



AMERICANS WITH DISABILITIES ACT REFORM

BACKGROUND

In 2010 the U.S. Department of Justice (DOJ) published regulations implementing major changes to the Americans with Disabilities Act (ADA) accessibility guidelines. The action set in motion nearly 1,000 new standards — and approximately 450 impact convenience stores. In recent years, convenience store owners have fallen victim to predatory lawsuits that serve the interests of trial lawyers while doing little to help the individuals that the ADA was designed to protect.

LEGISLATION TO PROTECT BUSINESSES AND THE DISABLED

Recently, the House passed H.R. 620, the “ADA Education and Reform Act” by a vote of 225-192. The bipartisan bill aims to put an end to “drive-by” lawsuits where attorneys look for minor, easily correctable ADA infractions so they can file a lawsuit and quickly settle. This bill would prohibit sending demand letters or other pre-suit notifications alleging a violation of ADA public accommodation requirements if the notification does not specify the circumstances under which an individual was actually denied access. The notification must specify: the property address, the specific ADA sections alleged to have been violated, whether a request for assistance in removing an architectural barrier was made, and whether the barrier was permanent or temporary.

The bill would also prohibit commencement of civil action based on the failure to remove an architectural barrier to access an existing public accommodation unless: the aggrieved person has provided to the owners or operators a written notice specific enough to identify the barrier, and the owners or operators fail to provide the person with a written description outlining improvements that will be made to improve the barrier or they fail to remove the barrier or make substantial progress after providing such a description.

The vast majority of retail station owners strive to serve their customers to the best of their ability and rely on the ADA to help ensure that customers with disabilities can use their services. Many small to medium sized businesses cannot afford a court case and are forced to settle and pay fees for a violation that they did not commit.

Although the bill passed the House, it must now be taken up by the Senate.

“THE ASK” *Committee: Senate Judiciary*

PMAA urges the Senate to pass the “ADA Education and Reform Act.”

PMAA STAFF CONTACTS: Sherri Stone, sstone@pmaa.org
Bradley Norman, bnorman@pmaa.org