

TAKE ACTION TO SAVE DISABILITY RIGHTS

S.B. 1198 would limit the ability of people with disabilities to enforce their civil rights

S.B. 1198 would take away the right of people with disabilities to file a lawsuit when they encounter a barrier. This bill would treat people with disabilities as second-class citizens.

ACTION

Please contact your State Senator today! Tell them to oppose S.B. 1198.

- **Find your Legislator:**
Go to this link, and put in your address:
<http://azredistricting.org/districtlocator/>
- **Contact your Legislators.** Ask them to oppose S.B. 1198
- **Social Media:** Use Twitter and Facebook to post your opposition and tag your legislators.
- **Sign Arizona Disability Coalition Letter:** <http://azdisabilitycoalition.org/128-2/>

BACKGROUND

A similar bill was introduced last year by Senator Kavanagh but did not pass. The current version of the bill, again introduced by Senator Kavanagh, can be found here: <https://apps.azleg.gov/BillStatus/GetDocumentPdf/446301>

TALKING POINTS

S.B. 1198 has its priorities profoundly skewed, and turns people with disabilities into second-class citizens.

This bill goes against the very principles that America is all about. It is exceptionally harmful because:

1. The bill's proponents have forgotten the everyday experiences of millions of ordinary people with disabilities who cannot shop, enjoy recreation, or transact personal business like most Americans take for granted.

For example, why should a wheelchair user be unable to join her family at a restaurant, just because the owner has resisted installing a

ramp for the past 26 years? Such things happen to many people with disabilities every day.

Or, why should a person who is deaf who has an emergency have to wait 60 days to make a hospital provide a sign language interpreter? It's not right!

2. When business owners have resisted the AzDA for over 27 years, sometimes a lawsuit is the only way to make the AzDA's promise of equal participation real. Even so, if you examine the court records, there really are very few AzDA cases.
3. The AzDA is carefully crafted to take the needs of business owners into account. Compliance is simply not exorbitantly expensive. But this bill would remove any reason for a business to comply. Instead, they can take a "wait and see" attitude, and do nothing until they happen to be sued.
4. S.B. 1198 requires a person with a disability to give a business owner who has barriers to access a written notice, and 60 days to comply with the law (if the estimated cost to fix the barrier is under \$10,000) or 90 days to comply with the law (if the estimated cost to fix the barrier is \$10,000 or more or the entity is a small business with less than 15 employees). No other civil rights group is forced to wait 60-90 days to enforce their civil rights.
5. There are already extensive efforts, including by DOJ and the ADA Centers, to educate business owners about their AzDA obligations. Businesses that violate the ADA should be held accountable.
6. Accessibility standards, such as those the AzDA includes, are extremely important. They are not minor details, but rather, are essential to ensure true accessibility.
7. Concerns about serial litigants are also behind this bill. However, courts already have the power to deal with frivolous litigants and their attorneys.
8. It is troubling how this bill blames people with disabilities for public accommodations' failure to comply with the AzDA. Why should people with disabilities pay the price of an inaccessible environment, where we cannot live our lives like everyone else? The true blame belongs on the heads of business owners who have delayed for 26 years and done nothing to comply with the AzDA.

Please do not place additional barriers in the path of people with disabilities! We urge you to reject this bill.