

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS COMMITTEE

March 19, 2004

Committee
Report No.

04-56

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Government Relations Committee, having met on March 3, 2004, makes reference to County Communication No. 03-29, from Dain P. Kane, former Chair of the Committee of the Whole, relating to contradictions between State and County laws pertaining to parking for persons with disabilities.

County Communication 03-29 also transmits the following:

1. County Communication No. 02-34, from Patrick S. Kawano, former Council Chair, transmitting correspondence dated January 25, 2002, from the Chairperson of the State Disability and Communication Access Board (DCAB).
2. Correspondence dated February 27, 2002, from Dain P. Kane, former Chair of the Committee of the Whole, transmitting copies of correspondence to the Director of Council Services from the Program Specialist, Disability and Communication Access; Hawaii Revised Statutes (HRS) 291, Part III, Parking for Disabled Persons; and Hawaii Administrative Rules (HAR) Title 11, Chapter 219, Parking for Persons with Disabilities.
3. Correspondence dated August 2, 2002, from Dain P. Kane, former Chair of the Committee of the Whole, requesting that former Mayor Apana provide the status of any action to rectify the discrepancies between the County Code and the Hawaii Revised Statutes or Hawaii Administrative Rules.
4. Correspondence dated August 12, 2002, from former Mayor Apana, stating that he had forwarded the matter to the Corporation Counsel for appropriate action.

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At its meeting of January 10, 2003, the Council referred County Communication No. 03-29 to your Government Relations Committee.

By correspondence dated February 18, 2004, the Chair of your Committee of the Whole transmitted a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FINE FOR THE UNAUTHORIZED USE OF SPECIALLY DESIGNATED PARKING PLACES FOR DISABLED PERSONS". The purpose of the draft bill is to increase the allowable fines under Maui County Code Section 10.48.105 to the range available under the corresponding State scheme.

At its meeting, your Committee met with the Commander, Traffic Section, Department of Police; a Sergeant, Traffic Section, Department of Police; and the Corporation Counsel.

There was no public testimony.

Your Committee Chair noted that increasing the allowable fines for parking illegally in a stall designated for persons with disabilities would create a greater disincentive for anyone to illegally use marked stalls for persons with disabilities.

A Committee member noted that it was time to take a stand against abuses by members of the general public who are not disabled, yet utilize these parking stalls for the sake of convenience.

The Corporation Counsel recommended revising Section 10.48.105 Subsection G in the draft bill, to replace the phrase "Any disabled person" with "Any person using a parking space reserved for disabled persons".

Your Committee voted to recommend that the revised bill be passed on first reading.

Your Committee is in receipt of a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.105, MAUI COUNTY CODE, PERTAINING TO THE FINE FOR THE UNAUTHORIZED USE OF SPECIALLY DESIGNATED PARKING PLACES FOR DISABLED PERSONS," approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's suggested revisions.

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Your Government Relations Committee RECOMMENDS that Bill No. _____ (2004), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.105, MAUI COUNTY CODE, PERTAINING TO THE FINE FOR THE UNAUTHORIZED USE OF SPECIALLY DESIGNATED PARKING PLACES FOR DISABLED PERSONS" be PASSED ON FIRST READING and be ORDERED TO PRINT.

Adoption of this report is respectfully requested.

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DAIN P. KANE **Chair**

MICHAEL J. MOLINA **Member**

G. RIKI HOKAMA **Vice-Chair**

CHARMAINE TAVARES **Member**

DANNY A. MATEO **Member**