

MEMORANDUM



Date: April 22, 2008

To: The Honorable Dave Jones, Chair
The Honorable Van Tran, Vice Chair
Members, Assembly Judiciary Committee

From: Rex D. Frazier, President
Michael A. Gunning, Vice President
Kimberley Dellinger, General Counsel
Ermelinda Ruiz, Legislative Advocate

Re: AB 2533 (Keene): Disability Access: Remedies
As Introduced
Assembly Judiciary Committee Hearing April 28, 2008
PIFC Position: Support

Personal Insurance Federation of California, representing insurers who write approximately 50 percent of the auto insurance sold in the state, including State Farm, Farmers, Safeco, aigdirect.com, Progressive and NAMIC, **supports AB 2533 authored by Assembly Member Keene.**

Current state law provides that individuals with disabilities have the same rights as the general public to the full and free use of public facilities. Federal law, the Americans with Disabilities Act of 1990, provides that individuals are entitled to full and equal access.

This legislation would require a plaintiff, prior to filing a complaint alleging a violation under these laws, to provide written notice to the person, firm or corporation specifying the physical conditions that are alleged to deny or interfere with the right of access. AB 2533 would allow for the opportunity, under specified circumstances, to remedy any condition reasonably cited in the notice that denies or interferes with a right of access guaranteed by law, before an action may be pursued.

Insurance agent offices are among many other small businesses in California that have been increasingly subjected to lawsuits alleging violations of the ADA and demands for monetary settlements under threat of costly litigation. Often these threats and suits aren't even accompanied by a requirement to fix the access problem, raising the question of the true motivation behind some of these lawsuits.

The goal should be access for everyone and we strongly support efforts to increase compliance and provide full access to those with disabilities. Insurance agents, like other businesses, recognize the increased value in their business by increasing accessibility. Costly litigation and threatening letters demanding payments do nothing to increase accessibility. Offering a business the opportunity to improve accessibility before allowing litigation is the way to achieve full and equal access.

For these reasons, **PIFC supports AB 2533** and urges your **aye** vote. If you have additional questions regarding our position, please do not hesitate to contact Kimberley Dellinger at (916) 442-6646.

cc: Assembly Member Keene (Author)
Mike Proso, Chief Deputy, Legislative Affairs Secretary, Office of the Governor
Kevin Baker, Consultant, Assembly Judiciary Committee
Mark Redmond, Consultant, Assembly Republican Caucus
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