

## DISABILITY AND COMMUNICATION ACCESS BOARD

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March 20, 2025

### TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

#### Senate Bill 1008 HD1 – Relating to Parking

The Disability and Communication Access Board (DCAB) strongly supports Senate Bill 1008 HD1 – Relating to Parking. This bill authorizes the counties to adopt ordinances to enforce the accessible parking space requirements for parking spaces reserved for persons with disabilities and electric vehicles. Repeals the requirement for any public or private entity that provides parking spaces reserved for persons with disabilities to comply with laws relating to parking for disabled persons.

DCAB administers the statewide program on parking for persons with disabilities in accordance with part III of Chapter 291, Hawaii Revised Statutes (HRS) and issues disability parking permits to qualified applicants with disabilities. Currently, more than 100,000 Hawaii residents have a valid disability parking permit.

DCAB often receives complaints from disability parking permittees about places of public accommodation that fail to comply with the federal Americans with Disabilities Act (ADA) Title III and/or the State requirements for providing parking spaces reserved for persons with disabilities, including their number, location, design, and signage.

Section 291-58, HRS, provides a penalty of \$250 to \$500 per day for private entities that fail to comply with the ADA and State design, construction, and signage requirements. Under §291-58, HRS, a private entity in violation for an entire year could face a penalty of between \$91,250 and \$182,500, which is excessive.

Section 291-58, HRS, has been in effect since July 1, 2002, but it has not been enforced. A likely explanation for non-enforcement is that this section does not designate a government authority to impose or collect a penalty for noncompliance.

Senate Bill 1008 HD1 resolves the non-enforcement problem by authorizing, but not mandating, the counties to adopt ordinances to enforce the ADA and State requirements for the provision of reserved parking spaces for persons with disabilities, including their number, location, design, and signage, and to establish penalties for violations. Senate Bill 1008 HD1 provides that an official appointed by a county may enter places of public accommodation to enforce the adopted ordinances. The counties are uniquely suited to enforce those requirements because they already inspect places of public accommodation for compliance with the building code and various other physical requirements.

Therefore, enforcing the ordinances adopted by the counties pursuant to this measure would be well within their purview. The enforcement mechanism of Senate Bill 1008 HD1 is modeled after that of §291-73, HRS, which authorizes the counties to adopt ordinances to enforce State law, and §291-71, HRS, regarding the provision of parking spaces serving electric vehicle charging systems at places of public accommodation.

Thank you for considering our position.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "K. Shaw", with a stylized flourish extending to the right.

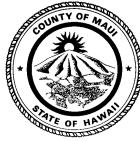
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**COUNTY COUNCIL**  
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March 19, 2025

TO: The Honorable David A. Tarnas, Chair  
House Committee on Judiciary & Hawaiian Affairs

FROM: Alice L. Lee  
Council Chair 

SUBJECT: **HEARING OF MARCH 20, 2025; TESTIMONY IN SUPPORT OF SB1008, HD1, RELATING TO PARKING**

I **support** this measure to authorize counties to adopt ordinances to enforce the accessible parking requirements for spaces reserved for people with disabilities and electric vehicles.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I **support** this measure for the following reasons:

1. Many people who rely on accessible parking spaces find them occupied by unauthorized vehicles. By granting counties the authority to enforce compliance, we can protect the mobility rights of persons with disabilities and ensure these spaces remain available for legitimate users.
2. As Hawai'i moves toward a more sustainable future, designated charging spaces for electric vehicles are essential infrastructure. Unauthorized use of these spaces by non-electric vehicles undermines the State's carbon neutrality goals and discourages EV adoption.
3. Local governments are better positioned to monitor compliance and address violations of parking requirements. Allowing counties to enact and enforce ordinances tailored to their communities will enhance these requirements' effectiveness.

Thank you for your consideration.



## Testimony of the Oahu Metropolitan Planning Organization

### COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

March 20, 2025 at 2:00 PM  
Conference Room 325

#### **SB1008** **Relating to Parking**

Dear Chair Tarnas, Vice Chair Poepoe, and Committees Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB1008**, which would authorize counties to adopt ordinances to enforce the accessible parking space requirements for parking for disabled persons and parking for electric vehicles (EVs). This bill aligns with the objectives of the Oahu Regional Transportation Plan, particularly its commitment to enhancing air quality and safeguarding environmental resources.<sup>1</sup>

A key strategy in reducing Oahu's carbon footprint is the adoption of EVs and ensuring that EV owners have adequate access to charging stations. This bill directly addresses this challenge by granting counties the authority to enforce compliance and prevent unauthorized use of EV parking stalls. By safeguarding access to essential charging infrastructure, the bill not only supports the transition to cleaner energy but also encourages broader EV adoption.

Lastly, the need to protect parking spaces designated for persons with disabilities is critical to create a more inclusive and accessible transportation system. This bill helps to ensure that those with mobility challenges can access essential services and participate in daily activities without unnecessary barriers.

The OahuMPO is the federally designated Metropolitan Planning Organization (MPO) on the island of Oahu responsible for carrying out a multimodal transportation planning process, including the development of a long-range (25-year horizon) metropolitan transportation plan, referred to as the Oahu Regional Transportation Plan (ORTP), which encourages and promotes a safe, efficient, and resilient transportation system that serves the mobility needs of all people and freight (including walkways, bicycles, and transit), fosters economic growth and development, while minimizing fuel consumption and air pollution (23 CFR 450.300).

Thank you for the opportunity to provide testimony on this measure.

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<sup>1</sup> [https://oahumpo.org/?wpfb\\_dl=2215](https://oahumpo.org/?wpfb_dl=2215)



**TESTIMONY OF TINA YAMAKI, PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
March 20, 2025  
SB 1008 HD1 RELATING TO PARKING**

Aloha, Chair Tarnas, and members of the House Committee on Judiciary and Hawaiian Affairs. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901 and is a statewide, not for profit trade organization committed to supporting the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, on-line sellers, local, national, and international retailers, chains, and everyone in between.

We **STRONGLY OPPOSE** SB 1008 HD1. This measure authorizes the counties to adopt ordinances to enforce the accessible parking space requirements for parking spaces reserved for persons with disabilities and electric vehicles. Repeals the requirement for any public or private entity that provides parking spaces reserved for persons with disabilities to comply with laws relating to parking for disabled persons. Effective 7/1/3000.

Allowing each county to set its own rules may create inconsistencies, confusion, and potential reductions in accessibility protections. Uniformity is essential to ensure that individuals with disabilities have reliable and equal access to parking across the state. More enforcement is needed as we see many who just park in the marked stalls or use others ADA parking placard to park in these stalls.

Additionally, there is concern that counties could place undue burdens on businesses by requiring them to install and maintain EV charging stations as part of parking regulations. While EV infrastructure is important, private businesses should not be mandated to bear the cost of installing charging stations.

Installing the EV charging systems is very costly and businesses are not able to absorb the cost. Each stall could cost upwards of \$50k - \$100K. Existing parking facilities infrastructures are not easily wired for electricity and each existing building and facility vary depending on how stations can be installed. Engineered plans and permits are needed due to the infrastructure that will be renovated. If there are signs that are seen from the public street, there is also a need for zoning approval. Regarding installing the chargers, the asphalt, concrete, landscaping, and other utilities need to be removed and replaced. If there is not enough power because of the increased use of electronics throughout the stores and shopping malls, a new transformer is needed resulting in more engineering plans and permitting. During this time surrounding areas of the parking lot will be closed; traffic will be affected and may discourage people from coming to shop during this time resulting in a loss of revenue. And let us not forget that in some cases the chargers must be set to the side of the stalls if they connect from the rear of the car. This means that the stalls must be 20% wider and one additional stall must be taken away to accommodate. We must also mention that the charging stations themselves can be extremely expensive. Government rebates or tax incentives to help install these chargers are very limited. As a result, the cost will be passed on to the retailer via a Common Area Maintenance charge and then the retailer will pass it on to the customers in the form of higher priced goods and services.

Existing businesses should not be mandated to be the EV charging stations for the county. We believe that the market and customers should be the influencers in business trends and operations and not government mandates. Retailers listen to what their customers want. If there is a significant need, the business will try to oblige. Businesses have put charging stations in those areas where the demand is high. It is our understanding that many of the EV chargers are not being used very often. It is mainly being used by people looking for a FREE charge, so their personal electric bill is not affected, or they do not want to pay the extra money to install a charging system at their home.



Rather than repealing existing laws, efforts should be focused on ensuring fair and equitable policies that balance accessibility, business viability, and sustainable infrastructure development.

We urge the committee to hold this bill and consider alternatives that maintain consistent ADA protections while encouraging reasonable EV expansion without imposing unfair mandates on businesses.

Mahalo for this opportunity to testify.

**SB-1008-HD-1**

Submitted on: 3/18/2025 4:00:45 PM

Testimony for JHA on 3/20/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Frances Rainin	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing to express my strong support for **Senate Bill 1008** and **Senate Bill 1009 SD2**, which will improve accessibility and enforcement of accessible parking spaces across Hawai‘i. As a disabled person who relies on accessible parking, I have personally faced the frustration and barriers caused by inadequate enforcement, missing signage, and the frequent misuse of these spaces by those without proper permits.

Too often, I arrive at a destination only to find **accessible parking spaces occupied by vehicles without permits**, forcing me to park farther away in areas that are difficult or even dangerous for me to navigate. I have also encountered **spaces without proper access aisles**, making it impossible for wheelchair users and others with mobility challenges to enter or exit their vehicles safely. These issues are not just inconveniences—they affect my ability to live independently, access essential services, and fully participate in my community.

**Senate Bill 1008** is a critical measure that will give counties the authority to enforce proper regulations for accessible parking spaces, ensuring that they meet federal standards and are properly maintained. This will directly address the lack of accessible parking compliance that many of us experience daily.

**Senate Bill 1009 SD2** strengthens enforcement by imposing an additional \$100 fine for violations of accessible parking laws. Importantly, these funds will be directed to the **Safe Routes to School Special Fund**, supporting safer pedestrian infrastructure for children. This measure not only promotes accountability but also reinvests in community safety.

For disabled individuals like myself, these bills are more than just policy changes—they are necessary protections that uphold our rights and dignity. **I urge you to pass SB 1008 and SB 1009 SD2 to ensure that accessible parking is truly accessible for those who need it.**

Mahalo for your time and consideration.

Frances Rainin  
Kailua, HI 96734





**SB-1008-HD-1**

Submitted on: 3/18/2025 4:01:18 PM

Testimony for JHA on 3/20/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Annette Ostrem	Individual	Support	Written Testimony Only

Comments:

Disability Parking SN1008 HD1

As a participant using legal authorization for Handicapped Parking, I support Senate Bill 1008 HD 1 appropriately fining violations that take away parking access for handicapped citizens. Allocating fines to safe school routes shows Senators care about children as well as handicapped senior citizens.

Parking access plays a huge role in maintaining good health of seniors. As a post polio survivor if I had too few parking choices I'd be stuck at home too often. I know joint replacement patients who have just gone back home rather continue their days obligations due to lack of accessible parking.

I support SB 1008 that ensures adequate aisles and signage.

Signage should state results from fully able people abusing a family members placard and the fines they can incur.

Thank you for your consideration

Annette Ostrem      Ka'a'awa, Hawai'i

**SB-1008-HD-1**

Submitted on: 3/19/2025 9:28:07 AM

Testimony for JHA on 3/20/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
azure	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

My name is Azure, and I strongly support SB 1008 HD1. As a disabled individual who relies on crutches, I face **daily barriers** just trying to access essential services due to **poorly designed, unavailable, or non-compliant accessible parking**.

Many businesses fail to meet the **minimum required** number of accessible stalls, and even when provided, they are often **misplaced, unmarked, or occupied by able-bodied drivers**. I've had to **park next to dumpsters, across entire parking lots, or in unsafe areas** just to ensure I could get back into my car. Vehicles frequently **block access aisles or back over sidewalks**, leaving ramps unusable.

Meanwhile, paid parking lots **place kiosks far from accessible stalls**, forcing disabled individuals to **cross dangerous traffic zones twice just to pay**. If **EV charging stalls can be mandated and subsidized**, accessible parking **must be equally prioritized**, for every EV stall, there should be **at least one van-accessible stall or two standard accessible stalls**.

Fast-food chains, grocery stores, and major retailers **optimize parking for online pickup over ADA compliance**, even though able-bodied customers can easily walk inside. Large developers like **A&B and Castle & Cooke** own small shopping centers that have **zero** accessible stalls, despite having the resources to comply.

The reality is, **corporations choose profits over people**, which is why **state enforcement is essential**. **Disabled individuals did not choose to be disabled**, but we **still have the right to access our communities**. I urge this committee to pass SB 1008 HD1 and move from recommendations to **strict enforcement** of accessible parking laws.

Mahalo for your time.

**SB-1008-HD-1**

Submitted on: 3/19/2025 10:28:10 AM

Testimony for JHA on 3/20/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kate Thompson	Individual	Oppose	Written Testimony Only

Comments:

Dear JHA Chair Tarnas, Vice-Chair Poepoe and Committee Members,

I strongly oppose SB1008.

I urge you to reconsider and defer measure SB1008. The bill lacks clarity and justification and does not fully address the critical issues of parking regulations for disabled individuals.

Hawaii currently lacks consistent parking policies and enforcement of existing laws.

SB1008 would introduce further 'county-level' inconsistencies rather than addressing the State and Federal mandates to provide access for disabled persons.

Furthermore, the bill does not adequately address the need for improved ground signage, pole signage, time limits, or enhanced enforcement against individuals who misuse disabled parking placards and stalls.

While it is important to address the challenges of limited parking spaces and the growing popularity of electric vehicles, it is not appropriate to equate these issues and reduce disability parking to accommodate electric vehicles, particularly on public land.

Committee Chair, Vice-Chair and voting Members, thank you considering a deferral of the measure to explore alternative solutions that would improve and enforce existing State laws and regulations regarding parking for disabled individuals.

Sincerely,

Kate Thompson, R.N.

**SB-1008-HD-1**

Submitted on: 3/19/2025 4:42:12 PM

Testimony for JHA on 3/20/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dorothy boewer	Individual	Support	Written Testimony Only

Comments:

This bill is a grand idea but I'm dubious to the reality of actually enforcing this. Joe will that work? Currently the enforcement or lack of, has proven to be ineffective. Ideally the private or public entity that's responsible for their parking facilities should enforce the law. However I cannot imagine they would want to absorb that responsibility and the county certainly isn't and doesn't do so now. I have no good answers except putting the responsibility of the parking facilities. It is quite frustrating to see a vehicle parked in a handicapped spot with no signage of being authorized to park there and those people have no shame because they know nothing is going to happen.