

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.**

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 as contained in the appendix to title 28, Code of  
11 Federal Regulations, part 36 [28 CFR 36].

12 2. State and political subdivision entities may not claim the exceptions to the requirement  
13 that elevators be installed in certain buildings as those exceptions are stated in  
14 exception 1 to section 4.1.3(5) and in section 4.1.6(1)(k)(i) in the Americans with  
15 Disabilities Act Accessibility Guidelines for Buildings and Facilities found in the  
16 appendix to 28 CFR 36.

17 3. A structural change to an existing state or political subdivision building or facility is not  
18 required if another method is effective in achieving compliance with regulations  
19 adopted under Public Law 101-336. For public accommodations, an alternative to a  
20 structural change in existing buildings or facilities is permitted only after it has been  
21 documented, in accordance with regulations adopted under Public Law 101-336, that  
22 a particular structural change is not readily achievable. A state agency or the  
23 governing body of a political subdivision shall require from any person preparing plans  
24 and specifications for a building or facility subject to the Americans with Disabilities Act

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

7 4. A building classified within the state building code as assembly, business, educational,  
8 instructional, or mercantile occupancy and required by the state building code to be  
9 accessible must include at the primary exterior public entrance an automatic door or  
10 power-assisted manual door that complies with the requirements of the Americans  
11 with Disabilities Act of 1990 [Pub. L. 101-336; 104 Stat. 327].