

ACT 206

S.B. NO. 2336

A Bill for an Act Relating to Handicapped Persons.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 347, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§347- Suits by individuals; jurisdiction; venue. Any person injured by a violation of section 347-13 may bring a civil action to recover three times the person’s actual damages or \$1,000, whichever sum is greater, for each violation. Any person bringing such an action shall also be entitled to recover the person’s costs together with reasonable attorneys’ fees. An action under this section shall be brought in the circuit court of the district in which the violation is alleged to have occurred.”

SECTION 2. Section 347-13, Hawaii Revised Statutes, is amended to read as follows:

“§347-13 Blind, partially blind, physically handicapped; public places; public conveyances. (a) The blind, visually handicapped, and otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats, or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

(b) Every blind or visually handicapped person shall have the right to be accompanied by a guide dog, especially trained for the purpose, in any of the places listed in subsection (a) without being required to pay an extra charge for the guide dog; provided that the blind or visually handicapped person shall be liable for any damage done to the premises or facilities by such dog. No such dog shall be dangerous merely because it is unmuzzled.

(c) Every physically handicapped person shall have the right to use a life jacket or other flotation device in a public swimming pool; provided that:

- (1) The handicapped person suffers from a physical disability or condition which requires the use of a life jacket or other flotation device; and
- (2) The handicapped person obtains a statement signed by a licensed physician attesting to the handicapped person’s need to use a life jacket or other flotation device.

(d) The director of human services shall adopt rules pursuant to chapter 91 necessary for the purposes of this [subsection.] section.”

SECTION 3. Section 347-14, Hawaii Revised Statutes, is amended to read as follows:

“§347-14 Penalty. Any person, business, or agency who violates section 347-13 and any common or public carrier which, and any officer or employee of any common carrier who violates, or causes such carrier to violate, section 347-13 shall be fined not more than \$1,000 [or, if a natural person, imprisoned not more than one year, or both].”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved June 7, 1988.)

Note

1. Edited pursuant to HRS §23G-16.5.