



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES


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MEMORANDUM

DATE: May 28, 2010

TO: The Honorable John Viola

FROM: Ms. Daniese McMullin-Powell 
Chairperson
State Council for Persons with Disabilities

RE: Draft Amendment to H.B. 237

The State Council for Persons with Disabilities (SCPD) has reviewed the draft amendment to H.B. 237 which would offer an alternative to the automatic door requirement, i.e., a signaling device which alerts the place of public accommodation that someone needs assistance with the door. Covered entities could opt to either have an automatic door or the calling device. Council has the following observations on the draft amendment.

First, delete the duplicate reference to “a person” in lines 5-6.

Second, consider substituting “entry” for “the entrance door” since it is conceivable that a site may only offer an accessible alternative entry through a different door. Because of site limitations (e.g. slope), it may be infeasible to have the “main” entrance accessible and there could be a secondary entrance that would be accessible. In addition, the Equal Accommodations statute may apply to newly constructed buildings not covered by the ADA (e.g. churches). Finally, the ADA accessibility guidelines for new construction (Sections 4.1.1, 4.1.2, and 4.14) require at least 1 entrance on an accessible route to be accessible. The bill requires all entrances “intended to be a main entrance” to have an automatic door or calling device. Therefore, the bill could require multiple entrances to be accessible while the ADA only requires 1 entrance to be accessible, i.e., the entrance on an accessible route.

Third, in Par. (2), consider substituting “limb” for “hand”. Some persons with a disability may lack a “hand”.

Fourth, consider renumbering Section 3 of the underlying bill as Section 4 and inserting a new Section 3 to read as follows:

Section 3. Amend §4504, Title 6 of the Delaware Code by inserting a new paragraph (e) into said Section to read as follows:

“(e) The requirements described in paragraph (d) of this section are in addition to, and not in derogation of, requirements imposed by otherwise applicable federal or State law.”

Thank you for the opportunity to comment and please contact SCPD if you have any questions regarding our recommendations on the proposed draft amendment.

cc: Mr. Jamie Nutter
Mr. Brian Hartman, Esq.
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

Hb237 amend 5-10