

B-Engrossed House Bill 2600

Ordered by the Senate June 18
Including House Amendments dated June 4 and Senate Amendments
dated June 18

Sponsored by Representatives CLEM, GREENLICK; Representative TOMEI

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires transient lodging facilities with 175 or more units to provide lift system for persons with disabilities to access bed, toilet and shower or bath.

Applies to newly constructed facilities and to facilities altered in specified manner.

Makes failure to provide lift system unlawful practice.

A BILL FOR AN ACT

1
2 Relating to transient lodging for persons with disabilities.

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

4 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS 659A.100 to**
5 **659A.145.**

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

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

8 (A) Is used to transfer a person to a bed, toilet, shower or bathtub, but does not provide
9 the person with independent mobility;

10 (B) May be a manual lift, an electronic lift or a lift that uses a track system; and

11 (C) May require operation by an assistant.

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

13 (A) Is not occupied as a principal residence;

14 (B) Is typically occupied for periods of fewer than 30 consecutive days; and

15 (C) Includes services that are part of the regularly charged cost of occupancy, including
16 maid and linen services.

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

21 (a) A bed;

22 (b) A toilet; and

23 (c) A shower or bathtub.

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

26 (a) The person's own sling or other personal equipment that is required to use the lift

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 system; and

2 (b) Any assistant necessary for the operation of the lift system.

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

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

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

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

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

13 (A) Floor coverings;

14 (B) Wall coverings;

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

17 (D) Furnishings, including furniture or fixtures.

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

19 **SECTION 3.** Section 2 of this 2009 Act applies to transient lodging facilities that, follow-
20 ing the construction or alteration described in section 2 (5) of this 2009 Act, are first avail-
21 able for occupancy on or after the effective date of this 2009 Act.

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