

AMENDED IN SENATE APRIL 24, 2007

SENATE BILL

No. 747

**Introduced by Senators Corbett, Calderon, Harman, Runner, and
Steinberg**

(Principal coauthor: Assembly Member Smyth)

February 23, 2007

An act to amend Section 54.3 of the Civil Code, relating to disabled persons.

LEGISLATIVE COUNSEL'S DIGEST

SB 747, as amended, Corbett. Disabled persons: equal access rights.

Under existing law, individuals with certain disabilities are entitled to equal access rights to various facilities, and individuals licensed to train dogs as guide dogs, signal dogs, or service dogs may take the dogs, for purposes of training, into specified places where disabled individuals are required to be given access. Under existing law, a person who denies or interferes with admittance to, or enjoyment of, public facilities or otherwise interferes with the rights of an individual with a disability, is liable for each offense for the actual damages and any amount determined by a jury, or the court sitting without a jury, up to a maximum of 3 times the amount of actual damages, but in no case less than \$1,000. *Existing federal law, the Americans with Disabilities Act of 1990, prohibits discrimination against an individual with a disability on the basis of that disability in specified situations, including employment opportunities and access to public accommodations, services, and transportation.*

~~This bill would make technical, nonsubstantive changes to these provisions.~~

This bill would express the intent of the Legislature to enact legislation that will promote increased compliance by businesses with the Americans with Disabilities Act of 1990, state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws, through education and certification programs, with the complementary goal of reducing litigation that seeks attorney’s fees and damages without facilitating compliance with those laws.

Vote: majority. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *It is the intent of the Legislature to enact*
 2 *legislation that will promote increased compliance by businesses*
 3 *with the Americans with Disabilities Act of 1990, Public Law*
 4 *101-336, state laws that govern access to public facilities, and*
 5 *federal and state regulations adopted pursuant to those laws,*
 6 *through education and certification programs, with the*
 7 *complementary goal of reducing litigation that seeks attorney’s*
 8 *fees and damages without facilitating compliance with those laws.*

9 ~~SECTION 1. Section 54.3 of the Civil Code is amended to~~
 10 ~~read:~~

11 ~~54.3. (a) A person or persons, firm or corporation who denies~~
 12 ~~or interferes with admittance to or enjoyment of the public facilities~~
 13 ~~as specified in Sections 54 and 54.1 or otherwise interferes with~~
 14 ~~the rights of an individual with a disability pursuant to Sections~~
 15 ~~54, 54.1 and 54.2 is liable for each offense for the actual damages~~
 16 ~~and any amount as may be determined by a jury, or the court sitting~~
 17 ~~without a jury, up to a maximum of three times the amount of~~
 18 ~~actual damages but in no case less than one thousand dollars~~
 19 ~~(\$1,000), in addition to attorney’s fees as may be determined by~~
 20 ~~the court, suffered by a person denied any of the rights provided~~
 21 ~~in Sections 54, 54.1, and 54.2. “Interfere,” for purposes of this~~
 22 ~~section, includes, but is not limited to, preventing or causing the~~
 23 ~~prevention of a guide dog, signal dog, or service dog from carrying~~
 24 ~~out its functions in assisting a disabled person.~~

25 ~~(b) A person who claims to be aggrieved by an alleged unlawful~~
 26 ~~practice in violation of Section 54, 54.1, or 54.2 may also file a~~
 27 ~~verified complaint with the Department of Fair Employment and~~
 28 ~~Housing pursuant to Section 12948 of the Government Code. The~~

1 ~~remedies in this section are nonexclusive and are in addition to~~
2 ~~any other remedy provided by law, including, but not limited to,~~
3 ~~an action for injunctive or other equitable relief available to the~~
4 ~~aggrieved party or brought in the name of the people of this state~~
5 ~~or of the United States.~~

6 ~~(e) A person may not be held liable for damages pursuant to~~
7 ~~both this section and Section 52 for the same act or failure to act.~~

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