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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 parking in the State  
2 is extremely limited for disabled persons and kupuna. While  
3 high tourism is the primary economic driver in the State, it  
4 also reduces the ability for disabled persons and kupuna to find  
5 parking. According to the Hawaii disability and communication  
6 access board, approximately eight per cent of Hawaii's  
7 population has a mobility disability significant enough to  
8 qualify them for a disability parking permit. Being unable to  
9 find appropriate parking limits the ability of disabled persons  
10 and kupuna to engage in public interaction, making them less  
11 integrated in the community. In addition, disabled persons who  
12 are forced to park further away from a business or public entity  
13 are not able to easily access facilities and may have an  
14 increased risk of falling, which is the leading cause of death  
15 from injury among adults aged sixty-five and older.

16           The legislature further finds as the State faces issues  
17 with high traffic and tourism, this limits the availability of



1 parking for all. As such, the State must uphold parking access  
2 for disabled persons and kupuna.

3 Accordingly, the purpose of this Act is to increase the  
4 number of required accessible and van accessible parking spaces  
5 in parking lots with more than twenty-five parking spaces that  
6 are covered by title II or III of the Americans with  
7 Disabilities Act; however this Act is crafted so as not to  
8 burden small businesses who have less than seventy-five total  
9 parking spaces, as they may lack the ability to expand  
10 accessible spaces in their lots.

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

13 "[+]§291-58[+] **Requirement to provide parking for persons**  
14 **with disabilities; penalty.** (a) Beginning July 1, 2002, any  
15 [~~public or private~~] entity covered by the Americans with  
16 Disabilities Act that provides a parking space reserved for  
17 persons with disabilities shall comply with this part and any  
18 administrative rules adopted under this part.

19 (b) Except as provided in subsection (c), beginning  
20 July 1, 2027, any public or private entity that operates a



1 parking lot covered by title II or III of the Americans with  
2 Disabilities Act shall comply with the following:

3 (1) For a parking lot with one to twenty-five parking  
4 spaces:

5 (A) The minimum number of total accessible parking  
6 spaces (standard and van accessible) shall be  
7 one; and

8 (B) The minimum number of van accessible parking  
9 spaces (one in every three) shall be one;

10 (2) For a parking lot with twenty-six to fifty parking  
11 spaces:

12 (A) The minimum number of total accessible parking  
13 spaces (standard and van accessible) shall be  
14 three; and

15 (B) The minimum number of van accessible parking  
16 spaces (one in every three) shall be one;

17 (3) For a parking lot with fifty-one to seventy-five  
18 parking spaces:

19 (A) The minimum number of total accessible parking  
20 spaces (standard and van accessible) shall be  
21 three; and



- 1           (B) The minimum number of van accessible parking  
2           spaces (one in every three) shall be two;
- 3       (4) For a parking lot with seventy-six to one hundred  
4       parking spaces:
- 5           (A) The minimum number of total accessible parking  
6           spaces (standard and van accessible) shall be  
7           four; and
- 8           (B) The minimum number of van accessible parking  
9           spaces (one in every three) shall be two;
- 10       (5) For a parking lot with one hundred one to one hundred  
11       fifty parking spaces:
- 12           (A) The minimum number of total accessible parking  
13           spaces (standard and van accessible) shall be  
14           six; and
- 15           (B) The minimum number of van accessible parking  
16           spaces (one in every three) shall be three;
- 17       (6) For a parking lot with one hundred fifty-one to two  
18       hundred parking spaces:
- 19           (A) The minimum number of total accessible parking  
20           spaces (standard and van accessible) shall be  
21           eight; and



- 1            (B) The minimum number of van accessible parking  
2            spaces (one in every three) shall be three;
- 3            (7) For a parking lot with two hundred one to three  
4            hundred parking spaces:
- 5            (A) The minimum number of total accessible parking  
6            spaces (standard and van accessible) shall be  
7            twelve; and
- 8            (B) The minimum number of van accessible parking  
9            spaces (one in every three) shall be four;
- 10           (8) For a parking lot with three hundred one to four  
11           hundred parking spaces:
- 12           (A) The minimum number of total accessible parking  
13           spaces (standard and van accessible) shall be  
14           sixteen; and
- 15           (B) The minimum number of van accessible parking  
16           spaces (one in every three) shall be six;
- 17           (9) For a parking lot with four hundred one to five  
18           hundred parking spaces:
- 19           (A) The minimum number of total accessible parking  
20           spaces (standard and van accessible) shall be  
21           twenty; and



- 1           (B) The minimum number of van accessible parking  
2           spaces (one in every three) shall be seven;
- 3       (10) For a parking lot with five hundred one to one  
4       thousand parking spaces:
- 5           (A) The minimum number of total accessible parking  
6           spaces (standard and van accessible) shall be  
7           four per cent of the total number of spaces; and
- 8           (B) The minimum number of van accessible parking  
9           spaces (one in every three) shall be one of every  
10          three accessible spaces; and
- 11       (11) For a parking lot with more than one thousand parking  
12       spaces:
- 13          (A) The minimum number of total accessible parking  
14          spaces (standard and van accessible) shall be  
15          forty, plus two for each one hundred, or fraction  
16          thereof, over one thousand; and
- 17          (B) The minimum number of van accessible parking  
18          spaces (one in every three) shall be one of every  
19          three accessible spaces.
- 20          (c) Subsection (b) shall not apply to public entity,  
21       including the University of Hawaii, that manage an aggregate



1 inventory of more than parking stalls in one or more  
2 locations; provided that the entity's parking facilities comply  
3 with the accessible parking requirements of title 28 Code of  
4 Federal Regulations parts 35 and 36 and any applicable county  
5 ordinance governing accessible parking.

6 (d) A private entity that fails to comply with this  
7 section shall be fined not less than \$250 nor more than \$500 for  
8 each separate offense. Each day of violation shall constitute a  
9 separate offense. Any action taken to impose or collect any  
10 penalty provided for in this section shall be considered a civil  
11 action."

12 SECTION 3. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on January 30, 2050.

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S.B. NO. 2936  
S.D. 1

**Report Title:**

Parking; Persons with Disabilities; State and Local Government;  
Public Accommodations

**Description:**

Beginning 7/1/27, increases the number of required accessible and van accessible parking spaces in parking lots with more than twenty-five parking spaces that are covered by title II or III of the Americans with Disabilities Act with certain expectations. Effective 1/30/2050. (SD1)

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