



DISABILITY AND COMMUNICATION ACCESS BOARD

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MINUTES

Standing Committee on Parking Meeting

Location: Disability and Communication Access Board
1010 Richards Street, BESSD Basement Conference Room B

Date: August 1, 2019

Time: 9:30 a.m.

PRESENT: Summer Kozai, Chairperson; Pauline Aughe, Violet Horvath, Bryant Yabui, Board Members; Kirby Shaw, Bryan Mick, Staff

GUEST: Puanani McBride

I. Chairperson Summer Kozai called the meeting to order at 9:37 a.m. Board members Pauline Aughe and Violet Horvath were present at the beginning of the meeting.

II. The Committee approved the minutes of the May 24, 2019 meeting (M/S/P Horvath/Aughe).

III. Old Business

A. Amending Hawaii Administrative Rules, Title 11, Chapter 219, Parking for Persons with Disabilities

Bryan Mick described the process for amending the administrative rules and listed the following proposed amendments:

1. To conform to statute, section "11-219-4 Definitions" the following would be added, "Disability parking permits," "Disabled paid parking exemption permit," and "Invalid disability parking permit." The definition of "Access aisle" would be amended so that it applies to lots with four or less parking stalls. The definition of "Licensed practicing physician" would be amended to add "a commissioned medical officer in the United States armed forces." The definition of "Person with a disability" would be amended so that certifying physicians and advanced practice registered nurses will have to indicate a diagnosed condition and its functional impact on an applicant's ability to walk 200 feet without stopping to rest.

Violet Horvath asked if the definition of "disabled paid parking exemption permit" reflected the concerns brought up at the last meeting regarding the inability for some permittees to easily hang or

remove a placard from a rearview mirror. Kirby Shaw replied that although the definition allows for the permit to take multiple forms, there are other parts of the statute that would have to be amended by the Legislature. Unfortunately, this particular issue was never mentioned as the bill made its way through the Legislature last session. Bryan Mick referred to Hawaii Revised Statutes (HRS) §291-54 "Display of removable windshield placards; temporary removable windshield placards; and disabled paid parking exemption permit. The placard or disabled paid parking exemption permit shall be displayed 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 when the placard or disabled paid parking exemption permit is in use. If the design or condition of the rearview mirror, or the design or condition of the placard or disabled paid parking exemption permit precludes hanging the placard or disabled paid parking exemption permit in a secure manner, the placard or disabled paid parking exemption permit shall be displayed on the dashboard." An email was sent to all four county police departments to ask if they foresaw any issue with people who are physically unable to hang the placard from the mirror and instead place it on the dashboard. None of them replied that they did. There could be an option to amend the law to allow for a new special license plate that would confer the meter parking exemption, but that would also require the Legislature to amend the law and the four counties to concur because they issue the special license plates. Staff expressed concern that if DCAB asks the Legislature to amend the law before the new permits are issued, an opening would be created for those who opposed the law to seek its reversal. Violet Horvath said that was a valid concern, and suggested DCAB implement the law as currently written and monitor complaints and feedback to see if the law needs amending in the future.

Board member Bryant Yabui arrived at 10:00 a.m.

2. To conform to definitions, section "11-219-5 Person with a disability parking application" would be amended. It also would be amended so that the signature of a physician or advanced practice registered nurse will be valid for sixty days prior to the submission of the form. The wording on conditions that do not qualify would be amended to reflect current terminology regarding behavioral, learning, intellectual, and developmental disabilities.

Bryant Yabui commented that the list of non-qualifying conditions is actually more expansive than what was covered by the old term "mental illness." Bryan Mick replied that was true, but the new wording would assist DCAB when explaining to applicants or physicians why a particular disability does not qualify. DCAB occasionally receives applications that list autism as the qualifying condition.

3. To conform to the definitions, section "11-219-6 Issuance of special license plates, removable windshield placards, and temporary removeable windshield placards" would be amended.
4. To conform to statute, section "11-219-6.25 Issuance of disabled paid parking exemption permit" would be added.

Bryan Mick explained that to obtain a disabled paid parking exemption permit, a person would send an application and a copy of his or her valid driver's license to DCAB, which will verify with the physician or advanced practice registered nurse that the applicant cannot reach or operate parking meters or unattended pay stations because of a physical disability before issuing a disabled paid parking exemption permit. If the applicant already has a temporary or long term placard, DCAB will mail a business reply envelope with the new permit because DCAB will require the return of the now invalidated placard.

5. To conform to definitions, section "11-219-6.5 Issuance of identification cards" would be amended.
6. To conform to definitions, section "11-219-7 Replacement of lost, stolen, mutilated, or confiscated special license plates, removable windshield placards, and temporary removable windshield placard" would be amended.
7. To conform to statute, section "11-219-7.25 Replacement of lost, stolen, mutilated, or confiscated of disabled paid parking exemption permit" would be added. This also includes an escalating fee for each replacement within the period for which the original permit is still valid, and it is \$30, \$60, \$90, and then \$120 for any subsequent replacement.

Bryan Mick explained these numbers came from staff discussing what would be high enough to serve as a deterrent but not so high as to become a barrier. Some thought was given to if the fee should be waived if a police report was filed, but that was not included. Bryant Yabui asked if there was any penalty for someone who claims they lost a placard, gets a replacement, but actually has two placards. Bryan Mick replied that the placard reported as lost is invalidated in the database and is subject to confiscation and a citation if it is used to obtain parking privileges. But it would be hard to have an additional penalty for being in possession of two placards or for fraudulently applying for a replacement as that would turn on knowledge and/or intent, which is hard to prove. Pauline Aughe asked what the current rate of placards reported lost or stolen is. Bryan Mick replied he was not sure, but thought it was in the two or three percent range. The disabled paid parking exemption permit will probably be a lower percentage rate because the permittees will all be drivers and self-sufficient, and the higher fees will encourage them to be more careful

about securing the placard when not in use. Because we predict only a few thousand of the current permittees will qualify for the new placard, the number of replacement applications submitted per year should be fairly small.

8. To conform to definitions, section "11-219-7.5 Renewal of special license plates, removable windshield placards, and temporary removable windshield placard" would be amended. It would also be amended to indicate that the signature of a physician or advanced practice registered nurse would be valid for 180 days prior to the submission of the form for a long term permit, and for 60 days prior to the submission of the form for a temporary permit.
9. To conform to statute, section "11-219-7.75 Renewal of disability paid parking exemption permits" would be added.
10. To conform to definitions, section "11-219-8 Return of disability parking permits and identification cards" would be amended.
11. To conform to definitions, section "11-219-10 Display of permits and presentation of identification cards" would be amended."
12. Because the current section is redundant with the statute, section "11-219-10.5 Metered parking privileges" would be deleted.
13. To conform to definitions, section "11-219-11 Nontransferability" would be amended.
14. To conform to definitions, section "11-219-12 Penalties" would be amended.
15. To fix a grammatical error, section "11-219-14 Signage and marking of parking space and access aisle" would be amended to delete the word "not." It would add a section to exempt an accessible parking space which has been assigned to an employee from the signage requirements. It would also be amended to exempt a temporary accessible parking space and access aisle, defining "temporary" as seven consecutive days or less, from the striping requirements. A sentence would be added permitting the painting of the words "No Parking" in an access aisle. A new section would be added stating that all other requirements under the Americans with Disabilities Act for accessible parking spaces would still apply to temporary parking spaces and access aisles, just not the striping under the administrative rules.

Bryan Mick explained that staff had opted to recommend seven days as the definition of a temporary parking space and access aisle to try and prevent abuse. In most cases the fixed parking spaces and access aisles are temporarily unavailable due to a special event or to the movement of heavy construction equipment and materials. Bryant

Yabui commented that the first sentence about striping of temporary access aisles should be moved into the new section because they are similar. Bryan Mick replied that perhaps that sentence could be deleted because the new section contains almost identical language.

The proposed draft Hawaii Administrative Rules, Title 11, Chapter 219, "Parking for Persons with Disabilities" as amended were approved to be submitted to the full DCAB Board for their consideration (M/S/P Horvath/ Kozai).

IV. Open Forum

There were no issues raised.

V. Next Meeting

The next Committee meeting will be September 19, 2019.

VI. Adjournment

The meeting adjourned at 10:48 a.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,



BRYAN K. MICK