

ASSEMBLY BILL

No. 2282

Introduced by Assembly Member Bill Berryhill

February 24, 2012

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.