S T A T E O F N E W Y O R K

6906

2011-2012 Regular Sessions

I N A S S E M B L Y

April 5, 2011

Introduced by M. of A. KELLNER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public buildings law, the legislative law, the judiciary law and the county law, in relation to requiring the provision of assistive listening systems and visual evacuation alarm components in courthouses and legislative hearing and meeting rooms

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 53 of the public buildings law, as amended by chapter 23 of the laws of 1989, is amended to read as follows:

S 53. Assistive listening systems. 1. (A) All new public buildings, construction of which commences after January first, nineteen hundred ninety-one, containing an auditorium, theater, meeting hall, hearing room, amphitheater, or room used in any similar capacity which are so designated by the appropriate building and fire code shall have equipped and installed an assistive listening system for use by hearing impaired persons who require the use of such a system to improve their reception of sound.

(B) ALL PUBLIC BUILDINGS, CONSTRUCTION OF WHICH COMMENCED PRIOR TO JANUARY FIRST, NINETEEN HUNDRED NINETY-ONE, CONTAINING AN AUDITORIUM, THEATER, MEETING HALL, HEARING ROOM, AMPHITHEATER, OR ROOM USED IN ANY SIMILAR CAPACITY WHICH ARE SO DESIGNATED BY THE APPROPRIATE BUILDING AND FIRE CODE SHALL HAVE EQUIPPED AND INSTALLED AN ASSISTIVE LISTENING SYSTEM FOR USE BY HEARING IMPAIRED PERSONS WHO REQUIRE THE USE OF SUCH A SYSTEM TO IMPROVE THEIR RECEPTION OF SOUND AT SUCH TIME AS THE BUILDING NEXT UNDERGOES RECONSTRUCTION, REHABILITATION, ALTERATION OR IMPROVEMENT, BUT NO LATER THAN JANUARY FIRST, TWO THOUSAND FIFTEEN.

2. (A) THE ASSISTIVE LISTENING SYSTEMS REQUIRED BY THIS SECTION SHALL BE AVAILABLE TO EVERYONE USING THE PUBLIC BUILDING IN WHICH THE SYSTEM IS INSTALLED, INCLUDING AUDIENCE MEMBERS AND PARTICIPANTS IN EVENTS CONDUCTED AT THE BUILDING.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(B) ALL PUBLIC BUILDINGS SHALL MAKE AVAILABLE, FREE OF CHARGE AND UPON REQUEST, HEARING-AID COMPATIBLE ASSISTIVE LISTENING DEVICES FOR USE ON THE PREMISES OF THE PUBLIC BUILDING.

(C) UPON REQUEST, A QUALIFIED INTERPRETER SHALL BE MADE AVAILABLE TO FACILITATE ANY HEARING IMPAIRED PERSON'S ABILITY TO PARTICIPATE IN OR OBSERVE ANY PROCEEDING CONDUCTED IN A PUBLIC BUILDING. ALL SUCH REQUESTS MUST BE MADE TWO BUSINESS DAYS BEFORE THE PROCEEDING, UNLESS THE PROCEEDING IS SCHEDULED UPON LESS THAN TWO BUSINESS DAYS' NOTICE. THE FAILURE TO REQUEST AN INTERPRETER IN A TIMELY MANNER DOES NOT CONSTITUTE A WAIVER OF THE RIGHT TO AN INTERPRETER. A SINGLE REQUEST SHALL BE SUFFICIENT TO OBTAIN THE SERVICES OF AN INTERPRETER FOR THE DURATION OF ANY PROCEEDING. FORMS REQUESTING INTERPRETER SERVICES SHALL BE AVAILABLE AT EACH PUBLIC BUILDING; PROVIDED THAT REQUESTS MAY BE SUBMITTED UTILIZING THE FORM, OR BY EMAIL, IN WRITING, IN PERSON, OR OVER THE TELEPHONE.

3. ANY LEGISLATIVE OR JUDICIAL BODY CONDUCTING A PROCEEDING IN WHICH A HEARING IMPAIRED PERSON WILL BE PARTICIPATING SHALL CONTACT THE HEARING IMPAIRED PERSON AND INQUIRE HOW BEST TO ACCOMMODATE HIM OR HER.

4. IN CIVIL PROCEDURES, THE COSTS OF THE INTERPRETER MAY BE CONSIDERED PART OF COURT COSTS EXCEPT THAT THE HEARING IMPAIRED PERSON SHALL NOT BE ASSESSED SUCH COSTS.

5. EACH PUBLIC BUILDING IN WHICH AN ASSISTIVE LISTENING SYSTEM IS INSTALLED SHALL PROMINENTLY DISPLAY APPROPRIATE SIGNAGE INDICATING THAT AN ASSISTIVE LISTENING SYSTEM IS AVAILABLE AND THAT INTERPRETER SERVICES ARE AVAILABLE FREE OF CHARGE, AND GIVING INSTRUCTIONS AS TO HOW TO REQUEST SUCH A DEVICE OR AN INTERPRETER. ALL SUCH SIGNS SHALL EMPLOY THE UNIVERSAL SYMBOLS TO INDICATE THAT CLOSED CAPTIONING IS AVAILABLE, SIGN LANGUAGE INTERPRETATION IS AVAILABLE, AND HEARING-AID COMPATIBLE ASSISTIVE LISTENING DEVICES ARE AVAILABLE.

[2.] 6. Standards for such systems shall be developed by the state fire prevention and building code council upon receiving recommendations from the advisory board on assistive listening systems in places of public assembly.

[3.] 7. For purposes of this section[, the term]: (A) "assistive listening system" shall mean situational-personal acoustic communication equipment designed to improve the transmission and auditory reception of sound. SUCH SYSTEM SHALL INCLUDE BUT NOT BE LIMITED TO THE USE OF STANDARD AMPLITUDE MODULATION (AM), FREQUENCY MODULATION (FM), AUDIO INDUCTION LOOP, INFRARED LIGHT SOUND, OR HARD WIRE SYSTEMS; AND

(B) "QUALIFIED INTERPRETER" MEANS AN INTERPRETER WHO IS ABLE TO INTERPRET EFFECTIVELY, ACCURATELY AND IMPARTIALLY BOTH RECEPTIVELY AND EXPRESSIVELY, USING ANY NECESSARY SPECIALIZED VOCABULARY.

S 2. The public buildings law is amended by adding a new section 54 to read as follows:

S 54. VISUAL EMERGENCY ALARM. 1. (A) ALL NEW PUBLIC BUILDINGS, CONSTRUCTION OF WHICH COMMENCES AFTER JANUARY FIRST, TWO THOUSAND TWELVE, CONTAINING AN AUDITORIUM, THEATER, MEETING HALL, HEARING ROOM, AMPHITHEATER, OR ROOM USED IN ANY SIMILAR CAPACITY WHICH ARE SO DESIGNATED BY THE APPROPRIATE BUILDING AND FIRE CODE SHALL HAVE EQUIPPED AND INSTALLED A VISUAL ALARM ELEMENT FOR EMERGENCY EVACUATION MEASURES FOR USE BY HEARING IMPAIRED PERSONS.

(B) ALL PUBLIC BUILDINGS, CONSTRUCTION OF WHICH COMMENCED PRIOR TO JANUARY FIRST, TWO THOUSAND TWELVE, CONTAINING AN AUDITORIUM, THEATER, MEETING HALL, HEARING ROOM, AMPHITHEATER, OR ROOM USED IN ANY SIMILAR CAPACITY WHICH ARE SO DESIGNATED BY THE APPROPRIATE BUILDING AND FIRE CODE SHALL HAVE EQUIPPED AND INSTALLED A VISUAL ALARM ELEMENT FOR EMERGENCY EVACUATION MEASURES FOR USE BY HEARING IMPAIRED PERSONS AT SUCH

TIME AS THE BUILDING NEXT UNDERGOES RECONSTRUCTION, REHABILITATION, ALTERATION OR IMPROVEMENT, BUT NO LATER THAN JANUARY FIRST, TWO THOUSAND FIFTEEN.

2. STANDARDS FOR SUCH ALARMS SHALL BE DEVELOPED BY THE STATE FIRE PREVENTION AND BUILDING CODE COUNCIL UPON RECEIVING RECOMMENDATIONS FROM THE ADVISORY BOARD ON ASSISTIVE LISTENING SYSTEMS IN PLACES OF PUBLIC ASSEMBLY; PROVIDED THAT SUCH VISUAL ELEMENT SHALL BE DESIGNED TO MINIMIZE THE POSSIBILITY OR RISK OF TRIGGERING SEIZURES IN PERSONS WHO HAVE EPILEPSY OR PHOTOSENSITIVITY.

S 3. Subdivision (a) of section 7-e of the legislative law, as added by chapter 169 of the laws of 1987, is amended to read as follows:

(a) The [temporary president of the senate and the speaker of the assembly shall have the power and it shall be their individual duty to equip the] senate chambers, the assembly chambers and any hearing rooms located in the legislative office building in Albany which accommodate more than one hundred persons SHALL BE EQUIPPED with an assistive listening system for use by [the] hearing impaired PERSONS WHO REQUIRE THE USE OF SUCH A SYSTEM TO IMPROVE THEIR RECEPTION OF SOUND, IN ACCORDANCE WITH THE PROVISIONS OF SECTION FIFTY-THREE OF THE PUBLIC BUILDINGS LAW.

S 4. The judiciary law is amended by adding a new section 39-c to read as follows:

S 39-C. ASSISTIVE LISTENING SYSTEMS. 1. ALL COURTHOUSE HEARING ROOMS AND MEETING AND MEDIATION FACILITIES, OR ROOMS USED IN ANY SIMILAR CAPACITY, SHALL BE EQUIPPED WITH AN ASSISTIVE LISTENING SYSTEM FOR USE BY HEARING IMPAIRED PERSONS WHO REQUIRE THE USE OF SUCH A SYSTEM TO IMPROVE THEIR RECEPTION OF SOUND, IN ACCORDANCE WITH THE PROVISIONS OF SECTION FIFTY-THREE OF THE PUBLIC BUILDINGS LAW.

2. ALL COURTROOMS SHALL BE EQUIPPED WITH TECHNOLOGY THAT PROVIDES REAL TIME CAPTION TRANSMISSION OF THE COURT REPORTER'S TRANSCRIPTS OR RECORDINGS OF PROCEEDINGS TO COURTROOM PARTICIPANTS AND THE GENERAL PUBLIC. THE TRANSMISSION SHALL BE AVAILABLE DURING ALL PROCEEDINGS.

S 5. The county law is amended by adding a new section 216-a to read as follows:

S 216-A. ASSISTIVE LISTENING SYSTEMS. ALL FACILITIES UTILIZED BY A COUNTY AS COURTROOMS, HEARING ROOMS, MEETING ROOMS OR MEDIATION FACILITIES, OR ROOMS USED IN ANY SIMILAR CAPACITY, SHALL BE EQUIPPED WITH AN ASSISTIVE LISTENING SYSTEM FOR USE BY HEARING IMPAIRED PERSONS WHO REQUIRE THE USE OF SUCH A SYSTEM TO IMPROVE THEIR RECEPTION OF SOUND, IN ACCORDANCE WITH THE PROVISIONS OF SECTION FIFTY-THREE OF THE PUBLIC BUILDINGS LAW.

S 6. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.