

951

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. KELLNER, SALADINO, WEPRIN, MAISEL, HOOPER --
Multi-Sponsored by -- M. of A. MARKEY -- read once and referred to
the Committee on Governmental Operations

AN ACT to amend the public buildings law, the legislative law, the judi-
ciary 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 53 of the public buildings law, as amended by chap-
2 ter 23 of the laws of 1989, is amended to read as follows:
3 S 53. Assistive listening systems. 1. (A) All new public buildings,
4 construction of which commences after January first, nineteen hundred
5 ninety-one, containing an auditorium, theater, meeting hall, hearing
6 room, amphitheater, or room used in any similar capacity which are so
7 designated by the appropriate building and fire code shall have equipped
8 and installed an assistive listening system for use by hearing impaired
9 persons who require the use of such a system to improve their reception
10 of sound.
11 (B) ALL PUBLIC BUILDINGS, CONSTRUCTION OF WHICH COMMENCED PRIOR TO
12 JANUARY FIRST, NINETEEN HUNDRED NINETY-ONE, CONTAINING AN AUDITORIUM,
13 THEATER, MEETING HALL, HEARING ROOM, AMPHITHEATER, OR ROOM USED IN ANY
14 SIMILAR CAPACITY WHICH ARE SO DESIGNATED BY THE APPROPRIATE BUILDING AND
15 FIRE CODE SHALL HAVE EQUIPPED AND INSTALLED AN ASSISTIVE LISTENING
16 SYSTEM FOR USE BY HEARING IMPAIRED PERSONS WHO REQUIRE THE USE OF SUCH A
17 SYSTEM TO IMPROVE THEIR RECEPTION OF SOUND AT SUCH TIME AS THE BUILDING
18 NEXT UNDERGOES RECONSTRUCTION, REHABILITATION, ALTERATION OR IMPROVE-
19 MENT, BUT NO LATER THAN JANUARY FIRST, TWO THOUSAND SEVENTEEN.
20 2. (A) THE ASSISTIVE LISTENING SYSTEMS REQUIRED BY THIS SECTION SHALL
21 BE AVAILABLE TO EVERYONE USING THE PUBLIC BUILDING IN WHICH THE SYSTEM

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

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1 IS INSTALLED, INCLUDING AUDIENCE MEMBERS AND PARTICIPANTS IN EVENTS
2 CONDUCTED AT THE BUILDING.

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

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

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

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

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

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

35 [3.] 7. For purposes of this section[, the term]: (A) "assistive
36 listening system" shall mean situational-personal acoustic communication
37 equipment designed to improve the transmission and auditory reception of
38 sound. SUCH SYSTEM SHALL INCLUDE BUT NOT BE LIMITED TO THE USE OF STAND-
39 ARD AMPLITUDE MODULATION (AM), FREQUENCY MODULATION (FM), AUDIO
40 INDUCTION LOOP, INFRARED LIGHT SOUND, OR HARD WIRE SYSTEMS; AND

41 (B) "QUALIFIED INTERPRETER" MEANS AN INTERPRETER WHO IS ABLE TO INTER-
42 PRET EFFECTIVELY, ACCURATELY AND IMPARTIALLY BOTH RECEPTIVELY AND
43 EXPRESSIVELY, USING ANY NECESSARY SPECIALIZED VOCABULARY.

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

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

53 (B) ALL PUBLIC BUILDINGS, CONSTRUCTION OF WHICH COMMENCED PRIOR TO
54 JANUARY FIRST, TWO THOUSAND FOURTEEN, CONTAINING AN AUDITORIUM, THEATER,
55 MEETING HALL, HEARING ROOM, AMPHITHEATER, OR ROOM USED IN ANY SIMILAR
56 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 SEVENTEEN.

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 PHOTSENSITIVITY.

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.