

111TH CONGRESS
1ST SESSION

H. R. 2397

To amend title III of the Americans with Disabilities Act of 1990 to require a plaintiff to provide a defendant with an opportunity to correct a violation of such title voluntarily before the plaintiff may commence a civil action, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2009

Mr. HUNTER 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 a plaintiff to provide a defendant with an opportunity to correct a violation of such title voluntarily before the plaintiff may commence a civil action, and for other purposes.

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 2009”.

1 **SEC. 2. OPPORTUNITY TO CORRECT ALLEGED VIOLATION**
2 **AS CONDITION ON COMMENCING CIVIL AC-**
3 **TION.**

4 Section 308(a) of the Americans with Disabilities Act
5 of 1990 (42 U.S.C. 12188(a)) is amended by adding at
6 the end the following:

7 “(3) OPPORTUNITY TO CORRECT ALLEGED VIO-
8 LATION.—

9 “(A) IN GENERAL.—A State or Federal
10 court shall not have jurisdiction in a civil action
11 that a plaintiff commences under paragraph
12 (1), or under a State law that conditions a vio-
13 lation of any of its provisions on a violation of
14 this title, unless—

15 “(i) before filing a complaint alleging
16 a violation of this title or such a State law,
17 the plaintiff provides the defendant with a
18 written notice of the alleged violation by
19 registered mail;

20 “(ii) the written notice identifies the
21 facts that constitute the alleged violation,
22 including the location where and the date
23 on which the alleged violation occurred;

24 “(iii) a remedial period of 90 days
25 elapses after the date on which the plain-
26 tiff provides the written notice;

1 “(iv) the written notice informs the
2 defendant that the plaintiff is barred from
3 filing the complaint until the end of the re-
4 medial period; and

5 “(v) the complaint states that, as of
6 the date on which the complaint is filed,
7 the defendant has not corrected the alleged
8 violation.

9 “(B) EXTENSION OF REMEDIAL PERIOD.—
10 The court may extend the remedial period by
11 not more than 30 days if the defendant applies
12 for such an extension.”.

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