

STATE OF CALIFORNIA  
STATE AND CONSUMER SERVICES AGENCY  
CALIFORNIA BUILDING STANDARDS COMMISSION  
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Office Use Item No. \_\_\_\_\_

**PARTICIPATION COMMENTS FOR THE NOTICES DATED SEPTEMBER 17, 2011**  
Written comments are to be sent to the above address.

**WRITTEN COMMENT DEADLINE: OCTOBER 2, 2011**

Date: September 29, 2011

From:

Eugene Lozano  
Name (Print or type)

/s/ Eugene Lozano, Jr.  
(Signature)

-- California Council of the Blind

Agency, jurisdiction, chapter, company, association, individual, etc.

4537 Sycamore Avenue

Sacramento

CA

95841

Street

City

State

Zip

I/We (do)(do not) agree with:

The Agency proposed modifications As Submitted on Section No. 1117B.7 Automated teller machines and point of sale machines.

and request that this section or reference provision be recommended:

Approved  Disapproved  Held for Further Study  Approved as Amended

**Suggested Revisions to the Text of the Regulations:**

**1117B.7.3.1** *Unless a clear or correct key is provided, each operable part shall be able to be differentiated by sound-~~or~~ and touch, without activation.*

**Reason:** [The reason should be concise if the request is for “Disapproval,” “Further Study,” or “Approve As Amend” and identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

The California Council of the Blind is requesting that Section 1117B.7.3.1 be amended to require that the point of sale machine buttons be discernible by touch and that confirmation of locating these buttons be provided by sound. The sound will also confirm the activation of the button similar to what happens when using a cell phone with audio output.

The organization believes that the building code should require that a user with a visual impairment with associated functional limitations, e.g. hearing and tactile sensation loss, must have full access to the operation of the point of sale machine buttons.

If the button has only one operable feature, sound or touch, it potentially excludes some users who have little or no use of that sense that is required to operate the machine. Amending Section 1117B.7.3.1 to require both operable features, sound and touch, provides consistency and standardization by all competing point of sale machine products sold in the United States. Standardizing all operating features will reduce the costs incurred by manufacturers.

## HEALTH & SAFETY CODE SECTION 18930

### SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

- (a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:
- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
  - (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
  - (3) The public interest requires the adoption of the building standards.
  - (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
  - (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
  - (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
  - (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
    - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
    - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
  - (8) The format of the proposed building standards is consistent with that adopted by the commission.
  - (9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.

Criteria 3, 4 and 5.