

JAN 24 2013

A BILL FOR AN ACT

RELATING TO PARKING FOR DISABLED PERSONS.

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

1 SECTION 1. The legislature finds that providing accessible
2 parking stalls conforming to the requirements of the Americans
3 with Disabilities Act and the State's administrative rules is
4 critical to persons with disabilities. Act 297, Session Laws of
5 Hawaii 2001, sought to regulate the appropriate design and use
6 of accessible parking stalls. The legislature finds, however,
7 that enforcement has been lacking.

8 The purpose of this Act is to clarify the legislature's
9 intent to allow a private right of action to enforce the
10 requirement to provide parking for persons with disabilities.
11 This Act also increases fines for the failure to provide
12 appropriate parking stalls.

13 SECTION 2. Section 291-58, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "~~§291-58~~ **Requirement to provide parking for persons**
16 **with disabilities; penalty.** Beginning July 1, 2002, any public
17 or private entity that provides a parking space reserved for
18 persons with disabilities shall comply with this part and any



1 administrative rules adopted under this part. A private entity
 2 that fails to comply with this section shall be enjoined and
 3 fined not less than [~~\$250 nor~~] \$500 or more than [~~\$500~~] \$1,000
 4 for each separate offense. Each [~~day of violation~~] noncomplying
 5 parking space shall constitute a separate offense. Any action
 6 taken to impose or collect any penalty provided for in this
 7 section shall be [~~considered a civil action.~~] pursued as a
 8 private right of action."

9 SECTION 3. Statutory material to be repealed is bracketed
 10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

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S.B. NO. 947

Report Title:

Disabled Persons; Parking

Description:

Creates a private right of action to enforce the requirement of providing parking for disabled persons. Increases the fines allowed for an offense.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

