



## DISABILITY AND COMMUNICATION ACCESS BOARD

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February 6, 2024

### TESTIMONY TO THE HOUSE COMMITTEE ON TRANSPORTATION

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

The Disability and Communication Access Board (DCAB) strongly supports House Bill 2446 – 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 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 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 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 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  
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February 06, 2024

The Honorable Representative Chris Todd, Chair  
House Committee on Transportation  
The Thirty-First Legislature  
State Capitol  
State of Hawai'i  
Honolulu, Hawai'i 96813

Dear Representative Chris Todd, and Committee members:

**SUBJECT: HB2446 RELATING TO PARKING FOR DISABLED PERSONS**

The Hawaii State Council on Developmental Disabilities **SUPPORTS HB2446**, which authorizes the Examiner of Drivers to suspend the driver's license of a person using a parking permit issued to a deceased person who was deceased when the permit was issued to obtain parking privileges; provides that fifty per cent of any fine imposed for violating part III of chapter 291, HRS, is remitted to the law enforcement agency that issued the citation. 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.

The Council recognizes this measure's potential to enhance accessibility and fairness in parking provisions for disabled individuals. We bring attention to the issue of limited handicap 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 handicap 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**.

Sincerely,

Daintry Bartoldus  
Executive Administrator



**TESTIMONY OF TINA YAMAKI  
PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
February 6, 2024  
HB 2446 RELATING TO PARKING FOR DISABLED PERSONS**

Good morning, Chair Todd, and members of the House Committee on Transportation. 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. This measure authorizes the Examiner of Drivers to suspend the driver's license of a person using a parking permit issued to a deceased person who was deceased when the permit was issued to obtain parking privileges; provides that fifty per cent of any fine imposed for violating part III of chapter 291, HRS, is remitted to the law enforcement agency that issued the citation; 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; and authorizes officials appointed by a county to enter the property of places of public accommodation to enforce violations of the county ordinances.

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.

**HB-2446**

Submitted on: 2/2/2024 2:19:30 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Victor K. Ramos	Individual	Support	Written Testimony Only

Comments:

I support the passage of this bill.

**HB-2446**

Submitted on: 2/2/2024 6:39:37 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gerald Ohta	Individual	Support	Written Testimony Only

Comments:

In support.

February 29 2024 is the 17th international Rare Disease Day, coordinated by EURORDIS. On the last day of February, hundreds of patient organizations from countries and regions all over the world will hold awareness-raising activities. I have Pompe, a genetic disease. Pompe disease is a rare (estimated at 1 in every 40,000 births), inherited and usually fatal neuromuscular disorder.

We face many challenges. Some are cultural. For example, one night I parked my car on the street to go to a seminar. When I returned, someone had taken a crowbar and smashed my window and removed my disability parking placard. When I searched the internet for disability parking placards, I found many people selling them for handsome profits. I even saw one person selling a disability parking street sign that was obviously stolen, so the sign could be planted in front of one's home and have reserved parking on crowded streets.

Not wanting my car windows smashed again, I had my license plates switched to disability plates. Someone stole my plates right off my car. With newer printers, a dishonest person can print a plastic hang tag at will, and easily sell them for \$100 each.

In New York, we noticed some placards included the driver's license or state ID of the permit's owner. But that is not the norm in the United States. In Indiana, disability permits have no expiration date, so they can be used in perpetuity after Grandma dies.

In Australia, placards have a photo of the owner.

There are many people who have invisible disabilities and legitimate parking permits. I am not talking about those individuals. I'm talking about counterfeit or illicitly acquired parking placards being used by people whose behavior displaces the legitimately disabled from using reserved spots.

One issue is that the fines are too lenient for fraudulently parking in a disability spot. Having violators' faces printed in the newspapers would be a stronger deterrent. Fines are ridiculously low. If all placards had the name and/or state ID and/or photo of the permit owner printed on the hang tags, it would substantially reduce fraudulent use. In 1999, 19 UCLA football players were caught with fraudulent parking permits; it was discovered they simply forged a doctor's signature on the permit applications. Walmart has successfully influenced lawmakers in many states to increase shoplifting from a misdemeanor to a felony. The same could be done for stealing disability placards and fraudulently using spots.

The thing about parking spots is in parking lots of businesses, that is private property and the police often won't do anything to cite the offender and hold them accountable. It's private property and they didn't want to get involved.

What I see as the main issue is that accessible parking is perceived as a perk by many in our culture, as opposed to a civil right under the Americans With Disabilities Act of 1990 (42 U.S.C. § 12101). Obviously, the UCLA football players were not struggling to get out of wheelchairs. Those athletes perceived accessible parking as a privilege. Disabled people often are victims of ire and spleen from able-bodied people, who consider disability accommodation an unjust perk. Our culture needs greater awareness and compassion for disabled people, and vigorous legal repercussions for the abuse of disabled parking.



To: The House Committee on Transportation  
From: Brodie Lockard  
Date: Tuesday, February 6, 2024, 10:00 am

**In support of HB2446**

Dear Chair Todd, Vice Chair Kila 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**

Submitted on: 2/4/2024 4:49:06 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lynn Murakami Akatsuka	Individual	Support	Written Testimony Only

Comments:

I strongly support the passage of HB 2446 by this legislative session. This would strengthen the enforcement and having stronger consequences, i.e. the suspension of the driver's license and fine of the illegal user of the parking permit of a deceased person. Rules are in place for the family of the deceased person to mail in the parking permit to the Disability and Communication Access Board office. But sadly, this does not occur and the illegal user continues to use the parking permit illegally.

Thank you for the opportunity to submit written testimony in strong support of HB 2446.

**HB-2446**

Submitted on: 2/5/2024 10:14:25 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kaili	Individual	Support	In Person

Comments:

i am in strong support of this hb2446 beacuse people with disability need better parking spaces if they need better access to a filiclity instead of parking in a diffrant location please pass this hb 2446 thank you.