

109TH CONGRESS
1ST SESSION

H. R. 2804

To amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2005

Mr. FOLEY (for himself, Mr. SHAW, Mr. LEWIS of California, Mr. THOMAS, Mr. COX, Mr. CAMP, Mr. CUNNINGHAM, Mr. MACK, Mr. KELLER, Mr. HERGER, Mr. ISSA, Mr. MCHUGH, Mr. GREEN of Wisconsin, Mr. TERRY, Mr. KOLBE, Mr. BARTLETT of Maryland, Mr. HUNTER, and Mr. PAUL) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “ADA Notification
5 Act”.

1 **SEC. 2. OPPORTUNITY TO CORRECT ALLEGED VIOLATIONS**
2 **OF ADA AS PRECONDITION TO CIVIL ACTIONS**
3 **REGARDING PUBLIC ACCOMMODATIONS AND**
4 **COMMERCIAL FACILITIES.**

5 Section 308(a)(1) of the Americans with Disabilities
6 Act of 1990 (42 U.S.C. 12188(a)(1)) is amended—

7 (1) by striking “(1) AVAILABILITY” and all that
8 follows through “The remedies and procedures set
9 forth” and inserting the following:

10 “(1) AVAILABILITY OF REMEDIES AND PROCE-
11 DURES.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graphs (B) and (C), the remedies and proce-
14 dures set forth”; and

15 (2) by adding at the end the following subpara-
16 graphs:

17 “(B) OPPORTUNITY FOR CORRECTION OF
18 ALLEGED VIOLATION.—A State or Federal
19 court shall not have jurisdiction in a civil action
20 filed with the court under subparagraph (A), or
21 under a provision of State law that conditions
22 a violation of any of its provisions on a violation
23 of this Act, unless—

24 “(i) before filing the complaint, the
25 plaintiff provided to the defendant written

1 notice of the alleged violation, and the no-
2 tice was provided by registered mail;

3 “(ii) the notice identified the specific
4 facts that constitute the alleged violation,
5 including identification of the location at
6 which the violation occurred and the date
7 on which the violation occurred;

8 “(iii) 90 or more days has elapsed
9 after the date on which such notice was
10 provided;

11 “(iv) the notice informed the defend-
12 ant that the civil action could not be com-
13 menced until the expiration of such 90-day
14 period; and

15 “(v) the complaint states that, as of
16 the date on which the complaint is filed,
17 the defendant has not corrected the alleged
18 violation.

19 “(C) EXCEPTIONS.—Subparagraph (B)
20 shall not apply to—

21 “(i) civil actions brought under Rule
22 65 of the Federal Rules of Civil Procedure
23 requesting preliminary injunctive relief or
24 temporary restraining orders; or

1 “(ii) civil actions brought under State
2 or local court rules requesting preliminary
3 injunctive relief or temporary restraining
4 orders.”.

○