

113TH CONGRESS
1ST SESSION

H. R. 777

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

FEBRUARY 15, 2013

Mr. HUNTER (for himself, Mr. WESTMORELAND, Mr. NUNES, Mr. MCCLINTOCK, Mr. BENTIVOLIO, Mr. DENHAM, Ms. CASTOR of Florida, Mr. CALVERT, Mr. ROHRABACHER, Mr. SALMON, Mr. ROONEY, and Ms. JENKINS) 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 2013”.

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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