

SENATE BILL NO. 324—SENATORS TITUS, WIENER, CARE,
SCHNEIDER, NEAL, COFFIN AND CARLTON

MARCH 13, 2001

Referred to Committee on Government Affairs

SUMMARY—Requires that toilet facilities in public buildings and places of public accommodation be identified with signs discernible by blind and other visually impaired persons. (BDR 28-78)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 1, 3)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to visually impaired persons; requiring the state public works board to adopt regulations for signage in public buildings to ensure that toilet facilities in such buildings are as identifiable to blind and other visually impaired persons as to other persons; requiring that toilet facilities in public buildings, certain leased areas and places of public accommodation be identified with signs that comply with such regulations; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 338.180 is hereby amended to read as follows:
2 338.180 1. The legislature of the State of Nevada declares that:
3 (a) The primary purpose of this section is to provide, subject to the
4 limitations set forth in this section, for the removal and elimination of
5 architectural barriers to the physically handicapped in public buildings and
6 facilities designed after July 1, 1973, in order to encourage and facilitate
7 the employment of the physically handicapped and to make public
8 buildings accessible to and usable by the physically handicapped; and
9 (b) It is the intent of the legislature that insofar as possible all buildings
10 and facilities used by the public be accessible to, and functional for, the
11 physically handicapped, without loss of function, space or facility where
12 the general public is concerned.
13 2. All plans and specifications for the construction of public buildings
14 and facilities owned by the State of Nevada or by a political subdivision
15 thereof must, after July 1, 1973, provide facilities and features for the



1 physically handicapped so that buildings which are normally used by the
2 public are constructed with entrance ramps, toilet facilities, drinking
3 fountains, doors and public telephones accessible to and usable by the
4 physically handicapped. In addition, all plans and specifications for the
5 construction or alteration of public buildings and facilities owned by the
6 State of Nevada or a political subdivision thereof must comply with the
7 applicable requirements of the:

8 (a) Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et
9 seq., and the regulations adopted pursuant thereto, including, without
10 limitation, the Americans with Disabilities Act Accessibility Guidelines for
11 Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of
12 the Code of Federal Regulations;

13 (b) Minimum Guidelines and Requirements for Accessible Design,
14 36 C.F.R. §§ 1190.1 et seq.; ~~and~~

15 (c) Fair Housing Act, 42 U.S.C. § 3604, and the regulations adopted
16 pursuant thereto ~~and~~; and

17 *(d) Regulations governing signage for toilet facilities adopted by the*
18 *state public works board pursuant to section 2 of this act.*

19 The requirements of paragraph (a) of this subsection are not satisfied if the
20 plans and specifications comply solely with the Uniform Federal
21 Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title
22 41 of the Code of Federal Regulations.

23 3. The State of Nevada and each political subdivision thereof shall, in
24 the design, construction and alteration of public buildings and facilities
25 comply with the applicable requirements of the:

26 (a) Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et
27 seq., and the regulations adopted pursuant thereto, including, without
28 limitation, the Americans with Disabilities Act Accessibility Guidelines for
29 Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of
30 the Code of Federal Regulations;

31 (b) Minimum Guidelines and Requirements for Accessible Design,
32 36 C.F.R. §§ 1190.1 et seq.; ~~and~~

33 (c) Fair Housing Act, 42 U.S.C. § 3604, and the regulations adopted
34 pursuant thereto ~~and~~; and

35 *(d) Regulations governing signage for toilet facilities adopted by the*
36 *state public works board pursuant to section 2 of this act.*

37 The requirements of paragraph (a) of this subsection are not satisfied if the
38 State of Nevada or a political subdivision thereof complies solely with
39 the Uniform Federal Accessibility Standards set forth in Appendix A of
40 Part 101-19.6 of Title 41 of the Code of Federal Regulations.

41 4. *Each public building and facility owned by the State of Nevada or*
42 *a political subdivision thereof must identify each toilet facility that is*
43 *available to the public with signs that conform to the regulations adopted*
44 *by the state public works board pursuant to section 2 of this act.*

45 5. The state public works board shall verify that all public buildings
46 and facilities owned by the State of Nevada conform with the requirements
47 of this section. Each political subdivision shall verify that all public
48 buildings and facilities owned by the political subdivision conform with the
49 requirements of this section.



1 **Sec. 2.** Chapter 341 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 **1. The board, after consultation with the bureau of services to the**
4 **blind and visually impaired of the rehabilitation division of the**
5 **department of employment, training and rehabilitation and the buildings**
6 **and grounds division of the department of administration, shall adopt**
7 **regulations for signage in public buildings owned by the State of Nevada**
8 **or any political subdivision thereof to ensure that toilet facilities that are**
9 **available to the public in such buildings are as identifiable to blind and**
10 **other visually impaired persons as to other persons.**

11 **2. The regulations must:**

12 **(a) Establish reasonable and uniform specifications for, without**
13 **limitation, the:**

14 **(1) Location of a sign with respect to the toilet facility and the**
15 **height of the sign above the finished floor;**

16 **(2) Size and shape of the sign;**

17 **(3) Use of symbols, raised letters and Braille to identify the toilet**
18 **facility and whether its use is segregated by sex; and**

19 **(b) Conform to the requirements relating to signage contained in §§**
20 **4.30 et seq. of the Americans with Disabilities Act Accessibility**
21 **Guidelines for Buildings and Facilities set forth in Appendix A of Part**
22 **36 of Title 28 of the Code of Federal Regulations.**

23 **Sec. 3.** Chapter 278 of NRS is hereby amended by adding thereto a
24 new section to read as follows:

25 **1. Each governing body shall require by ordinance that the owner,**
26 **lessor, lessee, or operator of a place of public accommodation identify**
27 **each toilet facility that is available to the public with signs that conform**
28 **to the regulations adopted by the state public works board pursuant to**
29 **section 2 of this act for public buildings.**

30 **2. As used in this section, "public accommodation" has the meaning**
31 **ascribed to it in 42 U.S.C. § 12181.**

32 **Sec. 4.** NRS 444.048 is hereby amended to read as follows:

33 444.048 1. Except as otherwise provided in this section, each area
34 that is leased by or on behalf of a public body and is used primarily to
35 provide a service to the public must have at least one toilet facility which is
36 accessible to a person with a disability within the leased area or, if the
37 leased area is a part of a complex of leased areas, within the common area
38 of the complex. The toilet facility must ~~be~~ :

39 **(a) Be** available for use by members of the public. ~~{To satisfy the~~
40 ~~requirements of this section, the toilet facility must comply}~~

41 **(b) Comply** with the regulations regarding accessibility of a toilet
42 facility promulgated pursuant to the Americans with Disabilities Act of
43 1990, 42 U.S.C. §§ 12101 et seq.

44 **(c) Comply with the regulations governing signage for toilet facilities**
45 **adopted by the state public works board pursuant to section 2 of this act.**

46 2. The provisions of subsection 1 do not apply to a leased area within a
47 state park for which toilet facilities are otherwise accessible to members of
48 the public.



* S B 3 2 4 *

1 3. A contract to lease an area that does not satisfy the requirements of
2 subsection 1 which is entered into on or after October 1, 1997, is void and
3 unenforceable.

4 **Sec. 5.** The provisions of subsection 1 of NRS 354.599 do not apply
5 to any additional expenses of a local government that are related to the
6 provisions of this act.

7 **Sec. 6.** This act becomes effective upon passage and approval for the
8 purpose of adopting regulations and on January 1, 2002, for all other
9 purposes.

