
A BILL FOR AN ACT

RELATING TO EQUITY.

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

1 SECTION 1. Chapter 489, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . UNIVERSAL CHANGING ACCOMMODATIONS**

5 **§489- Definitions.** As used in this part:

6 "New establishment" means a place of public accommodation
7 or public entity construction that is planned and designed after
8 July 31, 2027.

9 "Public entity" has the same meaning as in title 42 United
10 States Code section 12131.

11 "Public entity construction" means any building
12 construction project or program initiated by a public entity or
13 that utilizes public entity funds.

14 "Restroom for public use" means a restroom for a place of
15 public accommodation or public entity construction that is
16 accessible to persons other than employees.



1 "Universal changing accommodation" means a powered,
2 height-adjustable adult changing station that is floor- or
3 wall-mounted and installed within an enclosed restroom facility
4 in a restroom for public use.

5 **§489- Universal changing accommodations; required.** (a)

6 Each new establishment shall provide, at a minimum, one
7 universal changing accommodation within the building in a
8 restroom for public use, as follows:

9 (1) Two universal changing accommodations for
10 establishments utilizing gender-designated restrooms;
11 provided that at least one is designated for or
12 accessible by women and at least one is designated for
13 or accessible by men; or

14 (2) One universal changing accommodation that is
15 accessible to people of any gender identity or
16 expression.

17 (b) Each new establishment shall conspicuously post
18 signage indicating the location of each universal changing
19 accommodation.

20 (c) A violation of this section shall constitute an
21 unlawful discriminatory practice pursuant to this chapter.



1 **§489- Construction documents.** Construction documents
2 for each new establishment shall specify whether a restroom is a
3 restroom for public use and the location of each universal
4 changing accommodation within a restroom for public use.

5 **§489- Undue burden exemption.** A new establishment
6 shall not be subject to the provisions of this part if
7 compliance would create an undue burden. Compliance shall be
8 deemed to create an undue burden if:

9 (1) The construction of a universal changing accommodation
10 in compliance with this part is technically infeasible
11 as the term is defined in the 2010 Americans with
12 Disabilities Act Standards for Accessible Design,
13 title 36 Code of Federal Regulations part 1191,
14 (appendix B,) section 106.5; or

15 (2) The cost of providing universal changing
16 accommodations exceeds ten per cent of the cost of
17 constructing, purchasing, or substantially modifying
18 the new establishment.

19 **§489- Violations; unlawful discriminatory practice;**
20 **private cause of action.** (a) Any person who is injured by an
21 unlawful discriminatory practice pursuant to this part may bring



1 proceedings to enjoin the unlawful discriminatory practice. If
2 the judgment is for the plaintiff, the plaintiff shall be
3 awarded:

4 (1) Reasonable attorneys' fees;

5 (2) The cost of the suit; and

6 (3) The sum of \$100.

7 (b) Any action under this part shall be subject to the
8 jurisdiction of the district courts pursuant to chapter 604 and
9 may be commenced and conducted in the small claims division of
10 the district court.

11 **§489- Exclusion from civil rights commission.**

12 Notwithstanding any other law to the contrary, this part shall
13 not be subject to chapter 368 and shall not be enforced by the
14 civil rights commission."

15 SECTION 2. Section 489-6, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§489-6 Complaint against unfair discrimination; reporting**

18 **requirements.** The civil rights commission shall receive

19 complaints of unfair discriminatory treatment in public

20 accommodations in accordance with the procedures established



1 under chapter 368; provided that this section shall not apply to
2 complaints under part II or _____ [~~of this chapter~~]."

3 SECTION 3. Section 489-7.5, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Any person who is injured by an unlawful
6 discriminatory practice, other than an unlawful discriminatory
7 practice under part II or _____ [~~of this chapter~~], may:

8 (1) Sue for damages sustained, and, if the judgment is for
9 the plaintiff, the plaintiff shall be awarded a sum
10 [~~not~~] no less than \$1,000 or threefold damages by the
11 plaintiff sustained, whichever sum is the greater, and
12 reasonable attorneys' fees together with the costs of
13 suit; and

14 (2) Bring proceedings to enjoin the unlawful
15 discriminatory practices, and if the decree is for the
16 plaintiff, the plaintiff shall be awarded reasonable
17 attorneys' fees together with the cost of suit."

18 SECTION 4. Section 489-8, Hawaii Revised Statutes, is
19 amended by amending subsection (c) to read as follows:

20 "(c) This section shall not apply to violations of part II
21 or _____ [~~of this chapter~~]."



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. New statutory material is underscored.

11 SECTION 8. This Act shall take effect on July 1, 3000.



Report Title:

Equity; Universal Changing Accommodations; Public
Accommodations; Public Entity Construction; Exemptions

Description:

Requires all places of public accommodation and public entity construction projects planned and designed after 7/31/2027 to provide at least one universal changing accommodation within the building in a public restroom, with certain exceptions. Makes conforming amendments to sections 489-6, 489-7.5, and 489-8, HRS, to prevent conflicts among the provisions. Effective 7/1/3000. (HD1)

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

