

**ASSEMBLY BILL**

**No. 2282**

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**Introduced by Assembly Member Bill Berryhill**

February 24, 2012

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An act to amend Section 54.3 of the Civil Code, relating to disabled persons.

LEGISLATIVE COUNSEL'S DIGEST

AB 2282, as introduced, Bill Berryhill. Disabled persons: equal access remedies.

Existing law provides that individuals with disabilities shall be entitled to full and equal access to specified facilities and places and other places to which the general public is invited, subject only to conditions and limitations established by law. Existing law provides that a person, firm, or corporation who denies or interferes with admittance to or enjoyment of those public facilities, or otherwise interferes with the rights of an individual with a disability under those provisions, is liable for specified damages. Existing law also allows a person who claims to be aggrieved by an alleged unlawful practice in violation of those provisions to file a verified complaint with the Department of Fair Employment and Housing pursuant to certain provisions of law.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 54.3 of the Civil Code is amended to  
2 read:

3 54.3. (a) ~~Any~~A person or persons; *who, or a* firm or  
4 corporation ~~who~~ *that*, denies or interferes with admittance to, or  
5 enjoyment of ~~the~~, public facilities, as specified in Sections 54 and  
6 54.1, or otherwise interferes with the rights of an individual with  
7 a disability ~~under~~ *pursuant to* Sections 54, 54.1, and 54.2, is liable  
8 for each offense for the actual damages *suffered by a person denied*  
9 *any of the rights provided in Sections 54, 54.1, and 54.2*, and any  
10 amount as may be determined by a jury, or the court sitting without  
11 a jury, up to a maximum of three times the amount of actual  
12 damages, but in no case less than one thousand dollars (\$1,000),  
13 ~~and in addition to~~ attorney’s fees as may be determined by the  
14 court ~~in addition thereto, suffered by any person denied any of the~~  
15 ~~rights provided in Sections 54, 54.1, and 54.2.~~ “Interfere,” for  
16 purposes of this section, includes, but is not limited to, preventing  
17 or causing the prevention of a guide dog, signal dog, or service  
18 dog from carrying out its functions in assisting a disabled person.

19 (b) ~~Any~~A person who claims to be aggrieved by an alleged  
20 unlawful practice in violation of Section 54, 54.1, or 54.2 may also  
21 file a verified complaint with the Department of Fair Employment  
22 and Housing pursuant to Section 12948 of the Government Code.  
23 The remedies in this section are nonexclusive and are in addition  
24 to any other remedy provided by law, including, but not limited  
25 to, ~~any~~ *an* action for injunctive or other equitable relief available  
26 to the aggrieved party or brought in the name of the people of this  
27 state or of the United States.

28 (c) A person ~~may~~ *shall* not be held liable for damages pursuant  
29 to both this section and Section 52 for the same act or failure to  
30 act.