

2018 Regular Session

SENATE BILL NO. 265

BY SENATOR MORRELL

COURTS. Provides for minimum standards for elevator access to multistory courthouses for the disabled community. (8/1/18)

1 AN ACT

2 To enact R.S. 40:1734(C), relative to building codes; to provide relative to access and use
3 of public buildings; to provide for certain offenses and penalties; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:1734(C) is hereby enacted to read as follows:

7 §1734. Accessibility features required of new public buildings or facilities; private
8 buildings or facilities; dwelling units; **all courthouses**

9 * * *

10 **C.(1) Any courthouse shall be made accessible pursuant to ADA**
11 **Standards subject only to the limitations or exceptions provided for therein.**
12 **Any multistory courthouse shall have at least one-half of all of its elevators in**
13 **proper working service at all times and shall be made accessible in accordance**
14 **with the ADA Standards and rules promulgated by the fire marshal pursuant**
15 **to the Administrative Procedure Act.**

16 **(2) The owner of the multistory courthouse shall contact the elevator**
17 **repair company within twenty-four hours of the time the elevator became**

1 inoperable and no elevator shall remain out of service for repairs and
 2 maintenance for more than three weeks.

3 (3) Failure to comply with Paragraphs (1) and (2) of this Subsection shall
 4 be considered a "defacto admission of fault" under the ADA Standards.

5 (4) The natural or juridical person who owns the building is responsible
 6 for the maintenance of the elevator. In addition to the penalties provided in R.S.
 7 40:1743, any building owner who violates or fails to comply with the provisions
 8 of this Subsection shall be subject to a fine of two thousand five hundred dollars
 9 per day which shall be paid by the natural or juridical person who owns the
 10 building and is responsible for maintenance of the elevator.

The original instrument was prepared by Angela Lockett De Jean. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

SB 265 Reengrossed

2018 Regular Session

Morrell

Present law provides that any new or altered public building or facility or private building or facility shall be made accessible pursuant to ADA Standards subject only to the limitations or exceptions provided for therein.

Present law provides that any altered public building or facility or private building or facility shall not be made to comply with certain sections of the ADA Standards relative to path of travel.

Present law provides that any dwelling unit in a facility which incorporates four or more dwelling units shall be made accessible in accordance with the ADA Standards and rules promulgated by the fire marshal pursuant to the APA.

Proposed law retains present law.

Proposed law also provides that any courthouse shall be made accessible pursuant to ADA Standards subject only to the limitations or exceptions provided for in present law. Proposed law further provides that any multistory courthouse shall have at least one-half of all of its elevators in proper working service at all times and shall be made accessible in accordance with the ADA Standards and rules promulgated by the fire marshal pursuant to the APA.

Proposed law provides that the owner of the multistory courthouse shall contact the elevator repair company within 24 hours of the elevator becoming inoperable and that no elevator shall remain out of service for repair and maintenance for more than 3 weeks.

Proposed law provides that failure to comply with proposed law shall be considered a "defacto admission of fault" under the ADA Standards.

Proposed law provides that the natural or juridical person who owns the building is responsible for the maintenance of the elevator. In addition to penalties of present law, any building owner who violates or fails to comply with the provisions of proposed law shall be

subject to a fine of \$2,500 per day.

Effective August 1, 2018.

(Adds R.S. 40:1734(C))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Clarifies that the owner of the courthouse is responsible for ensuring compliance with the requirements of the law.

Senate Floor Amendments to engrossed bill

1. Specifies that the owner of the multistory courthouse shall contact an elevator repair company within 24 hours of an elevator becoming inoperable. Also provides that no elevator shall be out of service for more than three weeks.
2. Specifies that the natural or juridical person who owns the building is responsible for maintenance of the elevator. Further reduces the fine from \$5,000 per day to \$2,500 per day when there is a violation or failure to comply with the provisions of proposed law and the fine is payable by the natural or juridical person who owns the building.