
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 pursuant to this part, pertaining to the
3 provision of parking spaces and access to parking
4 spaces reserved for persons with disabilities,
5 including but not limited to the number, location,
6 design, and 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 places of public accommodation to enforce any
11 applicable ordinances adopted pursuant to this section.

12 (c) For the purpose of this section, "place of public
13 accommodation" shall have the same meaning as defined in section
14 489-2."

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect on December 31,
18 2050.



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 property of places of public accommodation to enforce violations of the ordinances adopted by the county. Effective 12/31/2050. (SD1)

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

