

STAND. COM. REP. NO. 1101

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 384
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 384, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ACCESS FOR DISABLED PERSONS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize each county to adopt ordinances to enforce the design, construction, and signage requirements of the federal Americans with Disabilities Act of 1990 (ADA), as amended; part III of chapter 291, Hawaii Revised Statutes; and any administrative rules adopted under that part, including the establishment of penalties for failure to comply with the ordinance; and
- (2) Clarify that an official appointed by a county may enter property of places of public accommodation to enforce violations of the ordinances adopted by the county.

Your Committees received testimony in support of this measure from the Disability and Communication Access Board.

Your Committees find that more than one hundred thousand residents in Hawai'i have an active disability parking permit issued pursuant to the Statewide Program on Parking for Persons with Disabilities. Your Committees find, however, that many



places of public accommodation fail to comply with the ADA and state requirements for providing parking spaces reserved for persons with disabilities, including their number, location, design, and signage. Although existing law sets forth penalties for public and private entities that fail to comply with these requirements and allows law enforcement officers and commissioned volunteer enforcement officers to enter private property for enforcement, the statute has not been enforced since its enactment on July 1, 2002, because the law does not designate a specific government agency to impose or collect the penalties. This measure will allow the counties to adopt ordinances to enforce the ADA and state requirements through appointed county officials.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 384, S.D. 1, and recommend that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,



DONOVAN M. DELA CRUZ, Chair

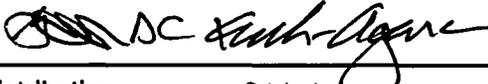


KARL RHOADS, Chair



The Senate
Thirty-Second Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 384 SD1	Committee Referral: HHS/TCA, JDC/WAM	Date: 3/3/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
AQUINO, Henry J.C.	X			
DECOITE, Lynn	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris	X			
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.	X			
WAKAI, Glenn	X			
FEVELLA, Kurt				X
TOTAL	12			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes