

1 **CONCURRENT RESOLUTION URGING CHANGES TO ADA**

2 **WEBSITE ACCESSIBILITY**

3 2024 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Wayne A. Harper**

6 House Sponsor: Jon Hawkins

7

8 **LONG TITLE**

9 **General Description:**

10 This resolution calls on Congress to review federal public accommodation laws
11 pertaining to website accessibility.

12 **Highlighted Provisions:**

13 This resolution:

14 ▶ urges Congress to review the Americans with Disabilities Act and enact necessary
15 changes to give small and other businesses reasonable time to remedy alleged
16 violations without penalty; and

17 ▶ urges Congress and the Department of Justice to review federal laws and procedures
18 and develop solutions designed to support small and other businesses.

19 **Special Clauses:**

20 None

21

22 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

23 WHEREAS, the Americans with Disabilities Act (ADA) was enacted to ensure equal
24 access and opportunities for individuals with disabilities;

25 WHEREAS, Title III of the Americans with Disabilities Act (ADA) requires places of
26 public accommodation, including small businesses, be accessible to individuals with
27 disabilities;



28 WHEREAS, although the ADA has benefitted individuals with disabilities for more
29 than thirty years, federal public accommodation laws do not always accomplish their stated
30 purpose;

31 WHEREAS, the United States Department of Justice and some courts have interpreted
32 the ADA as requiring public-facing business websites be accessible to individuals with
33 disabilities;

34 WHEREAS, the current interpretation and enforcement of ADA website accessibility
35 requirement has led to numerous lawsuits against small and other businesses throughout the
36 country, alleging accessibility violations;

37 WHEREAS, the ADA does not provide businesses an opportunity to correct alleged
38 violations;

39 WHEREAS, accessibility lawsuits place a financial burden on small and other
40 businesses due to legal fees and settlement costs, impeding their ability to grow and serve their
41 communities;

42 WHEREAS, Utah's success as a state and America's success as a nation are dependent
43 on the strength of small businesses;

44 WHEREAS, roughly 46% of American workers are employed by a small business;

45 WHEREAS, small businesses annually produce more than \$5 trillion in gross domestic
46 product;

47 WHEREAS, small business owners strive to follow all laws, both state and federal, to
48 the best of their ability;

49 WHEREAS, small and other businesses should have a reasonable opportunity to
50 remedy noncompliance before being subject to unduly punitive litigation:

51 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
52 Governor concurring therein, strongly urges the United States Congress to review the ADA and
53 enact changes designed to give small and other businesses reasonable time to remedy alleged
54 violations before being subject to enforcement action.

55 BE IT FURTHER RESOLVED that the Legislature of the state of Utah, the Governor
56 concurring therein, strongly urges the United States Congress and the United States
57 Department of Justice to review federal laws and procedures and develop solutions designed to
58 support small and other businesses.

59 BE IT FURTHER RESOLVED that copies of this resolution be sent to the members of
60 Utah's congressional delegation.