



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
Margaret M. O'Neill Bldg., Suite 1
Dover, Delaware 19901
302-739-3621

The Honorable John Carney
Governor

John A. McNeal
Director

MEMORANDUM

DATE: April 17, 2019

TO: Members of the Delaware State Senate
and House of Representatives

FROM: Mr. J. Todd Webb, Chairperson
State Council for Persons with Disabilities

RE: S.B. 28 (Increased Penalties for Illegally Parking in Accessible Spaces)

The State Council for Persons with Disabilities (SCPD) has reviewed S.B. 28, which increases the financial penalties for parking in an area designated for a vehicle being used by an individual with a disability. For a first offense, this Act increases the monetary penalty from \$100 to \$200. For a subsequent offense, this Act increases the monetary penalty from \$200 to \$300. SCPD endorses the proposed legislation since increasing the penalties for unlawfully parking in accessible parking spaces may cause some decrease in the number of persons unlawfully parking in accessible spaces. However, SCPD has the following observations and recommendations.

It is unclear whether increasing fines will have a significant effect on the availability of accessible parking for those who need it. The increased monetary penalties may have some deterrent effect, but that deterrent only exists if persons considering parking in accessible spaces without authorization believe that there is a significant chance that they will be caught. Anecdotal evidence suggests that violators are able to "get away with it" and are thus unafraid of either the existing or increased penalties. Historically, there have been very few tickets issued to people who park illegally in accessible parking spaces. Please see attached chart, which documents the number of tickets issued in this context by police jurisdictions statewide for the last three years. For example, Dover Police Department issued 0 tickets in 2018 and Wilmington only issued 9. SCPD recommends increased enforcement of the laws prohibiting unlawful parking in accessible parking spaces. Council would embrace the opportunity to work with the legislature in considering ways to improve enforcement mechanisms.

S.B. 28 does not ensure that places of public accommodation have adequate accessible parking. There are many places of public accommodation that lack adequate accessible parking spaces, have parking marked as “accessible” that is not actually accessible, or lack adequate accessible paths from the accessible parking to the entrance of the place of public accommodation. Past attempts by Council in this context have resulted in little success regarding getting state or county enforcement agencies to take action on these matters. SCPD recommends better enforcement of the laws requiring accessible parking and accessible paths by both state and county authorities.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc: Ms. Laura Waterland, Esq.
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

Attachment

P&L/SB 28 accessible parking house 4-17-19

Agency	2016	2017	2018
BLADES PD	0	1	0
BRIDGEVILLE PD	0	0	3
CAMDEN PD	9	7	3
CAPITOL POLICE	0	10	24
CHESWOLD POLICE DEPT.	2	1	1
CLAYTON PD	0	2	0
DAGSBORO PD	2	0	0
DEL. RIV & BAY AUTH	4	2	1
DELAWARE CITY POLICE DEPT	0	0	1
DOVER PD	0	1	0
ELSMERE PD	3	5	8
FELTON PD	0	1	1
GEORGETOWN PD	9	1	1
GREENWOOD PD	0	0	1
HARRINGTON PD	22	37	71
LAUREL PD	21	41	20
MIDDLETOWN POLICE DEPARTMENT	29	18	32
MILFORD PD	26	32	19
MILLSBORO PD	9	3	7
MILTON PD	3	1	3
NEW CASTLE CITY PD	6	15	7
NEW CASTLE COUNTY PD	85	114	102
SEAFORD PD	66	86	74
SELBYVILLE PD	12	1	4
SMYRNA PD	4	11	7
TROOP 1 STATE POLICE	56	27	27
TROOP 2 STATE POLICE	4	7	22
TROOP 3 STATE POLICE	5	5	6
TROOP 4 STATE POLICE	1	1	1
TROOP 5 STATE POLICE	1	1	2
TROOP 6 STATE POLICE	242	181	91
TROOP 7 STATE POLICE	70	7	4
TROOP 9 STATE POLICE	12	9	15
WILMINGTON PD	25	22	9
WYOMING POLICE DEPARTMENT	0	1	1
Total	728	651	568

4 cadets