

JAN 21 2022

---

# A BILL FOR AN ACT

---

RELATING TO PARKING FOR PERSONS WITH DISABILITIES.

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

1       SECTION 1. The purpose of this Act is to provide improved  
2 accommodations for persons with physical disabilities who  
3 require parking at commercial places of public accommodation,  
4 including retail malls and shopping centers, by increasing the  
5 number of parking spaces as required by title III of the  
6 Americans with Disabilities Act of 1990, as amended.

7       SECTION 2. Section 291-51, Hawaii Revised Statutes, is  
8 amended by adding two new definitions to be appropriately  
9 inserted and to read as follows:

10       "Commercial place of public accommodation" means a private  
11 business of any kind where goods or retail services are  
12 extended, offered, or otherwise made available to the general  
13 public as customers, clients, or visitors. A commercial place  
14 of public accommodation includes a retail mall and shopping  
15 center or mall.

16       "Parking facility" means all or any portion of buildings,  
17 structures, sites, complexes, including the site where the



1 building, property, or structure is located, that offers parking  
2 to the public."

3 SECTION 3. Section 291-58, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "~~[§]291-58[§]~~ Requirement to provide parking for persons  
6 with disabilities; penalty. (a) Beginning July 1, 2002, any  
7 public or private entity that provides a parking space reserved  
8 for persons with disabilities shall comply with this part and  
9 any administrative rules adopted under this part.

10 (b) Beginning January 1, 2022, a commercial place of  
11 public accommodation shall be required to provide a minimum  
12 number of parking spaces reserved for persons with disabilities  
13 that is equal to six per cent of the total number of parking  
14 spaces in each parking facility. If the number of parking  
15 spaces required by this section results in a fraction, the  
16 required number shall be rounded to the nearest whole number.  
17 The parking spaces reserved for persons with disabilities shall  
18 be otherwise in compliance with title III of the Americans with  
19 Disabilities Act of 1990, as amended, and the 2010 ADA Standards  
20 for Accessibility.



1        (c) A private entity, including a commercial place of  
2        public accommodation, that fails to comply with this section  
3        shall be fined not less than \$250 nor more than \$500 for each  
4        separate offense. Each day of violation shall constitute a  
5        separate offense. Any action taken to impose or collect any  
6        penalty provided for in this section shall be considered a civil  
7        action."

8        SECTION 4. (a) The disability and communication access  
9        board shall convene a task force to review expanding the  
10       eligibility requirements for disability parking permits,  
11       including at a minimum, developmental disabilities. The  
12       chairperson of the disability and communication access board  
13       shall serve as chair of the task force and shall invite other  
14       interested parties to participate as members of the task force.

15       (b) The task force shall submit a report of its findings  
16       and recommendations, including any proposed legislation, to the  
17       legislature no later than twenty days prior to the convening of  
18       the regular session of 2023.

19       (c) The task force shall cease to exist on June 30, 2023.



1       SECTION 5. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4       SECTION 6. If any provision of this Act, or the  
5 application thereof to any person or circumstance, is held  
6 invalid, the invalidity does not affect other provisions or  
7 applications of the Act that can be given effect without the  
8 invalid provision or application, and to this end the provisions  
9 of this Act are severable.

10       SECTION 7. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12       SECTION 8. This Act shall take effect upon its approval.

13  
INTRODUCED BY:



# S.B. NO. 2540

**Report Title:**

Persons with Disabilities; Parking Spaces; Retail Malls;  
Shopping Centers

**Description:**

Requires private businesses selling goods and services to the public, including retail malls and shopping centers, to provide a minimum of 6 per cent of its parking spaces for persons with disabilities. Imposes a penalty for failure to comply. Convenes a task force to review expanding eligibility requirements for disability parking permits.

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

