THE SENATE
THIRTY-THIRD LEGISLATURE, 2025
STATE OF HAWAII

S.B. NO. 431

JAN 16 2025

A BILL FOR AN ACT

RELATING TO PARKING FOR DISABLED PERSONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that parking spaces reserved for persons with disabilities are vital for ensuring that public and private places remain accessible to everyone in our community. When persons who are not entitled to use these reserved spaces park in them nonetheless, they put that accessibility at risk.

The legislature further finds that when a person illegally parks in a parking space for persons with disabilities, that person often does so because they do not understand the rules surrounding these spaces, or because they do not believe they will be caught for doing so, or both.

Accordingly, the purpose of this Act is to enable those who are entitled to park in spaces for persons with disabilities to report violations when they see them, and for the State to use those reports to educate violators about the law and penalties and deter future violations.

SECTION 2. Section 291-57, Hawaii Revised Statutes, is amended to read as follows:

"**§291-57 Parking spaces reserved for persons with disabilities; penalties[~~.~~]; citizen reporting.** (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 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 less than $25 nor more than $100 and any costs incurred by the court related to assessing the fine.

(b) Any person who uses a parking space reserved for persons with disabilities and refuses or fails to present an identification card issued under this chapter or the rules adopted thereunder to an enforcement officer upon request shall be guilty of a traffic infraction under chapter 291D and shall be fined no less than $250 nor more than $500.

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

(d) Any person who possesses a valid special license plate, removable windshield placard, disabled paid parking exemption permit, or identification card issued under this chapter, who witnesses a violation of subsection (a) may submit a citizen's report of the violation to the department of law enforcement. The report shall include sufficient photographic evidence to enable the department of law enforcement to discern:

(1) The complete license plate number of the offender's vehicle;

(2) That the vehicle is not displaying a removable windshield placard or disabled paid parking exemption permit; and

(3) That the vehicle is parked in a parking space reserved for persons with disabilities.

The report shall also include the date, time, and location of the violation, and the full legal name, telephone number, and serial number of the removable windshield placard or parking permit belonging to the reporting party. The director of the department of law enforcement may require other information to be included in the report, such as the make, model, and color of the offending vehicle.

(e) Upon receipt of a citizen's report pursuant to subsection (d), the department of law enforcement shall review the report. If the department of law enforcement is satisfied that the report is legitimate and the violation of subsection (a) is more likely than not to have occurred, the department shall mail a notice to the registered owner of the motor vehicle. The notice shall inform the owner that a vehicle registered in the owner's name has been reported by a citizen for violating subsection (a); provided that the notice shall not

contain the name of the reporting party. In addition, the notice shall include the following information:

(1) The date, time, and location of the violation;

(2) The license plate number of the vehicle reported;

(3) An explanation of the conduct prohibited by this section; and

(4) An explanation of the fines permitted under this section.

(f) A notice issued pursuant to subsection (e) shall not be treated as a summons, citation, or other penalty under this title.

(g) The department of law enforcement shall adopt rules pursuant to chapter 91, as may be necessary to implement this section."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: _____

S.B. NO. 431

Report Title:
DLE; Traffic Violations; Parking for Disabled Persons; Citizen Reporting

Description:
Allows persons entitled to park in disabled parking spaces to report vehicles illegally parked in disabled parking spaces to the Department of Law Enforcement. Upon receipt of a legitimate report, requires the Department to send a notice to the offender informing them of the report and advising them of the law and penalties for illegally parking in a handicapped space.

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