



# DISABILITY AND COMMUNICATION ACCESS BOARD

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February 23, 2024

## TESTIMONY TO THE HOUSE COMMITTEE ON FINANCE

### House Bill 2446 HD1 – Relating to Parking for Disabled Persons

The Disability and Communication Access Board (DCAB) strongly supports House Bill 2446 HD1 – Relating to Parking 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.

House Bill 2446 HD1 seeks to improve the statewide parking program for persons with disabilities in three ways:

- (1) Authorizes, but does not mandate, that the counties 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.
- (2) Remits 50 percent of any fine levied for a violation of Hawaii Revised Statutes (HRS) §291-57 to the agency that issued the citation.
- (3) Authorizes the examiner of drivers to suspend the driver's license of anyone cited for using a disability parking permit issued to a deceased person for the purpose of parking in a reserved accessible parking space.

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.

HRS §291-58 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 HRS §291-58, a private entity in violation for an entire year could face a penalty of between \$91,250 and \$182,500, which is excessive.

HRS §291-58 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.

House Bill 2446 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. House Bill 2446 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 House Bill 2446 HD1 is modeled after that of HRS §291-73, which authorizes the counties to adopt ordinances to enforce State law, HRS §291-71 regarding the provision of parking spaces serving electric vehicle charging systems at places of public accommodation.

DCAB also receives complaints about a lack of enforcement. By remitting some of the fine to the agency that issues the citation, enforcement will be encouraged. We note that county police departments already have the ability to establish Volunteer Special Enforcement Officer (VSEO) programs.

DCAB annually performs a crosscheck of its parking database with the Office of Vital Records which results in approximately 4,300 records being flagged. DCAB mails placard retrieval letters with postage paid envelopes to the estates of the deceased permittees. The placard return rate is roughly 40 percent. Some of the unreturned placards are likely being used illegally to park in reserved accessible spaces. Creating an enhanced penalty for doing so will serve as a strong deterrent.

Thank you for considering our position.

Respectfully submitted,



KIRBY L. SHAW  
Executive Director



**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
PRINCESS VICTORIA KAMĀMALU BUILDING  
1010 RICHARDS STREET, Room 122  
HONOLULU, HAWAII 96813  
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543  
February 23, 2024

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: HB2446 HD1 RELATING TO PARKING FOR DISABLED PERSONS

The Hawaii State Council on Developmental Disabilities **SUPPORTS HB2446 HD1**, which authorizes the Examiner of Drivers to suspend the driver's license of a person who violates certain regulations relating to the use of disability parking permits. 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. Authorizes officials appointed by a county to enter the property of places of public accommodation to enforce violations of the county ordinances. Requires the court to distribute fifty per cent of any fine imposed on a person who violates certain regulations for the use of disability parking permits to the law enforcement agency that issued the citation. Effective 7/1/3000. (HD1)

The Council recognizes this measure's potential to enhance accessibility and fairness in parking provisions for individuals with disabilities. We bring attention to the issue of limited accessible parking stalls, a concern that negatively impacts individuals who require these spaces. The system does experience abuse, exacerbating the challenge for our community members who genuinely need access to these parking stalls. This measure addresses the abuse of accessible parking, ensuring that these spaces remain available for those who truly need them.

The Council defers to the Disability and Communication Access Board (DCAB) for any substantive comments or recommendations. DCAB's expertise in accessibility matters, particularly in the context of parking provisions, is crucial in shaping comprehensive and effective legislation.

Thank you for the opportunity to submit testimony in **support of HB2446 HD1**.

Sincerely,

Daintry Bartoldus  
Executive Administrator

**COUNTY COUNCIL**

Mel Rapozo, Chair  
KipuKai Kualii, Vice Chair  
Addison Bulosan  
Bernard P. Carvalho, Jr.  
Felicia Cowden  
Bill DeCosta  
Ross Kagawa



**OFFICE OF THE COUNTY CLERK**

Jade K. Fountain-Tanigawa, County Clerk  
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**Council Services Division**  
4396 Rice Street, Suite 209  
Lihu'e, Kaua'i, Hawai'i 96766

February 21, 2024

**TESTIMONY OF ADDISON BULOSAN  
COUNCILMEMBER, KAUA'I COUNTY COUNCIL  
ON**

**HB 2446, HD 1, RELATING TO PARKING FOR DISABLED PERSONS**  
House Committee on Finance  
Friday, February 23, 2024  
11:30 a.m.  
Conference Room 308  
Via Videoconference

Dear Chair Yamashita and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of HB 2446, HD 1, Relating to Parking for Disabled Persons. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

I wholeheartedly support the intent of HB 2446, HD 1, which would greatly affect the Kaua'i community.

Thank you again for this opportunity to provide testimony in support of HB 2446, HD 1. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,

**ADDISON BULOSAN**  
Councilmember, Kaua'i County Council

AAO:dmc



**TESTIMONY OF TINA YAMAKI  
PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
February 23, 2024**

**HB 2446 HD1 RELATING TO PARKING FOR DISABLED PERSONS**

Good morning, Chair Yamashita, and members of the House Committee on Finance. 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, RMH is a statewide, not for profit trade organization committed to 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, local, national, and international retailers, chains, and everyone in between.

We SUPPORT HB 2446 HD1. This measure authorizes the Examiner of Drivers to suspend the driver's license of a person who violates certain regulations relating to the use of disability parking permits; 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; authorizes officials appointed by a county to enter the property of places of public accommodation to enforce violations of the county ordinances; requires the court to distribute fifty per cent of any fine imposed on a person who violates certain regulations for the use of disability parking permits to the law enforcement agency that issued the citation; and is effective 7/1/3000.

We are in support of the enforcement as all parking for retail and in shopping malls, ADA stalls are also first come first serve. Not all the ADA stalls may be available next to that favorite store at the mall. **What we are seeing at some locations is abuse of ADA placards by being "borrowed" by friends and family members to get parking closer to the entrance of the mall.** Currently there is no ongoing enforcement that we are aware of ensuring that the person parking in the ADA stalls is the actual ADA card holding person.

**Retailers are already complying with the required number of ADA stalls.** The market and customers are the influencers in business trends and operations. As a result, many retailers and shopping centers already go beyond the minimum number ADA stalls that are required by law.

Mahalo for this opportunity to testify.

To: The House Committee on Finance  
From: Brodie Lockard  
Date: Friday, February 23, 2024, 11:30 am

**In support of HB2446 HD1**

Dear Chair Yamashita and Committee Members—

HB2446 will put in place some simple needed safeguards for people like me who have a need for accessible parking spaces. I am a quadriplegic who depends on others to drive me.

There need to be some basic requirements for such spaces such as proper signage, minimum widths, access aisles and a minimum number of spaces based on the total spaces in a lot and the type of place the lot serves. Apparently there is no local agency which currently enforces design standards.

Parking in a regular parking space and exiting my van can be clumsy at best, and dangerous at worst. I have to be careful not to run into adjacent cars, and if no car is adjacent, there's always the hazard of one trying to pull into the next spot while I'm in it. I'm low in the chair and not easily visible.

If I have to park far from the business I'm going to, it's not just inconvenient, it's dangerous. Moving behind rows of parked cars with no way to signal if one starts to back out is nerve wracking.

I have often seen people park in an accessible space, hop out and run into a store. They probably think, "It's only for a minute," but while they are there, I have to wait and block traffic, or drive around and around waiting for the space that's designated for me. Better enforcement would reduce this abuse. HB2446 would incentivize enforcement by remitting half of any fine to the agency which issues the citation.

Finally, there is no excuse at all for using a placard issued to a deceased person. Such an offense deserves a strict penalty. HB2446 would suspend an offender's license.

I urge you to pass this bill.

Brodie Lockard  
Kailua

**HB-2446-HD-1**

Submitted on: 2/21/2024 9:16:02 PM

Testimony for FIN on 2/23/2024 11:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this important bill. Mahalo.