

[118H7668]

.....
(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Americans with Disabilities Act of 1990 to provide for a
remediation period before the commencement of a civil action.

IN THE HOUSE OF REPRESENTATIVES

Mr. LAWLER introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Americans with Disabilities Act of 1990 to
provide for a remediation period before the commence-
ment of a 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 30 Days to Com-
5 ply Act”.

1 **SEC. 2. NOTICE AND CURE PERIOD.**

2 Paragraph (1) of section 308(a) of the Americans
3 with Disabilities Act of 1990 (42 U.S.C. 12188(a)(1)) is
4 amended to read as follows:

5 “(1) AVAILABILITY OF REMEDIES AND PROCE-
6 DURES.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graph (B), the remedies and procedures set
9 forth in section 204(a) of the Civil Rights Act
10 of 1964 (42 U.S.C. 2000a–3(a)) are the rem-
11 edies and procedures this title provides to any
12 person who is being subjected to discrimination
13 on the basis of disability in violation of this title
14 or who has reasonable grounds for believing
15 that such person is about to be subjected to dis-
16 crimination in violation of section 303. Nothing
17 in this section shall require a person with a dis-
18 ability to engage in a futile gesture if such per-
19 son has actual notice that a person or organiza-
20 tion covered by this title does not intend to
21 comply with its provisions.

22 “(B) BARRIERS TO ACCESS TO EXISTING
23 PUBLIC ACCOMMODATIONS.—A civil action
24 under section 302 or 303 based on the failure
25 to remove an architectural barrier to access into
26 an existing public accommodation may not be

1 commenced by a person aggrieved by such fail-
2 ure unless—

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

8 “(ii)(I) during the period beginning on
9 the date the notice is received and ending
10 30 days after that date, the owner or oper-
11 ator fails to provide to that person a writ-
12 ten description outlining improvements
13 that will be made to remove the barrier; or

14 “(II) if the owner or operator provides
15 the written description under subclause (I),
16 the owner or operator fails to remove the
17 barrier or, in the case of a barrier, the re-
18 moval of which requires additional time as
19 a result of circumstances beyond the con-
20 trol of the owner or operator, fails to make
21 substantial progress in removing the bar-
22 rier during the period beginning on the
23 date the description is provided and ending
24 30 days after that date.

1 “(C) SPECIFICATION OF DETAILS OF AL-
2 LEGED VIOLATION.—The written notice re-
3 quired under subparagraph (B) must also speci-
4 fy in detail the circumstances under which an
5 individual was actually denied access to a public
6 accommodation, including the address of prop-
7 erty, whether a request for assistance in remov-
8 ing an architectural barrier to access was made,
9 and whether the barrier to access was a perma-
10 nent or temporary barrier.

11 “(D) NOTICE SPECIFIC ENOUGH.—For
12 purposes of this paragraph, the term ‘notice
13 specific enough’ means notice that allows such
14 owner or operator to identify the barrier to ac-
15 cess in question.”.