

JAN 23 2025

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# 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 the statewide  
2 parking program for persons with disabilities, as established  
3 under part III of chapter 291, Hawaii Revised Statutes, pursuant  
4 to the federal Uniform System for Parking for Persons with  
5 Disabilities, title 23 Code of Federal Regulations section 1235,  
6 and as administered by the disability and communication access  
7 board, provides individuals with mobility disabilities the  
8 ability to travel and park in accessible parking spaces via the  
9 use of parking placards. However, improper design and signage  
10 of accessible parking spaces impedes access for program  
11 participants.

12       The purpose of this Act is to authorize the counties to  
13 enact ordinances to enforce the accessible parking space design  
14 requirements of part III of chapter 291, Hawaii Revised  
15 Statutes, and any administrative rules adopted under that part  
16 to ensure unimpeded access for program participants.

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

S.B. NO. 1446

1       " ~~[f]~~ §291-58 ~~[f]~~ Requirement to provide parking for persons  
2 with disabilities; ~~[penalty.]~~ ordinances to enforce authorized.  
3 ~~[Beginning July 1, 2002, any public or private entity that~~  
4 ~~provides a parking space reserved for persons with disabilities~~  
5 ~~shall comply with this part and any administrative rules adopted~~  
6 ~~under this part. A private entity that fails to comply with~~  
7 ~~this section shall be fined not less than \$250 nor more than~~  
8 ~~\$500 for each separate offense. Each day of violation shall~~  
9 ~~constitute a separate offense. Any action taken to impose or~~  
10 ~~collect any penalty provided for in this section shall be~~  
11 ~~considered a civil action.]~~ (a) Each county may enact  
12 ordinances to:

13       (1) Enforce the design and construction requirements of  
14       this part, and any administrative rules adopted  
15       pursuant to this part, pertaining to the provision of  
16       parking spaces and access to parking spaces reserved  
17       for persons with disabilities, including but not  
18       limited to the number, location, design, and signage  
19       of these parking spaces; and

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

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1        (b) An official appointed by a county may enter the  
2 property of places of public accommodation to enforce any  
3 applicable ordinances enacted pursuant to this section.

4        (c) For the purpose of this section, "place of public  
5 accommodation" shall have the same meaning as defined in section  
6 489-2."

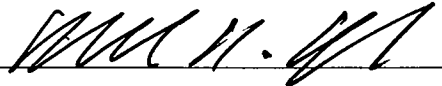
7        SECTION 3. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9        SECTION 4. This Act, upon its approval, shall take effect  
10 on July 1, 2025.

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12

INTRODUCED BY:



13

BY REQUEST

# S.B. NO. 1446

**Report Title:**

Disabled Persons Parking; County Enforcement

**Description:**

Authorizes each county to enact ordinances to enforce the design and construction requirements for the provision of accessible parking spaces, including the establishment of penalties for failure to comply with the ordinances.

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

JUSTIFICATION SHEET

SB. NO. 1446

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO PARKING FOR  
DISABLED PERSONS.

PURPOSE: To authorize the counties to enact and  
enforce ordinances relating to the design of  
accessible parking spaces at places of  
public accommodation.

MEANS: Amend section 291-58, Hawaii Revised  
Statutes (HRS).

JUSTIFICATION: Section 291-58, HRS, currently provides that  
a civil action may be brought against a  
place of public accommodation that does not  
provide an accessible parking space that  
meets design requirements, and a fine of  
\$250-\$500 per day shall be imposed for  
failure to comply with the section. A  
successful civil action has never been  
brought under this section. The counties,  
via their building departments, are better  
positioned to enforce accessible parking  
space design requirements at places of  
public accommodation and levy appropriate  
fines for noncompliance violations. Under  
section 291-73, HRS, the counties have  
similarly been authorized to enact  
ordinances and enforce requirements that  
places of public accommodation with 100 or  
more total spaces provide a space that is  
equipped with an electric vehicle charging  
system and reserved for electric vehicles.

Impact on the public: This bill will help  
ensure accessible parking spaces that comply  
with federal and state design requirements  
are available for qualified persons with  
disabilities.

Impact on the department and other agencies:  
None.

GENERAL FUND: None.

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OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: HTH 520.

OTHER AFFECTED  
AGENCIES: Counties.

EFFECTIVE DATE: July 1, 2025.