

HOUSE BILL 138

P1, B5

8lr0543

By: **Delegate Knotts**

Introduced and read first time: January 15, 2018

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Assembly Areas – State–Funded Construction or Renovation – Assistive**
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; requiring the Department of General
7 Services to make a certain determination regarding the applicability of certain
8 provisions of this Act to certain projects under certain circumstances; requiring the
9 Department to establish a certain waiver process and a certain penalty process
10 relating to the requirement to install an assistive listening system in an assembly
11 area during construction or renovation of the assembly area; requiring the
12 Department to consult with stakeholders and provide an opportunity for public
13 comment in establishing certain processes; authorizing the Department to adopt
14 certain regulations; defining certain terms; providing for the application of this Act;
15 and generally relating to assistive listening systems in State–funded construction or
16 renovation of assembly areas.

17 BY adding to

18 Article – State Finance and Procurement

19 Section 4–410

20 Annotated Code of Maryland

21 (2015 Replacement Volume and 2017 Supplement)

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

23 That the Laws of Maryland read as follows:

24 **Article – State Finance and Procurement**

25 **4–410.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

6 **(II) “ASSEMBLY AREA” INCLUDES:**

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

19 **(III) “ASSEMBLY AREA” DOES NOT INCLUDE:**

- 20 1. **A FACILITY PRIMARILY USED TO DEPLOY FIRST**
21 **RESPONDERS; AND**
- 22 2. **ANY OUTDOOR AREA.**

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

1 (I) PERSONAL HEARING DEVICE; OR

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

4 (4) "CONSTRUCTION OR RENOVATION" INCLUDES:

5 (I) BUILDING;

6 (II) RECONSTRUCTING;

7 (III) IMPROVING;

8 (IV) RENOVATING;

9 (V) ENLARGING;

10 (VI) PAINTING AND DECORATING;

11 (VII) ALTERING;

12 (VIII) MAINTAINING; AND

13 (IX) REPAIRING.

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

17 (I) A HEARING AID;

18 (II) A COCHLEAR IMPLANT;

19 (III) A HEARING INDUCTION LOOP RECEIVER; OR

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

22 (6) "RECIPIENT OF STATE FUNDS" MEANS ANY OF THE FOLLOWING
23 THAT RECEIVE STATE MONEY FOR THE CONSTRUCTION OR RENOVATION OF AN
24 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) A RECIPIENT OF STATE FUNDS SHALL INSTALL AN ASSISTIVE LISTENING**
5 **SYSTEM IN AN ASSEMBLY AREA DURING THE CONSTRUCTION OR RENOVATION OF**
6 **THE ASSEMBLY AREA IF:**

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

9 **(2) 50% OR MORE OF THE MONEY USED FOR THE CONSTRUCTION OR**
10 **RENOVATION OF THE ASSEMBLY AREA IS STATE MONEY.**

11 **(C) IF THERE IS A DISPUTE REGARDING WHETHER THE REQUIREMENTS OF**
12 **SUBSECTION (B) OF THIS SECTION APPLY TO A CONSTRUCTION OR RENOVATION**
13 **PROJECT, THE DEPARTMENT SHALL MAKE A DETERMINATION REGARDING THE**
14 **APPLICABILITY OF THIS SECTION TO THE PROJECT.**

15 **(D) (1) THE DEPARTMENT SHALL ESTABLISH A PROCESS TO:**

16 **(I) ALLOW A RECIPIENT OF STATE FUNDS TO OBTAIN A WAIVER**
17 **FROM COMPLYING WITH THIS SECTION; AND**

18 **(II) IMPOSE A PENALTY ON A RECIPIENT OF STATE FUNDS THAT**
19 **FAILS TO COMPLY WITH THIS SECTION, IF THIS SECTION IS APPLICABLE TO THE**
20 **RECIPIENT AND THE RECIPIENT DOES NOT OBTAIN A WAIVER.**

21 **(2) IN ESTABLISHING THE WAIVER PROCESS AND THE PENALTY**
22 **PROCESS, THE DEPARTMENT SHALL:**

23 **(I) CONSULT WITH STAKEHOLDERS; AND**

24 **(II) PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT.**

25 **(E) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS**
26 **SECTION.**

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

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2018.