

1 HJR17  
2 171445-1  
3 By Representatives Pringle, Lee, Chesteen, Hill (J), Williams  
4 (JW), Williams (JD), Garrett, Martin, Shiver, Ingram, Polizos,  
5 Baker, Sells, Lawrence, Standridge, Beech, Morrow, McClammy,  
6 Melton, Forte, Alexander, Drake, Brown, Holmes (M), Fincher,  
7 Wingo, Mooney, Ford, Lindsey, Sessions, Warren, Drummond,  
8 McMillan, Hubbard, Moore (B), Moore (M), Rogers, Williams (P),  
9 Hammon, Greer, Davis, Faust, Faulkner, Collins, Johnson (K),  
10 Nordgren, Tuggle, Rich, Pettus, Whorton (R), Ledbetter, Fridy,  
11 Sanderford, Hanes, Whorton (I), Farley, Ainsworth, Wood, Hill  
12 (M), Harper, McCutcheon, South, Treadaway, Daniels, Butler,  
13 Henry and Gaston  
14 RFD: Rules  
15 First Read: 10-SEP-15

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7  
8 URGING CONGRESS TO REFORM THE AMERICANS WITH  
9 DISABILITIES ACT.

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11 WHEREAS, the Americans with Disabilities Act of 1990  
12 (ADA), the world's first comprehensive civil rights law for  
13 persons with disabilities, was signed into law on July 26,  
14 1990; and

15 WHEREAS, described as the Emancipation Proclamation  
16 for the disabled community, the ADA prohibits discrimination  
17 on the basis of a disability or impairment; and

18 WHEREAS, the ADA was not enacted to create a  
19 lucrative litigation tool for attorneys to use for technical  
20 construction-related violations, such as the wrong height of a  
21 bathroom mirror or the wrong shade of color on a parking lot  
22 striping; and

23 WHEREAS, an example of the misuse of the ADA was  
24 reported in a recent study of accessibility lawsuits involving  
25 the ADA that found technical violations have been used as a  
26 litigation tool by a small group of attorneys and plaintiffs

1 to pressure businesses into quick settlements without actually  
2 improving access for patrons with disabilities; and

3 WHEREAS, these types of lawsuits actually weaken the  
4 rights of the disabled community as the unfortunate, targeted  
5 businesses spend more money on litigation fees and costs than  
6 on improving the businesses to remove any actual physical  
7 barriers that prevent members of the disabled community from  
8 entering the establishments; and

9 WHEREAS, the ADA needs to be reformed in an  
10 effective manner that maintains the right for individuals with  
11 disabilities to have equal access, but also protects  
12 businesses from predatory lawsuits; and

13 WHEREAS, for those violations that truly are  
14 technical and do not deny an individual with a disability the  
15 opportunity to gain access to a business, there should be a  
16 right for the business to cure the violation before being  
17 sued; such a right would reduce predatory lawsuits while  
18 improving overall access for persons with disabilities; now  
19 therefore,

20 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH  
21 HOUSES THEREOF CONCURRING, That we urge Congress to reform the  
22 Americans with Disabilities Act to reduce predatory lawsuits  
23 thus improving overall access for persons with disabilities.

24 BE IT FURTHER RESOLVED, That a duly attested copy of  
25 this resolution be provided to the Secretary of the Senate of  
26 the United States, the Clerk of the House of Representatives

1 of the United States, each member of Congress from this state,  
2 and each House of each state legislature in the United States.