
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 C.F.R. §1235, and administered by the
6 disability and communication access board, provides individuals
7 with mobility disabilities the ability to travel and park in
8 accessible parking spaces via the use of parking placards.
9 However, improper use and insufficient enforcement impact access
10 for legitimate program participants.

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

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

16 "(a) The examiner of drivers may suspend any driver's
17 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~~[-]~~; 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 [~~not~~] not less than \$250 nor more than \$500 and

13 pay any costs incurred by the court related to assessing the

14 fine; provided that a person with a disability who has been

15 issued a valid disability parking permit that is currently in

16 effect, and who has failed to display the disability parking

17 permit while parking in a space reserved for persons with

18 disabilities, shall pay a fine of [~~not~~] not less than \$25 nor

19 more than \$100 and any costs incurred by the court related to

20 assessing the fine.



1 (b) Any person who uses a parking space reserved for
2 persons with disabilities and refuses or fails to present an
3 identification card issued under this chapter or the rules
4 adopted thereunder to an enforcement officer upon request shall
5 be guilty of a traffic infraction under chapter 291D and shall
6 be fined ~~[no]~~ not less than \$250 nor more than \$500.

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

9 (d) The court shall distribute fifty per cent of the fine
10 imposed on any person who is found guilty of or pleads guilty to
11 violating this section to the law enforcement agency that issued
12 the citation."

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

15 "[+]§291-58[+] Requirement to provide parking for persons
16 with disabilities; ~~[penalty-]~~ ordinances to enforce authorized.
17 ~~[Beginning July 1, 2002, any public or private entity that~~
18 ~~provides a parking space reserved for persons with disabilities~~
19 ~~shall comply with this part and any administrative rules adopted~~
20 ~~under this part. A private entity that fails to comply with~~
21 ~~this section shall be fined not less than \$250 nor more than~~



1 ~~\$500 for each separate offense. Each day of violation shall~~
2 ~~constitute a separate offense. Any action taken to impose or~~
3 ~~collect any penalty provided for in this section shall be~~
4 ~~considered a civil action.]~~ (a) Each county may enact
5 ordinances to:

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

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

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

18 (c) For the purpose of this section, "place of public
19 accommodation" shall have the same meaning as defined in section
20 489-2."



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

3 SECTION 6. This Act shall take effect on July 1, 2024.



Report Title:

Disabled Persons Parking

Description:

Authorizes the Examiner of Drivers to suspend the driver's license of a person using a parking permit issued to a deceased person who was deceased when the permit was issued to obtain parking privileges. Provides that fifty per cent of any fine imposed for violating part III of chapter 291, HRS, is remitted to the law enforcement agency that issued the citation.

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.

(SD1)

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

