

LEGISLATIVE BILL 602

Approved by the Governor March 26, 1974

Introduced by S. Marsh, 29

AN ACT to amend sections 72-1101, 72-1103, 72-1108, 72-1109, 72-1114, 72-1115, 72-1116, 72-1117, 72-1118, and 72-1119, Reissue Revised Statutes of Nebraska, 1943, relating to public buildings; to extend the application of and modify regulations; to provide for an advisory committee as prescribed; to define terms; to provide penalties; to provide severability; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 72-1101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1101. (1) The standards and specifications set forth in sections 72-1101 to 72-1119 shall apply to all buildings and facilities used by the public which are constructed or remodeled in whole or in part by the use of state, county or municipal funds, or the funds of any political subdivision of the state, and after January 1, 1977 to any body corporate or politic constituting a public corporation, and to all buildings and facilities where the public is invited or permitted to enter or remain upon the premises as business invitees which shall be constructed or remodeled within the State of Nebraska. All such buildings and facilities constructed or remodeled in this state after ~~November 4, 1965~~ January 1, 1975, from any one of these funds or any combination thereof shall conform to each of the standards and specifications prescribed in sections 72-1101 to 72-1119 except where the owner or the authority responsible for the proper construction for the particular governmental department, agency or unit building or facilities concerned shall determine, after taking all circumstances into consideration, that full compliance with any particular standard or specification is impracticable. When such owner or authority shall determine that full compliance with any standard or specification is impracticable it shall apply to the Public Buildings Safety Advisory Committee for an opinion relating thereto, and the committee shall have authority to render such opinions. When an opinion is issued pursuant to a complete and accurate request, such opinion shall be a complete defense to any charge of violations of this act as to any action taken strictly subject to the terms of

such opinion.

(2) These standards and specifications shall be adhered to in those buildings and facilities under construction or remodeling on ~~November 18, 1965~~ January 1, 1975, unless the owner or the authority responsible for the construction or remodeling shall determine that the construction or remodeling has reached a state where compliance is impractical. Sections 72-1101 to 72-1119 shall apply to temporary or emergency construction or remodeling as well as permanent buildings.

Sec. 2. That section 72-1103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1103. For the purposes of sections 72-1101 to 72-1119, unless the context otherwise requires:

(1) Nonambulatory disabilities shall mean impairments that, regardless of cause or manifestation, for all practical purposes, confine individuals to wheelchairs;

(2) Semiambulatory disabilities shall mean impairments that cause individuals to walk with difficulty or insecurity. Individuals using braces or crutches, amputees, arthritics, spastics, and those with pulmonary and cardiac ills may be semiambulatory;

(3) Sight disabilities shall mean total blindness or impairments affecting sight to the extent that the individual functioning in public areas is insecure or exposed to danger;

(4) Hearing disabilities shall mean deafness or hearing handicaps that might make an individual insecure in public areas because he is unable to communicate or hear warning signals;

(5) Disabilities of incoordination shall mean faulty coordination or palsy from brain, spinal or peripheral nerve injury;

(6) Aging shall mean those manifestations of the aging processes that significantly reduce mobility, flexibility, coordination, and perceptiveness but are not accounted for in the aforementioned categories;

(7) Standard, when this term appears in small letters, shall be descriptive and shall mean typical;

(8) Fixed turning radius, wheel to wheel, shall mean the tracking of the caster wheels and large wheels of a wheelchair when pivoting on a spot;

(9) Fixed turning radius, front structure to rear structure, shall mean the turning radius of a wheelchair, left front-foot platform to right rear wheel, or right front-foot platform to left rear wheel when pivoting on a spot;

(10) Ramps with gradients shall mean ramps with gradients, or ramps with slopes, that deviate from what would otherwise be considered the normal level. An exterior ramp, as distinguished from a walk, shall be considered an appendage to a building leading to a level above or below existing ground level. As such, a ramp shall meet certain requirements similar to those imposed upon stairs;

(11) Walk shall mean a predetermined, prepared-surface, exterior pathway leading to or from a building or a facility, or from one exterior area to another, placed on the existing ground level and not deviating from the level of the existing ground immediately adjacent; and

(12) Appropriate number shall mean the number of a specific item that would be reasonably necessary, in accord with the purpose and function of a building or a facility, to accommodate individuals with specific disabilities in proportion to the anticipated number of individuals with disabilities who would use a particular building or facility;

(13) Business invitee shall mean any person who enters any premises where business is normally transacted upon the express or implied invitation or with the express or implied consent of the owner, occupant, or possessor;

(14) Person shall mean any individual, firm, partnership, agency, association, corporation, company, society, or any other legal entity; and

(15) Remodeled space shall mean all newly remodeled space so designed under the provisions of sections 72-1101 to 72-1119. When remodeling projects require expenditures exceeding fifty per cent of replacement value of the structure, as determined by a licensed evaluator, the total structure shall comply with the provisions of sections 72-1101 to 72-1119.

Sec. 3. That section 72-1108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1108. Doors shall have a clear opening of not less than thirty-two inches when open and all corridor doors and public access doors shall be operable by a single effort. The floor on the inside and outside of each doorway shall be level for a distance of five feet from the door in the direction the door swings and shall extend one foot beyond each side of the door. Sharp inclines and abrupt changes in level shall be avoided at doorsills. As much as practicable, thresholds shall be flush with the floor.

Sec. 4. That section 72-1109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1109. Stairs shall conform to standards of the American Standards Association, Inc., with the following additional considerations: Steps in stairs shall be designed wherever practicable so as not to have abrupt, square nosing. Stairs shall have handrails thirty-two inches high as measured from the tread at the face of the riser. Stairs shall have at least one handrail that extends at least eighteen inches beyond the top step and beyond the bottom step. Steps should, wherever possible, and in conformation with existing step formulas, have risers that do not exceed seven and three-quarters inches.

Sec. 5. That section 72-1114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1114. Elevators shall be provided and shall be accessible to, and usable by, the physically disabled at all levels normally used by the general public that are not accessible by ramps or grade entrances. Elevator control buttons shall have identifying features for the benefit of the blind. ~~Elevators shall allow for traffic by wheelchairs. The Public Buildings Safety Advisory Committee shall promulgate uniform standards and specifications for elevators.~~

Sec. 6. That section 72-1115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1115. Switches and controls for light, ~~heat, ventilation, windows, draperies, fire alarms, and all similar controls of frequent or essential use,~~ alarm

systems shall be placed within the reach of individuals in wheelchairs.

Sec. 7. That section 72-1116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1116. Appropriate identification of specific facilities within a building used by the public is essential to the blind. Raised letters or numbers shall be used to identify rooms and offices. Such identification shall be placed on the wall, to the right or left of the door, at a height between four feet six inches and five feet six inches, measured from the floor, and preferably at five feet. Doors that are not intended for normal use, and that are dangerous if a blind person were to exit or enter by them, shall be made quickly identifiable to the touch by incorporating a standardized identifiable feature on the door handle or knob.

Sec. 8. That section 72-1117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1117. (1) Audible warning signals located in central corridors shall be accompanied by simultaneous visual signals for the benefit of those with hearing disabilities.

(2) Visual signals shall be accompanied by simultaneous audible signals for the benefit of the blind.

Sec. 9. That section 72-1118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1118. (1) Every effort shall be exercised to obviate hazards to individuals with physical disabilities.

(2) Access panels or manholes in floors, walks, and walls can be extremely hazardous, particularly when in use, and shall be avoided where possible.

(3) When manholes or access panels are open and in use, or when an open excavation exists on a site, particularly when it is approximate to normal pedestrian traffic, barricades shall be placed on all open sides, at least eight feet from the hazard, and visual warning devices shall be installed in accord with the provisions of section 72-1117.

(4) Low-hanging door closers that are within the opening of a doorway when the door is open, or that protrude hazardously into regular corridors or traffic ways when the door is closed, shall be avoided.

(5) Low-hanging signs, ceiling lights, and similar objects or signs and fixtures that protrude into regular corridors or traffic ways shall be avoided. A minimum height of seven feet, measured from the floor, shall be had.

(6) Lighting on ramps shall be at least equal to that prescribed by the specifications of the American Standards Association, Inc. Exit signs shall be in accordance with specifications of the American Standards Association, Inc., except as modified by section 72-1116.

Sec. 10. That section 72-1119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1119. The responsibility for enforcement of sections 72-1101 to 72-1119 shall lie with the capital facilities planning bureau and the appropriate officials of the governing bodies of the state government and its political subdivisions responsible for the review and approval of the building plans. No official of any governing body of the state government and its political subdivisions responsible for the review and approval of building plans, including the capital facilities planning bureau, shall approve or authorize an occupancy permit unless such building or facility complies with the standards and specifications prescribed by the provisions of sections 72-1101 to 72-1119. Any unauthorized departure from such standards and specifications may be corrected by full compliance with such standards and specifications within ninety days after discovery of such departure.

Sec. 11. For the purposes of advising authorities in matters pertaining to performance of duties and compliance with standards and specifications required by the provisions of sections 72-1101 to 72-1119, there is hereby established the Public Buildings Safety Advisory Committee composed of five members. Such committee shall consist of the following members: (1) An architect, (2) the State Fire Marshal or his authorized representative, (3) the head of the capital facilities planning bureau, (4) a construction contractor, and (5) a representative of individuals who are physically handicapped. The members shall be appointed by the Governor within two months after the effective date of this act and shall serve for a term of four years.

Sec. 12. The committee shall organize by selecting a chairman and such other officer or officers as it may deem necessary and shall establish rules to govern its procedures. Any vacancy occurring in the committee shall be filled in the manner in which original appointments are made. Any person so named to fill a vacancy shall have the same qualifications as his immediate predecessor. No person shall receive any compensation for service rendered as a member of such committee but shall be reimbursed for his actual and necessary expenses.

The committee shall meet at such times as the business of such committee shall require and at such place as may be established by its chairman, but in no case shall the committee meet fewer than three times annually. Three members shall constitute a quorum for the transaction of business. No member of the committee shall participate in any hearing in which he has an interest in the subject matter.

Sec. 13. The Public Buildings Safety Advisory Committee may promulgate and implement codes pursuant to sections 72-1101 to 72-1119 consistent with the uniform building codes and standards set by the American Standards Association, Inc.

Sec. 14. Sections 72-1101 to 72-1119 and sections 11 to 15 of this act shall not apply to buildings, structures or installations, or portions thereof, used for agricultural purposes or heavy industry including but not limited to repair shops, railroad yards and any other business or industrial building where the presence of handicapped persons could or would tend to place them in a position of potential hazard to their person, but shall apply to any separate portions of such buildings, structures or installations where managerial functions are conducted if the entry to, and presence of handicapped persons in such separate portions of such buildings, structures or installations would not tend to place them in a position of potential hazard to their person.

Sec. 15. Any person violating the provisions of sections 72-1101 to 72-1119 shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars. Each day upon which such violation occurs shall constitute a separate violation.

Sec. 16. If any section in this act or any part of any section shall be declared invalid or

unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

Sec. 17. That original sections 72-1101, 72-1103, 72-1108, 72-1109, 72-1114, 72-1115, 72-1116, 72-1117, 72-1118, and 72-1119, Reissue Revised Statutes of Nebraska, 1943, are repealed.