

110TH CONGRESS
1ST SESSION

H. R. 3479

To amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accomodation or a commercial facility, that an opportunity be provided to correct alleged violations.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 2007

Mr. KELLER of Florida introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accomodation or a commercial facility, that an opportunity be provided to correct alleged violations.

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 Notification Act
5 of 2007”.

1 **SEC. 2. OPPORTUNITY TO CORRECT ALLEGED VIOLATIONS**
2 **OF ADA AS PRECONDITION TO CIVIL ACTIONS**
3 **REGARDING PUBLIC ACCOMODATIONS AND**
4 **COMMERCIAL FACILITIES.**

5 Section 308(a)(1) of the Americans with Disabilities
6 Act of 1990 (42 U.S.C. 12188(a)(1)) is amended—

7 (1) by striking “(1) AVAILABILITY” and all
8 that follows through “The remedies and procedures
9 set forth” and inserting the following:

10 “(1) AVAILABILITY OF REMEDIES AND PROCE-
11 DURES.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graphs (B) and (C), the remedies and proce-
14 dures set forth”; and

15 (2) by adding at the end the following:

16 “(B) OPPORTUNITY FOR CORRECTION OF
17 ALLEGED VIOLATION.—A State or Federal
18 court shall not have jurisdiction in a civil action
19 filed with the court under subparagraph (A), or
20 under a provision of State law that conditions
21 a violation of any of its provisions on a violation
22 of this title, unless—

23 “(i) before filing the complaint, the
24 plaintiff provided to the defendant written
25 notice of the alleged violation, and the no-
26 tice was provided by registered mail;

1 “(ii) the notice identified the specific
2 facts that constitute the alleged violation,
3 including identification of the location at
4 which such violation occurred and the date
5 on which such violation occurred;

6 “(iii) 90 or more days has elapsed
7 after the date on which such notice was
8 provided;

9 “(iv) the notice informed the defend-
10 ant that the civil action could not be com-
11 menced until the expiration of such 90-day
12 period; and

13 “(v) the complaint states that, as of
14 the date on which the complaint is filed,
15 the defendant has not corrected the alleged
16 violation.

17 “(C) EXCEPTIONS.—Subparagraph (B)
18 shall not apply to civil actions brought under—

19 “(i) Rule 65 of the Federal Rules of
20 Civil Procedure requesting preliminary in-
21 junctive relief or temporary restraining or-
22 ders; or

1 “(ii) State or local court rules re-
2 questing preliminary injunctive relief or
3 temporary restraining orders.”.

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