

52:270-126e

LEGISLATIVE HISTORY CHECKLIST

~~REDACTED~~

N.J.S.A. 52:270 - 126e

(Handicapped--  
access to  
buildings-- waive  
construction  
permits and  
certain fees)

LAWS OF: 1989

CHAPTER: 223

Bill No: A1816

Sponsor(s): Franks & Kelly

Date Introduced: Pre-filed

Committee: Assembly: Municipal Government

Senate: County & Municipal Government

Amended during passage: No

Date of Passage: Assembly: February 8, 1988

Senate: December 14, 1989

Date of Approval: December 29, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

DO NOT REMOVE FROM FILE

P.L.1989, CHAPTER 223, approved December 29, 1989  
1988 Assembly No. 1816

1 **AN ACT** permitting the waiver of construction permit and  
2 enforcing agency fees in certain circumstances and  
3 supplementing P.L. 1975, c. 217 (C. 52:27D-119 et seq.).  
4

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

7 1. Notwithstanding the provisions of the "State Uniform  
8 Construction Code Act," P.L. 1975, c. 217 (C. 52:27D-119 et  
9 seq.), or any rules, regulations or standards adopted pursuant  
10 thereto, to the contrary, the governing body of any municipality  
11 which has appointed an enforcing agency pursuant to the  
12 provisions of section 8 of P.L. 1975, c. 217 (C. 52 27D-126) may,  
13 by ordinance, provide that no person shall be charged a  
14 construction permit surcharge fee or enforcing agency fee for  
15 any construction, reconstruction, alteration or improvement  
16 designed and undertaken solely to promote accessibility by the  
17 handicapped to an existing public or private structure or any of  
18 the facilities contained therein.

19 For the purposes of this section, "handicapped person" means  
20 a person who has the total and permanent inability to engage in  
21 any substantial gainful activity by reason of any medically  
22 determinable physical or mental impairment, including  
23 blindness, and shall include, but not be limited to, any resident  
24 of this State who is disabled pursuant to the federal Social  
25 Security Act (42 U.S.C. 416), or the federal "Railroad  
26 Retirement Act of 1974," (45 U.S.C. 231 et seq.), or is rated as  
27 having a 60% disability or higher pursuant to any federal law  
28 administered by the United States Veterans' Act. For purposes  
29 of this paragraph "blindness" means central visual acuity of  
30 20/200 or less in the better eye with the use of a correcting  
31 lens. An eye which is accompanied by a limitation in the fields  
32 of vision such that the widest diameter of the visual field  
33 subtends an angle no greater than 20 degrees shall be considered  
34 as having a central visual acuity of 20/200 or less.

35 2. This act shall take effect immediately.

1

**MUNICIPALITIES**

2

**Handicapped**

3

4

**Permits the waiver of a construction permit and certain fees**

5

**when the construction is to promote accessibility to a structure**

6

**for the handicapped.**

**ASSEMBLY, No. 1816**  
**STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblymen FRANKS and KELLY

1    **AN ACT** permitting the waiver of construction permit and  
          enforcing agency fees in certain circumstances and  
3    supplementing P.L. 1975, c. 217 (C. 52:27D-119 et seq.).

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

7    1. Notwithstanding the provisions of the "State Uniform  
          Construction Code Act," P.L. 1975, c. 217 (C. 52:27D-119 et  
9    seq.), or any rules, regulations or standards adopted pursuant  
          thereto, to the contrary, the governing body of any municipality  
11   which has appointed an enforcing agency pursuant to the  
          provisions of section 8 of P.L. 1975, c. 217 (C. 52 27D-126) may,  
13   by ordinance, provide that no person shall be charged a  
          construction permit surcharge fee or enforcing agency fee for  
15   any construction, reconstruction, alteration or improvement  
          designed and undertaken solely to promote accessibility by the  
17   handicapped to an existing public or private structure or any of  
          the facilities contained therein.

19   For the purposes of this section, "handicapped person" means  
          a person who has the total and permanent inability to engage in  
21   any substantial gainful activity by reason of any medically  
          determinable physical or mental impairment, including  
23   blindness, and shall include, but not be limited to, any resident  
          of this State who is disabled pursuant to the federal Social  
25   Security Act (42 U.S.C. 416), or the federal "Railroad  
          Retirement Act of 1974," (45 U.S.C. 231 et seq.), or is rated as  
27   having a 60% disability or higher pursuant to any federal law  
          administered by the United States Veterans' Act. For purposes  
29   of this paragraph "blindness" means central visual acuity of  
          20/200 or less in the better eye with the use of a correcting  
31   lens. An eye which is accompanied by a limitation in the fields  
          of vision such that the widest diameter of the visual field  
33   subtends an angle no greater than 20 degrees shall be considered  
          as having a central visual acuity of 20/200 or less.

35   2. This act shall take effect immediately.

**MUNICIPALITIES**  
**Handicapped**

1

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5

**Permits the waiver of a construction permit and certain fees  
when the construction is to promote accessibility to a structure  
for the handicapped.**

**ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE**

**STATEMENT TO**

**ASSEMBLY, No. 1816**

**STATE OF NEW JERSEY**

**DATED: January 25, 1988**

**The Assembly Municipal Government Committee favorably reports Assembly Bill No. 1816**

**This bill allows municipalities to waive that part of a construction permit and all enforcing agency fees pertaining to proposed construction designed solely to promote accessibility by the handicapped to a public or private structure.**

**This bill was pre-filed for introduction in the 1988 session pending technical review. Technical review has been completed and all technical corrections have been made.**

**SENATE COUNTY AND MUNICIPAL GOVERNMENT  
COMMITTEE**

**STATEMENT TO**

**ASSEMBLY, No. 1816**

**STATE OF NEW JERSEY**

**DATED: APRIL 25, 1988**

**The Senate County and Municipal Government Committee reports favorably Assembly Bill No. 1816.**

**Assembly Bill No. 1816 authorizes municipalities which have appointed an enforcing agency under section 8 of P.L. 1975, c. 217 (C. 52:27D-126), by ordinance, to waive construction permit fees or surcharge fees for any work undertaken solely to promote accessibility by the handicapped to an existing public or private structure.**



A1816

OFFICE OF THE GOVERNOR  
**NEWS RELEASE**

Governor Thomas H. Kean  
TRENTON, N.J. 08625  
Release: FRI., 12/29/89

CN-001

Contact: BOB McHUGH  
609-292-8956 OR 609-292-6000 EXT. 207

Governor Thomas H. Kean today signed the following legislation into law:

S-422, sponsored by Senator John Lynch, D-Middlesex. The bill clarifies the sentence for death by auto in certain circumstances, adding that a person operating a motor vehicle with a blood alcohol concentration of 0.10 percent will be presumed to be under the influence of alcohol.

S-2762/A-4674, sponsored by Senator Ronald Rice, D-Essex, and Assemblyman Peter Genova, R-Union. The bill regulates the sale and possession of paging devices.

S-205, 297, sponsored by Senators Richard Zimmer, R-Hunterdon, and Wayne Dumont Jr., R-Warren. The bill amends current law regulating wineries.

S-3315, sponsored by Senator C. Louis Bassano, R-Union. The bill includes anabolic steroids in school drug education, prevention and intervention programs.

The bill is effective July 1, 1990.

A-2760, sponsored by Assemblymen Harold Colburn, R-Burlington, and Patrick Roma, R-Bergen. The bill includes tobacco in the public school education program regarding drugs, alcohol and controlled dangerous substances.

A-1816, sponsored by Assemblymen Robert Franks, R-Union, and John Kelly, R-Essex. The bill permits municipalities to waive construction permit surcharge and enforcing agency fees for construction promoting access for the handicapped.

A-3320, sponsored by Assemblymen D. Bennett Mazur, D-Bergen, and Nicholas Felice, R-Bergen. The bill revises the laws concerning sexual assault.