

MEMORANDUM

Date: April 22, 2008

To: The Honorable Ellen Corbett, Chair
The Honorable Tom Harman, Vice Chair
Members, Senate Judiciary Committee

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

Re: SB 1766 (McClintock): Disability: Access - As Introduced
Senate Judiciary Committee Hearing April 28, 2008
PIFC Position: Support



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The 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 SB 1766**, authored by Senator Tom McClintock.

Current laws, including the Americans with Disabilities Act ("ADA"), provide that individuals with disabilities are entitled to full and equal access to facilities and other places to which the general public is invited.

This legislation would require a plaintiff to provide written notice to an owner or manager of the particular accommodation at issue before filing a lawsuit alleging a violation of the ADA. SB 1766 would give a business the opportunity to make the appropriate access improvements, under specified timeframes and conditions, before litigation could 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 all 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 best way to achieve full and equal access.

For these reasons, **PIFC supports SB 1766 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: Senator McClintock (Author)
Mike Proso, Chief Deputy, Legislative Affairs Secretary, Office of the Governor
Gloria Ochoa, Consultant, Senate Judiciary Committee
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