
 DIGEST

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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 state 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 state 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 21 consecutive days per malfunction, unless the state fire marshal determines that extenuating circumstances necessitate the elevator stay out of service for a longer time.

Proposed law requires the state fire marshal to extend the time period and notify the owner of the new deadline when he has determined that the elevator must stay out of service longer than set forth in proposed law.

Proposed law provides that failure to comply with proposed law shall be considered a "de facto 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.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the reengrossed bill:

1. Change the maximum amount of time an elevator can remain out of service for repair from 3 weeks to 21 consecutive days per malfunction.
2. Make an exception to 21 day limit in instances where the state fire marshal determines that extenuating circumstances necessitate that the elevator remain out of service for a longer period of time.
3. Require the state fire marshal to extend the 21 day limit and notify the owner of the new deadline when he has determined that an extension is required.
4. Make technical changes.