

No. 176

AN ACT

HB 1619

Amending the act of September 1, 1965 (P.L.459, No.235), entitled "An act requiring that certain buildings and facilities constructed with Commonwealth funds adhere to certain principles, standards and specifications to make the same accessible to and usable by the physically handicapped, and providing for enforcement," providing for limited exemptions from the provisions of this act, creating an Advisory Board, providing for its powers and duties and adding to the powers and duties of the Secretary of Labor and Industry.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 1, act of September 1, 1965 (P.L.459, No.235), entitled "An act requiring that certain buildings and facilities constructed with Commonwealth funds adhere to certain principles, standards and specifications to make the same accessible to and usable by the physically handicapped, and providing for enforcement," amended October 2, 1974 (P.L.658, No.216), is amended to read:

Section 1. Applicability of Standards.—The standards and specifications set forth in this act shall apply to all buildings of assembly, educational institutions and office buildings which are constructed in whole or in part by the use of Commonwealth funds, or the funds of any instrumentality of the Commonwealth or which are leased by the Commonwealth or an instrumentality thereof by reason of a lease executed after December 31, 1974 and shall also apply to department stores, theaters, retail stores **[and]**, sports arenas **and to restaurants with sit-down, interior dining facilities** constructed after the effective date of this amending act: ***Provided, however, That the provisions of this act shall not apply to any department store, theater, retail store, sports arena and other buildings that are constructed and contain less than 2,800 square feet of usable floor space.*** All Commonwealth financed or leased buildings and facilities constructed or leased in this Commonwealth shall conform to each of the standards and specifications prescribed herein. All department stores, theaters, retail stores and sports arenas for which contracts for the planning and/or design have been awarded prior to the effective date of this amending act shall be exempt.

Section 2. The act is amended by adding a section to read:

Section 3.1. Advisory Board, Guidelines, Exemptions.—(a) There is hereby created an Advisory Board which shall be composed of five members appointed by the Secretary of Labor and Industry. At least three members of the Advisory Board shall be consumers and shall be public members. All members of the Advisory Board shall serve for a term of two years and until their successors are appointed and qualified. The members of the Advisory Board shall serve without compensation but shall be

reimbursed by the Department of Labor and Industry for the necessary and actual expenses incurred in attending the meeting of the Advisory Board and in the performance of their duties under this act. Meetings of the Advisory Board shall be called by the Secretary of Labor and Industry.

(b) The Advisory Board shall review the principles, standards and specifications of this act and the impact of this act on entities affected by its coverage and shall develop guidelines under which exemptions and variances from the provisions of this act may be granted.

(c) The Advisory Board shall review all applications for exemptions and variances from the provisions of this act and shall advise the Secretary of Labor and Industry on whether an exemption or variance should be granted.

(d) The Secretary of Labor and Industry may grant a variance or exemption from the provisions of this act. When determining whether to grant an exemption or variance, the secretary shall consider the guidelines of the board and its recommendations on the particular applications.

Section 3. This act shall take effect immediately.

APPROVED—The 9th day of July, A. D. 1976.

MILTON J. SHAPP