

113TH CONGRESS
1ST SESSION

H. R. 994

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 6, 2013

Mr. CALVERT (for himself, Mr. NUNES, Ms. JENKINS, Mr. HUNTER, Mr. ROYCE, Mr. MCCLINTOCK, Mr. ROHRABACHER, Mr. WESTMORELAND, Mr. VALADAO, Mr. COOK, Mr. LAMALFA, Mr. DENHAM, Mr. ISSA, and Mr. SIMPSON) 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 “ACCESS (ADA Com-
5 pliance for Customer Entry to Stores and Services) Act
6 of 2013”.

1 **SEC. 2. AMENDMENTS.**

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

4 (1) by striking “PROCEDURES.—” and all that
5 follows through “The”, and inserting the following:
6 “PROCEDURES.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graph (B), the”, and

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

10 “(B) STRUCTURAL BARRIERS TO ENTRY
11 INTO EXISTING PUBLIC ACCOMMODATIONS.—A
12 civil action for discrimination under section
13 302(b)(2) based on the failure to remove a
14 structural barrier to entry into an existing pub-
15 lic accommodation may not be commenced by a
16 person aggrieved by such discrimination un-
17 less—

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

23 “(ii) beginning on the date such no-
24 tice was received and—

25 “(I) before the expiration of 60
26 days after such date, such owner or

1 operator failed to provide to such per-
2 son a written description outlining im-
3 provements that will be made to re-
4 move such barrier; or

5 “(II)(aa) before the expiration of
6 60 days after such date, such owner
7 or operator provided such description
8 to such person; and

9 “(bb) before the expiration of
10 120 days after such description is pro-
11 vided, such owner or operator failed to
12 remove such barrier.”.

13 **SEC. 3. EFFECTIVE DATE.**

14 This Act and the amendments made by this Act shall
15 take effect on the 1st day of the 1st month beginning more
16 than 30 days after the date of the enactment of this Act.

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