



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 12, 2024

The Honorable Senator Chris Lee, Chair
Senate Committee on Transportation and Culture and the Arts
The Honorable Senator Glenn Wakai, Chair
Senate Committee on Public Safety and Intergovernmental and Military Affairs
The Thirty-Second Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Senator Lee, Senator Wakai, and Committee Members:

SUBJECT: SB3135 RELATING TO PARKING FOR DISABLED PERSONS

The Hawaii State Council on Developmental Disabilities **SUPPORTS SB3135**, 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

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**.

Sincerely,
Daintry Bartoldus, Executive Administrator



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

February 12, 2024

TESTIMONY TO THE SENATE COMMITTEES ON TRANSPORTATION AND CULTURE AND THE ARTS AND ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS

Senate Bill 3135 – Relating to Parking for Disabled Persons

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

A handwritten signature in black ink, appearing to read 'KIRBY L. SHAW', with a long horizontal line extending to the right.

KIRBY L. SHAW
Executive Director

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
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
Email: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

February 9, 2024

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

ON

SB 3135, RELATING TO PARKING FOR DISABLED PERSONS

Senate Committee on Public Safety and Intergovernmental and Military Affairs
Senate Committee on Transportation and Culture and the Arts

Monday, February 12, 2024

3:01 p.m.

Conference Room 225

Via Videoconference

Dear Chair Wakai, Chair Lee, and Members of the Committees:

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

Thank you again for this opportunity to provide testimony in support of SB 3135. 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

LATE

POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU
801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
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RICK BLANGIARDI
MAYOR
MEIA



ARTHUR J. LOGAN
CHIEF
KAHU MĀKA'I

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE **ST-TK**

February 12, 2024

The Honorable Glenn Wakai, Chair
and Members
Committee on Public Safety
and Intergovernmental
and Military Affairs
The Honorable Chris Lee, Chair
and Members
Committee on Transportation
and Culture and the Arts
State Senate
415 South Beretania Street, Room 225
Honolulu, Hawai'i 96813

Dear Chairs Wakai and Lee and Members:

SUBJECT: Senate Bill No. 3135, Relating to Parking for Disabled Persons

I am Stason Tanaka, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD appreciates the intent of Senate Bill No. 3135, Relating to Parking for Disabled Persons, but has the following concerns.

This bill 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. The HPD is concerned with how would an enforcement officer know that the disability permit was assigned to a deceased person, and if so, how would he/she verify it?

The Honorable Glenn Wakai, Chair
and Members
The Honorable Chris Lee, Chair
and Members
February 12, 2024
Page 2

The HPD appreciates the committee's consideration of our concern regarding
Senate Bill No. 3135, Relating to Parking for Disabled Persons.

Thank you for the opportunity to testify.

Sincerely,



Stason Tanaka, Major
Traffic Division

APPROVED:



Arthur J. Logan
Chief of Police



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 12, 2024
SB 3135 RELATING TO PARKING FOR DISABLED PERSONS**

Good afternoon, Chair Wakai and Chair Lee and members of the Senate Committee on Public Safety & Intergovernmental & Military Affairs and the Senate Committee on Transportation and Culture & the Arts. I am Tina Yamaki, President of the Retail Merchants of Hawaii.

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 SB 3135. This measure Authorizes the Examiner of Drivers to suspend the driver's license of a person ausing 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.

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.

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 or their favorite store.** 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.

Mahalo for this opportunity to testify.

SB-3135

Submitted on: 2/9/2024 6:09:50 PM

Testimony for TCA on 2/12/2024 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Lynn Murakami Akatsuka	Individual	Support	Written Testimony Only

Comments:

I strongly support the passage of SB 3135 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 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.

SB-3135

Submitted on: 2/11/2024 11:14:58 AM

Testimony for TCA on 2/12/2024 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Chambers Cyndy	Individual	Support	Written Testimony Only

Comments:

Disabled parking is like the Wild West. I can't tell you the number of people I see that are young and healthy and they park in a disabled spot, they hop out of their car and jog into the store. Several times it's been a family-all healthy! They know the laws are not enforced and what a great lesson to teach their children about respect for their Kapuna and for disabled persons.

Once we were assisting our adult son, a wounded Iraq war veteran (who sadly passed away 2/2/20), out of the car and into his wheelchair after finally finding a disabled spot. As we pulled into the spot a huge raised truck pulled into the handicapped spot that was next to ours and the young man driver, woman and child jumped down out of the huge truck and bounced into the store. They came out as we were finally headed in and I asked them for their dmv wallet card for their disability permit and the woman holds up her thumbs, both of which are about 2/3 normal size and she chimes "Here's my disability!" There was more colorful language I won't repeat but it broke my heart that there in the wheelchair sat a man in a veteran hat who gave his mobility and much more to protect their freedoms and they disrespected all of that, their elders and the law.

Years ago I spoke with someone in the Costco parking lot here on the big island that was a disabled parking enforcement volunteer but he said he was the last one of the group left and he was ready to retire. He said they always kept busy. He was from a group of retired cops and that was a good idea because confronting folks is dangerous. We need these folks again. The positions would generate enough revenue to fund positions. (Just the cars I see parked in places with no permit are easy tickets.) If you could in the future pull in money from the disabled permit parking budget from DMV I bet they'd gladly turn over the staff and money. I don't believe 40% is an acceptable rate of retrieval of handicapped permits from deceased persons. A person with a computer should be able to do this with person on each island 90% is doable.

There needs to be advertising to promote respect for Kapuna and the disabled. It is difficult for us to get around and get our gear together as well, be it wheelchair, walker, etc. we simply can't do that and walk from the end of the parking lot because the handicapped parking is full. Maybe you could advertise for folks to send in pictures of the permits and license numbers when they see people using disabled permits from other people or parking in a disabled spot without a permit.

Part of the problem, at least on the Big Island is EVERYONE has a permit! Many of them are using them from deceased relatives, or they transport relatives so everyone who ever uses the car uses the permit. So there needs to be that person who, after watching an able bodied person park in a disabled spot and run into a store, stands by that car door for their return and asks for their wallet card for the permit. When they don't have it they should confiscate the permit for an amount of time for misuse and have owner reapply. The driver should receive the punishment designed by law. But it needs to be real, because now it's a joke.

Disabled parking spaces come in many shapes and sizes and they can't all comply with ADA. They are on the sides of hills, half on gravel, and in many places non existent! They're always the last thought and most times it looks like they just use whatever space is left at the end of a row. They often double as the loading zone so they have delivery trucks parked in them. And there needs to be space on both sides. Sometimes my husband drives so I must get out of the passenger side so I need more room on that side. And the signs are all different and confusing! And what about when paid parking comes and takes over the town then where is handicapped parking? Are there any mandates for handicapped parking in lots for businesses?

When does grandfathering in finally give in to the welfare and comfort of our people?

To: The Senate Committees on Public Safety And Intergovernmental And
Military Affairs, and Transportation And Culture And The Arts
From: Brodie Lockard
Date: Monday, February 12, 2024, 3:01 pm

In support of SB3135

Dear Chairs Wakai and Lee and Committee Members—

SB3135 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. SB3135 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. SB3135 would suspend an offender's license.

I urge you to pass this bill.

Brodie Lockard
Kailua

SB-3135

Submitted on: 2/11/2024 10:07:12 AM

Testimony for TCA on 2/12/2024 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Sherry Rodriguez	Individual	Support	Written Testimony Only

Comments:

I agree with the added rules of disability placards based on lack of enforcement today.

LATE

SB-3135

Submitted on: 2/11/2024 10:04:23 PM

Testimony for TCA on 2/12/2024 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Carol Mon Lee	Individual	Support	Written Testimony Only

Comments:

RE: SB 3135

I support SB 3135 and urge its passage. I had an accident last summer and was able to get a temporary disability parking pass while I continue to heal. It has been a tremendous benefit as I have gain more mobility. My pass has been renewed once and will expire in July 2024. This bill will improve the administration of this program for the benefit of all. It isn't until one has a sudden need for a disability parking pass does one realize it's extraordinary value in making life more manageable. And for someone to take advantage of the system by using a deceased person's placard is shameful, dishonorable and takes away valuable parking spaces that could go to others with legitimate needs.

Thank you,

Carol Mon Lee

LATE

SB-3135

Submitted on: 2/12/2024 8:58:56 AM

Testimony for TCA on 2/12/2024 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Ferreira	Individual	Support	Written Testimony Only

Comments:

Aloha,

Far too many people use handicap placards that were not issued to them, belong to a relative that is deceased and are taking up spaces that are reserved for the truly handicapped. Having the fear of a license suspension if caught would be a deterrent to people doing this. It may be hard to enforce but the current law and penalty apparently is not having a deterrent effect. Support.

Michael Ferreira

Makakilo