
A BILL FOR AN ACT

RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Hawaii law requires that all plans and
2 specifications for the construction of public buildings,
3 facilities, and sites be prepared so that persons with
4 disabilities may access and use the buildings, facilities, and
5 sites. Section 103-50, Hawaii Revised Statutes, requires that
6 buildings, facilities, and sites conform to the Americans with
7 Disabilities Act Accessibility Guidelines and the Federal Fair
8 Housing Amendments Act of 1988, which establish the design
9 standard for accessibility to persons with disabilities.

10 The legislature established a mechanism for the review of
11 all plans and specifications for state and county buildings,
12 facilities, and sites or buildings, facilities, and sites funded
13 with state or county funds by the disability and communication
14 access board to ensure that design and construction plans would
15 be corrected before the construction of the building, facility,
16 or site. The disability and communication access board reviews
17 an average of nine hundred to one thousand plans each year. Up



1 until now, the review process has been offered to the
2 architectural and design community at no charge.

3 The legislature finds that compliance with the statutory
4 design requirements to ensure accessibility is neither
5 consistent nor uniformly understood in the architectural,
6 engineering, and design community. The legislature further
7 finds that the review process by the disability and
8 communication access board is a valuable service that should be
9 continued. The review process ensures appropriate access to
10 people with disabilities by uncovering design flaws that are
11 corrected before construction, which prevents costly litigation
12 and retrofits.

13 The legislature believes that the fees required to be
14 charged under this Act by the disability and communication
15 access board should be incorporated into the capitalization
16 costs of the projects. A reasonable fee schedule would generate
17 revenues sufficient to pay for the salaries of the staff
18 conducting the reviews after June 30, 2013. The review process
19 will remain funded by the general fund until June 30, 2013. The
20 fees will provide a mechanism to defray a portion or all of the
21 costs of the review process.



1 The purpose of this Act is to require the disability and
2 communication access board to charge established fees for the
3 review, similar to other fees that are charged for permits, as
4 part of the design and construction process.

5 SECTION 2. Section 103-50, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§103-50 Building design to consider needs of persons with**
8 **disabilities; review fees.** (a) Notwithstanding any other law
9 to the contrary, all plans and specifications for the
10 construction of public buildings, facilities, and sites shall be
11 prepared so that the buildings, facilities, and sites are
12 accessible to and usable by persons with disabilities. The
13 buildings, facilities, and sites shall conform to the Americans
14 with Disabilities Act Accessibility Guidelines, Title 36 Code of
15 Federal Regulations Part 1191, and the requirements of the
16 Federal Fair Housing Amendments Act of 1988, as established in
17 Title 24 Code of Federal Regulations Part 100, Subpart D, as
18 adopted and amended by the disability and communication access
19 board under chapter 348F.

20 (b) All state and county agencies subject to this section
21 shall seek advice and recommendations from the disability and



1 communication access board on any construction plans prior to
2 commencing with construction.

3 (c) The disability and communication access board shall
4 adopt rules pursuant to chapter 91 for the design of buildings,
5 facilities, and sites, by or on behalf of the State and counties
6 to effectuate the purposes of this section, except that the
7 board, without regard to chapter 91, instead, may adopt federal
8 amendments to the Americans with Disabilities Act Accessibility
9 Guidelines, Title 36 Code of Federal Regulations Part 1191.

10 (d) The disability and communication access board may
11 approve a [~~site specific~~] site-specific alternate design when an
12 alternate design provides equal or greater access.

13 (e) The disability and communication access board shall
14 charge a review fee for services rendered. The review fees
15 shall be per cent of the estimated construction cost and a
16 flat rate fee based on estimated construction costs as follows:

<u>Estimated Construction Costs</u>	<u>Fees</u>
18 (1) <u>Plans and specifications not subject</u> 19 <u>to accessibility guidelines</u> 20 <u>under this section</u>	<u>\$50</u>
21 (2) <u>Up to \$ 50,000</u>	<u>\$200</u>
22 (3) <u>\$50,001 to \$100,000</u>	<u>\$400</u>



1	<u>(4) \$100,001 to \$500,000</u>	<u>\$1,000</u>
2	<u>(5) \$500,001 to \$1,000,000</u>	<u>\$2,000</u>
3	<u>(6) \$1,000,001 to \$2,500,000</u>	<u>\$3,000</u>
4	<u>(7) \$2,500,001 to \$5,000,000</u>	<u>\$4,000</u>
5	<u>(8) \$5,000,001 to \$10,000,000</u>	<u>\$5,000</u>
6	<u>(9) More than \$10,000,000</u>	<u>\$6,000 + \$1,000</u>
7		<u>for each</u>
8		<u>additional</u>
9		<u>\$5,000,000 or</u>
10		<u>portion thereof.</u>

11 In addition, there shall be a \$3,000 maximum plan review
 12 fee charged at the discretion of the disability and
 13 communication access board for infrastructure projects and
 14 projects managed by private non-profit entities.

15 (f) All moneys collected as review fees shall be deposited
 16 into the disability and communication access board special fund
 17 established under section 348F-7.

18 (g) The disability and communication access board shall
 19 report to the legislature annually regarding the revenues
 20 collected under this section. The report shall include a
 21 summary of the number and types of plans reviewed and the fees
 22 collected from each state or county department or agency.



1 [~~(e)~~] (h) For the purposes of this section[~~, "public~~]:
2 "Infrastructure" includes water, drainage, sewer, waste
3 disposal and waste treatment systems, roads, and street lighting
4 that connect to the state or county project.

5 "Public buildings, facilities, and sites" means buildings,
6 facilities, [~~and~~] sites, and the infrastructure thereof that:

- 7 (1) Are designed, constructed, purchased, or leased with
8 the use of any state or county funds or federal funds
9 administered by the State or a county;
- 10 (2) House state or county programs, services, or
11 activities that are intended to be accessed by the
12 general public; or
- 13 (3) Are constructed on state or county lands or lands that
14 will be transferred to the State or a county."

15 SECTION 3. Section 348F-7, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[~~+~~]**§348F-7**[~~+~~] **Disability and communication access board**
18 **special fund.** (a) There is established the disability and
19 communication access board special fund to be administered by
20 the disability and communication access board. All moneys
21 received by the disability and communication access board as
22 application fees for credentialing of interpreters and



1 construction plans and specifications review fees pursuant to
2 section 103-50 shall be deposited into the special fund. All
3 interest earned or accrued on moneys deposited into this special
4 fund shall become part of the special fund.

5 (b) Moneys in the disability and communication access
6 board special fund shall be expended to cover all costs of
7 administering this chapter including the costs of administering
8 the program for the state credentialing of interpreters and the
9 construction plans and specifications review fee program under
10 section 103-50."

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval;
14 provided that the fees established in section 103-50(e), Hawaii
15 Revised Statutes, shall take effect on January 1, 2013.



Report Title:

Persons with Disabilities; Disability and Communication Access Board; Fees

Description:

Requires the Disability and Communication Access Board (DCAB) to charge fees to defray expenses of reviewing construction plans to ensure compliance with law, establishes a fee schedule to be effective January 1, 2013, and requires the fees to be deposited into the DCAB special fund. (HB2553 HD1)

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