

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED SENATE BILL NO. 2129**

Introduced by

Senators Laffen, Cook, Sorvaag

Representatives N. Johnson, Kreun, Sukut

1 A BILL for an Act to amend and reenact section 54-21.3-04.1 of the North Dakota Century
2 Code, relating to the state building code and accessibility standards.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 54-21.3-04.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-21.3-04.1. Accessibility standards - Automatic doors.**

7 1. Notwithstanding section 54-21.3-04, every building or facility subject to the federal
8 Americans with Disabilities Act of 1990 [Pub. L. 101-336; 104 Stat. 327] must conform
9 to the ~~accessibility standards of the Americans with Disabilities Act Accessibility~~
10 ~~Guidelines for Buildings and Facilities~~ 2010 Americans with Disabilities Act standards
11 for accessible design as contained in the ~~appendix to~~ title 28, Code of Federal
12 Regulations, ~~part~~ parts 35 and 36 [28 CFR 35 and 36]. State and political subdivision
13 entities ~~may not claim the exceptions to the requirement that elevators be installed in~~
14 ~~certain buildings as those exceptions are stated in exception 1 to section 4.1.3(5) and~~
15 ~~in section 4.1.6(1)(k)(i) in the Americans with Disabilities Act Accessibility Guidelines~~
16 ~~for Buildings and Facilities found in the appendix to 28 CFR 36. A structural change to~~
17 ~~an existing state or political subdivision building or facility is not required if another~~
18 ~~method is effective in achieving compliance with regulations adopted under Public Law~~
19 ~~101-336. For public accommodations, an alternative to a structural change in existing~~
20 ~~buildings or facilities is permitted only after it has been documented, in accordance~~
21 ~~with regulations adopted under Public Law 101-336, that a particular structural change~~
22 ~~is not readily achievable.~~

23 2. A state agency or the governing body of a political subdivision shall require from any
24 ~~person~~ individual preparing plans and specifications for a building or facility subject to

1 the Americans with Disabilities Act of 1990 [Pub. L. 101-336; 104 Stat. 327], a
2 statement that the plans and specifications are, in the professional judgment of that
3 person~~individual~~, in conformance with the Americans with Disabilities Act ~~Accessibility~~
4 ~~Guidelines for Buildings and Facilities found in the appendix to 28 CFR 36, subject to~~
5 ~~the exception stated in this section~~standards for accessible design as provided under
6 subsection 1. A statement of conformance must be submitted to the department of
7 commerce division of community services for recording.

8 3. After July 31, 2013, a newly designed and constructed building in excess of seven
9 thousand five hundred square feet [696.77 square meters] which is classified within
10 the state building code as assembly, business, educational, institutional, or mercantile
11 occupancy and required by the state building code to be accessible must include at
12 the primary exterior public entrance an automatic door or power-assisted manual door
13 that complies with the requirements of the Americans with Disabilities Act of 1990,
14 revised 2010. If a multiple unit building does not have a primary exterior public
15 entrance, an individual unit within that building is not required to include an automatic
16 door or power-assisted manual door unless that individual unit is in excess of seven
17 thousand five hundred square feet [696.77 square meters].