

(III) IS A RETAIL ESTABLISHMENT, WHETHER OFFERING GOODS, SERVICES, ENTERTAINMENT, RECREATION, OR TRANSPORTATION.

(2) THIS SECTION DOES NOT REQUIRE STRUCTURAL CHANGES, MODIFICATIONS, OR ADDITIONS TO BUILDINGS OR VEHICLES, EXCEPT AS REQUIRED BY PARAGRAPH (2) OF THIS SUBSECTION OR AS OTHERWISE REQUIRED BY LAW. IN ADDITION, ANY BUILDING CONSTRUCTED, MODIFIED OR ALTERED IN COMPLIANCE WITH, OR PURSUANT TO A WAIVER FROM, THE MARYLAND BUILDING CODE FOR THE HANDICAPPED UNDER SECTION 257JK OF ARTICLE 41 OF THE CODE SHALL NOT BE SUBJECT TO THIS SECTION.

(I) WHEN STRUCTURAL CHANGES, MODIFICATIONS, OR THE PROVISION OF SPECIAL EQUIPMENT IS NECESSARY TO ACCOMMODATE A HANDICAPPED PERSON THE ACCOMMODATION SHALL BE "REASONABLE".

(II) 1. "REASONABLE ACCOMMODATION" FOR THE PURPOSES OF THIS PARAGRAPH MEANS TO MAKE A PUBLIC ACCOMMODATION SUITABLE FOR ACCESS, USE, AND PATRONAGE BY A PERSON WITHOUT DANGER TO THE PERSON'S HEALTH OR SAFETY AND WITHOUT UNDUE HARDSHIP OR EXPENSE TO A BUSINESS OR OTHER ACTIVITY MAKING SUCH AN ACCOMMODATION.

2. WITH RESPECT TO A PRIVATE MOTOR COACH TRANSPORTATION CARRIER, FOR THE PURPOSES OF THIS SUBSECTION, "REASONABLE ACCOMMODATION" MEANS THAT ANY REQUIREMENT TO SATISFY THE PROVISIONS OF THIS ARTICLE WILL NOT EXCEED A MAXIMUM EXPENSE OF \$2,500 PER OPERATING VEHICLE. HOWEVER, BEGINNING JANUARY 1, 1990, AT LEAST 10 PERCENT OF THE TOTAL OPERATING FLEET OF ANY PRIVATE MOTOR COACH TRANSPORTATION CARRIER DOING BUSINESS IN THE STATE SHALL COMPLY WITH THE PROVISIONS OF THIS ARTICLE.

--2-- 3. THE HUMAN RELATIONS COMMISSION SHALL MAKE A DETERMINATION IN THE FIRST INSTANCE WHETHER AN ACCOMMODATION IS "REASONABLE". IN MAKING THIS DETERMINATION FOR BUILDINGS, THE HUMAN RELATIONS COMMISSION SHALL CONSULT WITH THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT AS TO THE COST AND FEASIBILITY OF ANY STRUCTURAL CHANGES, MODIFICATIONS, ADDITIONS OR THE PROVISION OF SPECIAL EQUIPMENT.

(E) The provisions of this section shall not apply to a private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishments are made available to the customers or patrons of an establishment within the scope of this section.

(F) With respect to sex discrimination, this section may not be construed to apply to those facilities which are uniquely