

A Bill for an Act Relating to Parking for Persons with Disabilities.

*Be It Enacted by the Legislature of the State of Hawaii:*

**SECTION 1. Findings and purpose.** The legislature finds that Congress passed Public Law 100-641, which directs the Secretary of Transportation to establish a uniform system for parking for persons with disabilities. The U.S. Department of Transportation issued final rules for Public Law 100-641 on March 11, 1991.

The purpose of this bill is to amend chapter 291, part III, Hawaii Revised Statutes, to conform with the guidelines established in the federal rules.

**SECTION 2.** Chapter 291, Part III, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated to read as follows:

**“§291- Special license plates.** Upon application by a person with a disability, each county shall issue special license plates for the vehicle registered in the applicant’s name if the vehicle is primarily used to transport persons with disabilities which limit or impair their ability to walk. The fee for the issuance of a special license plate shall not exceed the fee charged for a similar license plate for the same class vehicle.

**§291- Temporary removable parking placards.** The county shall require that the application for a temporary removable windshield placard be accompanied by the certification of a licensed physician which designates that the applicant meets the definition of persons with disabilities which limit or impair the ability to walk. The certification shall also include the period of time that the physician determines the applicant will have the disability, not to exceed six months. The temporary removable windshield placard shall be valid for a period of time for which the physician has determined that the applicant will have the disability, not to exceed six months from the date of issuance.

**§291- Reciprocity.** The State of Hawaii shall recognize removable windshield placards, temporary removable windshield placards, and special license plates which have been issued by authorities of other states and countries, for the purpose of identifying vehicles permitted to utilize parking spaces reserved for persons with disabilities.”

**SECTION 3.** Chapter<sup>1</sup> 291-51, Hawaii Revised Statutes, is amended to read as follows:

**“§291-51 Definitions.** As used in this part, the following terms have the following meanings:

“Certificate of disability” means a medical statement issued by a licensed practicing physician, [either in private practice or with a governmental agency,] which verifies that a person is [a] disabled [person.], limited, or impaired in the ability to walk.

“Disabled person” means [any] a person:

- (1) Who has lost the use of one or both lower extremities;
- (2) Who is so severely disabled as to require the use of a mechanical

device, including a wheelchair, a walker, crutches, or a brace to aid mobility;

- (3) Who is restricted by a lung disease to such an extent that the person's forced (respiratory) expiratory volume of one second, when measured by spirometry, is less than one liter, or the person's arterial oxygen tension (PaO<sub>2</sub>) is less than 60 mm/hg on room air at rest;
- (4) Who has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; or
- (5) Who has a diagnosed disease or disorder, including a severe arthritic, neurological, or orthopedic impairment, which creates a severe mobility limitation.]
- (1) Who cannot walk two hundred feet without stopping to rest, due to a diagnosed arthritic, neurological, or orthopedic condition;
- (2) Who cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;
- (3) Who are restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
- (4) Who uses portable oxygen; or
- (5) Who has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American heart association.

"International symbol of access" means the symbol adopted by Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation of the Disabled.

"Removable windshield placard" means a two-sided, hanger-style placard which includes on each side:

- (1) The international symbol of access which is white on a blue shield;
- (2) An identification number;
- (3) A date of expiration; and
- (4) The seal of the State of Hawaii.

"Special license plate" means a license plate that displays the international symbol of access:

- (1) In a color that contrasts to the background; and
- (2) In the same size as the letters or numbers on the plate.

"Temporary removable windshield placard" means a two-sided, hanger-style placard, which includes on each side:

- (1) The international symbol of access and is white on a red shield;
- (2) An identification number;
- (3) A date of expiration;
- (4) The seal of the State of Hawaii; and
- (5) The word "temporary".

SECTION 4. Section 291-52, Hawaii Revised Statutes, is amended to read as follows:

**"[§291-52] Issuance of removable windshield placard.** Each county may issue one distinguishing placard to each [disabled person] person with a disability who so requests and presents a certificate of disability. The removable windshield placard shall be designed, fabricated, and sold at cost to the counties

by the department of transportation. The county may charge a fee to cover its costs."

SECTION 5. Section 291-53, Hawaii Revised Statutes, is amended to read as follows:

"**[[§291-53]] Nontransferability; penalty.** The removable windshield placard shall not be used by anyone other than the disabled person to whom it is issued unless it is being used in connection with the transportation of a [disabled person.] person with a disability. An unauthorized person using the removable windshield placard shall be guilty of a parking violation and subject to the penalties provided by law. A removable windshield placard may be revoked for any unauthorized use."

SECTION 6. Section 291-54, Hawaii Revised Statutes, is amended to read as follows:

"**[[§291-54]] Display of removable windshield placard.** The placard shall be [prominently] displayed [in the disabled person's vehicle so as to be visible through the front windshield.] in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, the placard shall be displayed on the dashboard."

SECTION 7. Section 291-55, Hawaii Revised Statutes, is amended to read as follows:

"**§291-55 Parking privileges.** Any vehicle displaying the [placard] special license plates, removable windshield placards, or temporary removable windshield placards displaying the international symbol of access issued under this part shall be permitted to park, without payment of metered parking fees, in any metered [or unmetered] parking space designated for the use of disabled persons in accordance with law. Any vehicle displaying [a disabled driver placard] special license plates, removable windshield placards, or temporary removable windshield placards displaying the international symbol of access issued under this part shall be permitted to park, without payment of metered parking fees in any metered or unmetered parking space for a maximum of two-and-a-half hours or the maximum amount of time the meter allows, whichever is longer. All parking fees not specifically exempted under this part shall remain in effect."

SECTION 8. Section 291-56, Hawaii Revised Statutes, is amended to read as follows:

"**[[§291-56]] Rules.** The department of transportation may adopt rules under chapter 91 to carry out the purposes of this part, including rules for the issuance and renewal of removable windshield placards, or temporary removable windshield placards, reciprocity and special license plates, the replacement of lost or stolen placards, and the design of the placard."

SECTION 9. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>2</sup>

**SECTION 10.** This Act shall take effect on October 1, 1992.

(Approved April 27, 1992.)

**Notes**

1. So in original.
2. Edited pursuant to HRS §23G-16.5.