

JAN 23 2025

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:

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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."

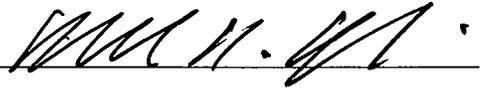
7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

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

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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.