

JAN 20 2023

A BILL FOR AN ACT

RELATING TO ACCESS FOR DISABLED PERSONS.

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

1 SECTION 1. The legislature finds that the statewide
2 program on parking for persons with disabilities, established
3 under part III of chapter 291, Hawaii Revised Statutes, pursuant
4 to federal Public Law 100-641, enables individuals with mobility
5 disabilities to travel and park in accessible parking spaces.
6 The legislature further finds that while section 291-58,
7 Hawaii Revised Statutes, requires that each public and private
8 entity that provides a parking space reserved for persons with
9 disabilities comply with part III of chapter 291, Hawaii Revised
10 Statutes, and any administrative rules adopted under that part,
11 the statute does not authorize enforcement by a government
12 entity. Instead, section 291-58, Hawaii Revised Statutes,
13 provides that any action to impose or collect a fine on a
14 non-compliant private entity shall be considered a civil action.
15 Since its effective date of July 1, 2002, the statute has not
16 been enforced.



1 Accordingly, the purpose of the Act is to amend
2 section 291-58, Hawaii Revised Statutes, to authorize the
3 counties to adopt ordinances to enforce the accessible parking
4 space design requirements of the Americans with Disabilities
5 Act; part III of chapter 291, Hawaii Revised Statutes; and any
6 administrative rules adopted under that part.

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

9 "~~[+]§291-58[] Requirement to provide parking for persons~~
10 ~~with disabilities; penalty.~~ Beginning July 1, 2002, any public
11 or private entity that provides a parking space reserved for
12 persons with disabilities shall comply with this part and any
13 administrative rules adopted under this part. A private entity
14 that fails to comply with this section shall be fined not less
15 than \$250 nor more than \$500 for each separate offense. Each
16 day of violation shall constitute a separate offense. Any
17 action taken to impose or collect any penalty provided for in
18 this section shall be considered a civil action.] **Ordinances to**
19 **enforce authorized.** (a) Each county may adopt ordinances to:
20 (1) Enforce the design and construction requirements of
21 the Americans with Disabilities Act of 1990, as




1 amended; this part; and any administrative rules
 2 adopted under this part, pertaining to the provision
 3 of parking spaces and access to parking spaces
 4 reserved for persons with disabilities, including but
 5 not limited to the number, location, design, and
 6 signage of these parking spaces; and

7 (2) Establish penalties for failure to comply with the
 8 ordinances adopted pursuant to this section.

9 (b) An official appointed by a county may enter the
 10 property of private entities to enforce any applicable
 11 ordinances adopted pursuant to this section."

12 SECTION 3. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on July 1, 2023.

15
 INTRODUCED BY: 



S.B. NO. 384

Report Title:

Persons with Disabilities; Access Enforcement

Description:

Authorizes each county to adopt ordinances to enforce the design, construction and signage requirements of the federal Americans with Disabilities Act of 1990, as amended; part III of chapter 291, Hawaii Revised Statutes; and any administrative rules adopted under that part, including the establishment of penalties for failure to comply with the ordinance. Clarifies that an official appointed by a county may enter private property to enforce violations of the ordinances adopted by the county.

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

