



Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

February 12, 2020

Committee: Senate Judicial Proceedings

Bill: SB 401 – Place of Public Accommodation and Public Buildings – Single-Occupancy Public Restrooms – Availability (The Accessible to All Act)

Position: Support with Amendment

Reason for Position:

The Maryland Municipal League supports SB 401 with an amendment to remove municipalities from the enforcement provisions of the bill. The legislation broadly defines “single-occupancy public restrooms” and requires that any new bathroom signage 1) does not use a pictorial representation; and 2) contains only descriptive language, such as the words “restroom” or “bathroom”. The bill would also require municipalities to enforce these provisions.

MML’s membership has no concerns complying with the bill’s signage requirements on bathrooms owned and operated by cities and towns.

However, the League suggests amending municipalities out of the enforcement provisions of the bill. Maryland’s municipalities, by and large, do not perform the same routine inspections that counties perform – we do not have the staff capabilities. This would especially be true of SB 401 given the large universe of restrooms to which it would apply and the difficulty of establishing a database of restroom signs that pre-date the October 1, 2020 effective date.

The League therefore respectfully requests that this committee provide SB 401 with a favorable report with the appropriate amendment.

20-307

(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A COUNTY OR MUNICIPALITY SHALL BE RESPONSIBLE FOR ENFORCING SUBSECTION (B) OF THIS

SECTION FOR EACH PLACE OF PUBLIC ACCOMMODATION WITHIN ITS JURISDICTION.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH COUNTY ~~OR MUNICIPALITY~~ MAY SET A CIVIL FINE OR SERIES OF CIVIL FINES TO BE ISSUED TO A PLACE OF PUBLIC ACCOMMODATION THAT VIOLATES SUBSECTION (B) OF THIS SECTION.

(2) IN SETTING FINES UNDER THIS SUBSECTION, A COUNTY OR MUNICIPALITY MAY NOT SET A FINE THAT EXCEEDS:

(I) FOR A FIRST VIOLATION, A WARNING;

(II) FOR A SECOND VIOLATION, A FINE OF \$100; AND

(III) FOR A SUBSEQUENT VIOLATION, A FINE OF \$250.

SECTION 2. AND BE IT FURTHER ENACTED, That a county ~~or municipality~~ may not enforce the provisions governing single-occupancy restrooms in places of public accommodation, established under Section 1 of this Act, until 60 days after the enactment of this Act.

FOR MORE INFORMATION CONTACT:

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