

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1619 Session of  
1975

INTRODUCED BY MESSRS. DREIBELBIS, BENNETT AND L. E. SMITH, JULY  
15, 1975

SENATOR SCANLON, BUSINESS AND COMMERCE, IN SENATE, AS AMENDED,  
JUNE 14, 1976

AN ACT

1 Amending the act of September 1, 1965 (P.L.459, No.235),  
2 entitled "An act requiring that certain buildings and  
3 facilities constructed with Commonwealth funds adhere to  
4 certain principles, standards and specifications to make the  
5 same accessible to and usable by the physically handicapped,  
6 and providing for enforcement," ~~further~~ providing for limited <—  
7 exemptions from the provisions of this act, CREATING AN <—  
8 ADVISORY BOARD, PROVIDING FOR ITS POWERS AND DUTIES AND  
9 ADDING TO THE POWERS AND DUTIES OF THE SECRETARY OF LABOR AND  
10 INDUSTRY.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. Section 1, act of September 1, 1965 (P.L.459,  
14 No.235), entitled "An act requiring that certain buildings and  
15 facilities constructed with Commonwealth funds adhere to certain  
16 principles, standards and specifications to make the same  
17 accessible to and usable by the physically handicapped, and  
18 providing for enforcement," amended October 2, 1974 (P.L.658,  
19 No.216), is amended to read:

20 Section 1. Applicability of Standards.--The standards and  
21 specifications set forth in this act shall apply to all

1 buildings of assembly, educational institutions and office  
2 buildings which are constructed in whole or in part by the use  
3 of Commonwealth funds, or the funds of any instrumentality of  
4 the Commonwealth or which are leased by the Commonwealth or an  
5 instrumentality thereof by reason of a lease executed after  
6 December 31, 1974 and shall also apply to department stores,  
7 theaters, retail stores and sports arenas constructed after the  
8 effective date of this amending act: ~~Provided, however, That~~ <—  
9 ~~the provisions of this act shall not apply to any department~~  
10 ~~store, theater, retail store, sports arena and other buildings~~  
11 ~~that are constructed and contain less than 2800 square feet of~~  
12 ~~usable floor space.~~ PROVIDED, HOWEVER, THAT THE PROVISIONS OF <—  
13 THIS ACT SHALL NOT APPLY TO RESTAURANTS WITH SIT-DOWN, INTERIOR  
14 DINING FACILITIES AND SHALL NOT APPLY TO REST ROOMS IN RETAIL  
15 STORES CONTAINING A SALES AREA OF 2,800 SQUARE FEET OR LESS. All  
16 Commonwealth financed or leased buildings and facilities  
17 constructed or leased in this Commonwealth shall conform to each  
18 of the standards and specifications prescribed herein. All  
19 department stores, theaters, retail stores and sports arenas for  
20 which contracts for the planning and/or design have been awarded  
21 prior to the effective date of this amending act shall be  
22 exempt.

23 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

24 SECTION 3.1. ADVISORY BOARD, GUIDELINES, EXEMPTIONS.--(A)  
25 THERE IS HEREBY CREATED AN ADVISORY BOARD WHICH SHALL BE  
26 COMPOSED OF FIVE MEMBERS APPOINTED BY THE SECRETARY OF LABOR AND  
27 INDUSTRY. AT LEAST THREE MEMBERS OF THE ADVISORY BOARD SHALL BE  
28 CONSUMERS AND SHALL BE PUBLIC MEMBERS. ALL MEMBERS OF THE  
29 ADVISORY BOARD SHALL SERVE FOR A TERM OF TWO YEARS AND UNTIL  
30 THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED. THE MEMBERS OF THE

1 ADVISORY BOARD SHALL SERVE WITHOUT COMPENSATION BUT SHALL BE  
2 REIMBURSED BY THE DEPARTMENT OF LABOR AND INDUSTRY FOR THE  
3 NECESSARY AND ACTUAL EXPENSES INCURRED IN ATTENDING THE MEETING  
4 OF THE ADVISORY BOARD AND IN THE PERFORMANCE OF THEIR DUTIES  
5 UNDER THIS ACT. MEETINGS OF THE ADVISORY BOARD SHALL BE CALLED  
6 BY THE SECRETARY OF LABOR AND INDUSTRY.

7 (B) THE ADVISORY BOARD SHALL REVIEW THE PRINCIPLES,  
8 STANDARDS AND SPECIFICATIONS OF THIS ACT AND THE IMPACT OF THIS  
9 ACT ON ENTITIES AFFECTED BY ITS COVERAGE AND SHALL DEVELOP GUIDE  
10 INES UNDER WHICH EXEMPTIONS AND VARIANCES FROM THE PROVISIONS  
11 OF THIS ACT MAY BE GRANTED.

12 (C) THE ADVISORY BOARD SHALL REVIEW ALL APPLICATIONS FOR  
13 EXEMPTIONS AND VARIANCES FROM THE PROVISIONS OF THIS ACT AND  
14 SHALL ADVISE THE SECRETARY OF LABOR AND INDUSTRY ON WHETHER AN  
15 EXEMPTION OR VARIANCE SHOULD BE GRANTED.

16 (D) THE SECRETARY OF LABOR AND INDUSTRY MAY GRANT A VARIANCE  
17 OR EXEMPTION FROM THE PROVISIONS OF THIS ACT. WHEN DETERMINING  
18 WHETHER TO GRANT AN EXEMPTION OR VARIANCE, THE SECRETARY SHALL  
19 CONSIDER THE GUIDELINES OF THE BOARD AND ITS RECOMMENDATIONS ON  
20 THE PARTICULAR APPLICATIONS.

21 Section 2 3. This act shall take effect immediately.

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