

106TH CONGRESS  
2D SESSION

# H. R. 3590

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2000

Mr. FOLEY (for himself and Mr. SHAW) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “ADA Notification  
3 Act”.

4 **SEC. 2. AMERICANS WITH DISABILITIES ACT OF 1990;**  
5 **AMENDMENT TO PROVIDE OPPORTUNITY TO**  
6 **CORRECT ALLEGED VIOLATIONS AS PRE-**  
7 **CONDITION TO CIVIL ACTIONS REGARDING**  
8 **PUBLIC ACCOMMODATIONS AND COMMER-**  
9 **CIAL FACILITIES.**

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

12 (1) by striking “(1) AVAILABILITY” and all that  
13 follows through “The remedies and procedures set  
14 forth” and inserting the following:

15 “(1) AVAILABILITY OF REMEDIES AND PROCE-  
16 DURES.—

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

20 (2) in subparagraph (A) (as designated by  
21 paragraph (1) of this section), by striking the second  
22 sentence; and

23 (3) by adding at the end the following subpara-  
24 graphs:

25 “(B) OPPORTUNITY FOR CORRECTION OF  
26 ALLEGED VIOLATION.—A court does not have

1 jurisdiction in a civil action filed under sub-  
2 paragraph (A) with the court unless—

3 “(i) before filing the complaint, the  
4 plaintiff provided to the defendant notice  
5 of the alleged violation, and the notice was  
6 provided by registered mail or in person;

7 “(ii) the notice identified the specific  
8 facts that constitute the alleged violation,  
9 including identification of the location at  
10 which the violation occurred and the date  
11 on which the violation occurred;

12 “(iii) 90 or more days has elapsed  
13 after the date on which the notice was so  
14 provided;

15 “(iv) the notice informed the defend-  
16 ant that the civil action could not be com-  
17 menced until the expiration of such 90-day  
18 period; and

19 “(v) the complaint states that, as of  
20 the date on which the complaint is filed,  
21 the defendant has not corrected the alleged  
22 violation.

23 “(C) CERTAIN CONSEQUENCES OF FAIL-  
24 URE TO PROVIDE OPPORTUNITY FOR CORREC-  
25 TION.—With respect to a civil action that does

1 not meet the criteria under subparagraph (B)  
2 to provide jurisdiction to the court involved, the  
3 following applies:

4 “(i) The court shall impose an appro-  
5 priate sanction upon the attorneys involved  
6 (and notwithstanding the lack of jurisdic-  
7 tion to proceed with the action, the court  
8 has jurisdiction to impose and enforce the  
9 sanction).

10 “(ii) If the criteria are subsequently  
11 met and the civil action proceeds, the court  
12 may not under section 505 allow the plain-  
13 tiff any attorneys’ fees (including litigation  
14 expenses) or costs.”.

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