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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, as established  
3 under part III of chapter 291, Hawaii Revised Statutes, pursuant  
4 to the federal Uniform System for Parking for Persons With  
5 Disabilities, 23 Code of Federal Regulations section 1235, and  
6 administered by the disability and communication access board,  
7 provides individuals with mobility disabilities the ability to  
8 travel and park in accessible parking spaces via the use of  
9 parking placards. However, improper use and insufficient  
10 enforcement impact access for legitimate program participants.

11           Therefore, the purpose of this Act is to assure appropriate  
12 use of placards by expanding enforcement at the municipal level.

13           SECTION 2. Section 286-119, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15           "(a) The examiner of drivers may suspend any driver's  
16 license without hearing when the examiner:



1 (1) Has reasonable cause to believe that the licensee is  
 2 incompetent to operate the type of motor vehicle for  
 3 which the licensee holds a license or is afflicted  
 4 with mental or physical infirmities or disabilities  
 5 [~~which~~] that would make it unsafe for the licensee to  
 6 operate a motor vehicle of the type for which the  
 7 licensee is licensed; [~~or~~]

8 (2) Is notified by the appropriate county director of  
 9 finance that the licensee has outstanding charges and  
 10 fines relating to the disposition of an abandoned  
 11 vehicle, as provided pursuant to section 290-13[~~7~~]; or

12 (3) Is notified that the licensee has violated section  
 13 291-57(a)."

14 SECTION 3. Section 291-57, Hawaii Revised Statutes, is  
 15 amended to read as follows:

16 "**§291-57 Parking spaces reserved for persons with**  
 17 **disabilities; penalties.** (a) Any person who uses a parking  
 18 space reserved for persons with disabilities who:

- 19 (1) Fails to properly display a disability parking permit;
- 20 (2) Displays an invalid disability parking permit;

1 (3) Uses a disability parking permit that was not issued  
2 to that person or to any passengers occupying the  
3 vehicle in the parking space; [~~or~~]

4 (4) Displays a disability parking permit that was issued  
5 to a person who was deceased at the time of the  
6 display; or

7 [~~(4)~~] (5) With or without a disability parking permit:

8 (A) Parks in an access aisle; or

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

11 shall be guilty of a traffic infraction under chapter 291D and  
12 shall be fined no less than \$250 nor more than \$500 and pay any  
13 costs incurred by the court related to assessing the fine;  
14 provided that a person with a disability who has been issued a  
15 valid disability parking permit that is currently in effect, and  
16 who has failed to display the disability parking permit while  
17 parking in a space reserved for persons with disabilities, shall  
18 pay a fine of no less than \$25 nor more than \$100 and any costs  
19 incurred by the court related to assessing the fine.

20 (b) Any person who uses a parking space reserved for  
21 persons with disabilities and refuses or fails to present an



1 identification card issued under this chapter or the rules  
2 adopted thereunder to an enforcement officer upon request shall  
3 be guilty of a traffic infraction under chapter 291D and shall  
4 be fined no less than \$250 nor more than \$500.

5 (c) Any citation issued under this chapter may be mailed  
6 to the violator pursuant to section 291C-165(b).

7 (d) Upon finding that a person is guilty of, or pleads  
8 guilty to, violating this section, the court shall:

9 (1) Distribute fifty per cent of the fine imposed upon the  
10 person pursuant to this section to the law enforcement  
11 agency that issued the citation; and

12 (2) Notify the appropriate county examiner of drivers who  
13 may then suspend or revoke the person's driver's  
14 license in accordance with section 286-119."

15 SECTION 4. Section 291-58, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "[~~§~~291-58~~]~~ **Requirement to provide parking for persons**  
18 **with disabilities; [~~penalty-~~] ordinances to enforce authorized.**

19 [~~Beginning July 1, 2002, any public or private entity that~~  
20 ~~provides a parking space reserved for persons with disabilities~~  
21 ~~shall comply with this part and any administrative rules adopted~~



1 ~~under this part. A private entity that fails to comply with~~  
2 ~~this section shall be fined not less than \$250 nor more than~~  
3 ~~\$500 for each separate offense. Each day of violation shall~~  
4 ~~constitute a separate offense. Any action taken to impose or~~  
5 ~~collect any penalty provided for in this section shall be~~  
6 ~~considered a civil action.]~~ (a) Each county may enact  
7 ordinances to:

8 (1) Enforce the design and construction requirements of  
9 this part, and any administrative rules adopted  
10 pursuant to this part, pertaining to the provision of  
11 parking spaces and access to parking spaces reserved  
12 for persons with disabilities, including but not  
13 limited to the number, location, design, and signage  
14 of these parking spaces; and

15 (2) Establish penalties for failure to comply with the  
16 ordinances enacted pursuant to this section.

17 (b) An official appointed by a county may enter the  
18 property of places of public accommodation to enforce any  
19 applicable ordinances enacted pursuant to this section.



1        (c) For the purpose of this section, "place of public  
2 accommodation" shall have the same meaning as defined in section  
3 489-2."

4        SECTION 5. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6        SECTION 6. This Act shall take effect on July 1, 3000.



**Report Title:**

Disabled Persons Parking

**Description:**

Authorizes the Examiner of Drivers to suspend the driver's license of a person who violates certain regulations relating to the use of disability parking permits. Authorizes each county to enact ordinances to enforce the design and construction requirements for the provision of accessible parking spaces, including the establishment of penalties for failure to comply with the ordinances. Authorizes officials appointed by a county to enter the property of places of public accommodation to enforce violations of the county ordinances. Requires the court to distribute fifty per cent of any fine imposed on a person who violates certain regulations for the use of disability parking permits to the law enforcement agency that issued the citation. Effective 7/1/3000. (HD1)

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

