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 advanced 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

or altered, used by unauthorized persons, or rendered invalid, it does not expressly authorize law enforcement officers to

confiscate the permits. Therefore, law enforcement officers may



16

17

18

1	not confiscate such permits, which means that individuals who		
2	may be cited for unlawfully using them will be at liberty to		
3	violate the law again and thereby reduce the availability of		
4	parking spaces designed and reserved for persons who need them.		
5	The purpose of this Act is to:		
6	(1) Prohibit the sale or purchase of a removable		
7	windshield placard, a temporary removable windshield		
8	placard, or special license plates issued to an		
9	applicant; and		
10	(2) Clarify the authority of law enforcement officers and		
11	commissioned volunteer enforcement officers of the		
12	county law enforcement agency to confiscate valid and		
13	invalid removable windshield placards, temporary		
14	removable windshield placards, and special license		
15	plates under certain circumstances.		
16	SECTION 2. Chapter 291, Hawaii Revised Statutes, is		
17	amended by adding two new sections to part III to be		
18	appropriately designated and to read as follows:		
19	"§291-A Unlawful sale or purchase. Any person who sells		
20	or purchases a removable windshield placard, a temporary		

removable windshield placard, or special license plates issued

21

1	to an applicant shall be guilty of a misdemeanor. The sale or		
2	purchase of each removable windshield placard, temporary		
3	removable windshield placard, or special license plate in		
4	violation of this section shall constitute a separate offense.		
5	<u>§291</u>	-B Confiscation. A law enforcement officer or a	
6	commissio	ned volunteer enforcement officer of a county law	
7	enforceme	nt agency may confiscate:	
8	(1)	A removable windshield placard, a temporary removable	
9		windshield placard, or special license plates for:	
10		(A) Fraudulent manufacture or alteration pursuant to	
11		section 291-52.7;	
12		(B) Any unauthorized use pursuant to section 291-53	
13		<u>or</u>	
14		(C) Unlawful sale or purchase pursuant to section	
15		<u>291-A; or</u>	
16	(2)	An invalid removable windshield placard, an invalid	
17		temporary removable windshield placard, or invalid	
18		special license plates for:	
19		(A) Display of the invalid removable windshield	
20		placard, invalid temporary removable windshield	

1	pl	acard, or invalid special license plates	
2	pu	rsuant to section 291-57(a)(2); or	
3	<u>(B)</u> Us	e of an invalid removable windshield placard,	
4	an	invalid temporary removable windshield	
5	pl	acard, or invalid special license plates to	
6	ob	tain the parking privilege authorized under	
7	se	ction 291-55."	
8	SECTION 3. Section 291-51, Hawaii Revised Statutes, is		
9	amended by adding a new definition to be appropriately inserted		
10	and to read as follows:		
11	"Tnvalid" means expired or voided removable windshield		
12	placards, temporary removable windshield placards, or special		
13	license plates."		
14	SECTION 4. Section 291-53, Hawaii Revised Statutes is		
15	amended to read as follows:		
16	"§291-53 No	ntransferability; penalty. The removable	
17	windshield placar	d, temporary removable windshield placard, or	
18	special license p	lates shall not be used by anyone other than	
19	the person with a	disability to whom it is issued unless it is	
20	being used in connection with the transport of the person with		
21	disability. An u	nauthorized person using the removable	

- 1 windshield placard, temporary removable windshield placard, or
- 2 special license plates to obtain the special parking privileges
- 3 authorized under this part or otherwise afforded by the State or
- 4 counties, shall be quilty of a traffic infraction under chapter
- 5 291D and fined not less than \$250 nor more than \$500. [A
- 6 removable windshield placard, temporary removable windshield
- 7 placard, or special license plates may be confiscated by a law
- 8 enforcement officer or commissioned volunteer enforcement
- 9 officer of the county law enforcement agency for any
- 10 unauthorized use.]"
- 11 SECTION 5. In codifying the new sections added by section
- 12 2 of this Act, the revisor of statutes shall substitute
- 13 appropriate section numbers for the letters used in designating
- 14 the new sections in this Act.
- 15 SECTION 6. Statutory material to be repealed is bracketed
- 16 and stricken. New statutory material is underscored.
- 17 SECTION 7. This Act shall take effect on January 1, 2018.

18

Report Title:

Disabled Persons Parking; Placards and Plates; Confiscation

Description:

Establishes that the sale or purchase of a removable windshield placard, a temporary removable windshield placard, or special license plates is a misdemeanor. Clarifies the authority of law enforcement officers or commissioned volunteer enforcement officers to confiscate valid and invalid removable windshield placards, temporary removable windshield placards, or invalid special license plates for fraudulent manufacture or alteration; unauthorized use or display; and sale or purchase. (SD1)

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