

## **Take Action to Save Disability Rights**

- ★ **S.B. 1198 would limit the ability of people with disabilities to enforce their civil rights.**
- ★ **H.B. 2504 is a better solution.**

### **ACTION**

**Please contact your State Legislators today!** Tell them to oppose S.B. 1198 and support H.B. 2504

- **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 and support H.B. 2504.
- **Social Media:** Use Twitter and Facebook to post your opposition and support and tag your legislators.
- **Sign Arizona Disability Coalition Letter:** <http://azdisabilitycoalition.org/128-2/>

### **BACKGROUND**

Over the past few years, thousands of lawsuits have been filed against businesses under the Arizonans with Disabilities Act (AzDA) but with questionable intentions. Because of this, businesses are frustrated and legislators are looking for solutions. Senator Kavanagh has proposed S.B. 1198, a bad bill that takes away rights of people with disabilities, delays access, and does not solve the problem. H.B. 2504, introduced by Representative Syms, preserves the rights of people with disabilities and instead focuses on abusive litigation tactics.

The current version of S.B. 1198 can be found here:

<https://apps.azleg.gov/BillStatus/GetDocumentPdf/446301>

The current version of H.B. 2504 can be found here:

<https://apps.azleg.gov/BillStatus/GetDocumentPdf/448024>

### **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. 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.

2. This bill would remove any reason for a business to comply. Because they won't get sued until they get a letter, they can take a "wait and see" attitude and do nothing to make their business accessible.
3. Accessibility standards, such as those in the AzDA, are extremely important. They are not minor details, but rather, essential to ensure true accessibility.
4. The proposed bill would affect all places of public accommodations, including hospitals and medical facilities.
5. Concerns about serial litigants are also behind this bill. However, this bill does nothing to address that issue.

### **H.B. 2504 focuses on the problem – abusive litigation tactics.**

This bill is helpful because:

1. H.B. 2504 addresses the problem by putting into law a standard, which already exists in the *Americans with Disabilities Act* that requires a person with a disability to experience harm.
2. Rather than go after people with disabilities and their civil rights, this bill allows a court to fine lawyers whose primary purpose is making money, not helping people with disabilities.
3. This proposed bill allows a court to look at all of their cases and penalize these lawyers for their bad behavior.
4. H.B. 2504 maintains that a person with a disability can collect damages including their out of pocket expenses, medical bills, and pain and suffering.
5. The bill explains the history of the current situation so that courts will know and understand what has happened and so that the court won't penalize nonprofit law firms or lawyers who work in good faith to help people with disabilities.

**Please do not place additional barriers in the path of people with disabilities!  
We urge you to **oppose S.B. 1198** and **support H.B. 2504.****