



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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The Honorable John Carney  
Governor

John McNeal  
SCPD Director

## MEMORANDUM

DATE: May 5, 2021

TO: All Members of the Delaware House of Representatives

FROM: Terri Hancharick – Chairperson *TH*  
State Council for Persons with Disabilities

RE: S.B. 20 DEAL (Delaware Equal Accommodations Law)

The State Council for Persons with Disabilities (SCPD) has reviewed S.B. 20, which seeks to expand upon and clarify some aspects of parking for persons with disabilities. The bill would amend the Delaware Equal Accommodations Law (DEAL) and the Motor Vehicle Code.

The amendments to DEAL would make it an unlawful practice for a person (designated as the “owner, lessee, proprietor, manager, director, supervisor, agent, or employee of any place of public accommodation”) to fail to allow individuals with a special license plate or persons with disabilities to park at their respective establishments. The amendments specifically make unlawful signs that prohibit parking by the above-mentioned individuals. The amendments to DEAL dovetail with the amendments to the Motor Vehicle Code (MVC) in terms of defining a person with a special license plate and a person with disabilities as allowed under 2134 through 2135. The procedures for filing a complaint with the State Human Relations Commission (HRC) and the investigative powers of the HRC and Division of Human Relations and remedies in DEAL for a violation of the conduct proscribed in the amendments would apply.

By making the failure of a person to allow specified parking by a person with a special tag or a person with disabilities unlawful under DEAL, it will bring the conduct under the authority of the State Human Relations Commission (HRC) and the Division of Human Relations. This will allow for the filing of a complaint by the aggrieved party (although the Division of Human Relations can investigate compliance with the statute on its own without a complaint). It will bring into force the investigative powers of the HRC, including the ability to issue subpoenas and order discovery. Upon finding a violation of the statute, the Division of Human Relations can provide relief including damages to the aggrieved party for humiliations and embarrassment, expenses, costs, attorneys' fees, injunctive or other equitable relief. The division can also assess a civil penalty against the perpetrator to "vindicate the public interest." 6 *Del. C.* 4508(h).

The bill also amends the MVC code to allow persons who have a special license plate and persons with disabilities to park in an unmetered parking space for an "unlimited period" of time and in a metered parking space for at least an hour.

This bill both gives more rights and strengthens the rights for persons with disabilities. It makes unlawful for a place of public accommodation to prohibit individuals with a special license plate or persons with disabilities from parking at their respective establishments. This is an admirable attempt by the legislature to help strengthen the rights of persons with disabilities.

SCPD is endorsing the concept of the legislation and the intent to limit restriction on parking for eligible persons with placards and plates.

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

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

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