plates~~]

7 (4) The establishment of transaction fees for removable
8 windshield placards [~~;~~], temporary removable windshield
9 placards, and disabled paid parking exemption permits;

10 (5) Signage and marking of parking spaces;

11 (6) Reimbursement rates to the counties; and

12 (7) Penalties."

13 SECTION 13. Section 291-57, Hawaii Revised Statutes, is
14 amended by amending subsections (a) and (b) to read as follows:

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

17 (1) Fails to properly display [~~a removable windshield~~
18 ~~placard, a temporary removable windshield placard, or~~
19 ~~special license plates;~~] a disability parking permit;

20 (2) Displays an invalid [~~removable windshield placard, an~~
21 ~~invalid temporary removable windshield placard, or~~



1 ~~invalid special license plates;~~ disability parking
2 permit;

3 (3) Uses a [~~removable windshield placard, a temporary~~
4 ~~removable windshield placard, or special license~~
5 ~~plate~~] 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 [~~removable windshield placard, a~~
9 ~~temporary removable windshield placard, or special~~
10 ~~license plates;~~] disability parking permit:

11 (A) Parks in an access aisle; or

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

14 shall be guilty of a traffic infraction under chapter 291D and
15 shall be fined [~~not~~] no less than \$250 nor more than \$500 and
16 pay any costs incurred by the court related to assessing the
17 fine; provided that a person with a disability who has been
18 issued a valid [~~placard or special license plate~~] disability
19 parking permit that is currently in effect, and who has failed
20 to display the [~~placard or license plate~~] disability parking
21 permit while parking in a space reserved for persons with



1 disabilities, shall pay a fine of [~~not~~] no less than \$25 nor
2 more than \$100 and any costs incurred by the court related to
3 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 [~~not~~] no less than \$250 nor more than \$500."

10 SECTION 14. In codifying the new sections added by section
11 2 of this Act, the revisor of statutes shall substitute
12 appropriate section numbers for the letters used in designating
13 the new sections in this Act.

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

16 SECTION 16. This Act shall take effect upon its approval;
17 provided that section 11 of this Act shall take effect on
18 July 1, 2021.

APPROVED this 7 day of JUN, 2019



GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: April 30, 2019
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.


President of the Senate


Clerk of the Senate

SB No. 1236, SD 2, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2019
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives