

EDITORIAL: Valley lawmakers rightfully target ADA lawsuit abuse



In this Aug. 29, 2014 file photo, Assemblywoman Kristin Olsen, R-Modesto, addresses lawmakers at the State Assembly in Sacramento, Calif.

RICH PEDRONCELLI — Associated Press

Two Valley lawmakers unveiled their most important priority on the first day of the new state legislative session: halting abuse of a law meant to guarantee access for those with disabilities.

Republican Kristin Olsen of Riverbank and Democrat Adam Gray of Merced introduced companion Assembly bills that challenge the Legislature to do something about a legal scourge extensively detailed by reporters Garth Stapley of The Modesto Bee and Ramona Giwargis of the Merced Sun-Star in a series of September stories.

The Olsen and Gray bills are a frontal assault on unscrupulous lawyers who attack small businesses through lawsuits based on the Americans with Disabilities Act and a quirk of California law that allows for direct payment to lawyers and so-called victims. These lawsuits resemble legal blackmail.

Gray and Olsen have been joined by a host of Valley legislators whose districts have been infested by professional victims who visit small businesses with the sole purpose of finding technical violations of the ADA. Those often-minuscule violations — a sign posted a few inches too high, a parking space an inch too narrow, or outdated wording beneath the symbol for handicap access — rarely represent an actual barrier to the handicapped.

The tiniest violations are identified and turned over to lawyers who then threaten to sue the business owners. The real

intent is to extract a settlement. California law allows \$4,000 per violation, so if the “victim” finds 10 technical violations, the lawyer offers to settle for \$40,000. These unscrupulous lawyers and their accomplices swooped into the Valley this year, forcing several small businesses who could not afford the settlements to close.

Actual barriers to handicap access are indefensible. The changes that Gray and Olsen propose would neither excuse such violations nor lessen the incentives for fixing them.

Olsen’s AB 54 would give businesses 60 days to update facilities once a violation is spotted. Gray’s AB 52 would significantly reduce damages if violations are corrected within 180 days.

Virtually all of the San Joaquin Valley’s representatives have embraced the legislation.

“The recent string of frivolous ADA lawsuits ... is a blatant abuse of these well-intentioned laws,” said Sen. Anthony Cannella of Ceres.

“AB 52 and 54 put the priority where it belongs,” said Sen. Tom Berryhill of Twain Harte, “improving access for the disabled.”

A host of other legislators — including Democratic Sen. Cathleen Galgiani of Stockton and Republican Sen. Andy Vidak of Hanford — have co-signed.

That our legislators stand united, we hope, sends a clear signal to the rest of the Legislature. Aside from the obvious merits of the bills, this is the kind of cooperation we want in Sacramento — irrespective of party affiliation.

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