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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  
3 under part III of chapter 291, Hawaii Revised Statutes, pursuant  
4 to the federal Uniform System for Parking for Persons with  
5 Disabilities, as adopted in title 23 Code of Federal Regulations  
6 section 1235. The disability and communication access board  
7 administers the program, which together with the counties,  
8 issues disability parking permits to applicants who are  
9 certified by a physician or advance practice registered nurse.  
10 A vehicle displaying a disability parking permit is authorized  
11 to park in spaces designed and reserved for persons with  
12 mobility disabilities. However, improper use and insufficient  
13 enforcement impact access for legitimate program participants.

14       The legislature further finds that adoption of electric  
15 vehicles is a vital step in the State's efforts to combat  
16 climate change, reach the 2045 mandated carbon neutrality, and  
17 create a more sustainable future. The legislature has made



1 efforts to encourage and facilitate the adoption of electric  
2 vehicles with tax credits and designated charging parking  
3 spaces. These parking spaces not only encourage the adoption of  
4 electric vehicles but are a vital component to personal and  
5 statewide use. The ability to park in an electric vehicle space  
6 allows individuals to make sure they can continue to use their  
7 vehicle with ease and have the security to make it to their next  
8 destination with adequate fuel. The use of these spaces by  
9 non-electric vehicles not only takes away an incentive granted  
10 to electric vehicle drivers, but can imperil their  
11 transportation use by not allowing them the opportunity to  
12 recharge.

13 Therefore, the purpose of this Act is to:

14 (1) Establish a state reserved parking space enforcement  
15 fine for parking in parking spaces reserved for  
16 persons with disabilities or electric vehicles;

17 (2) Increase fines for any person who parks a non-electric  
18 vehicle in a space designated and marked as reserved  
19 for electric vehicles; and

20 (3) Require the fines be deposited into the safe routes to  
21 school program special 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 and be deposited into the safe routes to  
13 school program special fund.

14 (b) Any person who uses a parking space reserved for  
15 persons with disabilities and refuses or fails to present an  
16 identification card issued under this chapter or the rules  
17 adopted thereunder to an enforcement officer upon request shall  
18 be guilty of a traffic infraction under chapter 291D [~~and~~  
19 ~~shall~~], be fined [~~no~~] not less than \$250 nor more than \$500[~~-~~],  
20 and pay any costs incurred by the court related to assessing the  
21 fine. In addition to any other applicable penalties and fines,



1 any person who violates this subsection shall be assessed an  
2 additional state reserved parking space enforcement fine of  
3 \$100. The state reserved parking space enforcement fine shall  
4 be enforced and collected by the district courts and be  
5 deposited into the safe routes to school program special fund."

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

8 "(a) Any person who parks a non-electric vehicle in a  
9 space designated and marked as reserved for electric vehicles or  
10 parks any vehicle in a parking space equipped with an electric  
11 vehicle charging system while not actively charging shall be  
12 guilty of a traffic infraction under chapter 291D [~~and shall~~],  
13 be fined not less than [~~\$50~~] \$250 nor more than [~~\$100,~~] \$500,  
14 and [~~shall~~] pay any costs incurred by the court related to  
15 assessing the fine. In addition to any other applicable  
16 penalties and fines, any person who violates this subsection  
17 shall be assessed an additional state reserved parking space  
18 enforcement fine of \$100. The state reserved parking space  
19 enforcement fine shall be enforced and collected by the district  
20 courts and be deposited into the safe routes to school program  
21 special fund."



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

3       "**§291C-4 Safe routes to school program special fund;**  
4 **establishment.** There is established in the state treasury the  
5 safe routes to school program special fund, into which shall be  
6 deposited:

7       (1) Assessments collected for speeding in a school zone,  
8       pursuant to section 291C-104; ~~and~~

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

11       (3) Moneys collected from state reserved parking space  
12       enforcement fines pursuant to sections 291-57 and  
13       291-72."

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

16       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 parking in parking spaces reserved for persons with disabilities or electric vehicles. Increases the fines for any person who parks a non-electric vehicle in a space designated and marked as reserved for electric vehicles. Requires the state reserved parking space enforcement fine to be deposited into the Safe Routes to School Program Special Fund. (SD2)

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