

AMENDED IN ASSEMBLY AUGUST 20, 2015

AMENDED IN ASSEMBLY AUGUST 18, 2015

AMENDED IN ASSEMBLY JULY 13, 2015

AMENDED IN SENATE JUNE 2, 2015

AMENDED IN SENATE MAY 20, 2015

AMENDED IN SENATE MAY 4, 2015

**SENATE BILL**

**No. 251**

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**Introduced by Senator Roth**

**(Principal coauthor: Senator Galgiani)**

**(Coauthors: Senators Anderson and Nielsen)**

~~(Coauthor: Assembly Member Cooper and Linder)~~  
~~Coauthors: Assembly Members Cooper and Linder~~

February 18, 2015

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An act to amend Sections 55.32, 55.53, and 55.56, of the Civil Code, to amend Sections 4459.7, 4459.8, and 8299.06 of, to add Section 65941.6 to, and to add Article 4 (commencing with Section 65946) to Chapter 4.5 of Division 1 of Title 7 of, the Government Code, and to add and repeal Sections 17053.43 and 23643 of the Revenue and Taxation Code, relating to disability access.

LEGISLATIVE COUNSEL'S DIGEST

SB 251, as amended, Roth. Disability access: civil rights: income tax credit.

(1) Existing law prohibits discrimination on the basis of various specified personal characteristics, including disability. The Construction-Related Accessibility Standards Compliance Act establishes standards for making new construction and existing facilities

accessible to persons with disabilities and provides for construction-related accessibility claims for violations of those standards. Existing law requires that a demand letter alleging a violation of a construction-related accessibility standard or asserting a construction-related accessibility claim include specified information, and that copies of the demand letter be sent to the State Bar of California. Existing law repeals the requirement that a copy of a demand letter be sent to the State Bar of California on January 1, 2016.

This bill would extend the above-described January 1, 2016, repeal date, to January 1, 2019.

Existing law requires that a copy of the demand letter and the complaint be sent to the California Commission on Disability Access.

This bill would, in addition, require that information about the demand letter and the complaint be submitted to the commission in a standard format specified by the commission.

(2) Existing law specifies that a violation of construction-related accessibility standards personally encountered by a plaintiff may be sufficient to cause a denial of full and equal access if the plaintiff experienced difficulty, discomfort, or embarrassment because of the violation.

This bill would exclude certain technical violations from the scope of this provision, if specified conditions are met.

(3) Under existing law, a defendant is liable for actual damages plus minimum statutory damages for each instance of discrimination relating to a construction-related accessibility standard.

This bill would exempt a defendant from liability for minimum statutory damages with respect to a structure or area inspected by a certified access specialist for a period of 120 days if specified conditions are met. The bill would require a defendant who claims the benefit of this provision, to disclose the date and findings of any certified access specialist (CASp) inspection to the plaintiff.

(4) Existing law requires the State Architect to establish and publicize a program for the voluntary certification by the state of any person who meets specified criteria as a CASp. Existing law requires the State Architect to annually publish a list of CASps. Existing law requires each applicant for CASp certification or renewal to pay certain fees, and requires the State Architect to periodically review those fees, as specified. Existing law provides for the deposit of those fees into the Certified Access Specialist Fund, which is continuously appropriated for use by the State Architect to implement the CASp program.

This bill would additionally require the State Architect to publish, and regularly update, easily accessible lists of businesses that file prescribed notices of inspection, and businesses which have been inspected by a CASp on or after January 1, 2016, including the date of the inspection. The bill would require the State Architect to develop a process by which a small business may notify the State Architect that a structure or area has had a CASp inspection and to develop a form for businesses to notify the public that the business has obtained a CASp inspection. The bill would also require applicants for CASp certification or renewal to additionally provide to the State Architect the name of the city, county, or city and county in which the applicant intends to provide or has provided services, and would require the Division of the State Architect to post that information on its Internet Web site.

(5) Existing law establishes the California Commission on Disability Access for purposes of developing recommendations to enable persons with disabilities to exercise their right to full and equal access to public facilities and facilitating business compliance with applicable state and federal laws and regulations. Existing law sets forth the powers and duties of the commission, including developing educational materials and information for businesses, building owners, tenants, and building officials, posting that information on the commission's Internet Web site, and coordinating with other state agencies and local building departments to ensure that information provided to the public on disability access requirements is uniform and complete.

This bill would additionally require the commission to provide a link on its Internet Web site to the Internet Web site of the Division of the State Architect's CASp certification program, and make the commission's educational materials and information available to other state agencies and local building departments.

(6) The Planning and Zoning Law establishes procedures for the application, and review of an application, for a development project. Existing law requires a public agency to notify applicants for development permits of specified information, including the time limits established for the review and approval of development permits.

This bill would additionally require local agencies to develop and provide to applicants materials relating to the requirements of the federal Americans with Disabilities Act of 1990, or to instead provide similar materials developed by the California Commission on Disability Access. The bill would require a local agency to notify an applicant that approval of a permit does not signify that the applicant has complied with that

act. The bill would also require local agencies to expedite review of projects for which the applicant provides a copy of a disability access certificate, demonstrates that the project is necessary to address an alleged violation of a construction-related access standard or a violation noted in a CASp report, and, if project plans are necessary for approval, has had a CASp review the project plans for compliance with all applicable construction-related accessibility standards. The bill would declare that these provisions constitute a matter of statewide concern and shall apply to charter cities and charter counties.

By imposing additional duties on local agencies with respect to the receipt and review of applications for development projects, this bill would impose a state-mandated local program.

(7) Existing federal law allows a credit against federal income taxes for eligible small businesses for eligible access expenditures, as those terms are defined, in an amount equal to 50% of eligible access expenditures for a taxable year that exceed \$250 but do not exceed \$10,250. The Personal Income Tax Law and the Corporation Tax Law allow a credit against the taxes imposed by those laws for the amount paid or incurred for eligible access expenditures in an amount equal to 50% of eligible access expenditures for a taxable year as do not exceed \$250, as specified.

This bill would, for taxable years beginning on or after January 1, 2016, and before January 1, 2021, allow a credit under both the Personal Income Tax Law and the Corporation Tax Law for eligible access expenditures in accordance with the above-described federal tax credit, except with a credit amount equal to 10% of eligible access expenditures for a taxable year, as specified.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*(9) This bill would incorporate additional changes to Section 8299.06 of the Government Code proposed by AB 1342 that would become operative if this bill and AB 1342 are enacted and this bill is enacted last.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

1 SECTION 1. Section 55.32 of the Civil Code, as added by  
2 Section 5 of Chapter 383 of the Statutes of 2012, is amended to  
3 read:

4 55.32. (a) An attorney who provides a demand letter, as defined  
5 in subdivision (a) of Section 55.3, shall do all of the following:

6 (1) Include the attorney’s State Bar license number in the  
7 demand letter.

8 (2) Contemporaneously with providing the demand letter, send  
9 a copy of the demand letter to the State Bar of California by  
10 facsimile transmission at 1-415-538-2171, or by mail to 180  
11 Howard Street, San Francisco, CA, 94105, Attention: Professional  
12 Competence.

13 (3) Within five business days of providing the demand letter,  
14 send a copy of the demand letter to the California Commission on  
15 Disability Access.

16 (b) An attorney who sends or serves a complaint, as defined in  
17 subdivision (a) of Section 55.3, shall send a copy of the complaint  
18 to the California Commission on Disability Access within five  
19 business days of sending or serving the complaint.

20 (c) A violation of paragraph (2) or (3) of subdivision (a) or  
21 subdivision (b) shall constitute cause for the imposition of  
22 discipline of an attorney where a copy of the complaint or demand  
23 letter is not sent to the California Commission on Disability Access  
24 within five business days, or a copy of the demand letter is not  
25 sent to the State Bar within five business days. In the event the  
26 State Bar receives information indicating that an attorney has failed  
27 to send a copy of the complaint or demand letter to the California  
28 Commission on Disability Access within five business days, the  
29 State Bar shall investigate to determine whether paragraph (3) of  
30 subdivision (a) or subdivision (b) has been violated.

31 (d) Notwithstanding subdivisions (a) and (b), an attorney is not  
32 required to send to the State Bar of California or the California  
33 Commission on Disability Access a copy of any subsequent  
34 demand letter or amended complaint in the same dispute following  
35 the initial demand letter or complaint, unless that subsequent  
36 demand letter or amended complaint alleges a new  
37 construction-related accessibility claim.

1 (e) A demand letter or complaint sent to the California  
2 Commission on Disability Access shall be for the informational  
3 purposes of Section 8299.08 of the Government Code. A demand  
4 letter received by the State Bar from either the sender or recipient  
5 of the demand letter shall be reviewed by the State Bar to determine  
6 whether subdivision (b) or (c) of Section 55.31 has been violated.

7 (f) (1) Commencing July 31, 2013, and annually each July 31  
8 thereafter, the State Bar shall report to the Legislature and the  
9 Chairs of the Senate and Assembly Committees on Judiciary, both  
10 of the following with respect to demand letters received by the  
11 State Bar:

12 (A) The number of investigations opened to date on a suspected  
13 violation of subdivision (b) or (c) of Section 55.31.

14 (B) Whether any disciplinary action resulted from the  
15 investigation, and the results of that disciplinary action.

16 (2) A report to be submitted pursuant to this subdivision shall  
17 be submitted in compliance with Section 9795 of the Government  
18 Code.

19 (g) The California Commission on Disability Access shall  
20 review and report on the demand letters and complaints it receives  
21 as provided in Section 8299.08 of the Government Code.

22 (h) Paragraphs (2) and (3) of subdivision (a) and subdivision  
23 (b) shall not apply to a demand letter or complaint sent or filed by  
24 an attorney employed or retained by a qualified legal services  
25 project or a qualified support center, as defined in Section 6213  
26 of the Business and Professions Code, when acting within the  
27 scope of employment in asserting a construction-related  
28 accessibility claim. The Legislature finds and declares that qualified  
29 legal services projects and support centers are extensively regulated  
30 by the State Bar of California, and that there is no evidence of any  
31 abusive use of demand letters or complaints by these organizations.  
32 The Legislature further finds that, in light of the evidence of the  
33 extraordinarily small number of construction-related accessibility  
34 cases brought by regulated legal services programs, and given the  
35 resources of those programs, exempting regulated legal services  
36 programs from the requirements of this section to report to the  
37 California Commission on Disability Access will not affect the  
38 purpose of the reporting to, and tabulation by, the commission of  
39 all other construction-related accessibility claims.

40 (i) This section shall become operative on January 1, 2013.

1 (j) This section shall remain in effect only until January 1, 2019,  
2 and as of that date is repealed.

3 SEC. 2. Section 55.32 of the Civil Code, as added by Section  
4 6 of Chapter 383 of the Statutes of 2012, is amended to read:

5 55.32. (a) An attorney who provides a demand letter, as defined  
6 in subdivision (a) of Section 55.3, shall do all of the following:

7 (1) Include the attorney’s State Bar license number in the  
8 demand letter.

9 (2) Within five business days of providing the demand letter,  
10 send a copy of the demand ~~letter~~ *letter*, and submit information  
11 about the demand letter in a standard format specified by the  
12 California Commission on Disability Access, to the commission.

13 (b) An attorney who sends or serves a complaint, as defined in  
14 subdivision (a) of Section 55.3, shall send a copy of the complaint  
15 and submit information about the complaint in a standard format  
16 specified by the California Commission on Disability Access to  
17 the commission within five business days of sending or serving  
18 the complaint.

19 (c) A violation of paragraph (2) of subdivision (a) or subdivision  
20 (b) shall constitute cause for the imposition of discipline of an  
21 attorney if a copy of the demand letter or complaint is not sent to  
22 the California Commission on Disability Access within five  
23 business days. In the event the State Bar receives information  
24 indicating that an attorney has failed to send a copy of the demand  
25 letter or complaint to the California Commission on Disability  
26 Access within five business days, the State Bar shall investigate  
27 to determine whether paragraph (2) of subdivision (a) or  
28 subdivision (b) has been violated.

29 (d) Notwithstanding subdivisions (a) and (b), an attorney is not  
30 required to send to the California Commission on Disability Access  
31 a copy of any subsequent demand letter or amended complaint in  
32 the same dispute following the initial demand letter or complaint,  
33 unless that subsequent demand letter or amended complaint alleges  
34 a new construction-related accessibility claim.

35 (e) A demand letter sent to the California Commission on  
36 Disability Access shall be for the informational purposes of Section  
37 8299.08 of the Government Code. A demand letter received by  
38 the State Bar from the recipient of the demand letter shall be  
39 reviewed by the State Bar to determine whether subdivision (b)  
40 or (c) of Section 55.31 has been violated.

1 (f) (1) Notwithstanding Section 10231.5 of the Government  
2 Code, on or before July 31, 2019, and annually thereafter, the State  
3 Bar shall report to the Legislature and the Chairs of the Senate and  
4 Assembly Judiciary Committees, both of the following with respect  
5 to demand letters received by the State Bar:

6 (A) The number of investigations opened to date on a suspected  
7 violation of subdivision (b) or (c) of Section 55.31.

8 (B) Whether any disciplinary action resulted from the  
9 investigation, and the results of that disciplinary action.

10 (2) A report to be submitted pursuant to this subdivision shall  
11 be submitted in compliance with Section 9795 of the Government  
12 Code.

13 (g) The California Commission on Disability Access shall  
14 review and report on the demand letters and complaints it receives  
15 as provided in Section 8299.08 of the Government Code.

16 (h) The expiration of any ground for discipline of an attorney  
17 shall not affect the imposition of discipline for any act prior to the  
18 expiration. An act or omission that constituted cause for imposition  
19 of discipline of an attorney when committed or omitted prior to  
20 January 1, 2019, shall continue to constitute cause for the  
21 imposition of discipline of that attorney on and after January 1,  
22 2019.

23 (i) Paragraph (2) of subdivision (a) and subdivision (b) shall  
24 not apply to a demand letter or complaint sent or filed by an  
25 attorney employed or retained by a qualified legal services project  
26 or a qualified support center, as defined in Section 6213 of the  
27 Business and Professions Code, when acting within the scope of  
28 employment in asserting a construction-related accessibility claim.  
29 The Legislature finds and declares that qualified legal services  
30 projects and support centers are extensively regulated by the State  
31 Bar of California, and that there is no evidence of any abusive use  
32 of demand letters or complaints by these organizations. The  
33 Legislature further finds that, in light of the evidence of the  
34 extraordinarily small number of construction-related accessibility  
35 cases brought by regulated legal services programs, and given the  
36 resources of those programs, exempting regulated legal services  
37 programs from the requirements of this section to report to the  
38 California Commission on Disability Access will not affect the  
39 purpose of the reporting to, and tabulation by, the commission of  
40 all other construction-related accessibility claims.

1 (j) This section shall become operative on January 1, 2019.

2 SEC. 3. Section 55.53 of the Civil Code is amended to read:

3 55.53. (a) For purposes of this part, a certified access specialist  
4 shall, upon completion of the inspection of a site, comply with the  
5 following:

6 (1) For a meets applicable standards site, if the CASp determines  
7 the site meets all applicable construction-related accessibility  
8 standards, the CASp shall provide a written inspection report to  
9 the requesting party that includes both of the following:

10 (A) An identification and description of the inspected structures  
11 and areas of the site.

12 (B) A signed and dated statement that includes both of the  
13 following:

14 (i) A statement that, in the opinion of the CASp, the inspected  
15 structures and areas of the site meet construction-related  
16 accessibility standards. The statement shall clearly indicate whether  
17 the determination of the CASp includes an assessment of readily  
18 achievable barrier removal.

19 (ii) If corrections were made as a result of the CASp inspection,  
20 an itemized list of all corrections and dates of completion.

21 (2) For an inspected by a CASp site, if the CASp determines  
22 that corrections are needed to the site in order for the site to meet  
23 all applicable construction-related accessibility standards, the  
24 CASp shall provide a signed and dated written inspection report  
25 to the requesting party that includes all of the following:

26 (A) An identification and description of the inspected structures  
27 and areas of the site.

28 (B) The date of the inspection.

29 (C) A statement that, in the opinion of the CASp, the inspected  
30 structures and areas of the site need correction to meet  
31 construction-related accessibility standards. This statement shall  
32 clearly indicate whether the determination of the CASp includes  
33 an assessment of readily achievable barrier removal.

34 (D) An identification and description of the structures or areas  
35 of the site that need correction and the correction needed.

36 (E) A schedule of completion for each of the corrections within  
37 a reasonable timeframe.

38 (3) The CASp shall provide, within 30 days of the date ~~when it~~  
39 ~~is requested by~~ *of an inspection for* a business that qualifies for  
40 the provisions of subparagraph (A) of paragraph (3) of subdivision

1 (g) of Section 55.56, a copy of a report prepared pursuant to that  
2 subparagraph to the ~~business that requested it.~~ *business.*

3 (4) The CASp shall file, within 10 days of inspecting a business  
4 pursuant to subparagraph (A) of paragraph (3) of subdivision (g)  
5 of Section 55.56, a notice with the State Architect for listing on  
6 the State Architect’s Internet Web site, as provided by subdivision  
7 (d) of Section 4459.7 of the Government Code, indicating that the  
8 CASp has inspected the business, the name and address of the  
9 business, the date of the filing, the date of the inspection of the  
10 business, the name and license number of the CASp, and a  
11 description of the structure or area inspected by the CASp.

12 (5) *The CASp shall post the notice described in paragraph (4),*  
13 *in a form prescribed by the State Architect, in a conspicuous*  
14 *location within five feet of all public entrances to the building on*  
15 *the date of the inspection and instruct the business to keep it in*  
16 *place until the earlier of either of the following:*

17 (A) *One hundred twenty days after the date of the inspection.*

18 (B) *The date when all of the construction-related violations in*  
19 *the structure or area inspected by the CASp are corrected.*

20 (b) For purposes of this section, in determining whether the site  
21 meets applicable construction-related accessibility standards when  
22 there is a conflict or difference between a state and federal  
23 provision, standard, or regulation, the state provision, standard, or  
24 regulation shall apply unless the federal provision, standard, or  
25 regulation is more protective of accessibility rights.

26 (c) Every CASp who conducts an inspection of a place of public  
27 accommodation shall, upon completing the inspection of the site,  
28 provide the building owner or tenant who requested the inspection  
29 with the following notice, which the State Architect shall make  
30 available as a form on the State Architect’s Internet Web site:

31  
32 NOTICE TO PRIVATE PROPERTY OWNER/TENANT:

33  
34 YOU ARE ADVISED TO KEEP IN YOUR RECORDS ANY  
35 WRITTEN INSPECTION REPORT AND ANY OTHER  
36 DOCUMENTATION CONCERNING YOUR PROPERTY SITE  
37 THAT IS GIVEN TO YOU BY A CERTIFIED ACCESS  
38 SPECIALIST.

39 IF YOU BECOME A DEFENDANT IN A LAWSUIT THAT  
40 INCLUDES A CLAIM CONCERNING A SITE INSPECTED

1 BY A CERTIFIED ACCESS SPECIALIST, YOU MAY BE  
2 ENTITLED TO A COURT STAY (AN ORDER TEMPORARILY  
3 STOPPING ANY LAWSUIT) OF THE CLAIM AND AN EARLY  
4 EVALUATION CONFERENCE.

5 IN ORDER TO REQUEST THE STAY AND EARLY  
6 EVALUATION CONFERENCE, YOU WILL NEED TO VERIFY  
7 THAT A CERTIFIED ACCESS SPECIALIST HAS INSPECTED  
8 THE SITE THAT IS THE SUBJECT OF THE CLAIM. YOU  
9 WILL ALSO BE REQUIRED TO PROVIDE THE COURT AND  
10 THE PLAINTIFF WITH THE COPY OF A WRITTEN  
11 INSPECTION REPORT BY THE CERTIFIED ACCESS  
12 SPECIALIST, AS SET FORTH IN CIVIL CODE SECTION  
13 55.54. THE APPLICATION FORM AND INFORMATION ON  
14 HOW TO REQUEST A STAY AND EARLY EVALUATION  
15 CONFERENCE MAY BE OBTAINED AT  
16 [www.courts.ca.gov/selfhelp-start.htm](http://www.courts.ca.gov/selfhelp-start.htm).

17 YOU ARE ENTITLED TO REQUEST, FROM A CERTIFIED  
18 ACCESS SPECIALIST WHO HAS CONDUCTED AN  
19 INSPECTION OF YOUR PROPERTY, A WRITTEN  
20 INSPECTION REPORT AND OTHER DOCUMENTATION AS  
21 SET FORTH IN CIVIL CODE SECTION 55.53. YOU ARE ALSO  
22 ENTITLED TO REQUEST THE ISSUANCE OF A DISABILITY  
23 ACCESS INSPECTION CERTIFICATE, WHICH YOU MAY  
24 POST ON YOUR PROPERTY.

25  
26 (d) (1) Commencing July 1, 2010, a local agency shall employ  
27 or retain at least one building inspector who is a certified access  
28 specialist. The certified access specialist shall provide consultation  
29 to the local agency, permit applicants, and members of the public  
30 on compliance with state construction-related accessibility  
31 standards with respect to inspections of a place of public  
32 accommodation that relate to permitting, plan checks, or new  
33 construction, including, but not limited to, inspections relating to  
34 tenant improvements that may impact access. If a local agency  
35 employs or retains two or more certified access specialists to  
36 comply with this subdivision, at least one-half of the certified  
37 access specialists shall be building inspectors who are certified  
38 access specialists.

39 (2) Commencing January 1, 2014, a local agency shall employ  
40 or retain a sufficient number of building inspectors who are

1 certified access specialists to conduct permitting and plan check  
2 services to review for compliance with state construction-related  
3 accessibility standards by a place of public accommodation with  
4 respect to new construction, including, but not limited to, projects  
5 relating to tenant improvements that may impact access. If a local  
6 agency employs or retains two or more certified access specialists  
7 to comply with this subdivision, at least one-half of the certified  
8 access specialists shall be building inspectors who are certified  
9 access specialists.

10 (3) If a permit applicant or member of the public requests  
11 consultation from a certified access specialist, the local agency  
12 may charge an amount limited to a reasonable hourly rate, an  
13 estimate of which shall be provided upon request in advance of  
14 the consultation. A local government may additionally charge or  
15 increase permitting, plan check, or inspection fees to the extent  
16 necessary to offset the costs of complying with this subdivision.  
17 Any revenues generated from an hourly or other charge or fee  
18 increase under this subdivision shall be used solely to offset the  
19 costs incurred to comply with this subdivision. A CASp inspection  
20 pursuant to subdivision (a) by a building inspector who is a  
21 certified access specialist shall be treated equally for legal and  
22 evidentiary purposes as an inspection conducted by a private CASp.  
23 Nothing in this subdivision shall preclude permit applicants or any  
24 other person with a legal interest in the property from retaining a  
25 private CASp at any time.

26 (e) (1) Every CASp who completes an inspection of a place of  
27 public accommodation shall, upon a determination that the site  
28 meets applicable standards pursuant to paragraph (1) of subdivision  
29 (a) or is inspected by a CASp pursuant to paragraph (2) of  
30 subdivision (a), provide the building owner or tenant requesting  
31 the inspection with a numbered disability access inspection  
32 certificate indicating that the site has undergone inspection by a  
33 certified access specialist. The disability access inspection  
34 certificate shall be dated and signed by the CASp inspector, and  
35 shall contain the inspector's name and license number. Upon  
36 issuance of a certificate, the CASp shall record the issuance of the  
37 numbered certificate, the name and address of the recipient, and  
38 the type of report issued pursuant to subdivision (a) in a record  
39 book the CASp shall maintain for that purpose.

1 (2) Beginning March 1, 2009, the State Architect shall make  
2 available for purchase by any local building department or CASp  
3 sequentially numbered disability access inspection certificates that  
4 are printed with a watermark or other feature to deter forgery and  
5 that comply with the information requirements specified in  
6 subdivision (a).

7 (3) The disability access inspection certificate may be posted  
8 on the premises of the place of public accommodation, unless,  
9 following the date of inspection, the inspected site has been  
10 modified or construction has commenced to modify the inspected  
11 site in a way that may impact compliance with construction-related  
12 accessibility standards.

13 (f) Nothing in this section or any other law is intended to require  
14 a property owner or tenant to hire a CASp. A property owner's or  
15 tenant's election not to hire a CASp shall not be admissible to  
16 prove that person's lack of intent to comply with the law.

17 SEC. 4. Section 55.56 of the Civil Code is amended to read:

18 55.56. (a) Statutory damages under either subdivision (a) of  
19 Section 52 or subdivision (a) of Section 54.3 may be recovered in  
20 a construction-related accessibility claim against a place of public  
21 accommodation only if a violation or violations of one or more  
22 construction-related accessibility standards denied the plaintiff  
23 full and equal access to the place of public accommodation on a  
24 particular occasion.

25 (b) A plaintiff is denied full and equal access only if the plaintiff  
26 personally encountered the violation on a particular occasion, or  
27 the plaintiff was deterred from accessing a place of public  
28 accommodation on a particular occasion.

29 (c) A violation personally encountered by a plaintiff may be  
30 sufficient to cause a denial of full and equal access if the plaintiff  
31 experienced difficulty, discomfort, or embarrassment because of  
32 the violation.

33 (d) A plaintiff demonstrates that he or she was deterred from  
34 accessing a place of public accommodation on a particular occasion  
35 only if both of the following apply:

36 (1) The plaintiff had actual knowledge of a violation or  
37 violations that prevented or reasonably dissuaded the plaintiff from  
38 accessing a place of public accommodation that the plaintiff  
39 intended to use on a particular occasion.

1 (2) The violation or violations would have actually denied the  
2 plaintiff full and equal access if the plaintiff had accessed the place  
3 of public accommodation on that particular occasion.

4 (e) (1) The following technical violations are presumed to not  
5 cause a person difficulty, discomfort, or embarrassment for the  
6 purpose of an award of minimum statutory damages in a  
7 construction-related accessibility claim, as set forth in subdivision  
8 (c), where the defendant is a small-business *business*, as described  
9 by subparagraph (B) of paragraph (2) of subdivision (g), the  
10 defendant has corrected, within 15 days of the service of a  
11 summons and complaint asserting a construction-related  
12 accessibility claim or receipt of a written notice, whichever is  
13 earlier, all of the technical violations that are the basis of the claim,  
14 and the claim is based on one or more of the following violations:

15 (A) Interior signs, other than directional signs or signs that  
16 identify the location of accessible elements, facilities, or features,  
17 when not all such elements, facilities, or features are accessible.

18 (B) The lack of exterior signs, other than parking signs and  
19 directional signs, including signs that indicate the location of  
20 accessible pathways or entrance and exit doors when not all  
21 pathways, entrance and exit doors are accessible.

22 (C) The order in which parking signs are placed or the exact  
23 location or wording of parking signs, provided that the parking  
24 signs are clearly visible and indicate the location of accessible  
25 parking and van-accessible parking.

26 (D) The color of parking signs, provided that the color of the  
27 background contrasts with the color of the information on the sign.

28 (E) The color of parking lot striping, provided that it exists and  
29 provides sufficient contrast with the surface upon which it is  
30 applied to be reasonably visible.

31 (F) Faded, chipped, damaged, or deteriorated paint in otherwise  
32 fully compliant parking spaces and passenger access aisles in  
33 parking lots, provided that it indicates the required dimensions of  
34 a parking space or access aisle in a manner that is reasonably  
35 visible.

36 (G) The presence or condition of detectable warning surfaces  
37 on ramps, except where the ramp is part of a pedestrian path of  
38 travel that intersects with a vehicular lane or other hazardous area.

39 (2) The presumption set forth in paragraph (1) affects the  
40 plaintiff's burden of proof and is rebuttable by evidence showing,

1 by a preponderance of the evidence, that the plaintiff did, in fact,  
2 experience difficulty, discomfort, or embarrassment on the  
3 particular occasion as a result of one or more of the technical  
4 violations listed in paragraph (1).

5 (f) Statutory damages may be assessed pursuant to subdivision  
6 (a) based on each particular occasion that the plaintiff was denied  
7 full and equal access, and not upon the number of violations of  
8 construction-related accessibility standards identified at the place  
9 of public accommodation where the denial of full and equal access  
10 occurred. If the place of public accommodation consists of distinct  
11 facilities that offer distinct services, statutory damages may be  
12 assessed based on each denial of full and equal access to the distinct  
13 facility, and not upon the number of violations of  
14 construction-related accessibility standards identified at the place  
15 of public accommodation where the denial of full and equal access  
16 occurred.

17 (g) (1) Notwithstanding any other law, a defendant's liability  
18 for statutory damages in a construction-related accessibility claim  
19 against a place of public accommodation is reduced to a minimum  
20 of one thousand dollars (\$1,000) for each offense if the defendant  
21 demonstrates that it has corrected all construction-related violations  
22 that are the basis of a claim within 60 days of being served with  
23 the complaint, and the defendant demonstrates any of the following:

24 (A) The structure or area of the alleged violation was determined  
25 to be "CASp-inspected" or "meets applicable standards" and, to  
26 the best of the defendant's knowledge, there were no modifications  
27 or alterations that impacted compliance with construction-related  
28 accessibility standards with respect to the plaintiff's claim that  
29 were completed or commenced between the date of that  
30 determination and the particular occasion on which the plaintiff  
31 was allegedly denied full and equal access.

32 (B) The structure or area of the alleged violation was the subject  
33 of an inspection report indicating "CASp determination pending"  
34 or "Inspected by a CASp," and the defendant has either  
35 implemented reasonable measures to correct the alleged violation  
36 before the particular occasion on which the plaintiff was allegedly  
37 denied full and equal access, or the defendant was in the process  
38 of correcting the alleged violation within a reasonable time and  
39 manner before the particular occasion on which the plaintiff was  
40 allegedly denied full and equal access.

1 (C) For a claim alleging a construction-related accessibility  
2 violation filed before January 1, 2018, the structure or area of the  
3 alleged violation was a new construction or an improvement that  
4 was approved by, and passed inspection by, the local building  
5 department permit and inspection process on or after January 1,  
6 2008, and before January 1, 2016, and, to the best of the  
7 defendant's knowledge, there were no modifications or alterations  
8 that impacted compliance with respect to the plaintiff's claim that  
9 were completed or commenced between the completion date of  
10 the new construction or improvement and the particular occasion  
11 on which the plaintiff was allegedly denied full and equal access.

12 (D) The structure or area of the alleged violation was new  
13 construction or an improvement that was approved by, and passed  
14 inspection by, a local building department official who is a certified  
15 access specialist, and, to the best of the defendant's knowledge,  
16 there were no modifications or alterations that affected compliance  
17 with respect to the plaintiff's claim that were completed or  
18 commenced between the completion date of the new construction  
19 or improvement and the particular occasion on which the plaintiff  
20 was allegedly denied full and equal access.

21 (2) Notwithstanding any other law, a defendant's liability for  
22 statutory damages in a construction-related accessibility claim  
23 against a place of public accommodation is reduced to a minimum  
24 of two thousand dollars (\$2,000) for each offense if the defendant  
25 demonstrates both of the following:

26 (A) The defendant has corrected all construction-related  
27 violations that are the basis of a claim within 30 days of being  
28 served with the complaint.

29 (B) The defendant is a small business that has employed 25 or  
30 fewer employees on average over the past three years, or for the  
31 years it has been in existence if less than three years, as evidenced  
32 by wage report forms filed with the Economic Development  
33 Department, and has average annual gross receipts of less than  
34 three million five hundred thousand dollars (\$3,500,000) over the  
35 previous three years, or for the years it has been in existence if  
36 less than three years, as evidenced by federal or state income tax  
37 returns. The average annual gross receipts dollar amount shall be  
38 adjusted biannually by the Department of General Services for  
39 changes in the California Consumer Price Index for All Urban  
40 Consumers, as compiled by the Department of Industrial Relations.

1 The Department of General Services shall post that adjusted  
2 amount on its Internet Web site.

3 (3) (A) Notwithstanding any other law, a defendant shall not  
4 be liable for minimum statutory damages in a construction-related  
5 accessibility claim, with respect to a violation noted in a report by  
6 a certified access specialist (CASp), for a period of 120 days  
7 following the date of the inspection if the defendant demonstrates  
8 compliance with each of the following:

9 (i) The defendant is a business that has employed 100 or fewer  
10 employees on average over the past three years, or for the years it  
11 has been in existence if less than three years, as evidenced by wage  
12 report forms filed with the Employment Development Department.

13 (ii) The structure or area of the alleged violation was the subject  
14 of an inspection report indicating “CASp determination pending”  
15 or “Inspected by a CASp.”

16 (iii) The inspection predates the filing of the claim by, or receipt  
17 of a demand letter from, the plaintiff regarding the alleged violation  
18 of a construction-related accessibility standard, and the defendant  
19 was not on notice of the alleged violation prior to the CASp  
20 inspection because of a previous CASp inspection of the premises,  
21 or other reasons. *inspection.*

22 (iv) ~~Within 10 days of the date of the inspection, the CASp files~~  
23 ~~a notice with the State Architect for listing on the State Architect’s~~  
24 ~~Internet Web site, stating that the defendant has obtained a CASp~~  
25 ~~inspection, the date of the filing, and the date of the inspection.~~

26 (v) ~~The CASp posted the notice described in clause (iv), in a~~  
27 ~~form prescribed by the State Architect, in a conspicuous location~~  
28 ~~within five feet of all public entrances to the building on the date~~  
29 ~~of the inspection and the defendant kept it in place until the earlier~~  
30 ~~of either of the following:~~

31 (I) ~~One hundred twenty days after the date of the inspection.~~

32 (II) ~~The date when all of the construction-related violations in~~  
33 ~~the structure or area inspected by the CASp are corrected.~~

34 (vi)

35 (iv) The defendant has corrected, within 120 days of the date  
36 of the inspection, all construction-related violations in the structure  
37 or area inspected by the CASp that are noted in the CASp report  
38 that are the basis of the claim.

39 (B) Notwithstanding any other law, a defendant who claims the  
40 benefit of the reduction of minimum statutory damages under this

1 subdivision shall disclose the date and findings of any CASp  
2 inspection to a plaintiff if relevant to a claim or defense in an  
3 action.

4 (4) A defendant may assert the reduction of minimum statutory  
5 damages under this subdivision only once for each structure or  
6 area inspected by a CASp, unless the inspected structure or area  
7 has undergone modifications or alterations that affect the  
8 compliance with construction-related accessibility standards of  
9 those structures or areas after the date of the last inspection, and  
10 the defendant obtains an additional CASp inspection within 30  
11 days of final approval by the building department or certificate of  
12 occupancy, as appropriate, regarding the modification or  
13 alterations.

14 (5) If the defendant has failed to correct, within 120 days of the  
15 date of the inspection, all construction-related violations in the  
16 structure or area inspected by the CASp that are noted in the CASp  
17 report, the defendant shall not receive any reduction of minimum  
18 statutory damages, unless a building permit is required for the  
19 repairs which cannot reasonably be completed by the defendant  
20 within 120 days and the defendant is in the process of correcting  
21 the violations noted in the CASp report, as evidenced by having,  
22 at least, an active building permit necessary for the repairs to  
23 correct the violation that was noted, but not corrected, in the CASp  
24 report and all of the repairs are completed within 180 days of the  
25 date of the inspection.

26 (6) This subdivision shall not be applicable to intentional  
27 violations.

28 (7) Nothing in this subdivision affects the awarding of actual  
29 damages, or affects the awarding of treble actual damages.

30 (8) This subdivision shall apply only to claims filed on or after  
31 the effective date of Senate Bill 1186 of the 2011–12 Regular  
32 Session of the Legislature, except that for paragraphs (3), (4), and  
33 (5), which shall apply to claims filed on or after January 1, 2016.  
34 Nothing in this subdivision is intended to affect a complaint filed  
35 before that date.

36 (h) This section does not alter the applicable law for the  
37 awarding of injunctive or other equitable relief for a violation or  
38 violations of one or more construction-related accessibility  
39 standards, nor alter any legal obligation of a party to mitigate  
40 damages.

1 (i) In assessing liability under subdivision (d), in an action  
2 alleging multiple claims for the same construction-related  
3 accessibility violation on different particular occasions, the court  
4 shall consider the reasonableness of the plaintiff’s conduct in light  
5 of the plaintiff’s obligation, if any, to mitigate damages.

6 (j) For purposes of this section, the “structure or area inspected”  
7 means one of the following: the interior of the premises, the  
8 exterior of the premises, or both the interior and exterior.

9 SEC. 5. Section 4459.7 of the Government Code is amended  
10 to read:

11 4459.7. (a) (1) No later than October 31 of each year, the  
12 State Architect shall publish and make available to the public a  
13 list of certified access specialists who have met the requirements  
14 of Section 4459.5.

15 (2) The State Architect shall publish and regularly update on  
16 its Internet Web site easily accessible lists of all of the following:

17 (A) Businesses that have obtained a CASp inspection and have  
18 filed, or a CASp has filed on their behalf, a notice pursuant to  
19 paragraph (3) of subdivision (g) of Section 55.56 of the Civil Code.

20 (B) Businesses which have been inspected by a certified access  
21 specialist on or after January 1, 2016, including the date of the  
22 inspection.

23 (3) The lists required pursuant to this section shall include a  
24 written disclaimer of liability as specified in subdivision (b).

25 (b) Notwithstanding any other provision of law, a state agency  
26 or employee of a state agency may not be held liable for any injury  
27 or damages resulting from any service provided by a certified  
28 access specialist whose name appears on the list published pursuant  
29 to subdivision (a).

30 (c) The State Architect may perform periodic audits of work  
31 performed by a certified access specialist as deemed necessary to  
32 ensure the desired standard of performance. A certified access  
33 specialist shall provide an authorized representative of the State  
34 Architect with complete access, at any reasonable hour of the day,  
35 to all technical data, reports, records, photographs, design outlines  
36 and plans, and files used in building inspection and plan review,  
37 with the exception of proprietary and confidential information.

38 (d) By January 1, 2016, the State Architect shall develop a  
39 process by which a certified access specialist (CASp) may notify  
40 the State Architect that a structure or area on the premises of a

1 business has been inspected by a CASp and to notify the public  
 2 that the business has a “CASp determination pending,” or has been  
 3 “Inspected by a CASp,” as provided by paragraph (3) of  
 4 subdivision (g) of Section 55.56 of the Civil Code, which shall  
 5 include ~~the date of the notification, the date of the inspection, the~~  
 6 *name and address of the business, the date of the notification, the*  
 7 *date of the inspection of the business, the name and license number*  
 8 *of the CASp,* and a description of the structure or area inspected  
 9 by a CASp.

10 (e) By January 1, 2016, the State Architect shall develop a form  
 11 for a business to notify the public that the business has obtained a  
 12 CASp inspection pursuant to paragraph (3) of subdivision (g) of  
 13 Section 55.56 of the Civil Code, which shall include the date of  
 14 the notification, the date of the inspection, and a description of the  
 15 structure or area inspected by a CASp.

16 (f) For purposes of this section, the “structure or area inspected”  
 17 means one of the following: the interior of the premises, the  
 18 exterior of the premises, or both the interior and exterior.

19 SEC. 6. Section 4459.8 of the Government Code is amended  
 20 to read:

21 4459.8. (a) The certification authorized by Section 4459.5 is  
 22 effective for three years from the date of initial certification and  
 23 expires if not renewed. The State Architect, upon consideration of  
 24 any factual complaints regarding the work of a certified access  
 25 specialist or of other relevant information, may suspend  
 26 certification or deny renewal of certification.

27 (b) (1) The State Architect shall require each applicant for  
 28 certification as a certified access specialist to do both of the  
 29 following:

30 (A) Pay fees, including an application and course fee and an  
 31 examination fee, at a level sufficient to meet the costs of application  
 32 processing, registration, publishing a list, and other activities that  
 33 are reasonably necessary to implement and administer the certified  
 34 access specialist program.

35 (B) Provide to the State Architect the name of the city, county,  
 36 or city and county in which the applicant intends to provide  
 37 services.

38 (2) The State Architect shall require each applicant for renewal  
 39 of certification to do both of the following:

1 (A) Pay a fee sufficient to cover the reasonable costs of  
2 reassessing qualifications of renewal applicants.

3 (B) Provide to the State Architect the name of the city, county,  
4 or city and county in which the applicant has provided services  
5 since the last day of certification by the State Architect.

6 (3) The State Architect shall periodically review ~~its~~ *his or her*  
7 schedule of fees to ensure that ~~its~~ *the* fees for certification are not  
8 excessive while covering the costs to administer the certified access  
9 specialist program. The application fee for a California licensed  
10 architect, landscape architect, civil engineer, or structural engineer  
11 shall not exceed two hundred fifty dollars (\$250).

12 (c) All fees collected pursuant to this section shall be deposited  
13 into the Certified Access Specialist Fund, which is hereby created  
14 in the State Treasury. Notwithstanding Section 13340, this fund  
15 is continuously appropriated without regard to fiscal years for use  
16 by the State Architect to implement Sections 4459.5 to 4459.8,  
17 inclusive.

18 (d) The State Architect shall post on his or her Internet Web  
19 site the name of the city, county, or city and county in which each  
20 certified access specialist provides or intends to provide services.

21 SEC. 7. Section 8299.06 of the Government Code is amended  
22 to read:

23 8299.06. (a) A priority of the commission shall be the  
24 development and dissemination of educational materials and  
25 information to promote and facilitate disability access compliance.

26 (b) The commission shall work with other state agencies,  
27 including the Division of the State Architect and the Department  
28 of Rehabilitation, to develop educational materials and information  
29 for use by businesses to understand its obligations to provide  
30 disability access and to facilitate compliance with  
31 construction-related accessibility standards.

32 (c) The commission shall develop and make available on its  
33 Internet Web site, or make available on its Internet Web site if  
34 developed by another governmental agency, including Americans  
35 with Disabilities Act centers, toolkits or educational modules to  
36 assist a California business to understand its obligations under the  
37 law and to facilitate compliance with respect to the top 10 alleged  
38 construction-related violations, by type, as specified in subdivision  
39 (a) of Section 8299.08. Upon completion of this requirement, the  
40 commission shall develop and make available on its Internet Web

1 site, or work with another agency to develop, other toolkits or  
2 educational modules that would educate businesses of the  
3 accessibility requirements and to facilitate compliance with that  
4 requirement.

5 (d) The commission shall post the following on its Internet Web  
6 site:

7 (1) Educational materials and information that will assist  
8 building owners, tenants, building officials, and building inspectors  
9 to understand the disability accessibility requirements and to  
10 facilitate compliance with disability access laws. The commission  
11 shall at least annually review the educational materials and  
12 information on disability access requirements and compliance  
13 available on the Internet Web site of other local, state, or federal  
14 agencies, including Americans with Disabilities Act centers, to  
15 augment the educational materials and information developed by  
16 the commission.

17 (2) A link to the Internet Web site of the Division of the State  
18 Architect's certified access specialist (CASp) program to assist  
19 building owners and tenants in locating or hiring a CASp.

20 (e) The commission shall, to the extent feasible, coordinate with  
21 other state agencies and local building departments to ensure that  
22 information provided to the public on disability access requirements  
23 is uniform and complete, and make its educational materials and  
24 information available to those agencies and departments.

25 *SEC. 7.5. Section 8299.06 of the Government Code is amended*  
26 *to read:*

27 8299.06. (a) A priority of the commission shall be the  
28 development and dissemination of educational materials and  
29 information to promote and facilitate disability access compliance.

30 (b) The commission shall work with other state agencies,  
31 including the Division of the State Architect and the Department  
32 of Rehabilitation, to develop educational materials and information  
33 for use by businesses to understand ~~its~~ *their* obligations to provide  
34 disability access and to facilitate compliance with  
35 construction-related accessibility standards.

36 (c) The commission shall develop and make available on its  
37 Internet Web site, or make available on its Internet Web site if  
38 developed by another governmental agency, including Americans  
39 with Disabilities Act centers, toolkits or educational modules to  
40 assist a California business to understand its obligations under the

1 law and to facilitate compliance with respect to the top 10 alleged  
2 construction-related violations, by type, as specified in subdivision  
3 (a) of Section 8299.08. Upon completion of this requirement, the  
4 commission shall develop and make available on its Internet Web  
5 site, or work with another agency to develop, other toolkits or  
6 educational modules that would educate businesses of the  
7 accessibility requirements and to facilitate compliance with that  
8 requirement.

9 ~~(d) The commission shall post on its Internet Web site~~  
10 ~~educational materials~~

11 *(d) The commission shall post the following on its Internet Web*  
12 *site:*

13 *(1) Educational materials* and information that will assist  
14 building owners, tenants, building officials, and building inspectors  
15 to understand the disability accessibility requirements and to  
16 facilitate compliance with disability access laws. The commission  
17 shall at least annually review the educational materials and  
18 information on disability access requirements and compliance  
19 available on the Internet Web-site *sites* of other local, state, or  
20 federal agencies, including Americans with Disabilities Act centers,  
21 to augment the educational materials and information developed  
22 by the commission.

23 *(2) A link to the Internet Web site of the Division of the State*  
24 *Architect's Certified Access Specialist (CASp) Program to assist*  
25 *building owners and tenants in locating or hiring a CASp.*

26 (e) The commission shall, to the extent feasible, coordinate with  
27 other state agencies and local building departments to ensure that  
28 information provided to the public on disability access requirements  
29 is uniform and ~~complete~~. *complete, and make its educational*  
30 *materials and information available to those agencies and*  
31 *departments.*

32 *(f) The commission shall establish a permanent legislative*  
33 *outreach coordinator position and a permanent educational*  
34 *outreach coordinator position.*

35 SEC. 8. Section 65941.6 is added to the Government Code, to  
36 read:

37 65941.6. (a) Each local agency shall develop materials relating  
38 to the requirements of the federal Americans with Disabilities Act  
39 of 1990 (42 U.S.C. Sec. 12101 et seq.). The local agency shall  
40 provide these materials to an applicant along with notice that

1 approval of a permit does not signify that the applicant has  
2 complied with the federal Americans with Disabilities Act of 1990.

3 (b) For the purposes of complying with the requirements of  
4 subdivision (a), a local agency may, in lieu of developing its own  
5 materials, provide applicants with those materials which the  
6 California Commission on Disability Access has developed and  
7 made available pursuant to Section 8299.06.

8 SEC. 9. Article 4 (commencing with Section 65946) is added  
9 to Chapter 4.5 of Division 1 of Title 7 of the Government Code,  
10 to read:

11

#### 12 Article 4. Expedited Review

13

14 65946. (a) For the purposes of this section, the following  
15 definitions shall apply:

16 (1) “Certified access specialist” or “CASp” means any person  
17 who has been certified pursuant to Section 4459.5.

18 (2) “Construction-related accessibility standard” means a  
19 provision, standard, or regulation under state or federal law  
20 requiring compliance with standards for making new construction  
21 and existing facilities accessible to persons with disabilities,  
22 including, but not limited to, any provision, standard, or regulation  
23 set forth in Section 51, 54, 54.1, or 55 of the Civil Code, Section  
24 19955.5 of the Health and Safety Code, the California Building  
25 Standards Code (Title 24 of the California Code of Regulations),  
26 the federal Americans with Disabilities Act of 1990 (Public Law  
27 101-336; 42 U.S.C. Sec. 12101 et seq.), and the federal Americans  
28 with Disabilities Act Accessibility Guidelines (Appendix A to Part  
29 36 of Title 28 of the Code of Federal Regulations).

30 (3) “Written inspection report” means the CASp report required  
31 to be provided pursuant to subdivision (a) of Section 55.53 of the  
32 Civil Code.

33 (b) A local agency shall expedite review of a project application  
34 if the project applicant meets all of the following conditions:

35 (1) The applicant provides a copy of a disability access  
36 inspection certificate, provided by a CASp pursuant to subdivision  
37 (e) of Section 55.53 of the Civil Code, pertaining to the site of the  
38 proposed project.

39 (2) The applicant demonstrates that the proposed project is  
40 necessary to address either an alleged violation of a

1 construction-related accessibility standard or a violation noted in  
2 a written inspection report.

3 (3) If project plans are necessary for the approval of a project,  
4 the applicant has had a CASp review the project plans for  
5 compliance with all applicable construction-related accessibility  
6 standards.

7 SEC. 10. Section 17053.43 is added to the Revenue and  
8 Taxation Code, to read:

9 17053.43. (a) For each taxable year beginning on or after  
10 January 1, 2016, and before January 1, 2021, there shall be allowed  
11 as a credit against the “net tax,” as defined in Section 17039, the  
12 amount paid or incurred for eligible access expenditures. The credit  
13 shall be allowed in accordance with Section 44 of the Internal  
14 Revenue Code, relating to expenditures to provide access to  
15 disabled individuals, except that the credit amount specified in  
16 subdivision (b) shall be substituted for the credit amount specified  
17 in Section 44(a) of the Internal Revenue Code.

18 (b) The credit amount allowed under this section shall be an  
19 amount equal to 10 percent of so much of the eligible access  
20 expenditures for the taxable year as exceed two hundred fifty  
21 dollars (\$250) but do not exceed ten thousand two hundred fifty  
22 dollars (\$10,250).

23 (c) In the case where the credit allowed by this section exceeds  
24 the “net tax,” the excess may be carried over to reduce the “net  
25 tax” in the following year, and the succeeding four years, if  
26 necessary, until the credit is exhausted.

27 (d) The credit allowed by this section may be claimed only on  
28 a timely filed original return of the taxpayer.

29 (e) The Franchise Tax Board may prescribe rules, guidelines,  
30 or procedures necessary or appropriate to carry out the purposes  
31 of this section, including any guidelines regarding the  
32 substantiation of the credit allowed by this section. Chapter 3.5  
33 (commencing with Section 11340) of Part 1 of Division 3 of Title  
34 2 of the Government Code does not apply to any rule, guideline,  
35 or procedure prescribed by the Franchise Tax Board pursuant to  
36 this section.

37 (f) This section shall remain in effect only until December 1,  
38 2021, and as of that date is repealed.

39 SEC. 11. Section 23643 is added to the Revenue and Taxation  
40 Code, to read:

1 23643. (a) For each taxable year beginning on or after January  
2 1, 2016, and before January 1, 2021, there shall be allowed as a  
3 credit against the “tax,” as defined in Section 23036, the amount  
4 paid or incurred for eligible access expenditures. The credit shall  
5 be allowed in accordance with Section 44 of the Internal Revenue  
6 Code, relating to expenditures to provide access to disabled  
7 individuals, except that the credit amount specified in subdivision  
8 (b) shall be substituted for the credit amount specified in Section  
9 44(a) of the Internal Revenue Code and the second sentence of  
10 Section 44(d)(3) of the Internal Revenue Code, relating to  
11 partnerships and “S” corporations, shall not apply.

12 (b) The credit amount allowed under this section shall be an  
13 amount equal to 10 percent of so much of the eligible access  
14 expenditures for the taxable year as exceed two hundred fifty  
15 dollars (\$250) but do not exceed ten thousand two hundred fifty  
16 dollars (\$10,250).

17 (c) In the case where the credit allowed by this section exceeds  
18 the “tax,” the excess may be carried over to reduce the “tax” in  
19 the following year, and the succeeding four years, if necessary,  
20 until the credit is exhausted.

21 (d) The credit allowed by this section may be claimed only on  
22 a timely filed original return of the taxpayer.

23 (e) The Franchise Tax Board may prescribe rules, guidelines,  
24 or procedures necessary or appropriate to carry out the purposes  
25 of this section, including any guidelines regarding the  
26 substantiation of the credit allowed by this section. Chapter 3.5  
27 (commencing with Section 11340) of Part 1 of Division 3 of Title  
28 2 of the Government Code does not apply to any rule, guideline,  
29 or procedure prescribed by the Franchise Tax Board pursuant to  
30 this section.

31 (f) This section shall remain in effect only until December 1,  
32 2021, and as of that date is repealed.

33 SEC. 12. The Legislature finds and declares that Sections 8  
34 and 9 of this act, pertaining to the review and approval of  
35 development permit applications, constitute matters of statewide  
36 concern, and shall apply to charter cities and charter counties.  
37 These sections shall supersede any inconsistent provisions in the  
38 charter of any city, county, or city and county.

1 SEC. 13. It is the intent of the Legislature to make the findings  
2 required by Section 41 of the Revenue and Taxation Code with  
3 respect to the tax credits allowed by Sections 10 and 11 of this act.

4 *SEC. 14. Section 7.5 of this bill incorporates amendments to*  
5 *Section 8299.06 of the Government Code proposed by both this*  
6 *bill and Assembly Bill 1342. It shall only become operative if (1)*  
7 *both bills are enacted and become effective on or before January*  
8 *1, 2016, (2) each bill amends Section 8299.06 of the Government*  
9 *Code, and (3) this bill is enacted after Assembly Bill 1342, in which*  
10 *case Section 7 of this bill shall not become operative.*

11 ~~SEC. 14.~~

12 *SEC. 15.* If the Commission on State Mandates determines that  
13 this act contains costs mandated by the state, reimbursement to  
14 local agencies and school districts for those costs shall be made  
15 pursuant to Part 7 (commencing with Section 17500) of Division  
16 4 of Title 2 of the Government Code.