

**OFFICE OF COMMISSIONER OF INSURANCE AND SAFETY FIRE
STATE OF GEORGIA**

IN THE MATTER OF:)	
)	DOCKET NUMBER I-12-SF-2
)	
CHAPTER 120-3-20)	
ACCESS TO AND USE OF PUBLIC)	
FACILITIES BY HANDICAPPED)	
PERSONS)	

ORDER

On April 20, 2012, Notice of Intent to Adopt Rule Changes And Notice of Hearing was given regarding the proposed adoption of Regulation Chapter 120-3-20 entitled “Access To and Use of Public Facilities by Handicapped Persons” (Record, Exhibit 1). The proposed regulation is necessary so that the regulations of the Office of the Commissioner Insurance and Safety Fire (“Office”) remain in compliance with federal law.

By letter dated May 17, 2012, the Office of the Attorney General opined that the proposed regulation was within this Office’s scope of authority (Record, Exhibit 5). Pursuant to O.C.G.A. §50-13-4(e), the proposed regulation was transmitted to Wayne R. Allen, Legislative Counsel for the General Assembly, for assignment to the appropriate standing committees of the Senate and House of Representatives (Record, Exhibits 6 and 7).

Interested persons were given the opportunity to participate in the proposed rulemaking by submitting their written comments by May 18, 2012, and by making oral comments at the public hearing held May 23, 2012. No written comments were received. Dwayne Garriss, State Fire Marshall, and Tim Bromley, Senior ADA Architect with the State ADA Coordinator’s Office were the only persons to offer oral comment at the hearing.

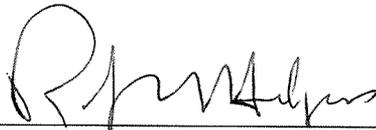
According to State Fire Marshall Garriss, the federal government published revised regulations dealing with the Americans with Disabilities Act of 1990. Consequently, the

proposed regulation is necessary so that the regulations of this Office remain in compliance with federal law.

According to Mr. Bromley, the changes to the federal regulations revise accessibility standards called the 2010 ADA Standards for Accessible Design. The 2010 Standards are, however, silent regarding the issue of exterior door pressure. Mr. Bromley requested that the proposed Regulation be modified so as to address this topic. Mr. Bromley's comments have been duly noted and his concerns may be addressed in future proposed regulations of this Office.

WHEREAS, no written or oral comments were submitted in opposition to the proposed regulation, and **WHEREAS** this Office finds the comments of State Fire Marshall Garriss in support of the proposed regulation persuasive, **IT IS HEREBY ORDERED** that Emergency Regulation Chapter 120-3-20A-.016 entitled "Access To and Use of Public Facilities by Handicapped Persons, Part Two" is **REPEALED** and new Regulation Chapter 120-3-20 entitled, "Access To and Use of Public Facilities by Handicapped Persons," a copy of which is attached hereto and made a part hereof by reference, is **ADOPTED**.

Given under my Hand and Official Seal this 23rd day of May, 2012.



RALPH T. HUDGENS
INSURANCE AND SAFETY FIRE COMMISSIONER
STATE OF GEORGIA