
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 Public Law 100-641. The disability and communication access
5 board administers the program, which together with the counties,
6 issues removable windshield placards, temporary removable
7 windshield placards, or special license plates to applicants who
8 are certified by a physician or advanced practice registered
9 nurse. A vehicle displaying a disability parking permit is
10 authorized to park in spaces designed and reserved for persons
11 with mobility disabilities.

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



1 to confiscate such permits, which means that individuals cited
2 for unlawfully using them will be at liberty to violate the law
3 again. This also reduces the availability of parking spaces
4 designed and reserved for persons who need them.

5 The purpose of this Act is to:

- 6 (1) Prohibit the unauthorized sale or purchase of a
7 removable windshield placard, a temporary removable
8 windshield placard, or special license plates; and
9 (2) Clarify the authority of law enforcement officers and
10 commissioned volunteer enforcement officers of the
11 county law enforcement agencies to confiscate valid
12 and invalid removable windshield placards, temporary
13 removable windshield placards, and special license
14 plates under certain circumstances.

15 SECTION 2. Chapter 291, Hawaii Revised Statutes, is
16 amended by adding two new sections to part III to be
17 appropriately designated and to read as follows:

18 "§291-A Unlawful sale or purchase. Any person who sells
19 or purchases a placard that was fraudulently manufactured or
20 altered in violation of section 291-52.7 or who purchases or
21 sells a removable windshield placard, temporary removable



1 windshield placard, or special license plates except in
2 compliance with sections 291-51.5, 291-51.6, or 291-52 shall be
3 guilty of a misdemeanor.

4 §291-B Confiscation. A law enforcement officer or a
5 commissioned volunteer enforcement officer of a county law
6 enforcement agency may confiscate:

7 (1) A removable windshield placard, a temporary removable
8 windshield placard, or special license plates for:

9 (A) Fraudulent manufacture or alteration pursuant to
10 section 291-52.7;

11 (B) Any unauthorized use pursuant to section 291-53;
12 or

13 (C) Unlawful sale or purchase pursuant to section
14 291-A; or

15 (2) An invalid removable windshield placard, an invalid
16 temporary removable windshield placard, or invalid
17 special license plates for:

18 (A) Display of the invalid removable windshield
19 placard, invalid temporary removable windshield
20 placard, or invalid special license plates
21 pursuant to section 291-57(a)(2); or



1 (B) Use of an invalid removable windshield placard,
2 an invalid temporary removable windshield
3 placard, or invalid special license plates to
4 obtain the parking privilege authorized under
5 section 291-55."

6 SECTION 3. Section 291-51, Hawaii Revised Statutes, is
7 amended by adding a new definition to be appropriately inserted
8 and to read as follows:

9 "Invalid" means expired or voided removable windshield
10 placards, temporary removable windshield placards, or special
11 license plates."

12 SECTION 4. Section 291-53, Hawaii Revised Statutes is
13 amended to read as follows:

14 "**§291-53 Nontransferability; penalty.** The removable
15 windshield placard, temporary removable windshield placard, or
16 special license plates shall not be used by anyone other than
17 the person with a disability to whom it is issued unless it is
18 being used in connection with the transport of the person with a
19 disability. An unauthorized person using the removable
20 windshield placard, temporary removable windshield placard, or
21 special license plates to obtain the special parking privileges



1 authorized under this part or otherwise afforded by the State or
2 counties, shall be guilty of a traffic infraction under chapter
3 291D and fined not less than \$250 nor more than \$500. [A
4 ~~removable windshield placard, temporary removable windshield~~
5 ~~placard, or special license plates may be confiscated by a law~~
6 ~~enforcement officer or commissioned volunteer enforcement~~
7 ~~officer of the county law enforcement agency for any~~
8 ~~unauthorized use.] "~~

9 SECTION 5. In codifying the new sections added by section
10 2 of this Act, the revisor of statutes shall substitute
11 appropriate section numbers for the letters used in designating
12 the new sections in this Act.

13 SECTION 6. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 7. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 8. This Act shall take effect on January 1, 2018.



Report Title:

Disabled Persons; Parking; Placards and Plates; Confiscation

Description:

Establishes a misdemeanor offense for unauthorized sale or purchase of a disability parking permit. Clarifies law enforcement authority to confiscate altered, invalid, or unauthorized disability parking permits. (SB975 HD1)

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

