

SENATE BILL 1014

B5, P1

9lr3190
CF HB 1192

By: **Senators Patterson and Benson**

Introduced and read first time: February 27, 2019

Assigned to: Rules

Re-referred to: Budget and Taxation, March 6, 2019

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 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 **10. A PUBLIC HEARING AND MEETING ROOM;~~AND~~**

2 ~~**11. ANY OTHER AREA THAT REQUIRES THE USE OF A**~~
3 ~~**PUBLIC ADDRESS SYSTEM.**~~

4 (III) “ASSEMBLY AREA” DOES NOT INCLUDE ANY OUTDOOR
5 AREA.

6 (3) “ASSISTIVE LISTENING SYSTEM” MEANS AN AMPLIFICATION
7 SYSTEM USING TRANSMITTERS TO BYPASS THE ACOUSTICAL SPACE BETWEEN A
8 SOUND SOURCE AND A LISTENER BY MEANS OF A WIRELESS DIRECT CONNECTION,
9 SUCH AS A HEARING INDUCTION LOOP SYSTEM, THAT COUPLES TO A:

10 (I) PERSONAL HEARING DEVICE; OR

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

13 (4) “CONSTRUCTION OR RENOVATION” INCLUDES:

14 ~~(I) BUILDING;~~

15 ~~(II) RECONSTRUCTING;~~

16 ~~(III) IMPROVING;~~

17 ~~(IV) RENOVATING;~~

18 ~~(V) ENLARGING;~~

19 ~~(VI) PAINTING AND DECORATING;~~

20 ~~(VII) ALTERING;~~

21 ~~(VIII) MAINTAINING; AND~~

22 ~~(IX) REPAIRING.~~

23 (I) CONSTRUCTION;

24 (II) RECONSTRUCTION; AND

25 (III) RENOVATION.

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.

President of the Senate.

Speaker of the House of Delegates.