

# HOUSE BILL 1192

B5, P1

9lr2126  
CF SB 1014

---

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

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2019

---

## CHAPTER \_\_\_\_\_

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.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to  
2 Article – State Finance and Procurement  
3 Section 4–410  
4 Annotated Code of Maryland  
5 (2015 Replacement Volume and 2018 Supplement)

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

8 **Article – State Finance and Procurement**

9 **4–410.**

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
11 INDICATED.

12 (2) (I) “ASSEMBLY AREA” MEANS A BUILDING OR FACILITY, OR  
13 ANY PORTION OF A BUILDING OR FACILITY, THAT:

14 1. IS USED FOR THE PURPOSE OF ENTERTAINMENT,  
15 EDUCATION, OR CIVIC GATHERINGS; AND

16 2. REQUIRES THE USE OF A PUBLIC ADDRESS SYSTEM.

17 (II) “ASSEMBLY AREA” INCLUDES:

18 1. AN AMPHITHEATER, AN ARENA, AND A STADIUM;

19 2. AN AUDITORIUM;

20 3. A CENTER FOR THE PERFORMING ARTS;

21 4. A CLASSROOM AND A LECTURE HALL;

22 5. A CONCERT HALL;

23 6. A CONVENTION CENTER;

24 7. A COURTROOM;

25 8. A LEGISLATIVE CHAMBER;

26 9. A MOVIE THEATER, A THEATER, AND A PLAYHOUSE;

27 AND



1           **(5) “HEARING INDUCTION LOOP” MEANS A HEARING LOOP OR**  
2 **T-LOOP SYSTEM THAT TAKES A SOUND SOURCE AND TRANSFERS IT DIRECTLY VIA A**  
3 **MAGNETIC SIGNAL TO:**

4                   **(I) A HEARING AID;**

5                   **(II) A COCHLEAR IMPLANT;**

6                   **(III) A HEARING INDUCTION LOOP RECEIVER; OR**

7                   **(IV) ANY OTHER PERSONAL HEARING DEVICE THAT ACTS AS A**  
8 **RECEIVER.**

9           **(6) “RECIPIENT OF STATE FUNDS” MEANS ANY OF THE FOLLOWING**  
10 **THAT RECEIVE STATE MONEY FOR THE CONSTRUCTION OR RENOVATION OF AN**  
11 **ASSEMBLY AREA:**

12                   **(I) A UNIT OF STATE GOVERNMENT;**

13                   **(II) A UNIT OF LOCAL GOVERNMENT; OR**

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

15           **(B) (1) A RECIPIENT OF STATE FUNDS SHALL INSTALL AN ASSISTIVE**  
16 **LISTENING SYSTEM IN AN ASSEMBLY AREA DURING THE CONSTRUCTION OR**  
17 **RENOVATION OF THE ASSEMBLY AREA IF:**

18                   **(I) ~~AUDIBLE COMMUNICATION IS INTEGRAL TO THE USE OF~~**  
19 **THE ASSEMBLY AREA USES OR REQUIRES THE USE OF A PUBLIC ADDRESS SYSTEM;**  
20 **AND**

21                   **(II) A STATE CONTRACT HAS BEEN EXECUTED TO ENABLE**  
22 **CONSTRUCTION OR RENOVATION OF THE ASSEMBLY AREA.**

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

25                   **1. THE RECIPIENT CLAIMS THAT AN ASSISTIVE**  
26 **LISTENING SYSTEM IS NOT TECHNOLOGICALLY FEASIBLE; OR**

27                   **2. THERE IS A DISPUTE REGARDING WHETHER THE**  
28 **REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION APPLY TO A**  
29 **CONSTRUCTION OR RENOVATION PROJECT.**

1           **(II) A WAIVER REQUEST UNDER SUBPARAGRAPH (I) OF THIS**  
2 **PARAGRAPH SHALL INCLUDE A DESCRIPTION OF THE ALTERNATIVE ASSISTIVE**  
3 **LISTENING TECHNOLOGY THE RECIPIENT WILL USE TO COMPLY WITH THE**  
4 **AMERICANS WITH DISABILITIES ACT.**

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

6           **(2) (I) THE SECRETARY SHALL APPOINT THE MEMBERS OF THE**  
7 **BOARD.**

8           **(II) THE BOARD SHALL CONSIST OF:**

9                   **1. INDIVIDUALS WHO HAVE EXPERTISE IN ASSISTIVE**  
10 **LISTENING SYSTEMS; AND**

11                   **2. CONSUMERS WHO USE ASSISTIVE LISTENING**  
12 **SYSTEMS.**

13           **(3) THE BOARD SHALL:**

14                   **(I) CONSULT WITH STAKEHOLDERS WHO ARE STATE**  
15 **RESIDENTS WHO USE OR WILL USE THE FACILITIES BEING BUILT OR RENOVATED,**  
16 **INCLUDING:**

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

18                           **2. ORGANIZATIONS THAT REPRESENT PEOPLE WITH**  
19 **HEARING LOSS AND HAVE BACKGROUND EXPERIENCE AND KNOWLEDGE OF THE USE**  
20 **OF ASSISTIVE LISTENING SYSTEMS AND DEVICES;**

21                   **(II) MAKE RECOMMENDATIONS FOR REGULATIONS**  
22 **IMPLEMENTING THIS SECTION;**

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

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

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

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

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

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

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

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

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

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

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

- 21                           1.    **TEMPORARY, PRELIMINARY, OR PERMANENT RELIEF;**
- 22                           2.    **PROVIDING AN AUXILIARY AID OR SERVICE;**
- 23                           3.    **REQUIRING A MODIFICATION OF POLICY, PRACTICE,**  
24 **OR PROCEDURE; AND**
- 25                           4.    **MAKING FACILITIES READILY ACCESSIBLE TO AND**  
26 **USABLE BY INDIVIDUALS WITH DISABILITIES;**

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

29                   **(III) AWARD ANY OTHER RELIEF THE COURT CONSIDERS TO BE**  
30 **APPROPRIATE.**

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

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

9           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
10 1, 2019.

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.