

Senate Study Bill 3183 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

A BILL FOR

- 1 An Act relating to rights of persons with disabilities.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 216B.3, subsection 9, Code Supplement
2 2009, is amended to read as follows:

3 9. Provide library services to persons who are blind and
4 persons with ~~physical~~ disabilities.

5 Sec. 2. Section 216B.4, unnumbered paragraph 1, Code 2009,
6 is amended to read as follows:

7 The director may accept financial aid from the government of
8 the United States for carrying out rehabilitation and physical
9 restoration of the blind and for providing library, news, and
10 information services to persons who are blind and persons with
11 ~~physical~~ disabilities.

12 Sec. 3. Section 216C.1, Code 2009, is amended to read as
13 follows:

14 **216C.1 Participation by persons with disabilities.**

15 1. It is the policy of this state to encourage and enable
16 persons who are blind or partially blind and persons with
17 ~~physical~~ disabilities to participate fully in the social and
18 economic life of the state and to engage in remunerative
19 employment.

20 2. To encourage participation by persons with disabilities,
21 it is the policy of this state to ensure compliance with
22 federal requirements concerning persons with disabilities.

23 Sec. 4. Section 216C.2, Code 2009, is amended to read as
24 follows:

25 **216C.2 Public employment.**

26 Persons who are blind or partially blind and persons with
27 ~~physical~~ disabilities shall be employed in the state service,
28 the service of the political subdivisions of the state, the
29 public schools, and all other employment supported in whole
30 or in part by public funds, on the same terms and conditions
31 as other persons, unless it is shown that the particular
32 disability prevents the performance of the work required.

33 Sec. 5. Section 216C.3, Code 2009, is amended to read as
34 follows:

35 **216C.3 Free use of public facilities.**

1 Persons who are blind or partially blind and persons
2 with ~~physical~~ disabilities have the same right as other
3 persons to the full and free use of the streets, highways,
4 sidewalks, walkways, public buildings, public elevators, public
5 facilities, and other public places.

6 Sec. 6. Section 216C.4, Code 2009, is amended to read as
7 follows:

8 **216C.4 Accommodations.**

9 Persons who are blind or partially blind and persons
10 with ~~physical~~ disabilities are entitled to full and equal
11 accommodations, facilities, and privileges of all common
12 carriers, airplanes, motor vehicles, railroad trains,
13 motorbuses, streetcars, boats, other public conveyances or
14 modes of transportation, hotels, lodging places, eating places,
15 places of public accommodation, amusement, or resort, and
16 other places to which the general public is invited, subject
17 only to the conditions and limitations established by law and
18 applicable alike to all persons.

19 Sec. 7. Section 216C.9, Code 2009, is amended to read as
20 follows:

21 **216C.9 Curb ~~cutouts and~~ ramps and sloped areas for persons**
22 **with disabilities.**

23 ~~1. Curbs constructed along any public street in this state,~~
24 ~~when the street is paralleled or intersected by sidewalks, or~~
25 ~~when city ordinances or other lawful regulations will require~~
26 ~~the construction of sidewalks parallel to or intersecting the~~
27 ~~street, shall be constructed with not less than two curb cuts~~
28 ~~or ramps per lineal block which shall be located on or near the~~
29 ~~crosswalks at intersections. Each curb cut or ramp shall be~~
30 ~~at least thirty inches wide, shall be sloped at not greater~~
31 ~~than one inch of rise per twelve inches lineal distance,~~
32 ~~except that a slope no greater than one inch of rise per eight~~
33 ~~inches lineal distance may be used where necessary, shall have~~
34 ~~a nonskid surface, and shall otherwise be so constructed as~~
35 ~~to allow reasonable access to the crosswalk for persons with~~

1 ~~physical disabilities using the sidewalk.~~ If a street, road,
2 or highway in this state is newly built or altered, a curb
3 ramp or sloped area shall be constructed or installed at each
4 intersection of the street, road, or highway with a sidewalk
5 or path. If a sidewalk or path in this state is newly built
6 or altered, a curb ramp or sloped area shall be constructed or
7 installed at each intersection of the sidewalk or path with a
8 street, highway, or road.

9 2. ~~The requirements of subsection 1 shall apply after~~
10 ~~January 1, 1975, to all new curbs constructed and to all~~
11 ~~replacement curbs constructed at any point along a public~~
12 ~~street which gives reasonable access to a crosswalk.~~

13 3. 2. Curbs constructed Curb ramps and sloped areas that
14 are subject to the requirements of required pursuant
15 to this section shall comply be constructed or installed in
16 compliance with applicable federal requirements concerning
17 persons with disabilities adopted in accordance with the
18 federal Americans With Disabilities Act, including but not
19 limited to the guidelines issued by the federal architectural
20 and transportation barriers compliance board.

21 Sec. 8. Section 216C.10, Code 2009, is amended to read as
22 follows:

23 **216C.10 Use of hearing dog.**

24 A deaf or hard-of-hearing person has the right to be
25 accompanied by a hearing dog, under control and especially
26 trained at a recognized training facility to assist the deaf
27 or hard-of-hearing by responding to sound, in any place listed
28 in sections 216C.3 and 216C.4 without being required to make
29 additional payment for the hearing dog. A landlord shall
30 waive lease restrictions on the keeping of dogs for a deaf
31 or hard-of-hearing person with a hearing dog. The deaf or
32 hard-of-hearing person is liable for damage done to any premise
33 or facility by a hearing dog.

34 ~~A person who denies or interferes with the right of a deaf or~~
35 ~~hard-of-hearing person under this section is, upon conviction,~~

1 ~~guilty of a simple misdemeanor.~~

2 Sec. 9. Section 216C.11, Code Supplement 2009, is amended
3 to read as follows:

4 **216C.11 Service dogs and assistive animals.**

5 1. For purposes of this section, *“service dog”* means a dog
6 specially trained at ~~a recognized training facility~~ to assist a
7 person with a disability, whether described as a service dog,
8 a support dog, an independence dog, or otherwise. *“Assistive*
9 *animal”* means a simian or other animal specially trained or in
10 the process of being trained ~~under the auspices of a recognized~~
11 ~~training facility~~ to assist a person with a disability.

12 2. A person with a disability, a person assisting a person
13 with a disability by controlling an assistive animal, or
14 a person training an assistive animal has the right to be
15 accompanied by a service dog or an assistive animal, under
16 control, in any of the places listed in sections 216C.3 and
17 216C.4 without being required to make additional payment for
18 the service dog or assistive animal. A landlord shall waive
19 lease restrictions on the keeping of animals for the service
20 dog or assistive animal of a person with a disability. The
21 person is liable for damage done to any premises or facility by
22 a service dog or assistive animal.

23 ~~3. A person who knowingly denies or interferes with the~~
24 ~~right of a person under this section is, upon conviction,~~
25 ~~guilty of a simple misdemeanor.~~

26 Sec. 10. Section 321.445, subsection 5, Code 2009, is
27 amended to read as follows:

28 5. The department shall adopt rules pursuant to chapter 17A
29 providing exceptions from application of subsections 1 and 2
30 for front seats and front seat passengers of motor vehicles
31 owned, leased, rented, or primarily used by persons with
32 ~~physical~~ disabilities who use collapsible wheelchairs.

33 Sec. 11. Section 331.324, subsection 1, paragraph n, Code
34 2009, is amended to read as follows:

35 n. Employ persons who are blind or partially blind and

1 persons with ~~physical~~ disabilities in accordance with section
2 216C.2.

3 Sec. 12. Section 331.361, subsection 5, paragraph g, Code
4 2009, is amended to read as follows:

5 g. Comply with section 216C.9 if ~~curbs and~~ curb ramps and
6 sloped areas are constructed.

7 Sec. 13. Section 331.461, subsection 2, paragraph g, Code
8 2009, is amended to read as follows:

9 g. Housing for persons who are elderly or persons with
10 ~~physical~~ disabilities.

11 Sec. 14. Section 335.32, Code 2009, is amended to read as
12 follows:

13 **335.32 Homes for persons with ~~physical~~ disabilities.**

14 A county board of supervisors or county zoning commission
15 shall consider a home for persons with ~~physical~~ disabilities a
16 family home, as defined in section 335.25, for the purposes of
17 zoning, in accordance with chapter 504C.

18 Sec. 15. Section 384.24, subsection 2, paragraph k, Code
19 Supplement 2009, is amended to read as follows:

20 k. Housing for persons who are elderly or persons with
21 ~~physical~~ disabilities.

22 Sec. 16. Section 403A.7, subsection 1, paragraph c,
23 subparagraph (1), subparagraph division (a), Code 2009, is
24 amended to read as follows:

25 (a) The family size, composition, age,
26 ~~physical~~ disabilities, and other factors which might affect the
27 rent-paying ability of the person or family.

28 Sec. 17. Section 414.30, Code 2009, is amended to read as
29 follows:

30 **414.30 Homes for persons with ~~physical~~ disabilities.**

31 A city council or city zoning commission shall consider a
32 home for persons with ~~physical~~ disabilities a family home, as
33 defined in section 414.22, for purposes of zoning in accordance
34 with chapter 504C.

35 Sec. 18. Section 504C.1, subsections 1 and 2, Code 2009, are

1 amended to read as follows:

2 1. For the purposes of this chapter, ~~“physical~~
3 ~~disability”~~ “disability” means a physical impairment that
4 results in significant functional limitations in one or more
5 areas of major life activity and in the need for specialized
6 care, treatment, or training services of extended duration.

7 2. Individuals with ~~physical~~ disabilities may form
8 nonprofit corporations pursuant to chapter 504 for the sole
9 purpose of establishing homes for persons with disabilities
10 which are intended to serve two to five residents who are
11 members of the nonprofit corporation.

12 Sec. 19. Section 714.19, subsection 5, Code 2009, is amended
13 to read as follows:

14 5. Nonprofit schools exclusively engaged in training
15 persons with ~~physical~~ disabilities in the state of Iowa.

16 Sec. 20. IMPLEMENTATION OF ACT. Section 25B.2, subsection
17 3, shall not apply to this Act.

18 EXPLANATION

19 This bill relates to rights of persons with disabilities
20 by changing Code references from “persons with physical
21 disabilities” to “persons with disabilities”, revising the
22 accessibility requirements for curb ramps and sloped areas
23 in intersections with streets, roads, and highways, and
24 eliminating certain penalties.

25 The reference change is made in the following Code sections:
26 section 216B.3, relating to the duties of the commission for
27 the blind; section 216B.4, relating to federal aid accepted by
28 the director of the department for the blind; section 216C.1,
29 stating state policy regarding participation by persons with
30 disabilities; section 216C.2, regarding public employment by
31 persons with disabilities; section 216C.3, regarding full and
32 free use of public facilities by persons with disabilities;
33 section 216C.4, relating to the right of persons with
34 disabilities to have full and equal accommodations, facilities,
35 and privileges to access areas, transportation, and businesses

1 to which the general public is invited; section 321.445,
2 relating to required use of safety belts and safety harnesses
3 in motor vehicles; section 331.324, relating to the duties
4 and powers of county and township officers and employees;
5 section 331.461, relating to the definition of the term "city
6 enterprise" used for city general obligation bonds; section
7 335.32, relating to county zoning of homes for persons with
8 disabilities; section 384.24, relating to the definition of
9 the term "county enterprise" used for county revenue bonds;
10 section 403A.7, relating to the income limits and rents set by
11 a municipality for municipal housing projects by taking into
12 consideration disabilities and other factors; section 414.30,
13 relating to city zoning of homes for persons with disabilities;
14 section 504C.1, relating to nonprofit corporations providing
15 housing for persons with disabilities (also revises a defined
16 term in that section to eliminate the reference to physical
17 disability); and section 714.19, relating to inapplicability of
18 certain fraud statutes to certain nonprofit schools training
19 persons with disabilities.

20 The bill also rewrites Code section 216C.9, relating to
21 curbs and ramps for persons with disabilities to replace
22 specific requirements with a general requirement to comply
23 with the federal guidelines and requirements adopted under
24 the federal Americans With Disabilities Act. The general
25 requirement is applicable when streets, roads, highways,
26 sidewalks, and paths are newly built or altered.

27 Code section 216C.10, relating to the use of a hearing
28 dog, is amended to eliminate the requirement that hearing
29 dogs must be trained at a recognized training facility. In
30 addition, the bill repeals the simple misdemeanor penalty for
31 someone who denies or interferes with the right of a deaf or
32 hard-of-hearing person to be accompanied by a hearing dog.

33 Code section 216C.11, relating to service dogs and assistive
34 animals, is amended to eliminate the requirement that service
35 dogs must be trained at a recognized training facility. In

1 addition, the bill repeals the simple misdemeanor penalty
2 for someone who denies or interferes with the right of a
3 person with a disability to be accompanied by a service dog or
4 assistive animal.

5 The bill may include a state mandate as defined in Code
6 section 25B.3. The bill makes inapplicable Code section 25B.2,
7 subsection 3, which would relieve a political subdivision from
8 complying with a state mandate if funding for the cost of
9 the state mandate is not provided or specified. Therefore,
10 political subdivisions are required to comply with any state
11 mandate included in the bill.