



April 25, 2008

TO: Members of the Senate Committee on Business, Professions, and Economic Development
Members of the Senate Committee on Judiciary

SUBJECT: SB 1608 (CORBETT) DISABLED PERSONS: EQUAL ACCESS RIGHTS: CIVIL ACTIONS SUPPORT

The below-listed business and employer organizations are pleased to **SUPPORT SB 1608 (Corbett)**, as amended April 21, 2008, which is a bipartisan comprehensive reform measure designed to address two important goals: 1) Promoting and increasing compliance with state and federal civil rights laws providing for equal access for individuals with disabilities in public accommodations; and 2) Reducing unwarranted, unnecessary litigation that does not advance the goals of disability access.

We commend the authors and their staff for their hard work and leadership in crafting a legislative proposal that is responsive to and respectful of the interests of the business community, consumer attorneys, and the disability community.

SB 1608 addresses the important goals of increased disability access compliance and reduced unwarranted litigation through the following major bill provisions:

1. **California Disability Access Commission** – Creates an independent state commission on disability access in the state of California which will serve as an advisory body and information center on disability access issues.
2. **Increased Education and Awareness** – Establishes minimum continuing education requirements for building inspectors and architects on disability access laws. Additionally, demands for money issued by attorneys under the disability access laws must be accompanied

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by an advisory statement available in multiple languages on building owner/tenant obligations under the disability access laws, as well as an explanation of the recipient's legal options.

3. **Promotes Use of State-Certified Disability Access Specialists** – Seeks to improve compliance by encouraging existing building owners to voluntarily utilize certified access specialists (CASp), individuals who have passed state-established experience, education, and testing standards in disability access requirements. The CASp program was established by 2003 legislation SB 262 (Kuehl), and the Division of State Architect oversees it. Under, **SB 1608** new construction and new tenant improvements impacting access must be inspected by building inspectors who are also CASps.
4. **Court Procedure Encouraging Compliance** – Establishes a court procedure, available only for defendants who have demonstrated diligence in complying with disability access laws by hiring a CASp. Such defendants, if sued because of an alleged construction-related accessibility violation, may request a temporary stay to litigation and a conference in which the judge and the parties must meet early to evaluate the case, including to explore whether the alleged violations can be addressed and the possibility of settlement.

One of the significant, ongoing state problems to which **SB 1608** responds is a small but widely destructive, atypical group of plaintiffs and lawyers using the disability laws and court system to systematically extract monetary settlements from businesses rather than to seek access. All too often, the result has been businesses closing their doors for good, which is not the purpose of the access laws.

Businesses have both a vested interest and responsibility to comply with disability access laws. At the same time, California's laws should facilitate and acknowledge the efforts of businesses who desire to comply and take steps accordingly. We believe **SB 1608** strikes a fair and reasonable balance.

For these and other reasons, we strongly **SUPPORT SB 1608** and urge your "Aye" vote when it comes before you for consideration.

Sincerely,

California Chamber of Commerce
Building Owners and Managers Association of California
California Apartment Association
California Association of Joint Powers Authorities
California Business Properties Association
California Car Dealers Association
California Citizens Against Lawsuit Abuse
California Downtown Association
California Farm Bureau Federation
California Hotel and Lodging Association
California Independent Grocers Association
California Apartment Association
California Association of Joint Powers Authorities
California Lodging Industry Association
California Manufacturers and Technology Association
California Metals Coalition
California Restaurant Association
California Retailers Association
Central California Citizens Against Lawsuit Abuse
Citizens Against Lawsuit Abuse

City Gate Togo's Eatery
Civil Justice Association of California
Enterprise Rent a Car
Gas Club
Institute of Real Estate Management
International Council of Shopping Centers
Lawyers Against Lawsuit Abuse, APC
LDA Partners, LLP
Los Angeles Citizens Against Lawsuit Abuse
McHenry Village Togo's Eatery
National Association of Industrial and Office Properties
National Federation of Independent Business
Northern California Citizens Against Lawsuit Abuse
Orange County Citizens Against Lawsuit Abuse
Personal Insurance Federation of California
Regional Legislative Alliance
San Diego Citizens Against Lawsuit Abuse
State Farm Insurance
Wine Institute

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cc: The Honorable Ellen Corbett
The Honorable Tom Harman
The Honorable Darrell Steinberg
The Honorable George Runner
The Honorable Ron Calderon
The Honorable Cameron Smyth
The Honorable Lois Wolk
Chris Ryan, Office of the Governor
G.V. Ayers, Senate Committee Business, Professions, and Economic Development
Gloria Ochoa, Senate Committee on Judiciary
Amber Throne, Senate Republican Caucus
Mike Peterson, Senate Republican Caucus
Senate Floor Analyses