



DISABILITY AND COMMUNICATION ACCESS BOARD

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TESTIMONY TO THE SENATE COMMITTEE ON TRANSPORTATION AND CULTURE AND THE ARTS

Senate Bill 1446 – Relating to Parking for Disabled Persons

The Disability and Communication Access Board (DCAB) strongly supports Senate Bill 1446 – Relating to Parking for Disabled Persons. This bill authorizes each county to enact ordinances to enforce the design and construction requirements for the provision of accessible parking spaces, including the establishment of penalties for failure to comply with the ordinances.

DCAB administers the statewide program on parking for persons with disabilities, which includes among other things, the issuance of disability parking permits through memorandums of agreement with the four counties. More than 100,000 Hawaii residents have an active 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) and/or the State requirements for providing parking spaces reserved for persons with disabilities, including their number, location, design, and signage.

Section 291-58, Hawaii Revised Statutes (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 1446 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 1446 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 1446 is modeled after that of §291-73, HRS, which authorizes the counties to adopt ordinances to enforce State law, §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 "Kirby L. Shaw", with a long horizontal stroke extending to the right.

KIRBY L. SHAW
Executive Director