

112TH CONGRESS
1ST SESSION

H. R. 3356

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

NOVEMBER 3, 2011

Mr. DANIEL E. LUNGREN of California (for himself, Mr. HUNTER, Mr. CALVERT, and Ms. JENKINS) 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 2011”.

7 **SEC. 2. AMENDMENTS.**

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

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

3 “PROCEDURES.—

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

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

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

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

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

22 “(I) before the expiration of 60
23 days after such date, such owner or
24 operator failed to provide to such per-
25 son a written description outlining im-

1 improvements that will be made to re-
2 move such barrier; or

3 “(II)(aa) before the expiration of
4 60 days after such date, such owner
5 or operator provided such description
6 to such person; and

7 “(bb) before the expiration of
8 120 days after such description is pro-
9 vided, such owner or operator failed to
10 remove such barrier.”.

11 **SEC. 3. EFFECTIVE DATE.**

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

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