

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)

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 amended and reenacted to read as follows:

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

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C.(1) Any courthouse 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 fire marshal pursuant to the Administrative Procedure Act.

(2) Any multistory courthouse shall be authorized to take each elevator out of service for repairs and maintenance no more than two weeks per

1 calendar year.

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

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

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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 any multistory courthouse shall be authorized to take each elevator out of service for repairs and maintenance no more than two weeks per calendar year.

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 any person who violates or fails to comply with the provisions of proposed law shall be subject to a fine of \$5,000 per day which shall be paid by the authority responsible for maintenance of the elevator. Proposed law provides that the owner of the building is responsible for ensuring compliance with proposed law.

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.