

April 21, 2017

## **Arizona Legislature Approves Disability Lawsuits Bill**

On Monday, Arizona state senators approved legislation that, if signed into law, will give businesses at least thirty days to cure violations of the Arizonans with Disabilities Act before they can be sued.

### **Time Frame to Rectify ADA Violations**

The legislation, SB 1406, provides:

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"Before filing a civil action the aggrieved person or the person's attorney shall provide written notice with sufficient detail to allow the private entity to identify and cure the violation or comply with the law. If the private entity does not cure the violation or comply with the law within thirty days after receiving the notice, the aggrieved person may file the civil action."

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Importantly, there are many instances in which a business may get more than thirty days to correct a violation. For instance, if a business must obtain government approval to make the changes required to comply with the Arizonans with Disabilities Act, then the business will have thirty days to provide the complainant with a corrective action plan and another sixty days to implement the changes before the complainant can file suit. The time period needed for the government to make a decision is not counted in the sixty days.

By giving Arizona businesses an opportunity to cure violations before being sued, this bill will almost certainly cut down on the amount of vexatious litigation they may face.

SB 1406 has already passed the House and is now going to Governor Doug Ducey for signature.