

Honolulu, Hawaii

FEB 17 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 Health and Human Services and  
Transportation and Culture and the Arts, to which was referred  
S.B. No. 384 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; state law governing parking for persons with disabilities and any administrative rules adopted thereunder, including the establishment of penalties for failure to comply with the ordinance; and
- (2) Clarify that an official appointed by a county may enter private property 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, State Council on Developmental Disabilities, Hawaii Disability Rights Center, and two individuals.



Your Committees find that existing state law requires each public and private entity that provides a parking space reserved for persons with disabilities (disability parking spaces) to comply with laws governing parking for persons with disabilities and administrative rules adopted thereunder. Your Committees further find that administrative rules adopted by the Department of Transportation require disability parking spaces and access isles to have certain signage, be marked in a certain manner, and be in compliance with the ADA Guidelines with respect to the dimensions, location, and slope. Your Committees also find that although law enforcement officers and commissioned volunteer enforcement officers are statutorily permitted to access private property to enforce this law, it has not been enforced since taking effect on July 1, 2002. This measure will allow the counties to adopt ordinances to enforce these requirements through actions taken by county officials.

Your Committees acknowledge the concerns raised by the Disability and Communication Access Board that this measure, as written, may be construed to allow officials appointed by a county to enter parking spaces reserved for persons with disabilities at residential facilities and other buildings, facilities, and sites, that are not open to the general public, to enforce an ordinances adopted by a county pursuant to this measure. Therefore, amendments to this measure are necessary to address this concern.

Accordingly, your Committees have amended this measure by:

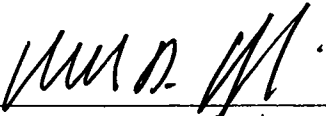
- (1) Clarifying that an official appointed by a county may enter property of places of public accommodation to enforce any applicable ordinances adopted pursuant to this section;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

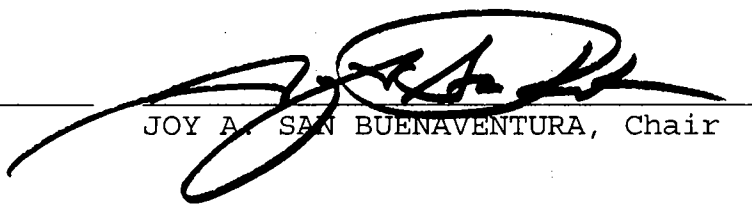
As affirmed by the records of votes of the members of your Committees on Health and Human Services and Transportation and Culture and the Arts that are attached to this report, your Committees are in accord with the intent and purpose of S.B.



No. 384, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 384, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Health and Human Services and Transportation and Culture and the Arts,

  
CHRIS LEE, Chair

  
JOY A. SAN BUENAVENTURA, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Health and Human Services**  
**HHS**

Bill / Resolution No.:* <b>SB 384</b>	Committee Referral: <b>HHS/TCA, JDL/WAM</b>	Date: <b>2/14/23</b>		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SHIMABUKURO, Maile S.L.				✓
AWA, Brenton	✓			
<b>TOTAL</b>	<b>4</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency        Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
Thirty-Second Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Transportation and Culture and the Arts**  
**TCA**

Bill / Resolution No.:* <b>SB 384</b>	Committee Referral: <b>HHS/TCA, JDC/WAM</b>	Date: <b>2/14/23</b>
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The Committee is reconsidering its previous decision on this measure.  
If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
 Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
LEE, Chris (C)	✓			
INOUYE, Lorraine R. (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
KEOHOKALOOLE, Jarrett	✓			✓
AWA, Brenton	✓			
<b>TOTAL</b>	<b>4</b>			<b>1</b>

Recommendation:  Adopted      Not Adopted

Chair's or Designee's Signature:  
*Lorraine R. Inouye*

Distribution:     Original     Yellow     Pink     Goldenrod  
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