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OHIO LEGISLATIVE SERVICE COMMISSION

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S.B. 244
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Williams

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SUMMARY

- Requires the owner or operator of an elevator required by the Americans with Disabilities Act (ADA) to notify the Superintendent of Industrial Compliance and the public when the elevator goes out of service.
- Requires the owner or operator of an elevator required by the ADA that is out of service or expected to be out of service for four or more calendar days to provide reasonable accommodations to those with disabilities who rely on the elevator.
- Requires the Superintendent of Industrial Compliance to maintain a publicly accessible list of ADA-required elevators that are out-of-service and to inquire with elevator owners and operators about the status of repairs.

DETAILED ANALYSIS

The bill requires owners and operators of elevators that are required by the Americans with Disabilities Act (ADA) to provide notice and, in some cases, reasonable accommodations when an elevator goes out of service. The ADA generally requires elevators privately owned buildings that are three or more stories. Elevators are not required in buildings with less than three stories unless they have more than 3,000 square feet per story or are certain uses, such as shopping malls, health care offices, or transportation facilities.¹

The bill also requires the Superintendent of Industrial Compliance to provide the public with information about out-of-service elevators and inquire as to the status of repairs.

¹ U.S. Access Board, *Americans with Disabilities Act Accessibility Standards*, 206.2.3, available at: <https://www.access-board.gov/ada/>.

Notice when elevators are out of service

Under the bill, when an elevator required by the ADA goes out of service, the elevator owner or operator must immediately do both of the following:

- Give the Superintendent of Industrial Compliance written notice that the elevator is out of service;
- Post signs stating that the elevator is out of service, the date the elevator is expected to return to service or a statement that the date is not known, and the available modes of travel between floors. Those signs must be posted at the building's entrance and every entrance to the out-of-service elevator.

The owner or operator must also immediately give the Superintendent written notice when the elevator returns to service.²

Reasonable accommodations

If an elevator required by the ADA is, or is expected to be, out of service for more than four consecutive calendar days, the bill requires the owner or operator to provide reasonable accommodations to allow individuals who rely on the elevator service due to a disability to access the building and its services. Under the bill, calendar days are counted by including the first day the elevator is out of service or expected to be out of service, whether a full day or not, and including every subsequent day, whether a full day or not. This is a departure from the normal rule for calculating days in Ohio, which excludes the first day and counts all subsequent days unless the final day of the relevant period is a Sunday or holiday.³

Superintendent's obligations

The bill requires the Superintendent of Industrial Compliance to maintain a public list of elevators that are out-of-service. Under the bill, the Superintendent may allow persons required to report out-of-service elevators to do so electronically such that the public list of out-of-service elevators updates automatically.

The bill also requires the Superintendent to contact an elevator owner or operator that has submitted an out-of-service notice and inquire into the status of repairs. That contact must be made within 72 hours after the out-of-service notice is received.⁴

² R.C. 4105.23(A)(1) and (3).

³ R.C. 4105.23(A)(2) and R.C. 1.14, not in the bill.

⁴ R.C. 4105.23(C) and (D).

HISTORY

Action	Date
Introduced	10-05-21
