

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) by striking “PROCEDURES.—” and all that follows through “The”, and inserting the following:

“PROCEDURES.—

“(A) IN GENERAL.—Subject to subparagraph (B), the”, and

(2) by adding at the end the following:

“(B) STRUCTURAL BARRIERS TO ENTRY INTO EXISTING PUBLIC ACCOMMODATIONS.—A civil action for discrimination under section 302(b)(2) based on the failure to remove a structural barrier to entry into an existing public accommodation may not be commenced by a person aggrieved by such discrimination unless—

“(i) such person has provided to the owner or operator of such accommodation a written notice specific enough to allow such owner or operator to identify such barrier; and

“(ii) beginning on the date such notice was received and—

“(I) before the expiration of 60 days after such date, such owner or operator failed to provide to such person a written description outlining im-

1 improvements 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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