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Sub Comm. Judiciary
Rosenberg, McKeon, Sturgeon

(P.435) 2/25/93 Judiciary

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See Pink Copy

SENATE FILE 174
BY ROSENBERG

(P.835)
Passed Senate, Date 3/25/93

(P.1431)
Passed House, Date 4/20/93

Vote: Ayes 42 Nays 7

Vote: Ayes 98 Nays 1

Approved May 4, 1993

A BILL FOR

1 An Act concerning compliance with the federal Americans with
2 Disabilities Act and making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
SENATE FILE 174

S-3245

1 Amend Senate File 174 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 103A.21, subsection 2, Code
5 1993, is amended to read as follows:

6 2. Violation of this chapter shall not impose any
7 disability upon or affect or impair the credibility as
8 a witness, or otherwise, of any person.

9 Violations of this section shall be simple
10 misdemeanors, except as provided by subsection 4.

11 Sec. ____ . Section 103A.21, Code 1993, is amended
12 by adding the following new subsection:

13 NEW SUBSECTION. 4. For violations of the federal
14 Americans with Disabilities Act as provided in section
15 104A.6, the commissioner may seek a civil penalty, in
16 addition to injunctive relief, pursuant to a civil
17 penalty schedule established by the civil rights
18 commission under section 216.5."

19 2. Page 1, by inserting after line 10, the
20 following:

21 "Sec. ____ . Section 216.5, Code 1993, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 15. To establish a civil penalty
24 schedule for certain violations of the federal
25 Americans with Disabilities Act as provided in section
26 103A.21."

27 3. By renumbering as necessary.

By RALPH ROSENBERG
ANDY MCKEAN

S-3245 FILED MARCH 25, 1993

ADOPTED

TESB 1088SS 75

ec/jw/5

1 Section 1. Section 104A.6, Code 1993, is amended to read
2 as follows:

3 104A.6 CONFORMING STANDARDS.

4 In addition to complying with the standards and
5 specifications set forth in sections 104A.3 and 104A.4, the
6 authority responsible for the construction of any building or
7 facility covered by section 104A.2 shall conform with rules
8 ~~promulgated~~ adopted by the state building code commissioner as
9 provided in section 103A.7 and with the applicable provisions
10 of the federal Americans with Disabilities Act.

11 Sec. 2. Section 216C.1, Code 1993, is amended by adding
12 the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. To encourage participation by
14 the disabled, it is the policy of this state to ensure compli-
15 ance with the federal Americans with Disabilities Act.

16 Sec. 3. Section 216C.9, Code 1993, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 3. Curbs constructed that are subject to
19 the requirements of this section shall comply with the federal
20 Americans with Disabilities Act.

21 EXPLANATION

22 This bill specifically establishes that the policy of this
23 state is to ensure compliance with the federal Americans with
24 Disabilities Act. Specific provision for compliance is made
25 for the accessibility of the handicapped to public and private
26 buildings and facilities used by the general public and for
27 the construction of curb cuts or ramps. A denial of rights
28 under chapter 216C constitutes a simple misdemeanor. A
29 violation of chapter 104A can be enforced through injunctive
30 relief pursuant to section 103A.21, subsection 3.

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1 Section 1. Section 103A.21, subsection 2, Code 1993, is
2 amended to read as follows:

3 2. Violation of this chapter shall not impose any
4 disability upon or affect or impair the credibility as a
5 witness, or otherwise, of any person.

6 Violations of this section shall be simple misdemeanors,
7 except as provided by subsection 4.

8 Sec. 2. Section 103A.21, Code 1993, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 4. For violations of the federal
11 Americans with Disabilities Act as provided in section 104A.6,
12 the commissioner may seek a civil penalty, in addition to
13 injunctive relief, pursuant to a civil penalty schedule
14 established by the civil rights commission under section
15 216.5.

16 Sec. 3. Section 104A.6, Code 1993, is amended to read as
17 follows:

18 104A.6 CONFORMING STANDARDS.

19 In addition to complying with the standards and
20 specifications set forth in sections 104A.3 and 104A.4, the
21 authority responsible for the construction of any building or
22 facility covered by section 104A.2 shall conform with rules
23 promulgated adopted by the state building code commissioner as
24 provided in section 103A.7 and with the applicable provisions
25 of the federal Americans with Disabilities Act.

26 Sec. 4. Section 216.5, Code 1993, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 15. To establish a civil penalty schedule
29 for certain violations of the federal Americans with
30 Disabilities Act as provided in section 103A.21.

31 Sec. 5. Section 216C.1, Code 1993, is amended by adding
32 the following new unnumbered paragraph:

33 NEW UNNUMBERED PARAGRAPH. To encourage participation by
34 the disabled, it is the policy of this state to ensure compli-
35 ance with the federal Americans with Disabilities Act.

1 Sec. 6. Section 216C.9, Code 1993, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. Curbs constructed that are subject to
4 the requirements of this section shall comply with the federal
5 Americans with Disabilities Act.

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SENATE FILE 174

3805

1 Amend Senate File 174, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 103A.7, subsection 5, Code
6 1993, is amended to read as follows:

7 5. The accessibility and use by physically
8 handicapped persons with disabilities and elderly
9 persons, of buildings, structures and facilities which
10 are constructed and intended for use by the general
11 public. The rules shall be consistent with federal
12 standards for building accessibility.

13 Sec. 2. Section 104A.1, Code 1993, is amended to
14 read as follows:

15 104A.1 INTENT OF CHAPTER.

16 It is the intent of this chapter that standards and
17 specifications are followed in the construction of
18 public and private buildings and facilities which are
19 intended for use by the general public to ensure that
20 these buildings and facilities are accessible to and
21 functional for the-physically-handicapped persons with
22 disabilities.

23 Sec. 3. Section 104A.2, Code 1993, is amended to
24 read as follows:

104A.2 APPLICABILITY.

The standards and specifications adopted by the
27 state building code commissioner and as set forth in
28 this chapter shall apply to all public and private
29 buildings and facilities, temporary and permanent,
30 used by the general public. The specific occupancies
31 and minimum extent of accessibility shall be in
32 accordance with the conforming standards set forth in
33 section 104A.6. ~~Notwithstanding the standards set~~
34 ~~forth in section 104A.6, in~~ In every covered multiple-
35 dwelling-unit building containing twelve ~~four~~ or more
36 individual dwelling units the requirements of this
37 chapter ~~which apply to apartments shall be met by at~~
38 ~~least one dwelling unit or by at least ten percent of~~
39 ~~the dwelling units, whichever is the greater number,~~
40 ~~on each of the floor levels in the building which are~~
41 ~~accessible to the physically handicapped. --Any~~
42 ~~fraction five tenths or below shall be rounded to the~~
43 ~~next lower whole unit~~ and those adopted by the state
44 building code commissioner shall be met.

45 Sec. 4. Section 104A.6, Code 1993, is amended to
46 read as follows:

47 104A.6 CONFORMING STANDARDS.

48 ~~In addition to complying with the standards and~~
49 ~~specifications set forth in sections 104A.3 and~~
50 ~~104A.4, the~~ The authority responsible for the

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1 construction of any building or facility covered by
2 section 104A.2 shall conform with rules promulgated
3 adopted by the state building code commissioner as
4 provided in section 103A.7.

5 Sec. 5. NEW SECTION. 104A.6A ENFORCEMENT. This
6 chapter is subject to enforcement as provided in
7 chapter 103A.

8 Sec. 6. Section 216C.1, Code 1993, is amended by
9 adding the following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. To encourage
11 participation by the disabled, it is the policy of
12 this state to ensure compliance with federal
13 requirements concerning persons with disabilities.

14 Sec. 7. Section 216C.9, Code 1993, is amended by
15 adding the following new subsection:

16 NEW SUBSECTION. 3. Curbs constructed that are
17 subject to the requirements of this section shall
18 comply with federal requirements concerning persons
19 with disabilities.

20 Sec. 8. Sections 104A.3, 104A.4, and 104A.7, Code
21 1993, are repealed."

22 2. Title page, by striking lines 1 through 2 and
23 inserting the following: "An Act concerning
24 accessibility standards for persons with disabilities
25 and making penalties applicable."

By COMMITTEE ON STATE GOVERNMENT
CARPENTER of Polk, Chairperson

H-3805 FILED APRIL 8, 1993

*Adopted
4/20/93
(P. 1431)*

HOUSE AMENDMENT TO
SENATE FILE 174

S-3549

1 Amend Senate File 174, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 103A.7, subsection 5, Code
6 1993, is amended to read as follows:

7 5. The accessibility and use by physically
8 handicapped persons with disabilities and elderly
9 persons, of buildings, structures and facilities which
10 are constructed and intended for use by the general
11 public. The rules shall be consistent with federal
12 standards for building accessibility.

13 Sec. 2. Section 104A.1, Code 1993, is amended to
14 read as follows:

15 104A.1 INTENT OF CHAPTER.

16 It is the intent of this chapter that standards and
17 specifications are followed in the construction of
18 public and private buildings and facilities which are
19 intended for use by the general public to ensure that
20 these buildings and facilities are accessible to and
21 functional for the physically-handicapped persons with
22 disabilities.

23 Sec. 3. Section 104A.2, Code 1993, is amended to
24 read as follows:

25 104A.2 APPLICABILITY.

26 The standards and specifications adopted by the
27 state building code commissioner and as set forth in
28 this chapter shall apply to all public and private
29 buildings and facilities, temporary and permanent,
30 used by the general public. The specific occupancies
31 and minimum extent of accessibility shall be in
32 accordance with the conforming standards set forth in
33 section 104A.6. ~~Notwithstanding the standards set~~
34 ~~forth in section 104A.6, in~~ In every covered multiple-
35 dwelling-unit building containing twelve four or more
36 individual dwelling units the requirements of this
37 chapter ~~when apply to apartments shall be met by at~~
38 ~~least one dwelling unit or by at least ten percent of~~
39 ~~the dwelling units, whenever is the greater number,~~
40 ~~on each of the floor levels in the building which are~~
41 ~~accessible to the physically-handicapped. Any~~
42 ~~fraction five tenths or below shall be rounded to the~~
43 ~~next lower whole unit and those adopted by the state~~
44 ~~building code commissioner shall be met.~~

45 Sec. 4. Section 104A.6, Code 1993, is amended to
46 read as follows:

47 104A.6 CONFORMING STANDARDS.

48 ~~In addition to complying with the standards and~~
49 ~~specifications set forth in sections 104A.3 and~~
50 ~~104A.47 the~~ The authority responsible for the

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1 construction of any building or facility covered by
2 section 104A.2 shall conform with rules promulgated
3 adopted by the state building code commissioner as
4 provided in section 103A.7.

5 Sec. 5. NEW SECTION. 104A.6A ENFORCEMENT. This
6 chapter is subject to enforcement as provided in
7 chapter 103A.

8 Sec. 6. Section 216C.1, Code 1993, is amended by
9 adding the following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. To encourage
11 participation by the disabled, it is the policy of
12 this state to ensure compliance with federal
13 requirements concerning persons with disabilities.

14 Sec. 7. Section 216C.9, Code 1993, is amended by
15 adding the following new subsection:

16 NEW SUBSECTION. 3. Curbs constructed that are
17 subject to the requirements of this section shall
18 comply with federal requirements concerning persons
19 with disabilities.

20 Sec. 8. Sections 104A.3, 104A.4, and 104A.7, Code
21 1993, are repealed."

22 2. Title page, by striking lines 1 through 2 and
23 inserting the following: "An Act concerning
24 accessibility standards for persons with disabilities
25 and making penalties applicable."

RECEIVED FROM THE HOUSE

S-3549 FILED APRIL 20, 1993

Senate concurred 4/27/93 (p. 1367)

SENATE FILE 174

AN ACT
CONCERNING ACCESSIBILITY STANDARDS FOR PERSONS WITH DISABILITIES AND MAKING PENALTIES APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 103A.7, subsection 5, Code 1993, is amended to read as follows:

5. The accessibility and use by physically-handicapped persons with disabilities and elderly persons, of buildings, structures and facilities which are constructed and intended for use by the general public. The rules shall be consistent with federal standards for building accessibility.

Sec. 2. Section 104A.1, Code 1993, is amended to read as follows:

104A.1 INTENT OF CHAPTER.

It is the intent of this chapter that standards and specifications are followed in the construction of public and private buildings and facilities which are intended for use by the general public to ensure that these buildings and facilities are accessible to and functional for the physically handicapped persons with disabilities.

Sec. 3. Section 104A.2, Code 1993, is amended to read as follows:

104A.2 APPLICABILITY.

The standards and specifications adopted by the state building code commissioner and as set forth in this chapter shall apply to all public and private buildings and

facilities, temporary and permanent, used by the general public. The specific occupancies and minimum extent of accessibility shall be in accordance with the conforming standards set forth in section 104A.6. ~~Notwithstanding the standards set forth in section 104A.6, in~~ In every covered multiple-dwelling-unit building containing twelve four or more individual dwelling units the requirements of this chapter which apply to apartments shall be met by at least one dwelling unit or by at least ten percent of the dwelling units, whichever is the greater number, on each of the floor levels in the building which are accessible to the physically handicapped. Any fraction five tenths or below shall be rounded to the next lower whole unit and those adopted by the state building code commissioner shall be met.

Sec. 4. Section 104A.6, Code 1993, is amended to read as follows:

104A.6 CONFORMING STANDARDS.

~~in addition to complying with the standards and specifications set forth in sections 104A.3 and 104A.4, the~~ The authority responsible for the construction of any building or facility covered by section 104A.2 shall conform with rules promulgated adopted by the state building code commissioner as provided in section 103A.7.

Sec. 5. NEW SECTION. 104A.6A ENFORCEMENT.

This chapter is subject to enforcement as provided in chapter 103A.

Sec. 6. Section 216C.1, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. To encourage participation by the disabled, it is the policy of this state to ensure compliance with federal requirements concerning persons with disabilities.

Sec. 7. Section 216C.9, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Curbs constructed that are subject to the requirements of this section shall comply with federal requirements concerning persons with disabilities.

Sec. 8. Sections 104A.3, 104A.4, and 104A.7, Code 1993, are repealed.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 174, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved *May 4*, 1993

TERRY E. BRANSTAD
Governor