

Senate Bill No. 324—Senators Titus, Wiener, Care,
Schneider, Neal, Coffin and Carlton

CHAPTER.....

AN ACT relating to visually impaired persons; requiring that toilet facilities in public buildings, certain leased areas and places of public accommodation be identified with signs which must be placed in certain locations, contain certain information and conform to certain standards; requiring the attorney general to enforce such requirements; and providing other matters properly relating thereto.

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

Section 1. NRS 338.180 is hereby amended to read as follows:

338.180 1. The legislature of the State of Nevada declares that:

(a) The primary purpose of this section is to provide, subject to the limitations set forth in this section, for the removal and elimination of architectural barriers to the physically handicapped in public buildings and facilities designed after July 1, 1973, in order to encourage and facilitate the employment of the physically handicapped and to make public buildings accessible to and usable by the physically handicapped; and

(b) It is the intent of the legislature that insofar as possible all buildings and facilities used by the public be accessible to, and functional for, the physically handicapped, without loss of function, space or facility where the general public is concerned.

2. All plans and specifications for the construction of public buildings and facilities owned by the State of Nevada or by a political subdivision thereof must, after July 1, 1973, provide facilities and features for the physically handicapped so that buildings which are normally used by the public are constructed with entrance ramps, toilet facilities, drinking fountains, doors and public telephones accessible to and usable by the physically handicapped. In addition, all plans and specifications for the construction or alteration of public buildings and facilities owned by the State of Nevada or a political subdivision thereof must comply with the applicable requirements of the:

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

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

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

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

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

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

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

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

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

4. *In each public building and facility owned by this state or a political subdivision of this state, each entrance to a corridor which leads to a toilet facility must be marked with a sign which:*

(a) Conforms to the requirements related to signage contained in §§ 4.30 et seq. of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations; and

(b) Uses symbols, raised letters and Braille to:

(1) Identify the toilet facility and the gender of persons who may use the toilet facility; and

(2) If the toilet facility is for the exclusive use of persons of one gender:

(I) Indicate that the toilet facility is for the exclusive use of persons of that gender; and

(II) Provide direction to a toilet facility that may be used by persons of the other gender.

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

6. *A person may report a violation of this section to the attorney general.*

7. *Upon receiving a report pursuant to subsection 6, the attorney general shall notify the public body responsible for the alleged violation. Not later than 30 days after receiving such a notification, the public body shall:*

(a) Present evidence to the attorney general that it is in compliance with this section; or

(b) Begin any action necessary to comply with the requirements of this section and notify the attorney general of the date on which it will be in compliance with those requirements.

8. *If the public body responsible for the alleged violation fails to comply with this section, the attorney general shall take such action as is necessary to ensure compliance with this section, including, without limitation, commencing proceedings in a court of competent jurisdiction, if appropriate.*

Sec. 2. NRS 444.048 is hereby amended to read as follows:

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

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

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

(c) If a corridor leads to the toilet facility, be marked at the entrance to the corridor with a sign which:

(1) Conforms to the requirements related to signage contained in §§ 4.30 et seq. of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations; and

(2) Uses symbols, raised letters and Braille to:

(I) Identify the toilet facility and the gender of persons who may use the toilet facility; and

(II) Indicate whether the toilet facility is for the exclusive use of persons of one gender and, if applicable, provide direction to a toilet facility that may be used by persons of the other gender.

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

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

Sec. 3. Chapter 447 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each owner, lessor, lessee or operator of a public accommodation shall mark each entrance to a corridor in the public accommodation which leads to a toilet facility with a sign which:

(a) Conforms to the requirements related to signage contained in §§ 4.30 et seq. of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations; and

(b) Uses symbols, raised letters and Braille to:

(1) Identify the toilet facility and the gender of persons who may use the toilet facility; and

(2) If the toilet facility is for the exclusive use of persons of one gender:

(I) Indicate that the toilet facility is for the exclusive use of persons of that gender; and

(II) Provide direction to a toilet facility that may be used by persons of the other gender.

2. A person may report a violation of subsection 1 to the attorney general.

3. Upon receiving a report pursuant to subsection 2, the attorney general shall notify the owner, lessor, lessee or operator of the public accommodation of the alleged violation. Not later than 30 days after receiving such a notification, the owner, lessor, lessee or operator of the public accommodation shall:

(a) Present evidence to the attorney general that the public accommodation is in compliance with subsection 1; or

(b) Begin any action necessary to comply with the requirements of subsection 1 and notify the attorney general of the date on which the public accommodation will be in compliance with those requirements.

4. If the owner, lessor, lessee or operator of the public accommodation fails to comply with subsection 1, the attorney general shall take such action as is necessary to ensure compliance with subsection 1, including, without limitation, commencing proceedings in a court of competent jurisdiction, if appropriate.

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

Sec. 4. NRS 447.210 is hereby amended to read as follows:

447.210 1. Every proprietor, owner, manager, lessee or other person in charge of any hotel in this state ~~[, who shall fail]~~ *who fails* to comply with ~~[this chapter]~~ *the provisions of NRS 447.003 to 447.200, inclusive*, or any of the provisions of the regulations hereby established whether through the acts of himself, his agent or employees ~~[, shall be]~~ *is* guilty of a misdemeanor.

2. Every day that any hotel ~~[shall be kept]~~ *is* in violation of any of the provisions of this chapter ~~[, such keeping shall constitute]~~ *constitutes* a separate offense.

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

Sec. 6. This act becomes effective on January 1, 2002.