

## CCDA Legislative Status Report on Friday, April 14, 2023

### **[Assembly Bill 222 \(Arambula D\)](#) Civil Rights Department: Californians with disabilities workgroup.**

**Current Text:** Amended: 03/15/2023 [html](#) [pdf](#)

**Status:** 03/16/2023 – Re-referred to Committee on Appropriations.

**Is Urgency:** No

**Is Fiscal:** Yes

**Location:** 03/14/2023 – Assembly. Committee on Appropriations.

#### **Summary:**

Existing law, the California Fair Employment and Housing Act, establishes the Civil Rights Department within the Business, Consumer Services, and Housing Agency under the direction of the Director of Civil Rights. Existing law sets forth the powers and duties of the department, which include receiving, investigating, conciliating, mediating, and prosecuting complaints alleging unlawful practices or violations of specified civil rights provisions, including those based on a mental or physical disability, as defined. This bill would require the department to convene a workgroup to make recommendations to the Legislature for the development of accessibility and antidiscrimination laws for people with disabilities, as defined. The bill would require the department to appoint members of the workgroup to include interested parties and stakeholders that reflect the diversity of the state, including, among other groups, individuals who have personal experience with a disability. The bill would require the workgroup to take specified actions, including examining existing laws and policies related to, among other issues, improving the effective enforcement of civil rights laws. This bill contains other related provisions.

(Based on text date 3/15/2023)

**[Assembly Bill 410 \(Jones-Swayer D\) Shared mobility devices.](#)****Current Text:** Amended: 03/30/2023 [html](#) [pdf](#)**Status:** 04/12/2023 – From committee: Amend, and do pass as amended. To Consent Calendar. (Ayes 10. Noes 0.) (April 11).**Is Urgency:** No**Is Fiscal:** No**Location:** 04/11/2023 – Assembly. Consent Calendar.**Calendar:** 04/13/2023 #3 Assembly Second Reading File – Assembly Bills**Summary:**

Existing law defines shared mobility device to mean an electrically motorized board, motorized scooter, electric bicycle, bicycle, or other similar personal transportation device, except as provided. Existing law requires a shared mobility service provider to affix to each shared mobility device a tactile sign containing raised characters and accompanying braille, as specified, to identify the device for the purpose of reporting illegal or negligent activity. Existing law requires the sign to include the company name, email address, and telephone number of the service provider. This bill would require the raised characters to be at minimum 1/2 inch high and in a color that contrasts with the signage background, and would delete the requirement that the sign contain the email address of the service provider.

(Based on text date 3/30/2023)

**Assembly Bill 950 (Maienschein D) Accessibility: internet websites.****Current Text:** Introduced: 02/14/2023 [html](#) [pdf](#)**Status:** 03/02/2023 – Referred to Committee on Judiciary.**Is Urgency:** No**Is Fiscal:** Yes**Location:** 03/02/2023 – Assembly. Committee on Judiciary.**Calendar:** 04/25/2023 9 a.m. - State Capitol, Room 437, Assembly Judiciary, Maienschein, Brian, Chair.**Summary:**

Existing law imposes liability upon a person who denies, aids or incites a denial, or makes any discrimination or distinction contrary to rights afforded by law, for actual damages suffered, exemplary damages, a civil penalty, and attorney's fees, as specified, to any person who was denied the specified rights. Existing law also imposes liability upon a person, firm, or corporation that denies or interferes with admittance to or enjoyment of public facilities or otherwise interferes with the rights of an individual with a disability, as specified, for damages and attorney's fees to a person who was denied those rights. Existing law establishes in state government the California Commission on Disability Access, which is required to provide information regarding preventing or minimizing problems of compliance by California businesses by providing educational services, including outreach efforts, and by preparing and hosting on its internet website a Guide to Compliance with State Laws and Regulations Regarding Disability Access Requirements.

This bill would specify that statutory damages based upon the inaccessibility of internet website under these provisions shall only be recovered against an entity, as defined, if the internet website fails to provide equally effective communication or facilitate full and equal enjoyment of the entity's goods and services to the public. The bill would, in order for a plaintiff to be entitled to statutory damages for internet website inaccessibility, require the plaintiff to prove that they personally encountered a barrier that interfered with their ability to access all or part of the entity's internet website and that caused them to experience a difference in their access to, or use of, the website as compared to other users such that they were unable to acquire the same information, engage in the same interaction, or enjoy the same services with substantially equivalent ease of use, or have the same level of privacy and independence as other users who are not disabled, or that they were deterred from accessing all or part of the internet website because of the website's failure to provide equally effective communication or to facilitate full and equal enjoyment of the entity's goods and services to all members of the public.

The bill would specify that an internet website is presumed to provide equally effective communication for the purpose of an award of minimum statutory damages, as specified, if the internet website complies with specified standards for the accessibility of an internet website established by the World Wide Web Consortium (W3C) Accessibility Guidelines Working Group. The bill would require the California Commission on Disability Access to review those standards to determine whether they are the most up-to-date standards for effective communication by means of internet websites, and to notify the Legislature if they are not up to date and should be revised. This bill contains other related provisions and other existing laws.

(Based on text date 2/14/2023)

**[Assembly Bill 1404](#) ([Carrillo](#) D) Disability access: internet website-related accessibility claims.**

**Current Text:** Introduced: 02/17/2023 [html](#) [pdf](#)

**Status:** 03/02/2023 – Referred to Committee on Judiciary.

Is Urgency: No

**Is Fiscal:** Yes

**Location:** 03/02/2023 – Assembly. Committee on Judiciary.

**Calendar:** 04/25/2023 9 a.m. - State Capitol, Room 437, Assembly Judiciary, Maienschein, Brian, Chair.

**Summary:**

Existing state law, the Unruh Civil Rights Act, commonly referred to as the Unruh Act, and federal law, Americans with Disabilities Act of 1990, prohibit discrimination on the basis of various specified personal characteristics, including disability. Existing law prescribes remedies for violations of these prohibitions, which include actual damages, any amount determined by a jury or a court up to a maximum of 3 times the amount of actual damages but in no case less than \$4,000, and attorney's fees to be determined by the court. This bill would require an attorney, with each demand letter or complaint alleging an internet website-related accessibility claim, to provide the small business defendant, as defined, with a copy of a written advisory notice pertaining to disability access laws, as specified. If the small business defendant corrects the violation within 60 days of receiving the notice, the bill would reduce the maximum statutory damages to \$25. This bill contains other existing laws.

(Based on text date 2/17/2023)

**Senate Bill 585 (Niello R) Disability access: construction-related accessibility claims: statutory damages: attorney's fees and costs.**

**Current Text:** Introduced: 02/15/2023 [html](#) [pdf](#)

**Status:** 04/11/2023 – Set for hearing May 2.

**Is Urgency:** No

**Is Fiscal:** No

**Location:** 02/22/2023 – Senate. Committee on Judiciary.

**Calendar:** 05/02/2023 1:30 p.m. – 1021 O Street, Room 2100, Senate Judiciary, Umberg, Thomas, Chair.

**Summary:**

Existing law prohibits discrimination on the basis of various specified personal characteristics, including disability. Existing law imposes minimum statutory damages for construction-related accessibility claims if the violation of a construction-related accessibility standard denied the plaintiff full and equal access to the place of public accommodation on a particular occasion, including by causing difficulty, discomfort, or embarrassment.

Existing law, for claims filed on or after a specified date, presumes that certain technical violations do not cause a person difficulty, discomfort, or embarrassment for these purposes if specified criteria are satisfied. Existing law limits a defendant's liability for statutory damages under specified conditions, including if a defendant corrects the construction-related violations within a specified time.

This bill would prohibit a construction-related accessibility claim for statutory damages from being initiated in a legal proceeding against a defendant until the defendant has been served with a demand letter specifying each alleged violation of a construction-related accessibility standard and given 120 days to correct the alleged violation.

The bill would provide that a defendant is not liable for statutory damages, plaintiff's attorney's fees, or costs for an alleged violation that is corrected within 120 days of service of a demand letter alleging the violation. The bill would also prohibit a plaintiff from avoiding the notice and opportunity to correct provisions and the liability limitations by claiming they are seeking general discrimination damages based on a violation of the Americans with Disabilities Act of 1990 if the underlying claim is based on a defendant's failure to comply with physical accessibility standards under California law.

(Based on text date 02/15/2023)

**[Senate Bill 748 \(Roth D\)](#) Disability access and information: local government: notice.**

**Current Text:** Amended: 04/10/2023 [html](#) [pdf](#)

**Status:** 04/10/2023 – From committee with author's amendments. Read second time and amended. Re-referred to Committee on Judiciary.

**Is Urgency:** No

**Is Fiscal:** No

**Location:** 03/29/2023 – Senate. Committee on Judiciary.

**Summary:**

Existing law, the Construction-Related Accessibility Standards Compliance Act requires a local agency to employ or retain building inspectors who are certified access specialists (CASp) to provide consultation to the local agency, permit applicants, and members of the public on compliance with state construction-related accessibility standards with respect to inspections of a place of public accommodation that relate to permitting, plan checks, or new construction, as specified. Existing law requires a city, county, or city and county to provide to an applicant for the issuance or renewal of a business license or equivalent instrument or permit, specified information relating to obtaining information about the legal obligation to comply with disability access laws. This bill would also require a city, county, or city and county, in a separate document formatted as specified, to provide to that applicant a statement that the business may be subject to liability for failure to meet the legal obligation to comply with state and federal disability access laws, and information on how to obtain a CASp inspection, as specified. By imposing a new requirement on local government agencies, the bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

(Based on text date 4/10/2023)

**Total Measures: 6**