

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1619 Session of
1975

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

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 22, 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 AND TO RESTAURANTS <—
8 WITH SIT-DOWN, INTERIOR DINING FACILITIES constructed after the
9 effective date of this amending act: Provided, however, That <—
10 the provisions of this act shall not apply to any department
11 store, theater, retail store, sports arena and other buildings
12 that are constructed and contain less than 2800 square feet of
13 usable floor space. PROVIDED, HOWEVER, THAT THE PROVISIONS OF <—
14 THIS ACT SHALL NOT APPLY TO RESTAURANTS WITH SIT DOWN, INTERIOR
15 DINING FACILITIES AND SHALL NOT APPLY TO REST ROOMS IN RETAIL
16 STORES CONTAINING A SALES AREA OF 2,800 SQUARE FEET OR LESS.
17 PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS ACT SHALL NOT
18 APPLY TO ANY DEPARTMENT STORE, THEATER, RETAIL STORE, SPORTS
19 ARENA AND OTHER BUILDINGS THAT ARE CONSTRUCTED AND CONTAIN LESS
20 THAN 2,800 SQUARE FEET OF USABLE FLOOR SPACE. All Commonwealth
21 financed or leased buildings and facilities constructed or
22 leased in this Commonwealth shall conform to each of the
23 standards and specifications prescribed herein. All department
24 stores, theaters, retail stores and sports arenas for which
25 contracts for the planning and/or design have been awarded prior
26 to the effective date of this amending act shall be exempt.

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

28 SECTION 3.1. ADVISORY BOARD, GUIDELINES, EXEMPTIONS.--(A)
29 THERE IS HEREBY CREATED AN ADVISORY BOARD WHICH SHALL BE
30 COMPOSED OF FIVE MEMBERS APPOINTED BY THE SECRETARY OF LABOR AND

1 INDUSTRY. AT LEAST THREE MEMBERS OF THE ADVISORY BOARD SHALL BE
2 CONSUMERS AND SHALL BE PUBLIC MEMBERS. ALL MEMBERS OF THE
3 ADVISORY BOARD SHALL SERVE FOR A TERM OF TWO YEARS AND UNTIL
4 THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED. THE MEMBERS OF THE
5 ADVISORY BOARD SHALL SERVE WITHOUT COMPENSATION BUT SHALL BE
6 REIMBURSED BY THE DEPARTMENT OF LABOR AND INDUSTRY FOR THE
7 NECESSARY AND ACTUAL EXPENSES INCURRED IN ATTENDING THE MEETING
8 OF THE ADVISORY BOARD AND IN THE PERFORMANCE OF THEIR DUTIES
9 UNDER THIS ACT. MEETINGS OF THE ADVISORY BOARD SHALL BE CALLED
10 BY THE SECRETARY OF LABOR AND INDUSTRY.

11 (B) THE ADVISORY BOARD SHALL REVIEW THE PRINCIPLES,
12 STANDARDS AND SPECIFICATIONS OF THIS ACT AND THE IMPACT OF THIS
13 ACT ON ENTITIES AFFECTED BY ITS COVERAGE AND SHALL DEVELOP
14 GUIDELINES UNDER WHICH EXEMPTIONS AND VARIANCES FROM THE
15 PROVISIONS OF THIS ACT MAY BE GRANTED.

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

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

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

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