

HOUSE BILL 1192

B5, P1

9lr2126
CF 9lr3190

By: **Delegates Valderrama, Barron, Carey, Dumais, Gaines, Gilchrist, Healey, Jackson, Kaiser, Krimm, Lehman, McComas, Palakovich Carr, Pena–Melnyk, Qi, Reznik, and Solomon**

Introduced and read first time: February 8, 2019

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Assembly Areas – State–Funded Construction or Renovation – Assisted**
3 **Listening System Requirement**

4 FOR the purpose of requiring certain recipients of State funds to install an assistive
5 listening system in an assembly area during construction or renovation of the
6 assembly area under certain circumstances; authorizing certain recipients of State
7 funds to apply for a waiver from the requirement of a certain provision of this Act
8 under certain circumstances; requiring that the waiver request include a certain
9 description; establishing the Hearing Accessibility Advisory Board; requiring the
10 Secretary of the Department of General Services to appoint the members of the
11 Board; requiring the Board to consist of certain individuals and consumers; requiring
12 the Board to consult with certain stakeholders, make certain recommendations,
13 consider applications for waivers, and monitor compliance and investigate
14 complaints; requiring the Department to adopt certain regulations; providing that
15 this Act does not require certain agencies or recipients to retrofit existing facilities
16 that are not undergoing renovation; authorizing a person to bring a civil action for a
17 certain violation and under certain circumstances; prohibiting a person from being
18 required to take any other action before bringing a certain civil action under certain
19 circumstances; authorizing a court to grant certain relief, assess a certain civil
20 penalty, and award certain other relief in a certain action; requiring that a certain
21 court order include a certain requirement; defining certain terms; providing for the
22 application of this Act; and generally relating to assistive listening systems in
23 State–funded construction or renovation of assembly areas.

24 BY adding to
25 Article – State Finance and Procurement
26 Section 4–410
27 Annotated Code of Maryland
28 (2015 Replacement Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – State Finance and Procurement**

4 **4-410.**

5 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
6 **INDICATED.**

7 **(2) (I) “ASSEMBLY AREA” MEANS A BUILDING OR FACILITY, OR**
8 **ANY PORTION OF A BUILDING OR FACILITY, THAT IS USED FOR THE PURPOSE OF**
9 **ENTERTAINMENT, EDUCATION, OR CIVIC GATHERINGS.**

10 **(II) “ASSEMBLY AREA” INCLUDES:**

- 11 **1. AN AMPHITHEATER, AN ARENA, AND A STADIUM;**
- 12 **2. AN AUDITORIUM;**
- 13 **3. A CENTER FOR THE PERFORMING ARTS;**
- 14 **4. A CLASSROOM AND A LECTURE HALL;**
- 15 **5. A CONCERT HALL;**
- 16 **6. A CONVENTION CENTER;**
- 17 **7. A COURTROOM;**
- 18 **8. A LEGISLATIVE CHAMBER;**
- 19 **9. A MOVIE THEATER, A THEATER, AND A PLAYHOUSE;**
- 20 **10. A PUBLIC HEARING AND MEETING ROOM; AND**
- 21 **11. ANY OTHER AREA THAT REQUIRES THE USE OF A**
22 **PUBLIC ADDRESS SYSTEM.**

23 **(III) “ASSEMBLY AREA” DOES NOT INCLUDE ANY OUTDOOR**
24 **AREA.**

25 **(3) “ASSISTIVE LISTENING SYSTEM” MEANS AN AMPLIFICATION**

1 SYSTEM USING TRANSMITTERS TO BYPASS THE ACOUSTICAL SPACE BETWEEN A
2 SOUND SOURCE AND A LISTENER BY MEANS OF A WIRELESS DIRECT CONNECTION,
3 SUCH AS A HEARING INDUCTION LOOP SYSTEM, THAT COUPLES TO A:

4 (I) PERSONAL HEARING DEVICE; OR

5 (II) RECEIVER, SUCH AS A HEARING INDUCTION LOOP
6 RECEIVER OR OTHER SIMILAR TECHNOLOGY.

7 (4) "CONSTRUCTION OR RENOVATION" INCLUDES:

8 (I) BUILDING;

9 (II) RECONSTRUCTING;

10 (III) IMPROVING;

11 (IV) RENOVATING;

12 (V) ENLARGING;

13 (VI) PAINTING AND DECORATING;

14 (VII) ALTERING;

15 (VIII) MAINTAINING; AND

16 (IX) REPAIRING.

17 (5) "HEARING INDUCTION LOOP" MEANS A HEARING LOOP OR
18 T-LOOP SYSTEM THAT TAKES A SOUND SOURCE AND TRANSFERS IT DIRECTLY VIA A
19 MAGNETIC SIGNAL TO:

20 (I) A HEARING AID;

21 (II) A COCHLEAR IMPLANT;

22 (III) A HEARING INDUCTION LOOP RECEIVER; OR

23 (IV) ANY OTHER PERSONAL HEARING DEVICE THAT ACTS AS A
24 RECEIVER.

25 (6) "RECIPIENT OF STATE FUNDS" MEANS ANY OF THE FOLLOWING

1 THAT RECEIVE STATE MONEY FOR THE CONSTRUCTION OR RENOVATION OF AN
2 ASSEMBLY AREA:

3 (I) A UNIT OF STATE GOVERNMENT;

4 (II) A UNIT OF LOCAL GOVERNMENT; OR

5 (III) A FOR-PROFIT OR NONPROFIT ENTITY OR ASSOCIATION.

6 (B) (1) A RECIPIENT OF STATE FUNDS SHALL INSTALL AN ASSISTIVE
7 LISTENING SYSTEM IN AN ASSEMBLY AREA DURING THE CONSTRUCTION OR
8 RENOVATION OF THE ASSEMBLY AREA IF:

9 (I) AUDIBLE COMMUNICATION IS INTEGRAL TO THE USE OF
10 THE ASSEMBLY AREA; AND

11 (II) A STATE CONTRACT HAS BEEN EXECUTED TO ENABLE
12 CONSTRUCTION OR RENOVATION OF THE ASSEMBLY AREA.

13 (2) (I) A RECIPIENT OF STATE FUNDS MAY APPLY FOR A WAIVER
14 FROM THE REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:

15 1. THE RECIPIENT CLAIMS THAT AN ASSISTIVE
16 LISTENING SYSTEM IS NOT TECHNOLOGICALLY FEASIBLE; OR

17 2. THERE IS A DISPUTE REGARDING WHETHER THE
18 REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION APPLY TO A
19 CONSTRUCTION OR RENOVATION PROJECT.

20 (II) A WAIVER REQUEST UNDER SUBPARAGRAPH (I) OF THIS
21 PARAGRAPH SHALL INCLUDE A DESCRIPTION OF THE ALTERNATIVE ASSISTIVE
22 LISTENING TECHNOLOGY THE RECIPIENT WILL USE TO COMPLY WITH THE
23 AMERICANS WITH DISABILITIES ACT.

24 (C) (1) THERE IS A HEARING ACCESSIBILITY ADVISORY BOARD.

25 (2) (I) THE SECRETARY SHALL APPOINT THE MEMBERS OF THE
26 BOARD.

27 (II) THE BOARD SHALL CONSIST OF:

28 1. INDIVIDUALS WHO HAVE EXPERTISE IN ASSISTIVE
29 LISTENING SYSTEMS; AND

1 **2. CONSUMERS WHO USE ASSISTIVE LISTENING**
2 **SYSTEMS.**

3 **(3) THE BOARD SHALL:**

4 **(I) CONSULT WITH STAKEHOLDERS WHO ARE STATE**
5 **RESIDENTS WHO USE OR WILL USE THE FACILITIES BEING BUILT OR RENOVATED,**
6 **INCLUDING:**

7 **1. INDIVIDUALS WITH HEARING LOSS; AND**

8 **2. ORGANIZATIONS THAT REPRESENT PEOPLE WITH**
9 **HEARING LOSS AND HAVE BACKGROUND EXPERIENCE AND KNOWLEDGE OF THE USE**
10 **OF ASSISTIVE LISTENING SYSTEMS AND DEVICES;**

11 **(II) MAKE RECOMMENDATIONS FOR REGULATIONS**
12 **IMPLEMENTING THIS SECTION;**

13 **(III) CONSIDER APPLICATIONS FOR WAIVERS SUBMITTED UNDER**
14 **SUBSECTION (B)(2) OF THIS SECTION; AND**

15 **(IV) MONITOR COMPLIANCE WITH THIS SECTION AND**
16 **INVESTIGATE ANY COMPLAINTS REGARDING NONCOMPLIANCE.**

17 **(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
18 **SECTION, INCLUDING REGULATIONS REGARDING:**

19 **(1) PROPER MAINTENANCE AND TRAINING OF STAFF;**

20 **(2) ADEQUATE SIGNAGE; AND**

21 **(3) A REQUIREMENT FOR FACILITIES TO PROVIDE RECEIVERS THAT**
22 **CAN USE THE TECHNOLOGY FOR INDIVIDUALS WHO DO NOT HAVE A PERSONAL**
23 **HEARING DEVICE OR DO NOT HAVE A HEARING DEVICE WITH A TELECOIL OR OTHER**
24 **BUILT-IN RECEIVER.**

25 **(E) THIS SECTION DOES NOT REQUIRE STATE AGENCIES OR RECIPIENTS OF**
26 **STATE FUNDS TO RETROFIT EXISTING FACILITIES THAT ARE NOT UNDERGOING**
27 **RENOVATION.**

28 **(F) (1) (I) A PERSON MAY BRING A CIVIL ACTION FOR A VIOLATION OF**
29 **THIS SECTION OR IF THE PERSON HAS REASONABLE GROUNDS FOR BELIEVING THAT**

1 THIS SECTION WILL BE VIOLATED.

2 (II) A PERSON MAY NOT BE REQUIRED TO TAKE ANY OTHER
3 ACTION BEFORE BRINGING A CIVIL ACTION UNDER SUBPARAGRAPH (I) OF THIS
4 PARAGRAPH FOR A POTENTIAL VIOLATION OF THIS SECTION IF THE PERSON HAS
5 ACTUAL NOTICE THAT A RECIPIENT OF STATE FUNDS DOES NOT INTEND TO COMPLY
6 WITH THE REQUIREMENTS OF THIS SECTION.

7 (2) IN A CIVIL ACTION BROUGHT UNDER PARAGRAPH (1)(I) OF THIS
8 SUBSECTION, THE COURT MAY:

9 (I) GRANT ANY EQUITABLE RELIEF THAT THE COURT
10 CONSIDERS APPROPRIATE, INCLUDING:

- 11 1. TEMPORARY, PRELIMINARY, OR PERMANENT RELIEF;
- 12 2. PROVIDING AN AUXILIARY AID OR SERVICE;
- 13 3. REQUIRING A MODIFICATION OF POLICY, PRACTICE,
14 OR PROCEDURE; AND
- 15 4. MAKING FACILITIES READILY ACCESSIBLE TO AND
16 USABLE BY INDIVIDUALS WITH DISABILITIES;

17 (II) ASSESS A CIVIL PENALTY AGAINST THE RECIPIENT OF
18 STATE FUNDS; OR

19 (III) AWARD ANY OTHER RELIEF THE COURT CONSIDERS TO BE
20 APPROPRIATE.

21 (3) IF A COURT ORDERS INJUNCTIVE RELIEF UNDER PARAGRAPH (1)
22 OF THIS SUBSECTION, THE ORDER SHALL INCLUDE A REQUIREMENT THAT THE
23 FACILITIES BE ALTERED TO MAKE THE FACILITIES READILY ACCESSIBLE TO AND
24 USABLE BY INDIVIDUALS WITH DISABILITIES TO THE EXTENT REQUIRED BY THIS
25 SECTION.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not apply to a
27 contract for construction or renovation of an assembly area entered into before the effective
28 date of this Act.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
30 1, 2019.