

FIRST REGULAR SESSION

HOUSE BILL NO. 1004

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MONACO, GRAHAM, BRAY,
VAN ZANDT AND HOSMER (Co-sponsors).

Read 1st time March 15, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2294L.011

AN ACT

To amend chapter 209, RSMo, by adding thereto six new sections relating to accessibility for the disabled.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 209, RSMo, is amended by adding thereto six new sections, to be
2 known as sections 209.400, 209.403, 209.406, 209.409, 209.412 and 209.415, to read as follows:

209.400. As used in sections 209.400 to 209.415, the following terms mean:

2 (1) "Aging", those manifestations of the aging processes that significantly reduce
3 mobility, flexibility, coordination and perceptiveness but are not accounted for in other
4 definitions in this section;

5 (2) "Appropriate number", the number of a specific item that would be reasonably
6 necessary, in accordance with the purpose and function of a building or facility, to
7 accommodate individuals with specific disabilities in proportion to the anticipated number
8 of individuals with disabilities who would use a particular building or facility;

9 (3) "Disabilities of incoordination", faulty coordination or palsy from brain, spinal
10 or peripheral nerve injury;

11 (4) "Fixed turning radius, front structure to rear structure", the turning radius of
12 a wheelchair, left front-foot platform to right rear wheel, or right front-foot platform to
13 left rear wheel, when pivoting on a spot;

14 (5) "Fixed turning radius, wheel to wheel", the tracking of the caster wheels and
15 large wheels of a wheelchair when pivoting on a spot;

16 (6) "Hearing disabilities", deafness or hearing impairments that may make an
17 individual insecure in public areas because the individual is unable to communicate or hear
18 warning signals;

19 (7) "Involved" or "involvement", a portion of the human anatomy or physiology,
20 or both, that has a loss or impairment of normal function as a result of genesis, trauma,
21 disease, inflammation or degeneration;

22 (8) "Nonambulatory disabilities", impairments that, regardless of cause or
23 manifestation, for all practical purposes confine individuals to wheelchairs;

24 (9) "Ramps" or "ramps with gradients", ramps with gradients or ramps with
25 slopes that deviate from what would otherwise be considered the normal level. An
26 "exterior ramp", as distinguished from a "walk", is an appendage to a building leading
27 to a level above or below existing ground level. As such, a ramp must meet certain
28 requirements similar to those imposed upon stairs;

29 (10) "Semiambulatory disabilities", impairments that cause individuals to walk
30 with difficulty or insecurity. Individuals using braces or crutches, amputees, arthritics,
31 spastics, and those with pulmonary and cardiac ills may be semiambulatory;

32 (11) "Sight disabilities", total blindness or impairments affecting sight to the extent
33 that the individual functioning in public areas is insecure or exposed to danger;

34 (12) "Walk", a predetermined, prepared-surface, exterior pathway leading to or
35 from a building or facility, or from one exterior area to another, placed on the existing
36 ground level and not deviating from the level of the existing ground immediately adjacent
37 thereto.

 209.403. 1. The standards and specifications set forth in sections 209.400 to 209.415
2 shall apply to all buildings and facilities used by the public that are constructed in whole
3 or in part by the use of state, county or municipal funds or the funds of any political
4 subdivision of this state or which are constructed with private funds. All such buildings
5 and facilities to be constructed from plans on which architectural drawings are started
6 after July 1, 2002, from any one of such funds, or any combination thereof, shall conform
7 to each of the standards and specifications prescribed in sections 209.400 to 209.415. The
8 governmental unit responsible for the enforcement of sections 209.400 to 209.415 shall
9 grant exceptions to or modify any particular standard or specification when it is
10 determined that it is impractical and would create an unusual hardship or would
11 unreasonably complicate the construction, alteration or repair in question. Any such
12 exception or modification of the provisions of sections 209.400 to 209.415 shall be made in
13 writing as a matter of public record. Such standards and specifications shall be adhered
14 to in those buildings and facilities which will be construed from architectural drawings
15 prepared after July 1, 2002, unless the authority responsible for the construction
16 determines that the construction has reached a state where compliance is impractical. The
17 provisions of sections 209.400 to 209.415 shall apply to permanent buildings.

18 **2. Any building or facility that would have been subject to sections 209.400 to**
19 **209.415 but was under construction prior to July 1, 2003, shall comply with the standards**
20 **and specifications set forth in sections 209.400 to 209.415 when alterations, structural**
21 **repairs or additions are made to such building or facility. Such requirement shall only**
22 **apply to the area of specific alteration, structural repair or addition, and shall not be**
23 **construed to mean that the entire structure or facility is subject to sections 209.400 to**
24 **209.415.**

25 **3. Nothing in sections 209.400 to 209.415 shall prohibit any political subdivision of**
26 **this state from making and enforcing standards and specifications that are more stringent**
27 **than those set forth in sections 209.400 to 209.415.**

209.406. 1. Sections 209.400 to 209.415 are concerned with nonambulatory
2 **disabilities, semiambulatory disabilities, sight disabilities, hearing disabilities, disabilities**
3 **of incoordination and aging.**

4 **2. Sections 209.400 to 209.415 are intended to make all buildings and facilities**
5 **covered by sections 209.400 to 209.415 accessible to and functional for persons with**
6 **disabilities to, through and within their doors without loss of function, space or facility**
7 **where the general public is concerned.**

209.409. Design criteria shall comply with the most recent version of the American
2 **National Standard for Buildings and Facilities Providing Accessibility and Usability for**
3 **Physically Handicapped People promulgated by the American National Standard Institute**
4 **in ANSI A117.1.**

209.412. 1. The following entities shall be responsible for enforcement of sections
2 **209.400 to 209.415:**

3 **(1) The office of administration when state funds are utilized;**

4 **(2) The governing bodies of the county, municipality or other political subdivision**
5 **when funds of such county, municipality or political subdivision are utilized; or**

6 **(3) The political subdivision having jurisdiction when wholly private funds are**
7 **utilized.**

8 **2. The governmental unit responsible for enforcement of sections 209.400 to 209.415**
9 **may exempt any building or facility from any provision of sections 209.400 to 209.415 upon**
10 **a finding that compliance with such provision would subject an undue hardship on the**
11 **taxpayers of the governmental unit liable for the cost of such compliance in relation to the**
12 **benefits to persons with disabilities that are derived from such compliance.**

209.415. 1. Sections 209.400 to 209.415 shall not apply to privately funded projects
2 **for the construction of separate houses designed as single-family residences or to other**
3 **types of residential property containing less than seven residential units. For larger**

4 residential and transient accommodation projects, sections 209.400 to 209.415 shall apply
5 in a ratio of one unit for every seven units or major fraction thereof, as follows:

6	Number of Units	Units Required to Comply
7	7-13	1
8	14-20	2
9	21-27	3
10	28-34	4
11	35-41	5
12	Etc.	

13 2. Before any construction of a residential building project may be started, if the
14 project includes seven or more residential units, a contract shall be entered into with the
15 governing body of the political subdivision where such project is to be located. Such
16 contract shall guarantee to the governing body of the political subdivision that the specific
17 number of residential units for persons with disabilities in subsection 1 of this section shall
18 be construed in such a manner as to be easily accessible and adaptable for persons with
19 disabilities and shall require the builder of such project to certify that such accessible and
20 adaptable units will comply with section 209.409.