

ASSEMBLY, No. 5464

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 15, 2021

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

Assemblywomen Jasey, Timberlake, Chaparro, Assemblymen Giblin and Stanley

SYNOPSIS

Requires induction loop listening system installation in certain buildings open to public upon new construction or substantial renovation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/5/2021)

1 AN ACT concerning induction loop listening system installation and
2 supplementing P.L.1975, c.217 (C.52:27D-119 et seq.).

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. a. In accordance with the rules and regulations promulgated
8 by the commissioner pursuant to subsection c. of this section, the
9 owner of an area of public assembly or service shall maintain an
10 induction loop listening system, and shall post prominently-visible
11 permanently-mounted signage to indicate to visitors that the
12 induction loop listening system is available. This requirement shall
13 apply when, in association with a building permit application that is
14 initially submitted following the effective date of this section, an
15 area of public assembly or service is newly constructed or
16 undergoes a substantial renovation. Following initial installation,
17 an owner of an area of public assembly or service for whom this
18 section applies shall, on a biennial basis, complete a self-
19 certification form and submit the form to the applicable code
20 enforcing agency, attesting that the induction loop listening system
21 continues to be functional.

22 b. In association with a building permit application, the permit
23 applicant may assert that installation of an induction loop listening
24 system would be impractical, and request that the enforcing agency
25 reviewing the application evaluate that assertion. Notwithstanding
26 any provision of subsection a. of this section to the contrary, an
27 owner of an area of public assembly or service shall not be required
28 to install an induction loop listening system if the enforcing agency
29 reviewing the application determines that the installation of an
30 induction loop listening system would be impractical.

31 c. The commissioner shall promulgate rules and regulations
32 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
33 (C.52:14B-1 et seq.) in order to adjust the State Uniform
34 Construction Code to effectuate the purposes of this section. The
35 rules and regulations shall include, but not be limited to, standards
36 for:

37 (1) the installation of an induction loop listening system;

38 (2) the conditions that would render the installation of an
39 induction loop listening system impractical pursuant to subsection
40 b. of this section;

41 (3) the placement and appearance of the required signage, using
42 the ear-with-T logo; and

43 (4) the frequency and criteria of public access that shall cause a
44 space to be designated as open to the public in relation to the
45 definition of an area of public assembly or service.

46 d. As used in this section:

47 "Area of public assembly or service" means a building or
48 structure, or space within a building or structure, that is regularly

1 open for public gatherings, including an auditorium, theater,
2 meeting room, courtroom, community center, library, pharmacy
3 counter, information desk at a medical facility, a waiting area for a
4 medical office, bank teller area, car rental business, restaurant, bar,
5 or other food or beverage counter service location, coat check area,
6 grocery store check-out area, ticket payment location, or other
7 category of space designated by the commissioner as an area of
8 public assembly or service.

9 “Commissioner” means the Commissioner of Community
10 Affairs.

11 “Induction loop listening system” means a hardwired assistive
12 listening system through which a loop of wire around an area of a
13 building produces a signal, or a hardwired countertop version that
14 produces a signal, received directly by hearing aids and cochlear
15 implants equipped with telecoil features used by persons with
16 hearing loss.

17 “Substantial renovation” means a construction or renovation
18 project requiring a building permit and where the value of the
19 renovation to the area of public assembly or service exceeds
20 \$40,000.

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22 2. This act shall take effect on the first day of the seventh
23 month next following enactment, but the Commissioner of
24 Community Affairs may take such anticipatory administrative
25 action in advance thereof as shall be necessary for the
26 implementation of the act.

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STATEMENT

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31 This bill would require the installation of induction loop
32 listening systems in certain public spaces upon new construction or
33 substantial renovation. An “induction loop listening system” refers
34 to a hardwired assistive listening system in which a loop of wire
35 around an area of a building, or hardwired countertop version,
36 produces a signal received directly by hearing aids and cochlear
37 implants used by persons with hearing loss. Induction loop
38 listening systems magnetically transmit sound to hearing aids and
39 cochlear implants that are equipped with telecoil features, and have
40 an effect of filtering out background noise.

41 Under the bill, induction loop listening system installations
42 would be required in a newly constructed area of public assembly or
43 service, unless the associated building permit application was
44 initially submitted on or before the effective date of the bill. The
45 bill would also require any area of public assembly or service to
46 install induction loop listening systems during renovations that cost
47 \$40,000 or more. Additionally, the bill would require the posting of
48 prominently-visible permanently-mounted signage to indicate to

1 visitors that the induction loop listening system is available in an
2 area of public assembly or service. Following initial installation,
3 the bill would require the owner, on a biennial basis, to complete a
4 self-certification form, attesting that the induction loop listening
5 system continues to function.

6 Under the bill, an "area of public assembly or service" means a
7 building or structure, or space within a building or structure, that is
8 regularly open for public gatherings, consisting of an auditorium,
9 theater, meeting room, courtroom, community center, library,
10 pharmacy counter, information desk at a medical facility, a waiting
11 area for a medical office, bank teller area, car rental business,
12 restaurant, bar, or other food or beverage counter service location,
13 coat check area, grocery store check-out area, ticket payment
14 location, or other category of space designated by the Department
15 of Community Affairs ("DCA") as an area of public assembly or
16 service.

17 Under the bill, the owner of an area of public assembly or service
18 would not be required to install and maintain an induction loop
19 listening system if a code enforcing agency determines that the
20 installation of the system would be impractical, following an
21 assertion of the impracticality of the installation by the building
22 permit applicant.

23 The bill directs DCA to adopt rules and regulations to effectuate
24 the purposes of the bill, including the establishment of standards
25 for: (1) the installation of an induction loop listening system; (2) the
26 conditions that would render installation impractical; (3) the
27 placement and appearance of the required signage; and (4) the
28 frequency and criteria of public access that would cause a space to
29 be designated as open to the public, in relation to the definition of
30 an area of public assembly or service.

31 The provisions of the bill would be enforced as part of the "State
32 Uniform Construction Code Act," ("UCC") P.L.1975, c.217
33 (C.52:27D-119 et seq.). The owner of an area of public assembly or
34 service who violates the provisions of the bill would therefore be
35 liable for any penalty imposed by an enforcing agency pursuant to
36 section 20 of P.L.1975, c.217 (C.52:27D-138), or any other
37 applicable penalty under the UCC.

38 In order to provide DCA with time to prepare for the
39 enforcement of the bill, the bill would take effect on the first day of
40 the seventh month following enactment.