

ASSEMBLY BILL

No. 2235

Introduced by Assembly Member Adams

February 18, 2010

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2235, as introduced, Adams. 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:

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

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

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

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