

Chapter 336

(House Bill 1192)

AN ACT concerning

**Assembly Areas – State–Funded Construction or Renovation – Assisted
Listening System Requirement**

FOR the purpose of requiring certain recipients of State funds to install an assistive listening system in an assembly area during construction or renovation of the assembly area under certain circumstances; authorizing certain recipients of State funds to apply for a waiver from the requirement of a certain provision of this Act under certain circumstances; requiring that the waiver request include a certain description; establishing the Hearing Accessibility Advisory Board; requiring the Secretary of the Department of General Services to appoint the members of the Board; requiring the Board to consist of certain individuals and consumers; requiring the Board to consult with certain stakeholders, make certain recommendations, consider applications for waivers, and monitor compliance and investigate complaints; requiring the Department to adopt certain regulations; providing that this Act does not require certain agencies or recipients to retrofit existing facilities that are not undergoing renovation; authorizing a person to bring a civil action for a certain violation and under certain circumstances; prohibiting a person from being required to take any other action before bringing a certain civil action under certain circumstances; authorizing a court to grant certain relief, assess a certain civil penalty, and award certain other relief in a certain action; requiring that a certain court order include a certain requirement; defining certain terms; providing for the application of this Act; and generally relating to assistive listening systems in State–funded construction or renovation of assembly areas.

BY adding to

Article – State Finance and Procurement

Section 4–410

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – State Finance and Procurement

4–410.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) “ASSEMBLY AREA” MEANS A BUILDING OR FACILITY, OR ANY PORTION OF A BUILDING OR FACILITY, THAT:

1. IS USED FOR THE PURPOSE OF ENTERTAINMENT, EDUCATION, OR CIVIC GATHERINGS; AND

2. REQUIRES THE USE OF A PUBLIC ADDRESS SYSTEM.

(II) “ASSEMBLY AREA” INCLUDES:

1. AN AMPHITHEATER, AN ARENA, AND A STADIUM;

2. AN AUDITORIUM;

3. A CENTER FOR THE PERFORMING ARTS;

4. A CLASSROOM AND A LECTURE HALL;

5. A CONCERT HALL;

6. A CONVENTION CENTER;

7. A COURTROOM;

8. A LEGISLATIVE CHAMBER;

9. A MOVIE THEATER, A THEATER, AND A PLAYHOUSE;

AND

10. A PUBLIC HEARING AND MEETING ROOM; ~~AND~~

~~11. ANY OTHER AREA THAT REQUIRES THE USE OF A PUBLIC ADDRESS SYSTEM.~~

(III) “ASSEMBLY AREA” DOES NOT INCLUDE ANY OUTDOOR AREA.

(3) “ASSISTIVE LISTENING SYSTEM” MEANS AN AMPLIFICATION SYSTEM USING TRANSMITTERS TO BYPASS THE ACOUSTICAL SPACE BETWEEN A SOUND SOURCE AND A LISTENER BY MEANS OF A WIRELESS DIRECT CONNECTION, SUCH AS A HEARING INDUCTION LOOP SYSTEM, THAT COUPLES TO A:

(I) PERSONAL HEARING DEVICE; OR

(II) RECEIVER, SUCH AS A HEARING INDUCTION LOOP RECEIVER OR OTHER SIMILAR TECHNOLOGY.

(4) “CONSTRUCTION OR RENOVATION” INCLUDES:

- ~~(I) BUILDING;~~
- ~~(II) RECONSTRUCTING;~~
- ~~(III) IMPROVING;~~
- ~~(IV) RENOVATING;~~
- ~~(V) ENLARGING;~~
- ~~(VI) PAINTING AND DECORATING;~~
- ~~(VII) ALTERING;~~
- ~~(VIII) MAINTAINING; AND~~
- ~~(IX) REPAIRING.~~
- (I) CONSTRUCTION;
- (II) RECONSTRUCTION; AND
- (III) RENOVATION.

(5) “HEARING INDUCTION LOOP” MEANS A HEARING LOOP OR T-LOOP SYSTEM THAT TAKES A SOUND SOURCE AND TRANSFERS IT DIRECTLY VIA A MAGNETIC SIGNAL TO:

- (I) A HEARING AID;
- (II) A COCHLEAR IMPLANT;
- (III) A HEARING INDUCTION LOOP RECEIVER; OR
- (IV) ANY OTHER PERSONAL HEARING DEVICE THAT ACTS AS A RECEIVER.

(6) “RECIPIENT OF STATE FUNDS” MEANS ANY OF THE FOLLOWING THAT RECEIVE STATE MONEY FOR THE CONSTRUCTION OR RENOVATION OF AN ASSEMBLY AREA:

- (I) A UNIT OF STATE GOVERNMENT;**
- (II) A UNIT OF LOCAL GOVERNMENT; OR**
- (III) A FOR-PROFIT OR NONPROFIT ENTITY OR ASSOCIATION.**

(B) (1) A RECIPIENT OF STATE FUNDS SHALL INSTALL AN ASSISTIVE LISTENING SYSTEM IN AN ASSEMBLY AREA DURING THE CONSTRUCTION OR RENOVATION OF THE ASSEMBLY AREA IF:

(I) ~~AUDIBLE COMMUNICATION IS INTEGRAL TO THE USE OF THE ASSEMBLY AREA~~ USES OR REQUIRES THE USE OF A PUBLIC ADDRESS SYSTEM; AND

(II) A STATE CONTRACT HAS BEEN EXECUTED TO ENABLE CONSTRUCTION OR RENOVATION OF THE ASSEMBLY AREA.

(2) (I) A RECIPIENT OF STATE FUNDS MAY APPLY FOR A WAIVER FROM THE REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:

1. THE RECIPIENT CLAIMS THAT AN ASSISTIVE LISTENING SYSTEM IS NOT TECHNOLOGICALLY FEASIBLE; OR

2. THERE IS A DISPUTE REGARDING WHETHER THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION APPLY TO A CONSTRUCTION OR RENOVATION PROJECT.

(II) A WAIVER REQUEST UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE A DESCRIPTION OF THE ALTERNATIVE ASSISTIVE LISTENING TECHNOLOGY THE RECIPIENT WILL USE TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT.

(C) (1) THERE IS A HEARING ACCESSIBILITY ADVISORY BOARD.

(2) (I) THE SECRETARY SHALL APPOINT THE MEMBERS OF THE BOARD.

(II) THE BOARD SHALL CONSIST OF:

1. INDIVIDUALS WHO HAVE EXPERTISE IN ASSISTIVE LISTENING SYSTEMS; AND

2. CONSUMERS WHO USE ASSISTIVE LISTENING SYSTEMS.

(3) THE BOARD SHALL:

(I) CONSULT WITH STAKEHOLDERS WHO ARE STATE RESIDENTS WHO USE OR WILL USE THE FACILITIES BEING BUILT OR RENOVATED, INCLUDING:

1. INDIVIDUALS WITH HEARING LOSS; AND

2. ORGANIZATIONS THAT REPRESENT PEOPLE WITH HEARING LOSS AND HAVE BACKGROUND EXPERIENCE AND KNOWLEDGE OF THE USE OF ASSISTIVE LISTENING SYSTEMS AND DEVICES;

(II) MAKE RECOMMENDATIONS FOR REGULATIONS IMPLEMENTING THIS SECTION;

(III) CONSIDER APPLICATIONS FOR WAIVERS SUBMITTED UNDER SUBSECTION (B)(2) OF THIS SECTION; AND

(IV) MONITOR COMPLIANCE WITH THIS SECTION AND INVESTIGATE ANY COMPLAINTS REGARDING NONCOMPLIANCE.

(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING REGULATIONS REGARDING:

(1) PROPER MAINTENANCE AND TRAINING OF STAFF;

(2) ADEQUATE SIGNAGE; AND

(3) A REQUIREMENT FOR FACILITIES TO PROVIDE RECEIVERS THAT CAN USE THE TECHNOLOGY FOR INDIVIDUALS WHO DO NOT HAVE A PERSONAL HEARING DEVICE OR DO NOT HAVE A HEARING DEVICE WITH A TELECOIL OR OTHER BUILT-IN RECEIVER.

(E) THIS SECTION DOES NOT REQUIRE STATE AGENCIES OR RECIPIENTS OF STATE FUNDS TO RETROFIT EXISTING FACILITIES THAT ARE NOT UNDERGOING RENOVATION.

(F) (1) (I) A PERSON MAY BRING A CIVIL ACTION FOR A VIOLATION OF THIS SECTION OR IF THE PERSON HAS REASONABLE GROUNDS FOR BELIEVING THAT THIS SECTION WILL BE VIOLATED.

(II) A PERSON MAY NOT BE REQUIRED TO TAKE ANY OTHER ACTION BEFORE BRINGING A CIVIL ACTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR A POTENTIAL VIOLATION OF THIS SECTION IF THE PERSON HAS ACTUAL NOTICE THAT A RECIPIENT OF STATE FUNDS DOES NOT INTEND TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

(2) IN A CIVIL ACTION BROUGHT UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE COURT MAY:

(I) GRANT ANY EQUITABLE RELIEF THAT THE COURT CONSIDERS APPROPRIATE, INCLUDING:

- 1. TEMPORARY, PRELIMINARY, OR PERMANENT RELIEF;**
- 2. PROVIDING AN AUXILIARY AID OR SERVICE;**
- 3. REQUIRING A MODIFICATION OF POLICY, PRACTICE, OR PROCEDURE; AND**
- 4. MAKING FACILITIES READILY ACCESSIBLE TO AND USABLE BY INDIVIDUALS WITH DISABILITIES;**

(II) ASSESS A CIVIL PENALTY AGAINST THE RECIPIENT OF STATE FUNDS; OR

(III) AWARD ANY OTHER RELIEF THE COURT CONSIDERS TO BE APPROPRIATE.

(3) IF A COURT ORDERS INJUNCTIVE RELIEF UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ORDER SHALL INCLUDE A REQUIREMENT THAT THE FACILITIES BE ALTERED TO MAKE THE FACILITIES READILY ACCESSIBLE TO AND USABLE BY INDIVIDUALS WITH DISABILITIES TO THE EXTENT REQUIRED BY THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not apply to a contract for construction or renovation of an assembly area entered into before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 30, 2019.