

Dutton Authors Legislation to Stop ADA Lawsuit Abuse

I recently introduced emergency legislation, Senate Bill 783, to stop unscrupulous lawyers who are using the American with Disabilities Act (ADA) to strong-arm businesses out of thousands of dollars with the threat of a lawsuit.

Businesses throughout the Inland Empire, including 14 in the City of Redlands alone, have been sent threatening letters from attorneys claiming that a person's ADA rights have been violated, even though the business owner wasn't aware of any ADA issues. The letter further states that to avoid a costly lawsuit, the business owner must pay the attorney and his client thousands of dollars.

SB 783 would prevent these extortion letters, while protecting the rights of the disabled community.

Specifically, SB 783 would require the owner of the property to be notified of the ADA violation before a lawsuit can be filed. The property owner would have 120 days to fix the violation. If the violation(s) is not fixed within the 120 days, a lawsuit could then be filed.

These changes would not only stop the frivolous lawsuits, but would also increase access for disabled persons - a win-win for everyone.

Since I introduced SB 783, I've received many positive comments about the proposed legislation. Here's a sampling of what some of you had to say:

"I totally agree with your 783 bill on ADA violations. I have heard of some ridiculous cases where they really don't care if the 'violation' is fixed or not - just want the payoff."

Neal Hertzmann
Big Bear Lake

"This is really helpful! Thank you for your attempt to help the business community."

Denise M Peters
Mr. Clean Maintenance Systems
Colton, CA

"Thank you Senator. This bill is long overdue and far too many ambulance chaser's (lawyers) are getting rich at taxpayer expense."

Virgil Hamilton

"I completely support this common sense legislation and am very glad you're at the forefront of this effort to protect our business climate... This is a significant burden on our small businesses and amounts to a legal shakedown. Thank you for your hard work and honest representation."

John Hickman

"The predatory practice of targeting business by the same defendants and same attorney has gone on for too long. I would have liked to have seen a stronger bill with sanctions for these predatory practices.

Again, thank you for having the courage to step up."

Charles Shields
Sacramento

"(This is a) common sense approach to a problem. I wish you luck as always. We seem to be inundated with text book geniuses and common sense idiots. It's great to see, Thank you."

Russell Staten

"It's disheartening that some in the legal profession use well-intentioned laws to extort money from well-intentioned businesses or individuals. Guess that's where all the lawyer jokes come from. It's just a sorry state that we have to create laws

to protect us from lawyers.”

Rich Fletcher

“Having been a small business owner myself in the past, I know the importance of protecting not only our disabled patrons, but also protecting our small business owners from being extorted in this way. Your bill is one more way you are helping to retain much needed business in California!”

Janice Leslie

“Good answer to a frustrating situation. I hope you can also pass a law requiring the loser in frivolous lawsuits to pay the court costs of both parties.”

John Wilson

I appreciate all the comments I've received and will include them in the package as the bill is heard in the Legislature.

I'm hoping to hear more from the business community on the importance of passing this common-sense legislation. To further help the business community, I'm putting together a pamphlet that outlines ADA requirements for parking lots, which are the target for most ADA lawsuits.

If you believe that these extortion tactics must stop, please write or e-mail me your comments. E-mail letters can be sent to: senatordutton@sen.ca.gov. Those wishing to mail a letter can send them to:

Senate Republican Leader Bob Dutton
State Capitol
Room 305
Sacramento, CA 95814

Small businesses are the backbone of the California economy. If we're really serious about doing all we can to help these businesses grow and expand, we must stop these sorts of extortion tactics from taking place.

Those with questions about SB 783 can call my office at 916-651-4031.

Senator Dutton is the California State Senate Republican Leader. He represents the 31st Senate District that includes portions of Riverside and San Bernardino Counties.