
By: Delegate Cadden

Requested: November 4, 1996

Introduced and read first time: January 8, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Restrooms for Handicapped - Use by Assisting Family Members**

3 FOR the purpose of requiring certain new buildings to have "family restroom facilities"
4 for handicapped individuals that allow a handicapped individual's family member or
5 other assistant, of either sex, to enter to assist the handicapped individual in using
6 the restroom; defining certain terms; and generally relating to the provision of
7 family restroom facilities for handicapped individuals.

8 BY repealing and reenacting, with amendments,
9 Article 83B - Department of Housing and Community Development
10 Section 6-102
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1996 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - State Finance and Procurement
15 Section 2-501 and 2-504
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1996 Supplement)

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

20 **Article 83B - Department of Housing and Community Development**

21 6-102.

22 (A) (1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS
23 INDICATED.

24 (2) "FAMILY RESTROOM FACILITY" MEANS A RESTROOM FOR
25 HANDICAPPED INDIVIDUALS INTO WHICH A HANDICAPPED INDIVIDUAL'S FAMILY
26 MEMBER OR OTHER ASSISTANT, OF EITHER SEX, CAN ENTER TO ASSIST THE
27 HANDICAPPED INDIVIDUAL IN USING THE RESTROOM.

1 (3) "HANDICAPPED INDIVIDUAL" MEANS AN INDIVIDUAL WITH A
2 MEASURABLE LIMITATION OF MOBILITY CAUSED BY DISEASE, TRAUMA, OR
3 CONGENITAL DEFECT.

4 (4) "RESTROOM" MEANS A SANITARY FACILITY THAT CONTAINS MORE
5 THAN ONE TOILET, URINAL, OR LAVATORY.

6 [(a)] (B) (1) The Department, or an appropriate division of the Department,
7 shall promulgate and adopt a State building code for the purpose of developing rules and
8 regulations for making buildings and facilities accessible and usable by the physically
9 handicapped to the extent feasible.

10 (2) The rules and regulations shall be developed in conjunction with the
11 Governor's Committee for Employment of the Handicapped, the Maryland
12 Rehabilitation Association, and the Maryland Society of Architects.

13 (3) (i) In addition to any other penalty for a violation of the State
14 building code for the handicapped, the Secretary shall investigate to determine the
15 existence of any violation.

16 (ii) If the Secretary determines that a violation exists, the Secretary
17 may resolve any issue in the violation by informal methods of mediation and conciliation.

18 (iii) In addition to the provisions of subparagraph (ii) of this
19 paragraph, the Secretary may institute in any court of competent jurisdiction in the
20 subdivision in which the violation occurred an action for equitable relief which may
21 include enjoining the construction, renovation, or occupancy of a building or facility that
22 violates the Maryland Building Code for the Handicapped or to seek other appropriate
23 relief from the violation.

24 (iv) Notwithstanding any other provision of this paragraph, the
25 Secretary may not seek any injunction under subparagraph (iii) of this paragraph until 5
26 working days after the Secretary has sought to seek a resolution through mediation and
27 conciliation under subparagraph (ii) of this paragraph.

28 (4) The Attorney General is authorized to prosecute all civil cases arising
29 under this section which are referred to the Attorney General by the Secretary.

30 (5) THE STATE BUILDING CODE TO BE ADOPTED UNDER PARAGRAPH
31 (1) OF THIS SUBSECTION SHALL REQUIRE A FAMILY RESTROOM FACILITY WITH ALL
32 NEW CONSTRUCTION AND, AS PROVIDED BY REGULATION, ANY ADDITIONS,
33 ALTERATIONS, AND CHANGES IN USE OF BUILDINGS.

34 [(b)] (C) (1) Enforcement of the Code shall be the responsibility of local
35 jurisdictions or any other public agencies having authority over buildings or facilities.

36 (2) The Department shall decide questions of interpretation of the Code
37 and authorize any waivers or exemptions under the Code.

38 [(c)] (D) (1) Any person who willfully violates any provision of the Maryland
39 Building Code for the Handicapped adopted under subsection (a) of this section is guilty
40 of a misdemeanor and on conviction for each violation is subject to a fine not exceeding

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1 \$500 for each day that the violation exists or imprisonment not exceeding 3 months, or
2 both.

3 (2) Any penalty ordered under paragraph (1) of this subsection is in
4 addition to and is not a substitute for any other penalty ordered under a federal, State, or
5 local law.

6 [(d)] (E) (1) Nothing in this section shall limit the authority of the Human
7 Relations Commission to enforce the provisions of Article 49B, § 22 of the Code.

8 (2) The Department shall cooperate with and provide technical assistance to
9 the Human Relations Commission concerning any action brought by the Commission to
10 enforce the provisions of Article 49B, § 22 of the Code.

11 **Article - State Finance and Procurement**

12 2-501.

13 (a) In this subtitle the following words have the meanings indicated.

14 (b) "Facility for handicapped individuals" includes any door, elevator, handrail,
15 ramp, specially treated surface, or similar design, convenience, or device that facilitates
16 the health, safety, or comfort of a handicapped individual.

17 (C) "FAMILY RESTROOM FACILITY" MEANS A RESTROOM FOR HANDICAPPED
18 INDIVIDUALS INTO WHICH A HANDICAPPED INDIVIDUAL'S FAMILY MEMBER OR
19 OTHER ASSISTANT, OF EITHER SEX, CAN ENTER TO ASSIST THE HANDICAPPED
20 INDIVIDUAL IN USING THE RESTROOM.

21 [(c)] (D) "Handicapped individual" means an individual with a measurable
22 limitation of mobility caused by disease, trauma, or congenital defect.

23 [(d)] (E) (1) "Public building" means a building, structure, or improved area
24 that is:

25 (i) owned by the State or any political subdivision of the State; or

26 (ii) constructed for lease by the State or a political subdivision of the
27 State.

28 (2) "Public building" includes:

29 (i) an educational facility constructed with public funds or owned or
30 operated by the State or a political subdivision of the State;

31 (ii) a public mass transportation accommodation, such as a terminal or
32 station, that is supported by public funds; and

33 (iii) an improvement of a public area used for gathering or amusement,
34 including a public park, recreation center, or the like.

35 (F) "RESTROOM" MEANS A SANITARY FACILITY THAT CONTAINS MORE THAN
36 ONE TOILET, URINAL, OR LAVATORY.

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1 2-504.

2 Plans and specifications for the construction of any public building, other than a
3 building to be used as a penal institution, shall provide for facilities for handicapped
4 individuals INCLUDING AT LEAST ONE FAMILY RESTROOM FACILITY.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 1997.