

Enrolled
House Bill 2600

Sponsored by Representatives CLEM, GREENLICK; Representative TOMEI, Senator MORRISETTE

CHAPTER

AN ACT

Relating to transient lodging for persons with disabilities.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS 659A.100 to 659A.145.

SECTION 2. (1) As used in this section:

(a) "Lift system" means a system that:

- (A) Is used to transfer a person to a bed, toilet, shower or bathtub, but does not provide the person with independent mobility;**
- (B) May be a manual lift, an electronic lift or a lift that uses a track system; and**
- (C) May require operation by an assistant.**

(b) "Transient lodging" means a unit consisting of a room or suite of rooms that:

- (A) Is not occupied as a principal residence;**
- (B) Is typically occupied for periods of fewer than 30 consecutive days; and**
- (C) Includes services that are part of the regularly charged cost of occupancy, including maid and linen services.**

(2) A transient lodging provider shall ensure that at least one room or suite of rooms of the transient lodging facility has a lift system or multiple lift systems that enable a person with a disability to access the following in the room or suite of rooms occupied by the person with a disability:

- (a) A bed;**
- (b) A toilet; and**
- (c) A shower or bathtub.**

(3) A lift system shall be made available by a transient lodging provider at no cost to a person with a disability, but the person is responsible for providing:

- (a) The person's own sling or other personal equipment that is required to use the lift system; and**
- (b) Any assistant necessary for the operation of the lift system.**

(4) A transient lodging provider is not liable for any injury caused by the use of a lift system, unless the injury is caused by the gross negligence or recklessness of the provider in relation to the provision and maintenance of the lift system.

(5)(a) The requirements of this section apply only to transient lodging facilities that:

- (A) Consist of 175 or more rooms or suites of rooms; and**

(B) Are newly constructed or that are altered in a manner that affects or could affect the usability of the facility in a manner that requires the facility to be in compliance with the accessibility standards established by the Americans with Disabilities Act of 1990.

(b) For the purpose of this subsection, the usability of a facility is not affected by cosmetic changes, including, but not limited to, changes in:

(A) Floor coverings;

(B) Wall coverings;

(C) Soft or hard surfaces, including upholstery, drapery, window treatments, countertops, vanities and cabinetry; and

(D) Furnishings, including furniture or fixtures.

(6) Any violation of this section is an unlawful practice.

SECTION 3. Section 2 of this 2009 Act applies to transient lodging facilities that, following the construction or alteration described in section 2 (5) of this 2009 Act, are first available for occupancy on or after the effective date of this 2009 Act.

Passed by House June 9, 2009

Received by Governor:

Repassed by House June 23, 2009

.....M,....., 2009

Approved:

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Chief Clerk of House

.....M,....., 2009

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Speaker of House

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Governor

Passed by Senate June 22, 2009

Filed in Office of Secretary of State:

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President of Senate

.....M,....., 2009

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Secretary of State