

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

HOUSE BILL

4 **By: Representatives Brown, Brownlee, J.J. Roberts, and J. Smith**

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For An Act To Be Entitled

8 "AN ACT REQUIRING THE ARKANSAS STATE BUILDING SERVICES TO
9 ADOPT STANDARDS CONCERNING ADEQUATE RESTROOMS IN CERTAIN
10 FACILITIES; AND FOR OTHER PURPOSES."

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12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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14 SECTION 1. PURPOSE. The purpose of this act is to end the inequitable
15 delays which women face when they need to use restroom facilities in public
16 places when men are rarely required to wait for the same purpose.

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18 SECTION 2. (a) Publicly and privately owned facilities where the public
19 congregates shall be equipped with sufficient temporary or permanent restrooms
20 to meet the needs of the public at peak hours.

21 (b) In conformity with the state plumbing code, and except as otherwise
22 provided in this section, standards shall be adopted in order to enforce this
23 section, by the Arkansas State Building Services with respect to all
24 facilities subject to this section.

25 (c) The standards adopted pursuant to subdivision (b) shall be published
26 by the Arkansas State Building Services.

27 (d) This section shall apply to facilities where the public congregates
28 which commence construction, or which undertake structural alterations,
29 repairs, or improvements exceeding fifty percent (50%) of the entire facility,
30 on or after January 1, 1992.

31 (e) For the purposes of this section, "facilities where the public
32 congregates" means sports and entertainment arenas, stadiums, community and
33 convention halls, specialty event centers, amusement facilities, and specialty
34 event centers in public parks.

35 (f) This section shall not apply to the following:

1 (1) Any hotel. For purposes of this section, "hotel" means an
2 establishment in which there exists the relationship of guests and innkeeper
3 between the occupants and the owner or operator of the establishment. The
4 existence of some other legal relationship between the occupants and owner or
5 operator shall be immaterial.

6 (2) Any restaurant or food facility.

7 (3) Any public or private elementary or secondary school facility.

8 (4) Any historic building, as determined under the Arkansas
9 Historic Preservation Program §13-7-101 et seq.

10 (g) In order to ensure that standards are both viable and efficacious,
11 the Arkansas State Building Services shall hold a series of public meetings
12 with representatives of affected industries and state and local agencies prior
13 to adopting standards under this section.

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15 SECTION 3. Any person who violates any provision of this subchapter
16 shall be guilty of a Class B misdemeanor. For each subsequent violation, the
17 fine shall be doubled. And, if the violation is continuing in nature in
18 respect to time, the fine shall not exceed two hundred fifty dollars (\$250)
19 for each day the provisions of this subchapter are violated.

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21 SECTION 4. All provisions of this act of a general and permanent nature
22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
23 Revision Commission shall incorporate the same in the Code.

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25 SECTION 5. If any provision of this act or the application thereof to
26 any person or circumstance is held invalid, such invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provision or application, and to this end the provisions of this
29 act are declared to be severable.

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31 SECTION 6. All laws or parts of laws in conflict with this act are
32 hereby repealed.

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