

CCDA Legislative Status Report on Friday, July 21, 2023

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

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

Status: 05/19/2023 – Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023) (May be acted upon Jan 2024)

Is Urgency: No

Is Fiscal: Yes

Location: 05/19/2023 – Assembly. 2 Year.

Summary (Bill Text):

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 03/15/2023)

[Assembly Bill 410 \(Jones-Swayer D\) Shared mobility devices.](#)**Current Text:** Chapter: 07/06/2023 [html](#) [pdf](#)**Status:** 07/06/2023 – Approved by the Governor. Chaptered by Secretary of State - Chapter 36, Statutes of 2023.**Is Urgency:** Yes**Is Fiscal:** No**Location:** 07/06/2023 – Chaptered.**Summary (Bill Text):**

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 repeal the requirements relating to tactile signs described above until January 1, 2024. The bill, commencing January 1, 2024, would add to those tactile sign requirements that the raised characters 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. This bill contains other related provisions.

(Based on text date 07/06/2023)

[Senate Bill 544 \(Laird D\) Bagley-Keene Open Meeting Act: teleconferencing.](#)**Current Text:** Amended: 04/27/2023 [html](#) [pdf](#)**Status:** 07/18/2023 – 7/18/2023-From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 12. Noes 2.) (July 12).**Is Urgency:** No**Is Fiscal:** Yes**Location:** 07/12/2023 – Assembly. Appropriations Committee.**Summary (Bill Text):**

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting.

This bill would amend existing law that will remain operative after July 1, 2023, to remove indefinitely the teleconference requirements that a state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, and that each teleconference location be accessible to the public. The bill would require a state body to provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely. The bill would require any notice required by the act to specify the applicable teleconference telephone number, internet website or other online platform, and physical address indicating how the public can access the meeting remotely and in person.

The bill would revise existing law to no longer require that members of the public have the opportunity to address the state body directly at each teleconference location, but would continue to require that the agenda provide an opportunity for members of the public to address the state body directly. The bill would require a member or staff to be physically present at the location specified in the notice of the meeting. This bill contains other related provisions and other existing laws.

(Based on text date 4/27/2023)

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

Current Text: Amended: 05/18/2023 [html](#) [pdf](#)

Status: 07/14/2023 – Failed Deadline pursuant to Rule 61(a)(10). (Last location was JUD. on 6/8/2023) (May be acted upon Jan 2024)

Is Urgency: No

Is Fiscal: No

Location: 07/14/2023 – Assembly. 2 Year.

Summary (Bill Text):

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 who employs 50 or fewer individuals, as specified, until the defendant has been served with a 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 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 5/18/2023)

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

Current Text: Chaptered: 07/13/2023 [html](#) [pdf](#)

Status: 07/13/2023 – Approved by the Governor. Chaptered by Secretary of State. Chapter 76, Statutes of 2023.

Is Urgency: No

Is Fiscal: Yes

Location: 07/13/2023 – Chaptered.

Summary (Bill Text):

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 07/13/2023)

[Assembly Bill 950 \(Maienschein D\)](#) Accessibility: internet websites.**Current Text:** Amended: 04/26/2023 [html](#) [pdf](#)**Status:** 05/19/2023 – Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023) (May be acted upon Jan 2024)**Is Urgency:** No**Is Fiscal:** Yes**Location:** 05/19/2023 – Assembly. 2 Year.**Summary (Bill Text):**

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 an 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 all members of the public. The bill would require, in order for a plaintiff to be entitled to statutory damages for internet website inaccessibility, the plaintiff to prove either that they personally encountered a barrier that caused them to experience a difference in their access to, or use of, the website as compared to other users, as specified, or that they were deterred from accessing all or part of the internet website or the content of the 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 offered to the public. The bill would specify that an internet website is presumed to provide equally effective communication for the purpose of determining whether an award of minimum statutory damages is warranted, as specified, if the internet website, taking into account the variety of conforming implementations that may be used to meet the internet website-related accessibility standard, complies with an internet website-related accessibility standard, as defined.

The bill would require the California Commission on Disability Access to review standards described in the definition of internet website-related accessibility standard 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 4/26/2023)

[Assembly Bill 1163](#) ([Rivas](#) D) Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act**Current Text:** Amended: 06/28/2023 [html](#) [pdf](#)**Status:** 07/12/2023 – From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (July 11). Re-referred to Com. on APPR.**Is Urgency:** No**Is Fiscal:** Yes**Location:** 07/12/2023 – Senate. Appropriations Committee.**Summary (Bill Text):**

Existing law, The Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act, requires prescribed state entities, including the State Department of Health Care Services and the Civil Rights Department, in the course of collecting demographic data directly or by contract as to the ancestry or ethnic origin of Californians, to collect voluntary self-identification information pertaining to sexual orientation and gender identity, except as specified. Existing law prohibits these state entities from reporting demographic data that would permit identification of individuals or would result in statistical unreliability and limits the use of the collected data by those entities, as specified. Existing law requires these state entities to report to the Legislature specified information related to the data and make the data available to the public, except for personally identifiable information, which existing law deems confidential and prohibits disclosure of that information. This bill would impose the provisions of the above-described act on the Business, Consumer Services, and Housing Agency, the California Health and Human Services Agency, and the Department of Housing and Community Development, and would require these state entities to comply with the bill's provisions as early as possible following the effective date of this bill, but no later than July 1, 2025. This bill contains other related provisions and other existing laws.

(Based on text date 06/28/2023)

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

Current Text: Amended: 07/13/2023 [html](#) [pdf](#)

Status: 07/13/2023 – From committee: Amend, and do pass as amended and re-refer to Com. on APPR with recommendation: To Consent Calendar. (Ayes 11. Noes 0.) (July 11). Read second time and amended. Re-referred to Com. on APPR.

Is Urgency: No

Is Fiscal: Yes

Location: 07/12/2023 – Senate. Appropriations Committee.

Summary (Bill Text):

Existing state law, the Unruh Civil Rights Act, and federal law, the Americans with Disabilities Act of 1990, prohibit discrimination on the basis of various specified personal characteristics, including disability. Existing law, the Construction-Related Accessibility Standards Compliance Act, requires an attorney to provide a written advisory with each demand letter or complaint, as defined, sent to or served upon a defendant or potential defendant for any construction-related accessibility claim. Existing law also requires an attorney who sends or serves a complaint alleging that an internet website is not accessible to satisfy specified requirements, including, among other things, sending a copy of the complaint and submitting information about the complaint to the California Commission on Disability Access. This bill would require an attorney, with each demand letter or complaint alleging an internet website-related accessibility claim, to provide the defendant with a copy of a written advisory notice pertaining to disability access laws, as specified. The bill would become operative only if AB 1757 of the 2023–24 Regular Session is enacted and takes effect on or before January 1, 2024. This bill contains other existing laws.

(Based on text date 07/13/2023)

[Assembly Bill 1757](#) (Committee on Judiciary) Accessibility: internet websites.**Current Text: Amended:** 07/13/2023 [html](#) [pdf](#)**Status:** 07/13/2023 – From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 9. Noes 1.) (July 11). Read second time and amended. Re-referred to Com. on APPR.**Is Urgency:** No**Is Fiscal:** Yes**Location:** 07/11/2023 – Senate. Appropriations Committee.**Summary (Bill Text):**

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. This bill would specify that statutory damages based upon the inaccessibility of an 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 all members of the public. The bill would require, in order for a plaintiff to be entitled to statutory damages for internet website inaccessibility, the plaintiff to prove either that they personally encountered a barrier that caused them to experience a difference in their access to, or use of, the website as compared to other users, as specified, or that they were deterred from accessing all or part of the internet website or the content of the 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 offered to the public. The bill would specify that an internet website is presumed to provide equally effective communication for the purpose of determining whether an award of statutory damages is warranted, as specified, if the internet website, taking into account the variety of conforming implementations that may be used to meet the internet website-related accessibility standard, conforms to an internet website-related accessibility standard, as defined. This bill contains other related provisions.

(Based on text date 07/13/2023)