

SENATE BILL NO. 265

BY SENATOR MORRELL

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

\* \* \*

C.(1) Any courthouse, except as provided for in Paragraph (5) of this Subsection, shall be made accessible pursuant to ADA Standards subject only to the limitations or exceptions provided for therein. 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 Administrative Procedure Act.

(2) The owner of the multistory courthouse shall contact the elevator repair company within twenty-four hours of the time the elevator became inoperable and no elevator shall remain out of service for repairs and maintenance for more than twenty-one consecutive days from the day the elevator become inoperable, unless the state fire marshal determines that extenuating circumstances necessitate that the elevator remain out of service for a longer period of time. In such an instance, the state fire marshal shall extend the time period and shall notify the owner of the deadline for compliance with this Paragraph.

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

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

9                   **(5) The provisions of this Subsection shall not apply to any building no**  
10                  **longer occupied for the public or private sessions of a court, with its various**  
11                  **offices. This includes but is not limited to historical courthouses no longer used**  
12                  **for judicial proceedings and museums.**

13                  **(6) This Subsection shall only apply to a courthouse that contains two**  
14                  **or more elevators.**

\_\_\_\_\_  
PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_