

**CHAPTER 347**  
**BLIND, VISUALLY HANDICAPPED, AND OTHER DISABLED PERSONS**

Section

- 347-1 Visually handicapped defined
- 347-2 Blind, defined
- 347-2.5 Service dog, defined
- 347-3 Department; general powers
- 347-4 Vocational rehabilitation of blind
- 347-5 Obtaining federal benefits
- 347-6 Registration of blind
- 347-7 Agencies for information and industrial aid
- 347-8 Workshops
- 347-9 Visiting blind and visually handicapped persons; home teaching
- 347-10 Donations and examinations for sight conservation
- 347-11 Protection of records; divulging confidential information prohibited; penalties; payments to blind inalienable
- 347-12 Blind shop and handicraft program
- 347-12.5 Randolph-Sheppard revolving account
- 347-13 Persons who are blind, visually handicapped, disabled; public places; public conveyances
- 347-13.5 Suits by individuals; jurisdiction; venue
- 347-14 Penalty
- 347-15 Fares for blind person and guide
- 347-16 Canes, use in public places
- 347-17 Driver of vehicle, caution
- 347-18 Penalty
- 347-19 Rights of blind; partially blind
- 347-20 Legislative findings

## Note

Chapter heading amended by L 2011, c 175, §5.

### Law Journals and Reviews

Timesharing in the 1990s. I HBJ, no. 13, at 89 (1997).

" **§347-1 Visually handicapped defined.** A visually handicapped person is one whose vision with correcting lenses is so defective as to interfere with the person's performance of ordinary activity for which eyesight is essential. [L 1947, c 108, §3; RL 1955, §109-3; am L 1959, c 246, §2; HRS §347-1; gen ch 1985]

" **§347-2 Blind, defined.** The term "blind" as used in this chapter, whether used as an adjective or noun, means blind or visually handicapped. [L 1947, c 108, §1; RL 1955, §109-5; am L 1959, c 246, §3; am L 1961, c 177, §1; HRS §347-2]

" **[§347-2.5] Service dog, defined.** As used in this chapter, "service dog" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, intellectual, or other mental disability. A companion or comfort animal is not a service dog unless it meets the requirements of this definition and it accompanies a person for the purpose of performing the work or tasks for which it has been trained. [L 2011, c 175, §2]

" **§347-3 Department; general powers.** The department of human services shall administer work with and for the blind, including the registry of the blind, vocational guidance, training, and placement in employment, and other services, including the conduct of activities for sight conservation and prevention of blindness. [L 1945, c 113, pt of §4; RL 1955, §109-1; am L 1957, c 317, §1; am L Sp 1959 2d, c 1, §20; HRS §347-3; am L 1970, c 105, §5; am L 1987, c 339, §4]

### Cross References

Concessions in public buildings, see §102-14.

General excise tax upon blind persons, see §237-17.

Income tax exemption, see §235-54.

Public assistance, see §346-52.

Real property tax home exemption, see §246-31.

### Case Notes

Land used for the blind is land used for a public use. 43 H. 253 (1959).

" **§347-4 Vocational rehabilitation of blind.** The department of human services shall provide vocational rehabilitation for blind and visually handicapped persons in accordance with the provisions of the federal Vocational Rehabilitation Act and the Randolph-Sheppard Act and in accordance with chapter 348, to the extent permitted by the amount appropriated, funds available from the federal government, and other donations, and grants. [L 1945, c 125, §1; add L 1947, c 108, §2; RL 1955, §109-2; am L 1959, c 246, §1; am L Sp 1959 2d, c 1, §20; HRS §347-4; am L 1970, c 105, §5; am L 1979, c 189, §1; am L 1987, c 339, §4]

" **§347-5 Obtaining federal benefits.** The department of human services may, as the agency of the State for the assistance of blind or visually handicapped persons, do all things which will enable the State and the blind and the visually handicapped in the State to have the benefits of all federal laws for the benefit of blind and visually handicapped persons. [L 1947, c 108, §4; RL 1955, §109-4; am L Sp 1959 2d, c 1, §20; HRS §347-5; am L 1970, c 105, §5; am L 1987, c 339, §4]

" **§347-6 Registration of blind.** The department of human services shall cause to be maintained a complete register of the blind in the State which shall describe the condition, causes of blindness, capacity for education and industrial training, and such other facts as may seem to it to be of value regarding each blind person, together with recommendations for rehabilitation and relief.

It shall register cases of persons whose eyesight is seriously defective or who are likely to become visually handicapped or blind, and take such measures in cooperation with other authorities, as it deems advisable for the prevention of blindness or conservation of eyesight, and in appropriate cases provide for or secure the vocational guidance of persons having seriously defective sight. [L 1941, c 296, pt of §1; RL 1945, §4857, ren §4872; am L 1945, c 113, §5; RL 1955, §109-6; am L Sp 1959 2d, c 1, §20; HRS §347-6; am L 1970, c 105, §5; am L 1987, c 339, §4]

" **§347-7 Agencies for information and industrial aid.** The department of human services shall maintain or cause to be maintained one or more agencies for employment information and industrial aid, the object of which shall be to aid the blind and visually handicapped persons in finding employment and shall

provide instruction for such persons in trades and occupations which may be followed in their homes, and shall assist such persons in whatever manner it deems advisable in disposing of the products of their home industry. [L 1941, c 296, pt of §1; RL 1945, §4859, ren §4874; am L 1945, c 113, §5; RL 1955, §109-8; am L 1959, c 246, §5; am L Sp 1959 2d, c 1, §20; HRS §347-7; am L 1970, c 105, §5; am L 1987, c 339, §4]

### **Cross References**

Exemption from bid requirements for public concessions, see §102-2.

Vending stands in public buildings, see §102-14.

" **§347-8 Workshops.** The department of human services may also, whenever it deems proper, aid blind and visually handicapped persons and others, who, in the opinion of the department, will be benefited by the experience, to become self-supporting by employing them in workshops or in their own homes at such compensation as the department may determine their services shall warrant and by furnishing them with materials, machinery, necessary supervision, and other help and facilities. No person so employed shall be deemed an employee of the State or of the department within the meaning of this or any other chapter, or any act; provided that persons employed in such workshops shall come under and be entitled to all the benefits of chapter 386 relating to workers' compensation, the cost of which shall be borne by the state insurance fund; provided further that nothing in this section shall be construed to prevent the persons so employed from being considered employees of the State or of the department for purposes of part VI, chapter 88, if they would be considered employees under Title II of the federal Social Security Act, as amended. [L 1941, c 296, pt of §1; RL 1945, §4860, ren §4875; am L 1945, c 113, §5; am L 1951, c 259, §1; RL 1955, §109-9; am L 1957, c 91, §1; am L 1959, c 246, §6; am L Sp 1959 2d, c 1, §20; HRS §347-8; am L 1970, c 105, §5; am L 1975, c 41, §1; am L 1987, c 339, §4]

" **§347-9 Visiting blind and visually handicapped persons; home teaching.** The department of human services may take whatever measures it deems necessary to ameliorate the condition of blind and visually handicapped persons by promoting visits among them, providing instruction in their homes, and circulating reading matter among them for their education and recreation. [L 1941, c 296, pt of §1; RL 1945, §4861, ren §4876; am L 1945, c 113, §5; RL 1955, §109-10; am L 1959, c 246, §7; am

L Sp 1959 2d, c 1, §20; HRS §347-9; am L 1970, c 105, §5; am L 1987, c 339, §4]

" **§347-10 Donations and examinations for sight conservation.**

(a) Donations. The department of human services in its sight conservation program may accept and expend or distribute donations, eye glasses, and other services for sight conservation and for assistance to blind and visually handicapped persons; provided that any donations of money so received shall be deposited in the state treasury and disbursed therefrom for such purposes pursuant to this chapter.

(b) Cause and prevention of blindness, examinations. The department of human services, in consultation and cooperation with the department of health, shall make investigation of the causes of blindness, learn what proportion of the cases are preventible, and inaugurate and cooperate in any such preventive measures as may seem advisable for the State. They, or either of them, may arrange for the examination of the eyes of the individual blind or visually handicapped persons and may provide or secure medical and surgical treatment of such persons whenever, in its judgment, the sight of the persons may be benefited thereby. [L 1941, c 296, pt of §1; RL 1945, §4862, ren §4877; am L 1945, c 113, §5; RL 1955, §109-11; am L 1959, c 129, §1 and c 246, §8; am L 1965, c 246, §4; HRS §347-10; am L 1970, c 105, §5; am L 1987, c 339, §4]

**Cross References**

Health department program, see §321-101.

" **§347-11 Protection of records; divulging confidential information prohibited; penalties; payments to blind**

**inalienable.** Sections 346-10 and 346-11, relating to protection of records, divulging confidential information, and penalties, and section 346-33 concerning inalienability of payments to the blind, are made applicable in the same manner as if such sections were reenacted in this chapter. [L 1945, c 113, pt of §6; RL 1955, §109-12; HRS §347-11]

" **§347-12 Blind shop and handicraft program.** The department of human services may provide a workshop or home labor program for the blind or others, who, in the opinion of the department of human services, will benefit from the experience. Under the program, the department may train blind or other persons to produce crafts and other products for sale.

This section shall be subject to any federal policies, rules, or regulations that may be applicable in order to obtain

federal aid or the cooperation of any federal agency concerned. [L 1959, c 246, §15; am L Sp 1959 2d, c 1, §§14, 20; am L 1963, c 114, §1; Supp, §109-13; HRS §347-12; am L 1970, c 105, §5; am L 1987, c 339, §4; am L 2015, c 147, §10]

" **[§347-12.5] Randolph-Sheppard revolving account.** (a) There is established within the state treasury the Randolph-Sheppard revolving account. The revolving account shall be used by the department of human services for:

- (1) The provision of the following benefits for blind vendors:
  - (A) A retirement or pension plan;
  - (B) Health insurance; and
  - (C) Sick and vacation leave;
- (2) The maintenance and replacement of equipment used in the blind vending program;
- (3) The purchase of new equipment to be used in the blind vending program; and
- (4) The provision of management services, which shall include, but not be limited to:
  - (A) The hiring of consultants;
  - (B) The sponsoring of training seminars;
  - (C) Transportation;
  - (D) Per diem for vendors to attend meetings of the state committee of blind vendors;
  - (E) Services for the state committee of blind vendors; and
  - (F) Other costs related to the blind vending program.

(b) Income from vending machines on federal, state, and county properties that are within reasonable proximity to, and in direct competition with, a blind vendor may be deposited into the account and then disbursed to the blind vendor.

(c) The revolving account shall consist of funds derived from:

- (1) Vending machine income generated by federal, state, and county operations;
- (2) Any other legally accepted source of income; and
- (3) Donations. [L 1991, c 70, §1]

#### **Case Notes**

As the federal adjudication path applied to disputes arising from the Hawaii Randolph-Sheppard Act, trial court lacked subject matter jurisdiction to decide the merits of the case. 112 H. 388, 146 P.3d 103 (2006).

" **§347-13 Persons who are blind, visually handicapped, disabled; public places; public conveyances.** (a) Persons who are blind, visually handicapped, or otherwise disabled are entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats, or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable to all persons.

(b) Every person who is blind, deaf, visually handicapped, or otherwise disabled shall have the right to be accompanied by a service dog, especially trained for the purpose of assisting the person in any of the places listed in subsection (a) without being required to pay an extra charge for the service dog; provided that the person shall be liable for any damage done to the premises or facilities by the service dog. No service dog shall be considered dangerous merely because it is unmuzzled.

(c) Every disabled person shall have the right to use a life jacket or other flotation device in a public swimming pool; provided that:

- (1) The person suffers from a physical disability or condition that requires the use of a life jacket or other flotation device; and
- (2) The person obtains a statement signed by a licensed physician, physician assistant, or advanced practice registered nurse attesting to the person's need to use a life jacket or other flotation device.

(d) The director of human services shall adopt rules pursuant to chapter 91 necessary for the purposes of this section. [L 1945, c 265, §1; RL 1955, §109-20; HRS §347-13; am L 1972, c 75, §2; gen ch 1985; am L 1987, c 339, §4 and c 363, §1; am L 1988, c 206, §2; am L 1991, c 178, §1; am L 2009, c 151, §17; am L 2011, c 175, §6; am L 2014, c 45, §9]

" **[§347-13.5] Suits by individuals; jurisdiction; venue.** Any person injured by a violation of section 347-13 may bring a civil action to recover three times the person's actual damages or \$1,000, whichever sum is greater, for each violation. Any person bringing such an action shall also be entitled to recover the person's costs together with reasonable attorneys' fees. An action under this section shall be brought in the circuit court of the district in which the violation is alleged to have occurred. [L 1988, c 206, §1]

" **§347-14 Penalty.** Any person, business, or agency who violates section 347-13 and any common or public carrier which, and any officer or employee of any common carrier who violates, or causes such carrier to violate, section 347-13 shall be fined not more than \$1,000. [L 1945, c 265, §2; RL 1955, §109-21; HRS §347-14; am L 1987, c 363, §2; am L 1988, c 206, §3]

" **§347-15 Fares for blind person and guide.** It shall be lawful under the law of the State for any carrier, whether public or private, whether a public utility or not a public utility, to carry on any conveyance operated by the carrier any blind person and the blind person's guide and not to charge them passenger fares. This section shall not be construed to affect the contractual rights of any person or to place any obligation or restriction on any carrier. [L 1947, c 109, §1; RL 1955, §109-22; am L 1967, c 153, §1; HRS §347-15; gen ch 1985]

" **§347-16 Canes, use in public places.** No person, unless blind or visually handicapped and authorized by the department of human services so to do, shall carry or use on any street or highway, or in any other public place, an exposed cane or walking stick which is painted white in color or painted white tipped with red. [L 1947, c 35, §1; RL 1955, §109-23; am L 1959, c 246, §9; am L Sp 1959 2d, c 1, §20; HRS §347-16; am L 1970, c 105, §5; am L 1987, c 339, §4]

" **§347-17 Driver of vehicle, caution.** Any driver of a vehicle shall, on approaching a person who is blind or visually handicapped, and is carrying or using an exposed cane or walking stick which is painted white in color or painted white tipped with red, or a person who is blind or visually handicapped and using a guide dog, take such reasonable precautions before proceeding as may be necessary to avoid an accident or injury to the blind or visually handicapped person. [L 1947, c 35, §2; am L 1955, c 92, §1; RL 1955, §109-24; am L 1959, c 246, §10; am L 1963, c 193, §36; HRS §347-17]

" **§347-18 Penalty.** Any person who violates section 347-16 or 347-17 shall be fined not more than \$100 or imprisoned not more than six months, or both. [L 1947, c 35, §3; RL 1955, §109-25; HRS §347-18]

#### **Cross References**

Classification of offense and authorized punishment, see §§701-107, 706-640, and 706-663.



" **§347-19 Rights of blind; partially blind.** A blind or visually handicapped person not carrying a cane or using a service dog in any of the places, accommodations or conveyances listed in section 347-13, shall have all of the rights and privileges conferred by law upon other persons, and the failure of a blind or visually handicapped person to carry a cane or to use a service dog in any such places, accommodations, or conveyances shall not constitute nor be evidence of negligence. [L 1972, c 75, §3; am L 2011, c 175, §7]

" **[§347-20 Legislative findings.]** The legislature finds that it is the policy of this State to encourage and enable the blind, the visually handicapped, and the otherwise physically disabled to participate fully in the social and economic life of the State and to engage in remunerative employment. The legislature also finds that the blind, the visually handicapped, and the otherwise physically disabled have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places. The legislature declares that it is the policy of this State that the blind, the visually handicapped, and the otherwise physically disabled shall be employed in the state service, in the service of the political subdivisions of the State, in the public schools, and in all other employment supported in whole or in part by public funds on the same terms and conditions as the able-bodied, unless it is shown that the particular disability prevents the performance of the work involved. [L 1972, c 75, §1]