

HOUSE COMMITTEE OF REFERENCE REPORT

March 22, 2022

Chair of Committee

Date

Committee on Transportation & Local Government.

After consideration on the merits, the Committee recommends the following:

HB22-1253 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, strike line 5 and substitute "**requirements -**
2 **failure to comply - definitions.** (1) (a) THE GENERAL ASSEMBLY HEREBY
3 FINDS AND DECLARES THAT:
4 (I) THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990",
5 42 U.S.C. SEC. 12182 (a) STATES THAT "[N]O INDIVIDUAL SHALL BE
6 DISCRIMINATED AGAINST ON THE BASIS OF DISABILITY IN THE FULL AND
7 EQUAL ENJOYMENT OF THE GOODS, SERVICES, FACILITIES, PRIVILEGES,
8 ADVANTAGES, OR ACCOMMODATIONS OF ANY PLACE OF PUBLIC
9 ACCOMMODATION";
10 (II) FOR THE PURPOSES OF 42 U.S.C. SEC. 12182 (a),
11 DISCRIMINATION INCLUDES "A FAILURE TO MAKE REASONABLE
12 MODIFICATIONS IN POLICIES, PRACTICES, OR PROCEDURES, WHEN SUCH
13 MODIFICATIONS ARE NECESSARY TO AFFORD SUCH GOODS, SERVICES,
14 FACILITIES, PRIVILEGES, ADVANTAGES, OR ACCOMMODATIONS TO
15 INDIVIDUALS WITH DISABILITIES," UNLESS THE ACCOMMODATION WOULD
16 WORK A FUNDAMENTAL ALTERATION OF THOSE SERVICES AND FACILITIES;
17 (III) THE UNITED STATES DEPARTMENT OF JUSTICE HAS FOUND AT
18 LEAST ONE RENTAL CAR AGENCY TO BE A PUBLIC ACCOMMODATION UNDER
19 THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C.
20 SEC. 12182 (a);
21 (IV) CERTAIN ADAPTIVE EQUIPMENT CAN BE NECESSARY FOR
22 PERSONS WITH A DISABILITY TO DRIVE AN AUTOMOBILE; AND
23 (V) THE PROVISION OF SUCH ADAPTATIVE EQUIPMENT IS
24 REASONABLE AND NOT A FUNDAMENTAL ALTERATION OF THE SERVICES
25 PROVIDED BY A RENTAL CAR AGENCY.
26 (b) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY IN
27 ENACTING THIS SECTION TO PREVENT DISCRIMINATION AGAINST PERSONS
28 WITH A DISABILITY BY REQUIRING THAT SUCH PERSONS HAVE THE ABILITY

1 TO MAKE ONLINE RESERVATIONS FOR AUTOMOBILES WITH ADAPTIVE
2 EQUIPMENT WITH RENTAL CAR AGENCIES THAT RENT AT LEAST SOME
3 MOTOR VEHICLES WITH A GROSS WEIGHT OF LESS THAN FOUR THOUSAND
4 POUNDS.

5 (2) AS USED IN THIS".

6 Renumber succeeding subsections accordingly.

7 Page 2, line 13, after "MOTOR VEHICLES" insert "OF WHICH SOME HAVE A
8 GROSS WEIGHT OF LESS THAN FOUR THOUSAND POUNDS" and strike
9 "PUBLIC OR" and substitute "PUBLIC, EXCLUDING".

10 Page 2, strike lines 19 through 21 and substitute "CONSIDERED TO HAVE
11 A DISABILITY, AS THAT TERM IS DEFINED IN 42 U.S.C. SEC. 12102."

12 Page 3, strike lines 3 and 4 and substitute "MOTOR VEHICLE
13 RESERVATIONS ON THE LESSOR'S WEBSITE AND DURING IN-PERSON
14 RESERVATIONS."

15 Page 3, strike lines 15 through 27.

16 Page 4, strike lines 1 through 8 and substitute:

17 "(5) A LESSOR MAY NOT DENY A LESSEE'S RESERVATION THAT
18 REQUESTS THE INSTALLATION OF ADAPTIVE EQUIPMENT IN A MOTOR
19 VEHICLE FOR THE SOLE REASON THAT A LESSEE MADE THE RESERVATION
20 LESS THAN FORTY-EIGHT HOURS BEFORE THE LESSOR WOULD NEED TO
21 FULFILL THE RESERVATION, UNLESS THE LESSOR NOTIFIES THE LESSEE OF
22 A DELAY, IN WHICH CASE THE LESSOR MAY NOT DENY A LESSEE'S
23 RESERVATION THAT REQUESTS THE INSTALLATION OF ADAPTIVE
24 EQUIPMENT IN A MOTOR VEHICLE FOR THE SOLE REASON THAT A LESSEE
25 MADE THE RESERVATION LESS THAN SEVENTY-TWO HOURS BEFORE THE
26 LESSOR WOULD NEED TO FULFILL THE RESERVATION."

27 Page 4, strike lines 13 through 19 and substitute:

28 "(a) A STATUTORY FINE OF TWO THOUSAND FIVE HUNDRED
29 DOLLARS, PAYABLE TO EACH PLAINTIFF FOR EACH VIOLATION;

30 (b) THE RECOVERY OF ACTUAL MONETARY DAMAGES;

31 (c) AN AWARD OF ATTORNEY FEES AND COSTS TO A LESSEE WHO
32 PREVAILS UNDER THIS SECTION (5);

33 (d) A COURT ORDER REQUIRING COMPLIANCE WITH THE
34 APPLICABLE PROVISIONS OF THIS SECTION; AND

1 (e) ANY OTHER EQUITABLE RELIEF DEEMED APPROPRIATE BY A
2 COURT OF COMPETENT JURISDICTION."

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