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# A BILL FOR AN ACT

RELATING TO PARKING.

**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 to  
3 issue disability parking permits to applicants who are certified  
4 by a physician or advance practice registered nurse. A vehicle  
5 displaying a disability parking permit is authorized to park in  
6 spaces designed and reserved for persons with mobility  
7 disabilities. However, improper use and insufficient  
8 enforcement impact access for legitimate program participants.

9       The legislature further finds that adoption of electric  
10 vehicles is a vital step in the State's efforts to combat  
11 climate change, reach the 2045 mandated carbon neutrality, and  
12 create a more sustainable future. The legislature has made  
13 efforts to encourage and facilitate the adoption of electric  
14 vehicles with tax credits and designated charging parking  
15 spaces. These parking spaces not only encourage the adoption of  
16 electric vehicles but are a vital component to personal and  
17 statewide use. The ability to park in an electric vehicle space



1 allows individuals to make sure they can continue to use their  
2 vehicle with ease and have the security to make it to their next  
3 destination with adequate fuel. The use of these spaces by  
4 non-electric vehicles not only takes away an incentive granted  
5 to electric vehicle drivers, but can imperil their  
6 transportation use by not allowing them the opportunity to  
7 recharge.

8 Therefore, the purpose of this Act is to:

- 9 (1) Establish a state reserved parking space enforcement  
10 fine for the unauthorized use of parking spaces  
11 reserved for persons with disabilities or electric  
12 vehicles;
- 13 (2) Specify that a fine shall not be imposed on a person  
14 who parks in a parking space reserved for electric  
15 vehicles if the charging system is inoperable or  
16 broken; and
- 17 (3) Require fifty per cent of the fines be deposited into  
18 the safe routes to school program special fund and  
19 fifty per cent of the fines be deposited into the  
20 general fund.



SECTION 2. Section 291-57, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

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

(1) Fails to properly display a disability parking permit;

(2) Displays an invalid disability parking permit;

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

(4) With or without a disability parking permit:

(A) Parks in an access aisle; or

(B) Obstructs the ingress or egress to a parking

space reserved for a person with a disability[+],

shall be guilty of a traffic infraction under chapter 291D ~~and shall~~, be fined ~~[no]~~ not less than \$250 nor more than \$500, and pay any costs incurred by the court related to assessing the fine; provided that a person with a disability who has been issued a valid disability parking permit that is currently in effect, and who has failed to display the disability parking permit while parking in a space reserved for persons with disabilities, shall pay a fine of ~~[no]~~ not less than \$25 nor



1 more than \$100 and any costs incurred by the court related to  
2 assessing the fine. In addition to any other applicable  
3 penalties and fines, any person who violates this subsection  
4 shall be assessed an additional state reserved parking space  
5 enforcement fine of \$100; provided that a person with a  
6 disability who has been issued a valid disability parking permit  
7 that is currently in effect, and who has failed to display the  
8 disability parking permit while parking in a space reserved for  
9 persons with disabilities, shall not be assessed the state  
10 reserved parking space enforcement fine. The state reserved  
11 parking space enforcement fine shall be enforced and collected  
12 by the district courts. Fifty per cent of all fines collected  
13 shall be deposited into the state general fund and fifty per  
14 cent of all fines collected shall be deposited into the safe  
15 routes to school program special fund established pursuant to  
16 section 291C-4.

17 (b) Any person who uses a parking space reserved for  
18 persons with disabilities and refuses or fails to present an  
19 identification card issued under this chapter or the rules  
20 adopted thereunder to an enforcement officer upon request shall  
21 be guilty of a traffic infraction under chapter 291D ~~and~~



1 ~~shall~~], be fined [~~no~~] not less than \$250 nor more than \$500~~[.]~~,  
2 and pay any costs incurred by the court related to assessing the  
3 fine. In addition to any other applicable penalties and fines,  
4 any person who violates this subsection shall be assessed an  
5 additional state reserved parking space enforcement fine of  
6 \$100. The state reserved parking space enforcement fine shall  
7 be enforced and collected by the district courts. Fifty per  
8 cent of all fines collected shall be deposited into the state  
9 general fund and fifty per cent of all fines collected shall be  
10 deposited into the safe routes to school program special fund  
11 established pursuant to section 291C-4."

12 SECTION 3. Section 291-72, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14 "(a) Any person who parks a non-electric vehicle in a  
15 space designated and marked as reserved for electric vehicles or  
16 parks any vehicle in a parking space equipped with an electric  
17 vehicle charging system while not actively charging shall [~~be~~]:

18 (1) Be guilty of a traffic infraction under chapter 291D  
19 [~~and shall be~~];

20 (2) Be fined not less than \$50 nor more than \$100~~[.]~~; and  
21 [~~shall pay~~]



1       (3) Pay any costs incurred by the court related to  
2           assessing the fine[-];  
3   provided that a fine shall not be imposed on a person who parks  
4   in a space designated and marked as reserved for electric  
5   vehicles if the electric vehicle charging system is visibly  
6   inoperable or broken, as determined by an enforcement officer  
7   upon visual inspection. The enforcement officer shall document  
8   the inoperability of the charging system in their report.

9       In addition to any other applicable penalties and fines,  
10   any person who violates this subsection shall be assessed an  
11   additional state reserved parking space enforcement fine of \$50.  
12   The state reserved parking space enforcement fine shall be  
13   enforced and collected by the district courts. Fifty per cent  
14   of all fines collected shall be deposited into the state general  
15   fund and fifty per cent of all fines collected shall be  
16   deposited into the safe routes to school program special fund  
17   established pursuant to section 291C-4."

18       SECTION 4. Section 291C-4, Hawaii Revised Statutes, is  
19   amended to read as follows:

20       **"§291C-4 Safe routes to school program special fund;**  
21   **establishment.** There ~~[is]~~ shall be established in the state



1 treasury the safe routes to school program special fund, into  
2 which shall be deposited:

3 (1) Assessments collected for speeding in a school zone,  
4 pursuant to section 291C-104; ~~[and]~~

5 (2) Safe routes to school program surcharges collected in  
6 accordance with sections 291-16 and 291C-5~~[.]~~; and

7 (3) Moneys collected from state reserved parking space  
8 enforcement fines pursuant to sections 291-57 and  
9 291-72."

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

12 SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

State Reserved Parking Space Enforcement Fine; Parking; Persons with Disabilities; Electric Vehicles

**Description:**

Establishes a state reserved parking space enforcement fine for the unauthorized use of parking spaces reserved for persons with disabilities or electric vehicles. Deposits fifty percent of all fines into the general fund and fifty percent of all fines into the Safe Routes to School Program Special Fund. Specifies that a fine shall not be imposed on a person who parks in a space designated and marked as reserved for electric vehicles if the electric vehicle charging system is visibly inoperable or broken. (CD1)

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