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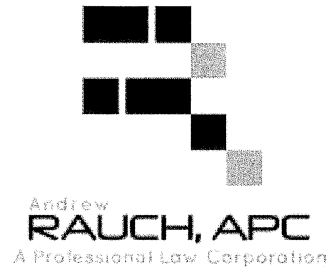
DISABILITY ACCESS LITIGATION. INITIATIVE STATUTE.

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December 21, 2015

Office of the Attorney General
ATTN: Initiative Coordinator
Ashley Johansson
P.O. Box 944255
Sacramento, CA 94244-2550

RECEIVED
DEC 23 2015

Re: Request for Amendment to Proposed Initiative
Initiative 15-0110

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Ms. Johansson:


Pursuant California Elections Code section 9002, I am submitting the enclosed amendment to the initiative that I originally submitted on November 18, 2015 and which you received on November 19, 2015. You assigned this initiative number 15-0110.

This amendment is submitted within 35 calendar days following your receipt of the proposed measure. The amendment is germane to the theme, purpose, or subject of the initiative measure as originally proposed. (It clarifies and improves the original language as recommended by other citizens of California received during the public comment period.)

I am the only proponent of the initiative and provide my signature below, authorizing this amendment. As a courtesy, I also provide a redline version showing the changes between the original submission and the measure, as amended.

Thank you for your time and attention to this matter. Should you have any questions or require additional information, please contact the undersigned at the address and telephone number listed above.

Sincerely,


Andrew K. Rauch, Proponent

Enclosures

INITIATIVE MEASURE (AS AMENDED) TO BE SUBMITTED DIRECTLY TO THE VOTERS**SECTION 1. STATEMENT OF FINDINGS AND PURPOSE**

- A. Under California law, all persons are entitled to full and equal accommodations, advantages, facilities, privileges, or services in all business establishments, including both private and public entities. However, oppressive lawsuits are needlessly decreasing or limiting access to public facilities since funds that could have been used to create greater accessibility are being taken by some attorneys for their excessive fees through unnecessary litigation.
- B. To encourage greater accessibility and to ensure that compliance can be accomplished quickly, the People of the State of California hereby amend the law to allow remedial access corrections to be made without litigation and needless payments of overly burdensome attorneys' fees.

SECTION 2. AMENDMENT TO CONSTRUCTION-RELATED ACCESSIBILITY STANDARDS COMPLIANCE ACT

Section 55.535 is added to the Civil Code as follows:

§55.535 Notwithstanding any other provision of law, no construction-related accessibility claim may be initiated in a legal proceeding against any person, business or entity unless such person, business or entity has been served with a demand letter specifying each claimed violation of a construction-related accessibility standard and the violation has not been corrected within 120 days of the service of the demand letter. Service of the demand letter shall be accomplished by any means authorized for service of a summons. No person, business or entity served with a demand letter shall be liable for statutory damages, costs or plaintiff's attorney fees for any claimed violation of a construction-related accessibility standard if the violation is corrected within 120 days of service of the demand letter.

SECTION 3. GENERAL PROVISIONS

(a) This Act is intended to be comprehensive. It is the intent of the People that in the event this Act and one or more measures relating to the same subject shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this Act. In the event that this Act receives a greater number of affirmative votes, the provisions of this Act shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.

(b) If any provision of this Act, or part thereof, or the applicability of any provision or part to any person or circumstances, is for any reason held to be invalid or unconstitutional, the remaining provisions and parts shall not be affected, but shall remain in full force and effect, and to this end the provisions and parts of this Act are severable. The voters hereby declare that this Act, and each portion and part, would have been adopted irrespective of whether any one or more provisions or parts are found to be invalid or unconstitutional.

(c) This Act is an exercise of the public power of the people of the State of California for the protection of the health, safety, and welfare of the people of the State of California, and shall be liberally construed to effectuate its purposes.

(d) Notwithstanding any other provision of law, if the State, government agency, or any of its officials fail to defend the constitutionality of this act, following its approval by the voters, any other government employer, the proponent, or in his or her absence, any citizen of this State shall have the authority to intervene in any court action challenging the constitutionality of this act for the purpose of defending its constitutionality, whether such action is in trial court, on appeal, and on discretionary review by the Supreme Court of California and/ or the Supreme Court of the United States. The fees and costs of defending the action shall be a charge on funds appropriated to the Attorney General, which shall be satisfied promptly.

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

DISABILITY ACCESS LITIGATION. INITIATIVE STATUTE. Requires that persons with disabilities who sue property owners or businesses for construction-related accessibility violations give 120 days notice before filing suit. Bars suit if the property owner or business corrects the violation within 120 days. Requires that notice of violations be provided in the same way as notice of a lawsuit. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Potential reduction in state court costs related to civil claims, which could be in the range of a few million dollars annually.** (15-0110.)