

**SB 1198** *public accommodation; services; civil actions*

**This ADA Notification bill would limit the ability of people with disabilities to enforce their civil rights.**

This bill requires that, before a person with a disability could file a civil action for discrimination by public accommodations or commercial facilities, s/he would need to provide written notice to entity that includes sufficient detail to identify the prohibited act/practice or how to comply with the law. The entity would then have 60-90 days (depending on size of the business and cost of remedy) to "cure" the violation.

**No other civil rights group must wait two to three months to enforce their civil rights.**

**The Issue:**

- ♿ A notification requirement will not eliminate lawsuits. Rather, SB 1198 sends a message that businesses, social service establishments, and other places of public accommodation do not have to comply with the ADA unless or until they receive notice regarding non-compliance with the law.
- ♿ SB 1198 would allow covered entities to employ a "wait and see" approach, continuing to violate the law with impunity until receiving notice – thereby excluding countless people with disabilities from their goods, services, facilities, and accommodations. The AzDA was enacted over two decades ago; owners/operators should not need a special invitation to comply with the law. Anyone who truly cares about accessibility has had many opportunities – 26 years – to learn about and comply with the law.
- ♿ The proposed bill/amendment would affect all places of public accommodations, including hospitals and medical facilities. Requiring a person with a disability to wait 60 to 90 days to potentially seek a preliminary injunction for a medically necessary service or procedure is unreasonable and could result in the person risking their health and/or life.
- ♿ SB 1198 imposes an unfair burden on people with disabilities to determine the exact nature of inaccessible elements. Haven't people with disabilities waited long enough to access their civil rights?
- ♿ SB 1198 would turn back the clock more than two decades and continue the historic exclusion of people with disabilities from the mainstream of society. This proposal suggests that people with disabilities are second-class citizens.