

# SENATE BILL 1014

B5, P1

9lr3190  
CF HB 1192

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By: **Senators Patterson and Benson**

Introduced and read first time: February 27, 2019

Assigned to: Rules

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## 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)

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – State Finance and Procurement**

3 **4-410.**

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

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

9 **(II) “ASSEMBLY AREA” INCLUDES:**

10 **1. AN AMPHITHEATER, AN ARENA, AND A STADIUM;**

11 **2. AN AUDITORIUM;**

12 **3. A CENTER FOR THE PERFORMING ARTS;**

13 **4. A CLASSROOM AND A LECTURE HALL;**

14 **5. A CONCERT HALL;**

15 **6. A CONVENTION CENTER;**

16 **7. A COURTROOM;**

17 **8. A LEGISLATIVE CHAMBER;**

18 **9. A MOVIE THEATER, A THEATER, AND A PLAYHOUSE;**

19 **10. A PUBLIC HEARING AND MEETING ROOM; AND**

20 **11. ANY OTHER AREA THAT REQUIRES THE USE OF A**  
21 **PUBLIC ADDRESS SYSTEM.**

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

24 **(3) “ASSISTIVE LISTENING SYSTEM” MEANS AN AMPLIFICATION**  
25 **SYSTEM USING TRANSMITTERS TO BYPASS THE ACOUSTICAL SPACE BETWEEN A**  
26 **SOUND SOURCE AND A LISTENER BY MEANS OF A WIRELESS DIRECT CONNECTION,**

1 SUCH AS A HEARING INDUCTION LOOP SYSTEM, THAT COUPLES TO A:

2 (I) PERSONAL HEARING DEVICE; OR

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

5 (4) "CONSTRUCTION OR RENOVATION" INCLUDES:

6 (I) BUILDING;

7 (II) RECONSTRUCTING;

8 (III) IMPROVING;

9 (IV) RENOVATING;

10 (V) ENLARGING;

11 (VI) PAINTING AND DECORATING;

12 (VII) ALTERING;

13 (VIII) MAINTAINING; AND

14 (IX) REPAIRING.

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

18 (I) A HEARING AID;

19 (II) A COCHLEAR IMPLANT;

20 (III) A HEARING INDUCTION LOOP RECEIVER; OR

21 (IV) ANY OTHER PERSONAL HEARING DEVICE THAT ACTS AS A  
22 RECEIVER.

23 (6) "RECIPIENT OF STATE FUNDS" MEANS ANY OF THE FOLLOWING  
24 THAT RECEIVE STATE MONEY FOR THE CONSTRUCTION OR RENOVATION OF AN  
25 ASSEMBLY AREA:

1 (I) A UNIT OF STATE GOVERNMENT;

2 (II) A UNIT OF LOCAL GOVERNMENT; OR

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

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

7 (I) AUDIBLE COMMUNICATION IS INTEGRAL TO THE USE OF  
8 THE ASSEMBLY AREA; AND

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

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

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

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

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

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

23 (2) (I) THE SECRETARY SHALL APPOINT THE MEMBERS OF THE  
24 BOARD.

25 (II) THE BOARD SHALL CONSIST OF:

26 1. INDIVIDUALS WHO HAVE EXPERTISE IN ASSISTIVE  
27 LISTENING SYSTEMS; AND

28 2. CONSUMERS WHO USE ASSISTIVE LISTENING

1 SYSTEMS.

2 (3) THE BOARD SHALL:

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

6 1. INDIVIDUALS WITH HEARING LOSS; AND

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

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

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

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

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

18 (1) PROPER MAINTENANCE AND TRAINING OF STAFF;

19 (2) ADEQUATE SIGNAGE; AND

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

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

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

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

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

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

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

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

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

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

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

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