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Co-Sponsored by:
Assemblywomen Jasey, Timberlake, Chaparro, Assemblymen Giblin, Stanley, Wimberly, Spearman, Assemblywomen Jaffer, Murphy, Assemblyman Mejia, Assemblywomen Speight, McKnight, Lopez and Park

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

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 1/26/2023)
AN ACT concerning induction loop listening system installation and supplemented P.L.1975, c.217 (C.52:27D-119 et seq.).

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

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

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

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

(1) the installation of an induction loop listening system;
(2) the conditions that would render the installation of an induction loop listening system impractical pursuant to subsection b. of this section;
(3) the placement and appearance of the required signage, using the ear-with-T logo; and
(4) the frequency and criteria of public access that shall cause a space to be designated as open to the public in relation to the definition of an area of public assembly or service.

d. As used in this section:

“Area of public assembly or service” means a building or structure, or space within a building or structure, that is regularly
open for public gatherings, including an auditorium, theater, meeting room, courtroom, community center, library, pharmacy counter, information desk at a medical facility, a waiting area for a medical office, bank teller area, car rental business, restaurant, bar, or other food or beverage counter service location, coat check area, grocery store check-out area, ticket payment location, or other category of space designated by the commissioner as an area of public assembly or service.

“Commissioner” means the Commissioner of Community Affairs.

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

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

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

STATEMENT

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

Under the bill, induction loop listening system installations would be required in a newly constructed area of public assembly or service, unless the associated building permit application was initially submitted on or before the effective date of the bill. The bill would also require any area of public assembly or service to install induction loop listening systems during renovations that cost $40,000 or more. Additionally, the bill would require the posting of prominently-visible permanently-mounted signage to indicate to
visitors that the induction loop listening system is available in an area of public assembly or service. Following initial installation, the bill would require the owner, on a biennial basis, to complete a self-certification form, attesting that the induction loop listening system continues to function.

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

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

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

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

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