



## DISABILITY AND COMMUNICATION ACCESS BOARD

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February 23, 2024

### TESTIMONY TO THE SENATE COMMITTEE ON JUDICARY

#### Senate Bill 3135 SD1 – Relating to Parking for Disabled Persons

The Disability and Communication Access Board (DCAB) strongly supports Senate Bill 3135 SD1 – 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.

Senate Bill 3135 SD1 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.

Senate Bill 3135 SD1 resolves the non-enforcement problem by authorizing, but not mandating, 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. Senate Bill 3135 SD1 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 3135 SD1 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  
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February 23, 2024

The Honorable Senator Karl Rhoads, Chair  
Senate Committee on Judiciary  
The Thirty-Second Legislature  
State Capitol  
State of Hawai'i  
Honolulu, Hawai'i 96813

Dear Senator Rhoads and Committee Members:

SUBJECT: SB3135 SD1 RELATING TO PARKING FOR DISABLED PERSONS

The Hawaii State Council on Developmental Disabilities **SUPPORTS SB3135 SD1**, 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. (SD1)

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 SB3135 SD1**.

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**

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**Council Services Division**  
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Lihu'e, Kaua'i, Hawai'i 96766

February 20, 2024

**TESTIMONY OF ADDISON BULOSAN  
COUNCILMEMBER, KAUAI COUNTY COUNCIL**

**ON**

**SB 3135, SD1, RELATING TO PARKING FOR DISABLED PERSONS**

Senate Committee on Judiciary

Friday, February 23, 2024

9:30 a.m.

Conference Room 016

Via Videoconference

Dear Chair Rhoads and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of SB 3135, SD1, 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 SB 3135, SD 1, which would greatly affect the Kaua'i community.

Thank you again for this opportunity to provide testimony in support of SB 3135, SD 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:mn

**SB-3135-SD-1**

Submitted on: 2/16/2024 6:52:30 PM

Testimony for JDC on 2/23/2024 9:30:00 AM

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

Comments:

It's always difficult finding parking with disabilities. Please support this important bill. Mahalo.

**SB-3135-SD-1**

Submitted on: 2/20/2024 8:51:50 AM

Testimony for JDC on 2/23/2024 9:30:00 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 SB 3135, SD 1 by this legislative session. This would strengthen the enforcement and having stronger consequences, i.e., the suspension of the driver's license and increased fine of the illegal user of the parking permit of a deceased person. Rules are already 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 by those who illegally continue to use the parking permit and knowingly do so.

Thank you for the opportunity to submit written testimony in **strong support** of the passage of SB 3135, SD 1.

**SB-3135-SD-1**

Submitted on: 2/20/2024 3:21:40 PM

Testimony for JDC on 2/23/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Aileen Veniegas Catania	Individual	Comments	Written Testimony Only

Comments:

As a new participant of the Oahu Handicap Parking program, I noticed an inadequate amount of handicap stalls at high volume areas such as Costco and Shopping Malls, ie Pearlridge, etc. This is a great imposition for physically challenged individuals as parking is a great distances from store entrances. Additionally places such as Costco do not take our safety into consideration when placing the handicap stalls; they place them in high traffic areas where high volume of cars traverse with a greater chance of being hit or harassed as we are slow. As a former retire IT professional placement of handicap stalls are not logical. Handicap Parking stalls should be placed in areas where challenged individuals DO NOT have to cross high traffic areas, specifically Waipahu Costco, risking their safety. Moreover there is never any available handicap parking wherever I go, eg food shopping, restaurants, etc they are always occupied. I'd like to propose to you leader to use/ apply State Census information to identify Seniors in X communities to determine # of handicap stalls businesses in X areas should have. This seems like a logical thing to do given our aging population and therefore the greater number of potentially challenged and handicapped individuals. Mandate organizations such as Costco, and shopping malls to increase the number of stalls to accommodate us. It behooves a logical review of the handicap parking situation. In addition I wholeheartedly agree to the changes being proposed to enforce and reprimand violators. Sadly Hawai'i population has changed and numerous and transient people from the mainland or Asia move here and have no concept of Aloha and Courtesy. I once saw a man blatantly park in a stall designated for pregnant mothers! He didn't bat an eyelash as I looked on.

appreciate consideration to my above comments.  
mahalo for this opportunity

aloha and vr

aileen

Disability parking placards /accessible parking spaces and proposed changes to Hawaii state laws

Dear Sir or Ma'am

I am writing to express my strong support for two proposed bills currently under consideration at the Hawaii State Legislature, which aim to enhance the parking program for persons with disabilities. As a resident deeply invested in the welfare of our community members with disabilities, I believe these bills represent crucial steps toward improving accessibility and ensuring equitable treatment for all.

The first proposed bill authorizes, though does not mandate, the four counties to adopt and enforce ordinances pertaining to the design of accessible parking spaces. This measure recognizes the importance of standardized accessibility features in parking facilities, thereby facilitating easier access for individuals with disabilities. By granting counties the authority to regulate parking space design, this bill empowers local jurisdictions to tailor accessibility measures to the unique needs of their communities, thereby fostering inclusivity and compliance with accessibility standards.

The second proposed bill proposes remitting 50 percent of fines collected for violations of the state accessible parking law (HRS 291 part III) to the agency responsible for issuing the citation, rather than allocating all fines to the State's general fund. This change serves as a vital incentive for enforcement agencies to prioritize accessible parking enforcement efforts. Moreover, by potentially leading county police departments to establish or expand volunteer programs for enforcing accessible parking laws, this bill not only enhances enforcement efficacy but also fosters community engagement and collaboration in upholding accessibility standards.

Additionally, I fully support the provision in the second proposed bill that authorizes the examiner of drivers to suspend the driver's license of individuals caught misusing placards issued to deceased persons for parking privileges. This provision underscores the importance of preventing misuse and abuse of accessible parking privileges, thereby safeguarding the integrity of the program for individuals who genuinely rely on these accommodations. The annual crosscheck conducted by DCAB with the office of vital records to retrieve placards issued to deceased individuals demonstrates a proactive approach to ensuring accountability and preventing misuse.

In conclusion, I urge you to support these proposed bills, which hold the potential to significantly enhance the accessibility and effectiveness of the parking program for persons with disabilities in our state. By authorizing counties to regulate parking space design, incentivizing enforcement efforts, and addressing placard misuse, these bills represent important strides towards creating a more inclusive and equitable environment for individuals with disabilities.

Thank you for considering my testimony, and I urge swift action in advancing these critical measures.



**SB-3135-SD-1**

Submitted on: 2/23/2024 3:57:14 AM

Testimony for JDC on 2/23/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Keoni Ronald May	Individual	Support	Written Testimony Only

Comments:

Fond Greetings to all,

I speak today, as a highly concerned registered voter (since 1973), Disabled (Vietnam War veteran with multiple service connected disabilities & my prosthetic leg), Senior Citizen (73) of Hawaiian descent.

I believe in piecemeal legislation, and want all 3 legislative recommendations, positively voted for, so that they can become law, with the great potential for future upward modifications.

I am not too happy, observing very healthy looking people, using handicapped parking placards, who obviously look like competitive bodybuilders, and are working out at various exercise gyms. Unless of course, the legal term disability, also includes mental disabilities. Therefore, giving a handicapped parking permit, to a mentally disabled person, has a rational basis.

There are not that many handicapped parking stalls, in general, throughout Hawaii (my apartment complex does not have allowances for handicapped parking). There are some handicapped parking stalls, that are so small, that a handicapped person must be a yoga expert to get out of their car.

There are many arrogant and violent drivers, who temporarily park in handicapped parking stalls, and will not move when asked.

Handicapped Parking Permits should be confiscated by the police, and, there should be an Administrative Judge to determine, whether to return the Handicapped Parking Permit or order a hefty fine, with administrative sanctions.

Respectfully Submitted,

Keoni Ronald May