



## DISABILITY AND COMMUNICATION ACCESS BOARD

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March 30, 2023

### TESTIMONY TO THE HOUSE COMMITTEE ON FINANCE

#### Senate Bill 384 SD1 HD2 – Relating to Access for Disabled Persons

The Disability and Communication Access Board (DCAB) strongly supports Senate Bill 384 SD1 HD2 – Relating to Access for Disabled Persons.

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 384 SD1 HD2 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 384 SD1 HD2 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. In fact, the enforcement mechanism of Senate Bill 384 SD1 HD2 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 the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW  
Executive Director



**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
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March 30, 2023

The Honorable Representative Kyle T. Yamashita Chair  
House Committee on Finance  
The Thirty-Second Legislature  
State Capitol  
State of Hawai'i  
Honolulu, Hawai'i 96813

Dear Representative Yamashita and Committee Members:

SUBJECT: SB384 SD1 HD2 RELATING TO ACCESS FOR DISABLED PERSONS.

The Hawaii State Council on Developmental Disabilities **SUPPORTS SB384 SD1 HD2**, which authorizes each county to adopt 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 ordinance. Authorizes officials appointed by a county to enter the property of places of public accommodation to enforce violations of the county ordinances.

Designated accessible parking spaces enable people with mobility limitations, health conditions, or other challenges to have safe access to buildings and services in the community. Not only are these spaces needed to help many reach day-to-day businesses and services, but well-designed accessible parking spaces also provide accommodations that promote independence and active participation in the community. Safe and equitable access to parking can make the difference for someone when choosing to leave their home, work, or even where to live. Individuals with Intellectual/Developmental Disabilities (I/DD) may rely on accessible parking spaces to participate in the community and ensure independence. This measure ensures that their access is protected and enforced.

For any substantive matters, we defer to the Disability and Communication Access Board. Thank you for the opportunity to submit testimony in **support of SB384 SD1 HD2**.

Sincerely,

Daintry Bartoldus  
Executive Administrator

**SB-384-HD-2**

Submitted on: 3/28/2023 4:38:14 PM

Testimony for FIN on 3/30/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Louis Erteschik	Hawaii Disability Rights Center	Support	Written Testimony Only

Comments:

In support.