
A BILL FOR AN ACT

RELATING TO ACCESSIBILITY.

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

1 SECTION 1. The legislature finds that individuals with
2 disabilities and kūpuna have a right to access businesses, state
3 buildings, and recreation facilities, including beaches. The
4 legislature further finds that a significant portion of the
5 State's population are mobility disabled and, therefore, unable
6 to access many public spaces, such as businesses, state
7 buildings, and recreation facilities, including beaches. The
8 legislature also finds that the federal Americans with
9 Disabilities Act of 1990, as amended, and analogous state laws
10 protect qualified individuals with disabilities. Yet most state
11 facilities, schools, and other facilities do not comply with
12 either federal or state standards.

13 The purpose of this Act is to:

- 14 (1) Provide for legally required inclusion of individuals
15 with disabilities in necessary activities;
- 16 (2) Improve inclusion in important socialization
17 activities;



- 1 (3) Require every state building and business to include,
2 at minimum, an entry point and two bathrooms that are
3 in compliance with the federal Americans with
4 Disabilities Act of 1990, as amended, and at least one
5 automatic door for entry and exit; and
6 (4) Improve standard of life for all individuals with
7 disabilities and kūpuna.

8 SECTION 2. Chapter 368, Hawaii Revised Statutes, is
9 amended by adding a new part to be appropriately designated and
10 to read as follows:

11 **"PART . RIGHT TO ACCESSIBILITY FOR MOBILITY DISABLED PERSONS**

12 **§368- Definitions.** As used in this part, unless the
13 context requires otherwise:

14 "Disability" means the state of having a physical or mental
15 impairment that substantially limits one or more major life
16 activities, having a record of such an impairment, or being
17 regarded as having such an impairment.

18 "Instrumental activities of daily living" means the
19 following instrumental activities that individuals perform as a
20 part of daily living: preparing meals, shopping for personal
21 items, medication management, managing money, using the



1 telephone, performing light housework, performing heavy
2 housework, and making use of available transportation.

3 "Physical disability" means the broad range of
4 disabilities, including orthopedic, neuromuscular,
5 cardiovascular, and pulmonary disorders, that may be congenital
6 or a result of aging or injury.

7 **§368- Accessibility measures.** (a) The legislature
8 shall ensure that instrumental activities of daily living are
9 accessible and feasible for all individuals with disabilities
10 and elderly individuals, including individuals with physical
11 disabilities. The legislature shall take reasonable steps to
12 ensure that all state facilities, businesses, and recreational
13 facilities are equipped with, at minimum, the following
14 accessibility measures:

15 (1) For state facilities and businesses, an entrance and
16 exit point that are in compliance with the federal
17 Americans with Disabilities Act of 1990, as amended,
18 including doors; provided that door hardware shall not
19 require more than five pounds of force to operate;
20 provided further that doors shall be operable with one



1 hand and without tight grasping, pinching, or twisting
2 of the wrist;

3 (2) A handrail on each side of the toilet in every
4 handicap stall; provided that a fold down rail may
5 satisfy the requirement under this paragraph;

6 (3) Handrails on all stairs and ramps;

7 (4) Two big wheel beach chairs at each lifeguard tower;

8 (5) Ramps at necessary sidewalks, to be overseen by the
9 department of transportation;

10 (6) Electric scooters or wheelchairs availability at each
11 airport either:

12 (A) In parking structures located at designated
13 structure access areas; or

14 (B) At curb and wheelchair access drop-off areas; and

15 (7) Ramps for ingress and egress from an airplane shall
16 not exceed two centimeters in height as measured from
17 the base to the peak.

18 (b) All state facilities, businesses, and recreational
19 facilities shall increase the amount of handicap parking stalls
20 in all public lots, paid parking lots, and parking lots for
21 businesses by fifty per cent of the number of handicap parking



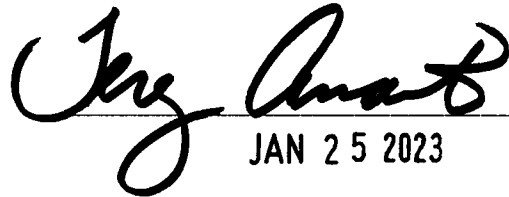
1 stalls in existence in those lots as of the effective date of
2 this Act; provided that the increase shall at a minimum be one
3 additional handicap parking stall.

4 **§368- Compliance and standards.** All accessibility
5 measures constructed or installed at state facilities on and
6 after July 1, 2023, shall comply with the federal Americans with
7 Disabilities Act of 1990, as amended, and state laws governing
8 accessibility standards for individuals with disabilities."

9 SECTION 3. This Act shall take effect upon its approval.

10

INTRODUCED BY:


JAN 25 2023



H.B. NO. 1413

Report Title:

Accessibility; Americans with Disabilities Act; Compliance

Description:

Requires that the legislature ensure that state facilities, businesses, and recreational facilities meet certain accessibility requirements and be in compliance with the federal Americans with Disabilities Act of 1990, as amended.

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

