(page 1)

CRS Report for Congress

Disabled Persons: State Laws Concerning Accessibility and Discrimination

M. Ann Wolfe

Paralegal Specialist

American Law Division

July 3, 1989

(Congressional Research Service Logo)

Congressional Research Service The Library of Congress

(page 2)

ABSTRACT

This report surveys and discusses the statutes in the fifty states and the District of Columbia which concern accessibility of buildings, transportation and public accommodations for disabled persons along with the right of disabled persons to be accompanied by a guide dog within all of these facilities. In addition, laws prohibiting discrimination of disabled persons in the areas of employment, public accommodation and transportation were examined.

(page 3)

Disabled Persons: State Laws Concerning Accessibility and Discrimination

SUMMARY

This report surveys the laws in the fifty states and the District of Columbia concerning accessibility standards of buildings, public accommodations and transportation for disabled persons. Laws were also examined concerning discrimination of handicapped persons in the areas of employment, public accommodation and transportation. Administrative and judicial remedies were also researched and discussed.

It was determined that thirty-five states require that both public and private buildings be accessible to handicapped persons. Eighteen states use the American National Standards Institute, Inc. figures A117.1 (ANSI) as their guide when constructing accessible buildings. Seventeen states follow their own standard. Fourteen states require that public buildings be accessible and nine use ANSI as their building guide. Thirty-five states require that private buildings which are used to offer public accommodations must be built under an accessible standard. The requirements regarding transportation accessibility are the most diverse with no provisions found within the statutes of twenty-eight states regarding that subject.

Forty-five states and the District of Columbia prohibit employment discrimination of disabled persons in both the private and public sector. Twenty-three of these states and the District of Columbia have organized these employment discrimination laws as part of a larger body of civil rights law which prohibits discrimination in public accommodation, transportation and other areas as well as employment and which includes handicapped persons as one of a class of persons protected along with other classes designated by race, religion, sex, national origin etc. Four states prohibit employment discrimination only in the public sector. Delaware does not prohibit employment discrimination of disabled persons.

All of the states prohibit discrimination of disabled persons in public accommodation and transportation, many of these laws are part of the oldest type of public accommodation law affecting handicapped persons known as "white cane laws." Laws pertaining to guide dogs are an important element of the white cane laws. All of the states except Alaska provide that guide dogs must be allowed to accompany their disabled masters into common carriers, public buildings and those private buildings which are used for public accommodations.

All of the states have enacted laws in more than one of the categories set out in this survey. Seventeen states have enacted laws requiring that public and private buildings be accessible to disabled persons as well as laws prohibiting discrimination against handicapped persons in employment, public accommodation and transportation. Within these seventeen states the anti-discrimination laws are organized into one body of law which includes handicapped persons as one of a class of persons protected along with other classes designated by race, religion, sex, national origin, age etc. This body of law also includes administrative and judicial remedies.

(page 4)

Disabled Persons: State Laws Concerning

Accessibility and Discrimination

The laws of the fifty states and the District of Columbia were examined concerning the accessibility of buildings, transportation and public accommodations for disabled persons along with the right of disabled persons to be accompanied by guide dogs within all of these facilities. In addition, laws prohibiting discrimination of disabled persons in the areas of employment, public accommodation and transportation were researched as well as the type of remedies made available when violation of these laws is alleged, i.e. the administrative and judicial remedies are set out as well as the statutory citations which specifically include language which allows attorney’s fees to be awarded.

There are thirty-five (35) states (footnote marker 1) which require that both public and private buildings within the state be accessible to disabled persons. Within the meaning of this report, public buildings are those buildings which are built with public funds; private buildings are those buildings which are built with private funds and which are used to offer goods and services to the general public. State statutes generally specify a date when the accessible requirement is effective, especially for private buildings. Buildings built prior to that date are generally not affected unless renovations to that building are initiated; sometimes limits are placed on the type of renovations required, taking into account the financial expense of certain accessible features, e.g. see Maine 5 §4593-4594-C. Eighteen (18) states within the thirty-five use the American National Standards Institute, Inc., figures A117.1 (ANSI) as their guide when constructing accessible buildings (see footnote 1). Seventeen (17) states follow their own standard.

(footnote 1) Arizona,\* California, Colorado,\* Connecticut,\* Delaware, Florida,\* Georgia,\* Idaho,\* Illinois, Indiana, lowa, Kansas,\* Kentucky, Louisiana,\* Maine,\* Maryland, Massachusetts, Michigan, Minnesota, Nebraska,\* New Jersey, New Mexico,\* New York, North Carolina,\* Ohio, Oregon,\* Pennsylvania, Rhode Island,\* South Carolina,\* Tennessee, Texas,\* Vermont,\* Washington, West Virginia,\* Wisconsin. [An asterisk indicates use of American National Standards Institute, Inc., figures Al17.1, (ANSI) for accessibility guidelines.]

(page 5)

CRS-2

Fourteen (14) states (footnote marker 2) require that public buildings be accessible. Of these fourteen states, nine (9) use ANSI as their building guide. It should be noted that the State of Virginia requires that public buildings and places of employment be accessible to disabled persons. The State of North Dakota requires that publicly funded buildings be accessible but that only the toilet rooms within private buildings be accessible to disabled persons. The State of Arkansas requires that elevators within public buildings be equipped with braille tags. Otherwise, Arkansas does not require that buildings, public or private, meet any accessible standards. The District of Columbia repealed its building accessibility requirements; however, certain federal laws govern the accessibility of transportation facilities there (see the state chart).

The thirty-five states previously listed as requiring accessibility of buildings built with public as well as private funds are necessarily the same states as those which require that public accommodations be accessible. As mentioned previously, it is only privately funded buildings which also offer public accommodations such as hotels, restaurants, sports arenas, retail stores etc. which are included in the accessible standard requirement. Private homes and clubs, structures intended for agricultural purposes, sometimes small apartment buildings, etc., are exempt from those standards either because they are specifically listed in an exemption statute or, more frequently, because they are not included in the definition of "public accommodation.” Conversely, the states which require that only those buildings built with public funds be accessible necessarily do not require that public accommodations be located within accessible buildings.

There are twenty-two (22) states (footnote marker 3) and the District of Columbia which discuss transportation accessibility for handicapped persons within their statutes. Of these twenty-two states, five (5) states, i.e., Colorado, Connecticut, Georgia, Illinois and Ohio encourage rather than require jurisdictions to apply accessible standards to various types of public vehicles through the use of grants or funds. Alaska requires only that its vessels be accessible, including their extensive ferry system. States such as California, Maine, Maryland, Minnesota, New Jersey, North Carolina, Oregon, Texas and Washington have either fully developed or are in the process of developing accessibility standards within their various transportation statutes. Several states, not included in this survey, make general reference to observing federal requirements in the planning and design of various transportation systems so

(footnote 2) Alabama,\* Alaska, Hawaii,\* Mississippi,\* Missouri, Montana,\* Nevada,\* New Hampshire,\* North Dakota,\* Oklahoma, South Dakota,\* Utah, Virginia, Wyoming.\* [An asterisk indicates use of American National Standards Institute, Inc., figures A117.1, (ANSI) for accessibility guidelines.]

(footnote 3) Alaska, California, Colorado, Connecticut, District of Columbia, Georgia, Illinois, Iowa, Louisiana, Maine, Maryland, Minnesota, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Texas, Virginia, Washington, Wisconsin.

(page 6)

CRS-3

that federal funding can be obtained. These general references do not specify that an accessible standard for elderly and handicapped persons is one of these federal requirements, but see 49 USC. $1612 of the Urban Mass Transportation Act where separate grants and loans are set aside for this purpose. Oklahoma is the only state which expressly forbids application for federal grants or loans to meet the special needs of handicapped persons in transportation (Okla. 69 §4002 subd. 7).

Forty-five (45) states and the District of Columbia prohibit employment discrimination of disabled persons in both the private and the public sector. Twenty-three (23) (footnote marker 4) of these states and the District of Columbia have organized these employment discrimination laws as part of a larger body of law such as human rights or civil rights law which also prohibit discrimination in public accommodation, transportation and other areas as well as employment and which include handicapped persons as one of a class of persons protected along with other classes designated by race, religion, sex, national origin, age etc. This type of civil rights law includes administrative as well as judicial remedies.

Nevada and Rhode Island prohibit employment and public accommodation discrimination in the context of a civil rights statute but do not treat these provisions as one body of law. North Dakota statutes resemble Nevada and Rhode Island in some respects but differ in offering only judicial remedies.

Eleven (11) states within the forty-five which prohibit employment discrimination treat this discrimination separately as opposed to including public accommodation, but do treat handicapped persons as one protected group among several, i.e., they protect persons from employment discrimination on the basis of sex, national origin, religion, race, etc., as well as handicap. These states are Arizona, California, Florida, Hawaii, Massachusetts, Nebraska, Texas, Utah, Vermont, Wisconsin and Wyoming. Six (6) states, Kentucky, Louisiana, Michigan, South Carolina, Tennessee and Virginia prohibit employment discrimination of handicapped persons in a statute which is separate from all other groups. Kentucky, Michigan, South Carolina and Tennessee offer administrative as well as judicial procedures while Louisiana and Virginia offer only a judicial remedy for alleged violations. Two states, Georgia and North Carolina have each a statute which treats employment discrimination of disabled persons as one protected group among several groups and an additional statute which prohibits employment discrimination of handicapped persons only. There is a mix of administrative and judicial procedures in these states between the various statutes.

(footnote 4) Alaska, Colorado, Connecticut, District of Columbia, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Minnesota, Missouri, Montana, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Washington, West Virginia.

(page 7)

CRS-4

The employers affected by the anti-discrimination in employment statutes in the forty-three states and the District of Columbia differ widely. For example, Maine (5 §4553), Minnesota (§363.01), South Dakota (§20-13-1), Vermont (21 §495d) and Wisconsin (§111.32) define employer as any person who employs one or more persons. In Maryland (Art. 49B §15), Nevada (§613.310), North Carolina (§143-422.2), South Carolina (§1-13-30), Oklahoma (25 §1301), Texas (Civ. Stat. Art. 5221k §2.01), and Utah (§34-35-2) the definition of employer is any person who employs 15 or more persons. California (Govt. §12926), defines employer as anyone who employs 5 or more persons. And Nebraska (§48-1102) defines employer as one who employs 25 or more persons.

Four (4) states prohibit employment discrimination only in the public sector. These states are Alabama, Arkansas, Idaho and Mississippi. Delaware does not have a statute prohibiting employment discrimination of handicapped persons.

All of the states and the District of Columbia prohibit discrimination of disabled persons in public accommodation and transportation. As previously mentioned twenty-three states have incorporated these statutes within their larger civil rights type statutes. The oldest type of public accommodation law affecting disabled persons is known as a "White Cane Law." These laws, many dating from the 1800’s, often include transportation in their definition of public accommodation along with the usual list of establishments such as hotels, restaurants and retail stores. Another important component of the white cane law is a provision that guide dogs must be allowed to accompany their disabled masters into these buildings and carriers and cannot be charged an extra fee for the presence of the guide dog; a provision is usually included that the disabled person is liable for any damage which may occur. Alaska is the only jurisdiction which has no statute specifically requiring that guide dogs be allowed into places of public accommodation. Mississippi and South Dakota specify that blind and deaf persons are allowed to have guide dogs whereas the remainder of the jurisdictions use the phrase "handicapped" or "disabled persons.” White cane laws usually carry a criminal sanction and action must be initiated by the State Attorney General or some other designated state official. There are two states, Tennessee and Wisconsin, with white cane laws written in such a way as to strongly suggest that only those handicapped persons who are accompanied by a guide dog cannot be discriminated against in the use of the public accommodation. North Dakota, Oklahoma, and Oregon have similar statutes but they also have public accommodation statues which are a part of their larger anti-discrimination law and therefore certainly include all disabled persons. Many states have both white cane laws to prohibit public accommodation and transportation discrimination as well as incorporating this provision in their larger civil rights type laws.

Forty-three (43) states and the District of Columbia have set up administrative procedures to remedy alleged violations of employment discrimination. Louisiana and Virginia offer only judicial remedies. Twenty-

(page 8)

CRS-5

six (26) states and the District of Columbia have established administrative procedures to remedy alleged violations of public accommodation. And twenty-five (25) states and the District of Columbia have included discrimination in transportation within the administrative procedure law. Generally, the commissions which are set up to address this issue are instructed, in the statutes, to informally investigate the complaint filed and if it is determined that the allegations are supported by substantial evidence, an effort must be made immediately and confidentially to eliminate the discrimination complained of by conference, conciliation and persuasion. If these efforts fail, a hearing must be held and an order issued stating the findings as well as an order of “appropriate” relief.

All of the forty-five states and the District of Columbia which prohibit employment discrimination of handicapped persons also provide a statute allowing judicial review. All fifty (50) states and the District of Columbia set out judicial procedures for alleged violations of the prohibition of discrimination of handicapped persons in public accommodation and transportation. States differ concerning when this appeal may be made within the framework of the administrative and judicial procedures.

Thirty-one (31) states and the District of Columbia allow “attorney’s fees" for employment discrimination to either private or prevailing parties if such a decision is deemed appropriate. Twenty-two (22) states and the District of Columbia provide for attorney’s fees, when appropriate, as part of the remedy in public accommodation and transportation discrimination actions. Nevada provides for attorney’s fees only in public accommodation; discrimination in transportation is treated in a separate statute and does not mention attorney’s fees.

In conclusion, as demonstrated by the earlier discussion, all of the states have enacted laws in more than one of the categories set out in this survey. However, there are only seventeen (17) states which have enacted laws requiring that public and private buildings be accessible to disabled persons as well as laws prohibiting discrimination against handicapped persons in employment, public accommodation and transportation. (footnote marker 5) Within these seventeen states the anti-discrimination laws are organized into one body of law which include handicapped persons as one of a class of persons protected along with other classes designated by race, religion, sex, national origin, age etc. This body of law also includes administrative and judicial remedies. These states are Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Minnesota, New Jersey, New Mexico, New York, Ohio, Oregon,

(footnote 5) These provisions are similar to the accessibility and discrimination provisions found in the Americans for Disability Act (ADA) introduced in the 100th and 101st Congress (S. 993 & HR 2273). However, the ADA provisions include only disabled persons and do not treat disabled persons as one of a class of persons protected along with other classes designated by race, religion, sex, national origin, age., etc.

(page 9)

CRS-6

Pennsylvania, Washington, West Virginia. It is also interesting to note that the requirements within the fifty states and the District of Columbia regarding transportation accessibility are the most diverse with no provisions found within the statutes of twenty-eight (28) states regarding that subject. Oklahoma specifies that application for federal grants or loans to meet the special needs of handicapped persons in transportation is not allowed.

(signature of M. Ann Wolfe)

M. Ann Wolfe

Paralegal Specialist

American Law Division

Dole Archives: s-leg\_553\_001\_007\_d.pdf

Page 9 of 24

CRS-7

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| State | Accessibility | Prohibits Discrimination | | | | | | | Remedy | | | | | Provides for Attorney’s Fee | |
|  |  | Employment | | | Pub. Accom. | | | Transp. | Administrative | | | | Judicial |  | |
| Alabama  Ala. Code  (1988 Supp.) | B= built w/pub. Funds §21-4-4; ANSI & own standard §21-4-6, §21-4-3; T = NPWF PA= NPWF GD §21-7-4 | State employment  §21-7-8 | | §21-7-3 | | | §21-7-3 | | NPWF | | PA&T= misdemeanor §21-7-6 | | | NPWF | |
| Alaska  Alaska Stat. 0988 Supp.) | B = built w/pub. funds  §35.10.015; own standard but conform to ANSI §35.10.015 T =Vessels, including ferries, operated by State §35.10.015  PA= NPWF  GD= NPWF | §18.80.220 | §18.80.230 & §18.80 .300(14) | | | §18.80.230 | | | | E,PA&T = §18.80.100 | | E,PA&T = §18.80.135 | | | E, PA & T = § 18.80.130(e) | |
| Arizona Ariz. Rev. Stat. Ann. (1988 Supp.) | B = Pub & private §34-402, §34-403; ANSI §34-404  T = NPWF  PA= §34-403  GD = §24-411 subd. B | §41-1463 | §24-411 subd. A | | | §24-411 subd. A | | | | E= §41-1481 subd. A | | E= §41-1481  Subd. D;  PA & T= petty offense  §24-411 subd. E | | | E= §41-1481 subd. J | |

NPWF = No Provisions Were Found

ANSI = American National Standards Institute, Inc., figures All 7.1

B = Buildings

E = Employment

T = Transportation

PA = Public Accommodation

GD= Guide Dog

Dole Archives: s-leg\_553\_001\_007\_d.pdf

Page 10 of 24

CRS-8

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| State | Accessibility | Prohibits Discrimination | | | Remedy | | Provides for Attorney’s Fee |
|  |  | Employment | Pub. Accom. | Transp. | Administrative | Judicial |  |
| Arkansas Ark. St.at. Ann. (1987 Supp.) | B = built w/pub. funds, only requires braille tags in elevators §20-24-118  T = NPWF  PA= NPWF  GD = §20-14-304 | State employment  §20-1 4- 301(b) | §20-14-301, §20-14- 303(a) | §20-14-301, §20-14- 303(a)(2) | NPWF | PA & T = misdemeanor §20-14-302 | NPWF |
| California C-al. Govt. Code (1989 Supp.) | B = Pub. & private Govt. §4450 & Health & S §19955, own standard, Govt. §4452  T = Govt. §4500; Tax & R §24380 & §24383  PA = Health & S §19955 & Civil §54.1  GD = Civil §54.2 | Govt. §12940 | Civil §54.l(a) | Civil §54.l(a) | E =Govt. §12960 | E =Govt. §12965(b);  B & PA = Health & S §19958.5, Govt. §4458 and Civil §54.3;  T = Civil §54.3 | E = Govt. §12965(b); T,PA&GD = Civil §54.3 |
| Colorado Colo. Rev. Stat. (1986 Supp.) | B =Pub. & private §9-5-102. ANSI & own §9-5-104, §9-5-112  T = Encouraged w/grants §43-1-601  PA = §9-5-102  GD = Blind persons & common carriers §40-9-109 & generally §24-34-801(e) | §24-34-402 | §24-34-601 & §24-34- 801(c), (d) | §24-34-601 & §24-34- 801(d) | E, PA & T = §24- 34-306(1) | E, PA & T = §24-34-306(11) | NPWF |

Dole Archives: s-leg\_553\_001\_007\_d.pdf

Page 11 of 24

CRS-9

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| State | Accessibility | Prohibits Discrimination | | | Remedy | | Provides for Attorney’s Fee |
|  |  | Employment | Pub. Accom. | Transp. | Administrative | Judicial |  |
| Connecticut Conn. Gen. Stat  (1989 Supp.) | B= Pub. & private §29-269; ANSI §29-269  T= encouraged w. grants §7-273n;  PA= §29-269  GD= §22-346a & §46a-64 (a) | §46a-60 | §46a-64(a) exemptions §46-64(b) & §22-346a | §22-346a | E & PA= §46a-82 | E = §46a-90; T, PA & GD Class C misdemeanor §22-346a(c) PA fined and/or imprisoned §46a-64 | NPWF |
| Delaware Del. Code Ann. (1988 Supp.) | B = Pub. 29 §6917, private 9 §2903 own standard 29 §6917 except when fed. Funds involved 29 §6914.  T = NPWF  PA = 9 §2903  GD = 16 §9502(c) | NPWF | 16 §9502(a); (b) | 16 §9502(b) | NPWF | E = NPWF  PA & T = misdemeanor 6 §9504 & 16 §9506 | NPWF |
| District of Columbia D.C. Code Ann. (1988 Supp.) | B = Bldgs. constructed under  Nat. Capital Transp. Act & the Transit Regulation  Compact 42 USC §4151  T = Fed. Funded Rapid Rail H-2453  PA= NPWF  GD = §6-1702 | §1-2512 | §1-2519 & §6-1702 | §1-2519 see §1-2.5002(24) | E,T,PA = §1-2544 | E,T,PA = §1-2544 | E,T,PA= §1-2553(E) & §1-2566(b) |
| Florida Fla Stat. Ann. (1988 Supp.) | B = Pub. & Private §553.46, §553.47; §336.045 & 337.408; ANSI & own §553.48  T = NPWF  PA = §553.4 7 & §553.46  GD = §413.08(b) | §760.10 | §413.08 (1)(a) | §413.08 (1)(a) | E= §760.10(10) | E = §760.10(12);  T, PA & GD= §413.08(2) misdemeanor | E= §760.10(13) |

Dole Archives: s-leg\_553\_001\_007\_d.pdf

Page 12 of 24

CRS-10

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| State | Accessibility | Prohibits Discrimination | | | Remedy | | Provides for Attorney’s Fee |
|  |  | Employment | Pub. Accom. | Transp. | Administrative | Judicial |  |
| Georgia Ga. Code. Ann. (1988 Supp.) | B = Pub. & private §30-3-3;  ANSI & exemptions §30-3-3.  T = Encouraged §32-9-3  PA = §30-3-3  GD = §30-4-1 | §34-6A-4, §45-19-29 | §30-4-1 | §30-4-1 | E= §45-19-36(b) | E = §45-19-39(a), §34-6A-6;  B, T & PA= misdemeanor §30-4-3, §30-3-6 | E= §45..19-39(c), §34-6A-6 |
| Hawaii  Hawaii Rev. Stats. (1987 Supp.) | B =built w/pub. funds §103- 50; ANSI §103-50  T = NPWF  PA= NPWF  GD = §347-13(b) | §378-2 | §34 7-20, §347-13(a) | §347-13 | E= §378-4 | E = §378-5(e)(2);  T = fined and/or imprisoned §347-14 | E= §378-5(j) |
| Idaho  Idaho Code (1988 Supp.) | B = Pub. & private §39-3201;  ANSI §39-3203  T = NPWF  PA = §39-3201  GD = §56-704 | State employment §56-707 | §56-702 & §56-703 | §56-703 | NPWF | E = NPWF  T & PA misdemeanor §56-706 | NPWF |
| Illinois  Ill. Ann. Stat. (Smith Hurd 1989 Supp.) | B = Pub. & private 111 Y:i §3711 et seq. own standards lllY:i §3714  T = Encouraged w/grants 127 §49.19a  PA = 111 Y2 §3711(r)(2)  GD = 23 §3363, 38 §65-1 | 68 §1-102 | 68 §5-102, 23 §3363 | 68 §5-102, 23 §3363 | E, T, PA= 68 §7-102 | E, T, PA= 68 §7-104, 68 §8-11  B = 111 Y2 §3716  T & PA = 23 §3363 misdemeanor | E, T & PA = 68 §&.108(G) |

Dole Archives: s-leg\_553\_001\_007\_d.pdf

Page 13 of 24

CRS-11

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| State | Accessibility | Prohibits Discrimination | | | Remedy | | Provides for Attorney’s Fee |
|  |  | Employment | Pub. Accom. | Transp. | Administrative | Judicial |  |
| Indiana  Ind. Code Ann. (1988 Supp.) | B = Pub. & private §22-12- 1-4 & §22-13-4-1 own standard  T = NPWF  PA = §22-12-1-4 & §22-13- 4-1 GD = §16-7-5-2 | §22-9-1-2 | §22-9-1-2 & §22-9-1- 3 (m) | §22-9-1-2 & §22-9-1- 3 (m) | E, T, PA= 22-9-1-11 | E, T, PA= 22-9-1-6(k)(2) | NPWF |
| Iowa  Iowa Code Ann. (1989 Supp.) | B = Pub. & private §104A.1 et seq., own standards §104A.2  T = §601J.4  PA = §104A.l et seq.  GD= §601D.5 | §601A.6 | §601D.4, §601A.7 & §601.A2A'.10) | §601D.4 §601A.7 | E, PA & T = §001A15 | E, PA & T = §601A.16(2); GD = misdemeanor §601D.7 | E, PA & T = §601A.16(5) |
| Kansas  Kan. Ky. Rev. Stats. Ann. (1988 Supp.) | B = Pub. & private §198B.260, own standards §198B.260  T = NPWF  PA= §198B.260 & exceptions  GD = §258.500 | §207.150 | §258.500 | §258.500 | E= §207.200 | E = §207.230 T, PA & GD = §258.991 fine or prison | E= §207.230 |

Dole Archives: s-leg\_553\_001\_007\_d.pdf

Page 14 of 24

CRS-12

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| State | Accessibility | Prohibits Discrimination | | | Remedy | | Provides for Attorney’s Fee |
|  |  | Employment | Pub. Accom. | Transp. | Administrative | Judicial |  |
| Louisiana  La. Civ. Code Ann (1989 Supp.) | B = Pub. & private 40:1731 et seq., ANSI 40:1733  T = 46:1952 subd. E,  PA= 40:1731  GD = 46:1952 subd. C | 46:2254 | 4 6 : 1 9 5 2 subd. B | 4 6 : 1 9 5 2 subd. B | NPWF | E = 46:2256  T & PA = §1952 subd. D misdemeanor | E=46:2256 |
| Maine  Me. Rev. Stats. Ann. (1988 Supp.) | B = Pub. bldgs. 25 §2701, & private 5 §4593  ANSI 25 §2701 subd. 5  T = 5 §4593 through 4594- C, ANSI 5 §4594 subd. 2  PA = 5 §4593 through 4594-C  GD = 17 §1312 subd. 3 | 5 §4572 | 5 §4592, 5 §4553 subd. 8 & 17 §1312 | 5 §4592, 5 §4553 subd. 8 & 17 §1312 | E, PA & T = 5 §4611 | E, PA & T = 5 §4611 | E, PA, & T = 5 §4614 & 5 §4622 |
| Maryland  Md. Ann. Code (1989 Supp.) | B = Pub. & private, Art. 83B §6-102, own standard art. 83B §6-102(2), Art. 41 §11- 402 & SF 2-504, conform to ANSI SF 2-509  T = Art. 49B §5(d)(2)(ii) subd. 2 max. expense $2,500 per vehicle  PA = Art. 49B §5(d)(2) & Art. 83B §6-102  GD = Art. 30 §33(d)(2) | Art. 49B §16 | Art. 49B §5(c) & (d); blind & hearing impaired Art. 30 §33(d)(l) | Art. 49B §5(c) & (d); blind & hearing impaired Art. 30 §33(d)(l) | E,PA&T =Art. 49B §9; also PA= Art 83B §6- 102(3)(ii) | E, PA & T = Art. 49B §10(d) & 12; also PA = Art. 83B §6-102(4) | NPWF |

Dole Archives: s-leg\_553\_001\_007\_d.pdf

Page 15 of 24

CRS-13

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| State | Accessibility | Prohibits Discrimination | | | Remedy | | Provides for Attorney’s Fee |
|  |  | Employment | Pub. Accom. | Transp. | Administrative | Judicial |  |
| Massachusetts  Mass. Gen. Laws Ann. (1989 Supp.) | B = Pub. & private 22 § 13A, own standard 22 § 13A  T = NPWF  PA= 22 §13A  GD= 272 §98A | 151B §4 subd. 16 | 272 §92A | 272 §92A (2) | E = 151B §5  B = 22 §13A | E = 151B §6 & 151B §9  T & PA fined and/or imprisoned 272 §98;  B = 22 §13A | E = 151B §9 |
| Michigan  Mich. Comp. Laws Ann. (1988 Supp.) | B = Pub. & private §125.1352, own standard §125.1354  T = NPWF  PA = §125.1352  GD = §750.502c | §37.1201 | §37.1302 | §37.1302 | E,PA&T = §371005, §37.2602 | E, PA & T = §37.1606, §37.2606 | E, PA & T = §37.1606(3), §37 .2605, §37 .2801, §37.2802 |
| Minnesota  Minn. Stat. Ann. (1989 Supp.) | B = Pub. & private §16B.61 subd. 5 & §4 71.465; own standard §16B.61 subd. 1 & §471.467  T = §363.03 subd. 4(2), §174.255 (para transit) §473.169 subd. 1 (light rail) §473.384 eubd. 8  PA = §471.465  GD = §363.03 subd. 10 | §363.03 subd. 1(2) | §363.03 subd. 3 | §363.03 subd. 3 and 4 | E, T, PA= §363.06 | E, T, PA= §363.072 & 363.14 eubd. 1 | E, T, PA= §363.071 & §363.14 subd. 3 |

Dole Archives: s-leg\_553\_001\_007\_d.pdf

Page 16 of 24

CRS-14

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| State | Accessibility | Prohibits Discrimination | | | Remedy | | Provides for Attorney’s Fee |
|  |  | Employment | Pub. Accom. | Transp. | Administrative | Judicial |  |
| Mississippi  Miss. Code Ann. (1988 Supp.) | B = built w/pub. funds §43-6-101; own standards §43-6-101 survey state owned bldgs. to comply Fed. standards §31-11-3(b)  T = NPWF  PA= NPWF  GD = blind & hearing disabled §43-6-7 | State employment §25-9-149 & §43-6-15 | §43-6-5 | §43-6-5 | NPWF | T, PA & GD= misdemeanor §43-6-11 | NPWF |
| Missouri  Mo. Ann. Stat. (1989 Supp.) | B = built w/pub. funds §8.610; own standard §8.620  T = NPWF  PA= NPWF  GD = §209.150 | §213.055 | §213.055 & §209.150 | §213.055 & §209.150 | E, T, PA= §213.075 | E, T, PA= §213.085, §213.111;  T, PA & GD= §209.160 misdemeanor | E, T, PA= §213.111 subd. 2 |
| Montana Mont. Code Ann. (1987 | B = built w/pub. funds §50- 60-201(4), ANSI §50-60-201(4)  T = NPWF  PA= NPWF  GD = §49-4-21 | §49-2-303 & §49-4-101 | §49-2-304 & §49-4-211 | §49-2-304 & §49-4-211 | E, T, PA = §49-2-501 | E, T, PA= §49-2-509 & E = §49-4-102 | E, T, PA= §49-2-000'. 4), §49-2-609(6) E= §49-4-102 |
| Nebraska  Neb. Rev. Stat. (1988 Supp.) | B =Pub. & private §72-1101, ANSI & own standard & 72- 1101 et seq.  T = §13-1201 et seq.  PA = §72-1101 et seq.  GD = §20-127(3) | §48-1104 | §20-127(2) | §20-127(2) | E= §48-1118 | E = §48-1120(1) T & PA = §20-129 misdemeanor | E= §48-1120(2) |

Dole Archives: s-leg\_553\_001\_007\_d.pdf

Page 17 of 24

CRS- 15

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| State | Accessibility | Prohibits Discrimination | | | Remedy | | Provides for Attorney’s Fee |
|  |  | Employment | Pub. Accom. | Transp. | Administrative | Judicial |  |
| Nevada  Nev. Rev. Stat. (1987 Supp.) | B = built w/pub. funds §338.180, ANSI §338.180  T = NPWF  PA= NPWF  GD = §651.075 & §704.145 | §613.330 | §651.070 | §704.143 | E= §613.405;  PA= §651.110;  T= §704.635 | E = §613.420;  T = §704.145;  PA = §651.080 misdemeanor | E = NPWF  PA= §651.090 |
| New Hampshire N.H. Rev. Stat. Ann. (1988 Supp.) | B =built w/pub. funds, ANSI & own §275-C:14  T = NPWF  PA= NPWF  GD = §167-D:3 | §354-A:8 subd. I | §167-D:l subd. V & §354-A:8 subd. N | §167-D:l subd. V & §354-A:8 subd. N | E, T&PA = 354-A:9 | E, T, & PA= §354-A:lO; T, PA, GD= §167-D:9 | NPWF |
| New Jersey  N.J. Stat. Ann. (1988 Supp.) | B = Pub. & private §52:32-4, own standards §52:32-5  T = 27:25-25 et seq.  PA = §52:32-4  GD = §48:3-33 transportation; §10:5-29 generally | §10:5-29.1 & §10:5- 4.1 | §10:1-2 & §10:5-4.1 | §10:1-2 & §10:1-5 | E. T,PA& GD= §10:5-13 | E, T, PA & GD= §10:5-38 | E, T, PA & GD= §10:5- 27.1 |
| New Mexico  N.M. Stat Ann. (1988 Supp.) | B = Pub. & private §60-13- 44 subd. D, ANSI §60-13-44 subd. D (see §60-13-58 applicable law though repealed) see also §28-7-3 subd. D  T = NPWF  PA = §60-13-44 subd. D  GD = §28-7-3 subd. C | §28-1-7 subd. A | §28-1-7 subd. F & §28-7-3 subd. A&B | §28-1-7 subd. F & 28-7-3 subd. A&B | E.T,PA= §28-1-10 | E, T, PA= §28-1-13 subd. A; T, PA & GD = §28-7-5 misdemeanor | E, T, PA= §28-1-13 subd. D, §28-1-11 subd. E |

Dole Archives: s-leg\_553\_001\_007\_d.pdf

Page 18 of 24

CRS- 16

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| State | Accessibility | Prohibits Discrimination | | | Remedy | | Provides for Attorney’s Fee |
|  |  | Employment | Pub. Accom. | Transp. | Administrative | Judicial |  |
| New York  N.Y. Executive Law Consol. (1989 Supp.) | B = Pub. & private Pub. Bldgs. §51, own standard Pub. Bldg. §51  T = New York City-Trans §15-b, ANSI §15-b subd. 7 also see Pub. Bldgs. §51(1), (2), (3) & (4)  PA = Pub. Bldgs. §51  GD = Exec. §296 subd. 14 & Civil Rights §47 | Exec. §296 subd. 1(a), Civil Rights §47-a & Civil Rights §40-c | Exec. §296 subd. 2(a) | Exec. §296 subd. 2(a) & Exec §292 subd. 9 | E, T,PA& GD= Exec. §297 | E, T, PA & GD= Exec. 297 subd. 9 & Exec. 298 | NPWF |
| North Carolina  N.C. Gen. Stat. (1988 Supp.) | B = Pub. & private §143- 138(c) & §168-2, ANSI §143- 138(c)  T = §168A-8  PA = §168A-3(10) subd. b & §168A-4  GD = §168-4.2 | §143-422.2 §168A- 5(a)(l). See defin. reasonable accommodation §168A3(10) & §168A-4 | §168A-6 & §168-3 | §168A-8& §168-3 | E= §143-422.3 | E, T & PA= §168A- 11; GD = §168-4.5 misdemeanor | E, T, & PA = §168A-ll(d) |

Dole Archives: s-leg\_553\_001\_007\_d.pdf

Page 19 of 24

CRS- 17

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| State | Accessibility | Prohibits Discrimination | | | Remedy | | Provides for Attorney’s Fee |
|  |  | Employment | Pub. Accom. | Transp. | Administrative | Judicial |  |
| North Dakota  ND. Cent. Code (1987 Supp.) | B = built w/pub. funds §48-02-19, ANSI §48-02-19;  T = NPWF  PA =Accessible toilet rooms §23-13-13  GD = §25-13-02 | §14-02. 4-03 | §14-02. 4-14, §25-13-02 w/ guide dog | §14-02. 4-14, §25-13-02 w/ guide dog | NPWF | E, PA & T = §14-02.4-19  T& PA= §25-13-04 misdemeanor | E, PA & T = § 14-02.4-20 |
| Ohio  Ohio Rev. Ann. (1988 Supp.) | B = Pub. & private §3781.11 own standards §3781.111  T = §5501.08 created fund entitled "Elderly & Handicapped Transit Vehicle & Equipment Fund"  PA = §3781.11  GD = §955.43 | §4112. (A) | §4112.02(G) & §955.43 | §4112.02(G) & see §4112.01(9) & §955.43 | E, T, PA= §4112.05 | E, T, PA= §4112.051 & §4112.06 | E, T, PA= §4112.05(0) & §4112.051 |
| Oklahoma  Okla. Stat. Ann. (1989 Supp.) | B = built w/pub. funds 61 §11 (changed from ANSI to Building Officials & Code Administrators International Inc. in 1983, 61 §11.  T = does not allow application for fed. grants or loans to meet special needs of handicapped persons 69 §4002 subd. 7.  PA= NPWF  GD = 7 §19.1 | 25 §1302 | 25 §1402 & 7 §19.1 w/ guide dog | 25 §1402 7 §19.1 w/ guide dog | E, PA, & T = 25 §1.502 | E, PA, & T = 25 §1506;  GD= 7 §19.1 misdemeanor | E, PA, & T =  25 §1506(b) |

Dole Archives: s-leg\_553\_001\_007\_d.pdf

Page 20 of 24

CRS- 18

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| State | Accessibility | Prohibits Discrimination | | | Remedy | | Provides for Attorney’s Fee |
|  |  | Employment | Pub. Accom. | Transp. | Administrative | Judicial |  |
| Oregon  Or. Rev. Stat. (1987) | B =Pub. & private §447.220, own standards guided by ANSI §44 7 .230(3)  T = §267.240 ANSI §267.240; §391.830  PA = §447.220  GD = §346.620 | §659.425(1) | §659.425(4) & §346.620 w. guide dog | §659.425 (4) defined §30.675; §346.620 w/ guide dog | E, T, PA= §659.435, §659.040& §659.045 | E, T, PA = §659.095; GD = §346.991 misdemeanor | E, T & PA = §659.121 |
| Pennsylvania  Pa. Cons. Stat. Ann. (1988 Supp.) | B = Pub. & private 71 §1455.1 own standard 71 §1455.2  T = NPWF  PA = 71 §1455.1  GD = 43 §955(i)(l) | 43 §955(a) | 43 §955(i)(l) | 43 §955(i)(l) defined 43 §954(1) | E, T,PA& GD= 43 §959 | E,T,PA&GD=43 §960 & 43 §962 | NPWF |
| Rhode Island  R.I. Gen. Laws (1988 Supp.) | B =Pub. & private §23-27.3- 109.1.4 & §37-8-15 own standard reasonably consistent with national model standards §23-27.3-100.1.5  T = NPWF  PA = §23-27.3-109.1.4  GD = §11-24-2.l(C) | §28-5-7; §42-87-2 | §11-24-2 | §11-24-2 defined §11-24-3 | E= §28-5-17  T & PA= §11-24-4 | E, T, & PA= §28-5-24.1 & §28-5-28; §42-87-4 | E, T & PA = §28-5-24 |

Dole Archives: s-leg\_553\_001\_007\_d.pdf

Page 21 of 24

CRS- 19

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| State | Accessibility | Prohibits Discrimination | | | Remedy | | Provides for Attorney’s Fee |
|  |  | Employment | Pub. Accom. | Transp. | Administrative | Judicial |  |
| South Carolina  S.C. Code Ann. (1988 Supp.) | B= Pub. & private §10-5-220, ANSI §10-5-250  T= NPWF  PA= §10-5-220  GD= §43-33-1(c) & §43-33-70 (d) | §43-33-530 | §43-33-530  & §43-33-20 | §43-33-530 & §43-33-20 | E= §43-33-550 & §1-13-90 | E= §1-13-90(d)(6);  T, PA, &GD = §43-33-40 misdemeanor | E, PA, & T = § 43-33-540 |
| South Dakota  S.D. Codified Laws Ann. (1987 Supp.) | B = built w/pub. Funds §5-14-12, ANSI §5-14-13  T = NPWF  PA= NPWF  GD = §20-13-23.2 (blind), §20-13-23.5 (deat) | §20-13-10 & blind §20-13-10.1 | §20-13-23 | §20-13-23 defined §20-13-1(12) | E, T, PA, & GD = §20-13-29 | E, T, PA, & GD = §20-13-47 | NPWF |
| Tennessee  Tenn. Code Ann. (1988 Supp.) | B = Pub. & private §68-18-204, own standard §68-18-204  T = NPWF  PA = §68-18-204  GD = §62-7-112 | §8-50-103 | §62-7-112 w/ guide dog | §62-7-112 w/ guide dog | E = §8-50-103(b)(1), §4-21-302 | E = §4-21-307, §4-21-311;  PA, T & GD= §62-7-112 misdemeanor | E = §4-21-306(a)(8) & §4-21-311 |
| Texas  Tex. Code Ann. (1989 Supp.) | B = Pub. & private Civil Stat. Art. 60lb §7.02, ANSI Civil Stat. Art. 601b §7.05(c)  T = Civil Stat. Art. 1118x §12B(d)  PA = Civil Stat. Art. 601b §7.02  GD = Human R. §121.003(c) | Civil Stat. Art. 5221K §5.01, Human R. §121.003(f) | Human R. §121.003(a) | Human R. §121.003(b) | E = Civil Stat. Art. 5221K §6.01 | E = Civil Stat. Art. 5221K §7.01; E, T,  PA & GD= Human R. §121.004 misdemeanor | E = Civil Stat. Art. 5221K §7.01(e) |

Dole Archives: s-leg\_553\_001\_007\_d.pdf

Page 22 of 24

CRS- 20

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| State | Accessibility | Prohibits Discrimination | | | Remedy | | Provides for Attorney’s Fee |
|  |  | Employment | Pub. Accom. | Transp. | Administrative | Judicial |  |
| Utah  Utah Code Ann. (1989 Supp.) | B = built w/pub. funds, privately funded bldgs. encouraged §26-29-1, own standards §26-29-3.  T = NPWF  PA = encouraged, not required §26-29-1(4)  GD = §26-30-2 | §34-35-6 | §26-30-1(3) | §26-30-1(2) | E= §34-35-7.1 | E = §34-35-8;  T, PA & GD = §26-30-4 Class C misdemeanor | NPWF |
| Vermont  Vt. Stat. Ann. (1987 Supp.) | B = Pub. & private, 18 §1322(a), ANSI 18 §1322(a)  T = NPWF  PA = 18 §1322(a)  GD = 9 §4502(b) | 21 §495 | 9 §4502(a) | 9 §4502(a) | E= 21 §495b(a); | E= 21 §495b(b);  T, PA & GD= 9 §4506 | E = 21 §495b(b) T,PA&GD = 9 §4506 |
| Virginia  Va. Code (1988 Supp.) | B = built w/pub. funds §2.1-514, own standard §2.1-516; employers must meet reasonable accommodation standard including bldg. accessibility §51.5-41  T = §51.5-44 subd. C (no retrofitting required §51.5-44 subd. D)  PA= NPWF  GD = §51.5-44 subd. E | §51.5-41 (defines "reasonable accommodation”) | §51.5-44 | §51.5-44 | NPWF | E, PA & T = §51.5-46 | E, PA & T = §51.5-46 |

Dole Archives: s-leg\_553\_001\_007\_d.pdf

Page 23 of 24

CRS- 21

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| State | Accessibility | Prohibits Discrimination | | | Remedy | | Provides for Attorney’s Fee |
|  |  | Employment | Pub. Accom. | Transp. | Administrative | Judicial |  |
| Washington  Wash. Rev. Code Ann. (1989 Supp.) | B= Pub. & private §70.92.100, own standards §70.92.140 & §70.92.1505  T = §47.04.170  PA = §70.92.100  GD = §70.84.030 | §49.60 .030(a) & §49.60.180 | §49.60 .030(b), §70.84 .010(3) | §49.60.030 (b) defined §49.60.040,  §70.84.010 (3) | E, T, PA= §49.60.230 | E, T, PA= §49.60.250(6), §49.60.260(5) & §49.60.270;  T, PA, GD= §70.84.070 | E, PA & T = §49.60.030(2) |
| West Virginia  W. Va. Code  (1988 Supp.) | B =Pub. & private §18-10F- 2, ANSI §18-lOF-3  T = NPWF  PA = §18-lOF-2  GD = §5-15-4(c) | §5-11-9(a) | §5-11-9(f)(1) & §5-15-4 | §5.11-9(f)(l) & §5-15-4 | E, T & PA= §5-11-10 | E, T & PA= §5-11-11 & §5-11-13(b); GD = §5-15-8 misdemeanor | E, T & PA = = §5.11-13(c) |
| Wisconsin  Wis. Stat. Ann. (1988 Supp.) | B = Pub. & private §101.13, own standards w/consideration of ANSI§101.13(5)(b)  T = §85.20 (Urban Mass Transit), §85.21 (counties) & §85.22 (private nonprofit corp.) encourages w/grants  PA = §101.13 & defined §101.01(2)(h)  GD = §17 4.056 generally | §111.322(1) | §174.056 w/ guide dog | §174.056 w/ guide dog | E= §111.39 | E= §111.395  PA, T & GD= §174.056(2) fined | NPWF |
| Wyoming  Wyo. Stat. (1985 Supp.) | B = built w/pub. Funds §16-6-501, ANSI §16-6-501  T = NPWF  PA= NPWF  GD = §42-1-126(b) & §42-l-129(a) | §27-9-105 | §42-1-126(a) | §42-1-126(a) | E= §27-9-106 | E = §27-9-107, §27-9-108;  T, PA & GD=§42-1-128 misdemeanor | NPWF |

Dole Archives: s-leg\_553\_001\_007\_d.pdf

Page 24 of 24