

#### 115TH CONGRESS 1ST SESSION

# H. R. 1493

To amend the Americans with Disabilities Act of 1990 to impose notice and a compliance opportunity to be provided before commencement of a private civil action.

### IN THE HOUSE OF REPRESENTATIVES

March 10, 2017

Mr. Denham introduced the following bill; which was referred to the Committee on the Judiciary

## A BILL

To amend the Americans with Disabilities Act of 1990 to impose notice and a compliance opportunity to be provided before commencement of a private civil action.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "ADA Lawsuit Clari-
- 5 fication Act of 2017".
- 6 SEC. 2. AMENDMENTS.
- 7 Section 308(a)(1) of the Americans with Disabilities
- 8 Act of 1990 (42 U.S.C. 12188(a)(1)) is amended—

| 1  | (1) by striking "PROCEDURES.—" and all that         |
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| 2  | follows through "The", and inserting the following: |
| 3  | "PROCEDURES.—                                       |
| 4  | "(A) In General.—Subject to subpara-                |
| 5  | graph (B), the", and                                |
| 6  | (2) by adding at the end the following:             |
| 7  | "(B) STRUCTURAL BARRIERS TO ENTRY                   |
| 8  | INTO EXISTING PUBLIC ACCOMMODATIONS.—A              |
| 9  | civil action for discrimination under section       |
| 10 | 302(b)(2) based on the failure to remove a          |
| 11 | structural barrier to entry into an existing pub-   |
| 12 | lic accommodation may not be commenced by a         |
| 13 | person aggrieved by such discrimination un-         |
| 14 | less—   |
| 15 | "(i) such person has provided to the                |
| 16 | owner or operator of such accommodation             |
| 17 | a written notice specific enough to allow           |
| 18 | such owner or operator to identify such             |
| 19 | barrier; and  |
| 20 | "(ii) beginning on the date such no-                |
| 21 | tice was received and—                              |
| 22 | "(I) before the expiration of 60                    |
| 23 | days after such date, such owner or                 |
| 24 | operator failed to provide to such per-             |
| 25 | son a written description outlining im-             |

| 1  | provements that will be made to re-              |
|----|--|
| 2  | move such barrier; or                            |
| 3  | "(II)(aa) before the expiration of               |
| 4  | 60 days after such date, such owner              |
| 5  | or operator provided such description            |
| 6  | to such person; and                              |
| 7  | "(bb) before the expiration of                   |
| 8  | 120 days after such description is pro-          |
| 9  | vided, such owner or operator failed to          |
| 10 | remove such barrier.                             |
| 11 | "(C) Special rule relating to struc-             |
| 12 | TURAL BARRIERS.—An owner or operator may         |
| 13 | not be held civilly or criminally liable under   |
| 14 | Federal or State law for conduct constituting a  |
| 15 | violation described in subparagraph (B) that oc- |
| 16 | curs before the expiration of the 120-day period |
| 17 | described in that subparagraph.                  |
| 18 | "(D) Materials provided in other                 |
| 19 | LANGUAGES.—The Attorney General shall take       |
| 20 | appropriate actions to make technical assistance |
| 21 | publications relating to compliance with this    |
| 22 | Act available in all the languages commonly      |
| 23 | used by owners and operators, to the extent      |
| 24 | practicable".                                    |

#### 1 SEC. 3. EFFECTIVE DATE.

- 2 This Act and the amendments made by this Act shall
- 3 take effect on the first day of the first month beginning
- 4 more than 30 days after the date of the enactment of this

5 Act.

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