SENATE DOCKET, NO. 374 FILED ON: 1/16/2013

SENATE . . . . . No. 1183

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to the Architectural Access Board.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James E. Timilty	*Bristol and Norfolk*

SENATE DOCKET, NO. 374 FILED ON: 1/16/2013

SENATE . . . . . No. 1183

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1183) of James E. Timilty for legislation relative to the Architectural Access Board. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1246* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act relative to the Architectural Access Board.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the second and third sentences in the first paragraph and inserting in place thereof the following"- "Two of the appointive members shall be architects licensed to practice in the Commonwealth. One of the appointive members shall be a licensed building inspector. Three of the appointive members shall be selected after consultation with advocacy groups on behalf of persons with disabilities.

SECTION 2. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking, in lines 37 and 38, the words "public buildings accessible to, functional for, and safe for use by physically handicapped persons" and inserting in place thereof the following:- "buildings, including areas that are not generally in public use pursuant to the Department of Justice's Americans with Disabilities Act Standards for Accessible Design, accessible to, functional for, and safe for use by persons with disabilities."

SECTION 3. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking, in line 41-42, the following:- "for businesses, auditoriums, sporting or recreational facilities, or cultural centers."

SECTION 4. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking, in line 44-47, the words "of handicapped persons or for vehicles used to transport such handicapped persons if the number of parking

19 spaces in any such area is fifteen or more. The parking spaces reserved for vehicles of such
20 handicapped persons shall be clearly marked as such" and inserting in place thereof the
21 following:- "authorized to display handicapped plates or placards pursuant to M.G.L. Chapter 90
22 Section 2."

23 SECTION 5. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
24 Official Edition, is hereby amended by striking, in line 49, the words "for physically
25 handicapped persons" and inserting in place thereof the following:- "and accessible."

26 SECTION 6. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
27 Official Edition, is hereby amended by striking, in line 52-53, the words "provided, however,
28 that the dwelling is constructed for first occupancy after March thirteenth, nineteen hundred and
29 ninety-one" and inserting in place thereof the following:-

30 ", and (3) all public use and common use portions of such dwellings."

31 SECTION 7. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
32 Official Edition, is hereby amended by inserting, in line 57 after the words "equivalent to" the
33 following:- "or greater than."

34 SECTION 8. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
35 Official Edition, is hereby amended by striking, in line 57, after the word "Act" the word "and"
36 and inserting in place thereof the following:- ", the Department of Justice's Americans with
37 Disabilities Act Standards for Accessible Design, and."

38 SECTION 9. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
39 Official Edition, is hereby amended by inserting, in line 62, after the word "buildings" the
40 following:-"and facilities."

41 SECTION 10. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
42 Official Edition, is hereby amended by inserting, in line 69, after the word "buildings" the
43 following:-"and facilities."

44 SECTION 11. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
45 Official Edition, is hereby amended by striking, in line 74, the words "handicapped persons" and
46 inserting in place thereof the following:- "persons with disabilities."

47 SECTION 12. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
48 Official Edition, is hereby amended by striking, in line 82 the word "newspaper" and inserting in
49 place thereof the following:- "forms of."

50 SECTION 13. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
51 Official Edition, is hereby amended by inserting, in line 86, after the word "building" the
52 following:- "or facility."

53 SECTION 14. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
54 Official Edition, is hereby amended by inserting, in line 87, after the word “building” the
55 following:- “or facility.”

56 SECTION 15. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
57 Official Edition, is hereby amended by inserting, in line 87, before the word “use” the
58 following:- “residential use or a.”

59 SECTION 16. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
60 Official Edition, is hereby amended by inserting, in line 88, after the word “building” the
61 following:- “or facility.”

62 SECTION 17. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
63 Official Edition, is hereby amended by inserting, in line 89, after the word “building” the
64 following:- "or facility.”

65 SECTION 18. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
66 Official Edition, is hereby amended by striking, in line 95, the words “handicapped persons” and
67 inserting in place thereof the following:- “persons with disabilities.”

68 SECTION 19. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
69 Official Edition, is hereby amended by striking paragraph eight.

70 SECTION 20. Section 13A of Chapter 22 of the General Laws is hereby amended by
71 striking, in line 121 the word “person” and inserting in place thereof the following:-"building, or
72 portion thereof.”

73 SECTION 21. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
74 Official Edition, is hereby amended by inserting, in line 139, after the word “building” the
75 following:- “or facility.”

76 SECTION 22. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
77 Official Edition, is hereby amended by inserting, in line 154, after the word “building” the
78 following:-"or facility.”

79 SECTION 23. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
80 Official Edition, is hereby amended by striking, in line 163-164, the words “physically
81 handicapped persons” and inserting in place thereof the following:- “persons with disabilities.”

82 SECTION 24. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
83 Official Edition, is hereby amended by striking, in line 166, the words “physically handicapped
84 persons” and inserting in place thereof the following:- “persons with disabilities.”

85 SECTION 25. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
86 Official Edition, is hereby amended by striking, in line 173, the words "physically handicapped
87 persons" and inserting in place thereof the following:- "persons with disabilities."

88 SECTION 26. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
89 Official Edition, is hereby amended by inserting, after the word "completion" in line 183 the
90 following:- "'Facility', all or any portion of buildings, structures, site improvements, complexes,
91 equipment, roads, walks, passageways, parking lots, or other real or personal property, including
92 the site where the building, property, structure or equipment is located.

93 SECTION 27. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
94 Official Edition, is hereby amended by striking, in line 185, the words "Physically handicapped
95 persons" and inserting in place thereof the following:-"Person with a disability."

96 SECTION 28. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
97 Official Edition, is hereby amended by striking, in line 188-189, the words "physically
98 handicapped persons" and inserting in place thereof the following:- "Persons with disabilities."

99 SECTION 29. Section 13A of Chapter 22 of the General Laws, as appearing in the 2010
100 Official Edition, is hereby amended by striking paragraphs 22-23 and inserting in place thereof
101 the following:- "Public building", buildings constructed by the commonwealth or any political
102 subdivision thereof with public funds and open to public use, including employees, including,
103 but not limited to, those constructed by public housing authorities, the Massachusetts Port
104 Authority, the Massachusetts Parking Authority, the Massachusetts Department of
105 Transportation, the Massachusetts Bay Transportation Authority, or building authorities of any
106 public educational institution, or their successors; and privately financed buildings that are open
107 to and used by the public. shall include, but not be limited to: transportation terminals,
108 institutional buildings, commercial buildings, buildings having places of assembly, hotels,
109 motels, dormitories, funeral homes, shopping centers, restaurants, public parking garages or lots,
110 public sidewalks and ways, and public and common use areas of apartment buildings and
111 condominiums.

112 Buildings that are open to and used by the public shall include, but not be limited to:
113 transportation terminals, institutional buildings, commercial buildings, buildings having places of
114 assembly, hotels, motels, dormitories, funeral homes, shopping centers, restaurants, public
115 parking garages or lots, public sidewalks and ways, and public and common use areas of
116 apartment buildings and condominiums.