

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 581

(Senator Gladden, *et al.*)

Finance

Retail Establishments - Individuals with Disabilities - Accommodations

This bill requires a retail establishment with at least 55,000 square feet of space to provide a minimum of three motorized shopping carts for individuals with disabilities and to ensure that those carts are in working condition. The retailer must post a notice near the carts which indicates that the use of the carts is for disabled individuals and if the carts are not working the individual should call the Human Relations Commission. An individual aggrieved may file a complaint with the Human Relations Commission.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: Potential minimal. To the extent that a small business meets the criteria requiring shopping carts to be provided, carts can be purchased for approximately \$1,200 each.

Analysis

Current Law: The Americans with Disabilities Act (ADA) does not require a public accommodation to provide its customers with a personal device, such as a wheelchair. Title III of the ADA prohibits the denial of full and equal enjoyment of access to and use of public accommodations and commercial facilities by persons with a disability. Title III applies to all public businesses affecting commerce regardless of size and requires that most privately operated nonresidential buildings be accessible to and usable by individuals with disabilities.

Private entities that own, operate, or lease places of public accommodation (hospitals, retail stores, restaurants, etc.) may not discriminate on the basis of disability in the provision of goods and services and must remove all structural and architectural barriers to accessibility by persons with a disability if such removal is readily achievable.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Human Relations Commission; Department of Disabilities; Department of Labor, Licensing, and Regulation; Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2006
nas/ljm

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