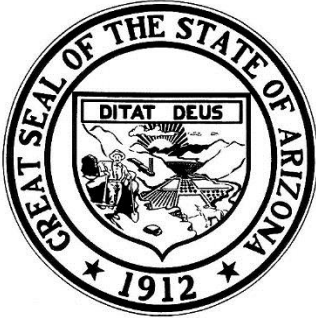


## HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **SB 1406**

Mesnard Floor Amendment

1. Specifies that only an aggrieved person who is subjected to discrimination may file a civil action for relief.
2. Prohibits the filing of a civil action for a building, facility or parking lot violation before providing written notice to the private entity in order to allow the entity to identify and cure the violation or comply with the law. Removes the specific list of violations.
3. States that if the entity is required to obtain a building permit or similar form of government approval in order to make the changes necessary to comply or cure the violation, the entity must complete the following within 30 days of receiving the notice of violation:
  - a. Provide a corrective action plan to the aggrieved person or the person's attorney; and
  - b. Submit the completed application for the permit or other form of approval to the appropriate governmental entity.
4. Prohibits the filing of a civil action for 60 days after the entity provides the corrective action plan to the aggrieved person or the person's attorney, if government approval is required to comply or cure the violation.
5. Tolls the period of time after the submission of the completed application to the governmental entity until the final determination is provided to the private entity.
  - a. This time is excluded from the calculation of the 60-day period.
  - b. Any delay caused by the entity before the determination is not tolled.
6. Requires the entity to comply with the requirements of [A.R.S. § 41-1492.04](#) related to new construction and alterations during the 60-day period.
7. Includes in the required affidavit a statement that the aggrieved person is not receiving and has not been promised anything of value in exchange for filing the civil action (unless authorized by either statute or rule).
8. Prohibits the aggrieved person or the person's attorney from demanding or collecting money from the entity prior to the end of the time periods outlined.

Amendment explanation prepared by K Proctor

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kmp

4/12/2017

9. Permits the person or the person's attorney to state that the entity may be civilly liable for a violation.
10. Restores current law related to specific injunctive relief options by removing the added violations.
11. Removes exceptions for future ADA amendments or interpretations by the US Supreme Court for purposes of the website exemption.
12. Makes technical and conforming changes.

MESNARD FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1406  
(Reference to APPROPRIATIONS Committee amendment)

- 1 Page 1, line 11, after "~~WEBSITES~~" strike remainder of line
- 2 Strike lines 12 and 13, insert a period
- 3 Line 17, after the semicolon insert "prohibited demand for money;"
- 4 Line 21, after "~~DISCRIMINATION~~" strike remainder of line
- 5 Strike line 22
- 6 Line 23, strike "~~DISCRIMINATION~~"
- 7 Page 2, line 6, strike "~~41-1492.01,~~"; strike the second comma
- 8 Line 7, strike "~~and~~" insert "and"; strike "~~41-1492.05 AND 41-1492.11,~~"
- 9 Line 23 after "~~ALLEGES~~" strike remainder of line
- 10 Line 24, strike "~~THIS SECTION BY~~"
- 11 Line 25, after "~~ENTITY~~" insert "HAS A BUILDING, FACILITY OR PARKING LOT THAT
- 12 VIOLATES THIS ARTICLE AND EXCEPT AS PROVIDED BY SUBSECTION F OF THIS
- 13 SECTION"
- 14 Line 26, after the first "~~TO~~" insert "~~ALLOW~~"; after the second "~~TO~~" insert
- 15 "~~IDENTIFY AND~~"
- 16 Strike lines 30 through 32
- 17 Page 3, strike lines 1 through 25, insert:
  - 18 "F. IF THE PRIVATE ENTITY IS REQUIRED TO OBTAIN A BUILDING PERMIT OR
  - 19 OTHER SIMILAR FORM OF GOVERNMENT APPROVAL TO MAKE THE CHANGES NECESSARY TO
  - 20 CURE THE VIOLATION OR COMPLY WITH THE LAW AND THE PRIVATE ENTITY, WITHIN
  - 21 THIRTY DAYS AFTER RECEIVING THE NOTICE REQUIRED BY SUBSECTION E OF THIS
  - 22 SECTION, PROVIDES THE AGGRIEVED PERSON OR THE PERSON'S ATTORNEY WITH A
  - 23 CORRECTIVE ACTION PLAN AND SUBMITS THE COMPLETED APPLICATION FOR THE
  - 24 BUILDING PERMIT OR OTHER SIMILAR FORM OF GOVERNMENT APPROVAL TO THE

1 APPROPRIATE GOVERNMENTAL ENTITY FOR A DETERMINATION, THE AGGRIEVED PERSON  
2 MAY NOT FILE THE CIVIL ACTION FOR AN ADDITIONAL SIXTY DAYS FROM THE DATE  
3 THAT THE PRIVATE ENTITY PROVIDED THE CORRECTIVE ACTION PLAN TO THE  
4 AGGRIEVED PERSON OR THE PERSON'S ATTORNEY. THE TIME AFTER THE COMPLETED  
5 APPLICATION FOR THE BUILDING PERMIT OR OTHER SIMILAR FORM OF GOVERNMENT  
6 APPROVAL IS SUBMITTED TO THE GOVERNMENTAL ENTITY UP UNTIL A FINAL  
7 DETERMINATION IS PROVIDED TO THE PRIVATE ENTITY IS TOLLED AND IS NOT  
8 INCLUDED IN CALCULATING THE ADDITIONAL SIXTY DAYS, EXCEPT THAT ANY DELAY  
9 THAT IS CAUSED BY THE PRIVATE ENTITY BEFORE THE FINAL DETERMINATION IS  
10 PROVIDED IS NOT TOLLED. DURING THE ADDITIONAL SIXTY DAYS, THE PRIVATE  
11 ENTITY MUST COMPLY WITH THE REQUIREMENTS OF SECTION 41-1492.04."

12 Page 3, line 28, strike "AND" insert a comma

13 Line 29, after "COMPLAINT" insert "AND, UNLESS AUTHORIZED BY STATUTE OR RULE,  
14 IS NOT RECEIVING AND HAS NOT BEEN PROMISED ANYTHING OF VALUE IN EXCHANGE  
15 FOR FILING THE CIVIL ACTION.

16 H. AN AGGRIEVED PERSON OR THE AGGRIEVED PERSON'S ATTORNEY MAY NOT  
17 DEMAND OR COLLECT MONEY FROM THE PRIVATE ENTITY BEFORE THE END OF THE  
18 APPLICABLE TIME PERIOD UNDER SUBSECTIONS E AND F OF THIS SECTION BUT MAY  
19 STATE THAT THE PRIVATE ENTITY MAY BE CIVILLY LIABLE FOR A VIOLATION OF THIS  
20 ARTICLE."

21 Reletter to conform

22 Lines 31 and 32, strike "IF" insert "WHETHER"

23 Amend title to conform

JAVAN D. MESNARD

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