

RÉSUMÉ DIGEST

ACT 528 (SB 265)

2018 Regular Session

Morrell

Prior law provided 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.

Prior law provided 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.

Prior law provided 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.

New law retains prior law.

New law requires certain courthouses be made accessible pursuant to ADA Standards subject only to the limitations or exceptions provided for in the ADA Standards.

New law requires any multistory courthouse to 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.

New 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 repairs and maintenance for more than 21 consecutive days from the day the elevator becomes inoperable, unless the state fire marshal determines that extenuating circumstances necessitate the elevator remain out of service for a longer time.

New law requires the state fire marshal to notify the owner of the new deadline for compliance when he has determined that the elevator must stay out of service longer than set forth in new law.

New law provides that failure to comply with new law shall be considered a "de facto admission of fault" under the ADA Standards.

New 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 prior law, any building owner who violates or fails to comply with the provisions of new law shall be subject to a fine of \$2,500 per day.

New law creates an exemption for buildings no longer occupied for the public or private sessions of a court, with its various offices. Further provides that this exemption includes historical courthouses no longer used for judicial proceedings and museums.

New law applies only to a courthouse that contains two or more elevators.

Effective August 1, 2018.

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