

Online Accessibility Coalition: Strengthening the ADA to Stop Frivolous Website Lawsuits

The Issue: Frivolous ADA Lawsuits Targeting Small Businesses

A growing number of unscrupulous lawyers are exploiting American Disabilities Act (ADA) regulations regarding website accessibility to file lawsuits against small and moderate-sized businesses. The goal of these lawsuits is financial gain for the law firms and does nothing to enforce ADA regulations.

- **Financial Strain:** These lawsuits, which often lack merit, can settle out of court for \$5,000 to \$20,000 or more. For small businesses, many of which operate on a maximum 2% profit margin if they're successful, settlements threaten closure.
- **Lack of Benefit to the Disabled:** The goal of these lawsuits is not compliance or benefiting people with disabilities, but rather to "line the pockets" of the lawyers. The firms hire "plaintiffs" to file these suits. And in instances where there actually is a compliance issue with a website, a firm ends up spending money to settle the lawsuit, making it much more difficult to allocate money to fix the issue.

The Solution: Urge Legislators to Update the ADA

The Online Accessibility Coalition (OAC) fully supports rules that protect people with disabilities but calls on lawmakers to strengthen and clarify ADA regulations to stop this exploitation.

Key Legislative Fixes OAC Urges:

1. **Clarify Compliance Regulations:** Clarify ADA compliance rules for e-commerce websites.
2. **Establish a Grace Period:** Stipulate that websites receiving a compliance complaint must have a 180-day grace period to fix their issues and become compliant before a lawsuit for damages can be filed.

This grace period approach is more likely to bring websites into compliance than the current system, as it creates a timely incentive for change without resorting to financially devastating litigation for small businesses.

Our coalition, which represents thousands of small businesses, are ready to offer vocal and public support for any legislation that seeks to implement these simple fixes to the ADA.

The Online Accessibility Coalition (OAC)

OAC is the American Booksellers Association; American Hotel and Lodging Association; American Specialty Toy Retailing Association; National Association of Convenience Stores; National Bicycle Dealers Association; National Federation of Independent Businesses; National Grocers Association; North American Hardware & Paint Association; Outdoor Hospitality Industry; Running Industry Association, Inc.; and the Workplace Solutions Association.

For more information, contact David Grogan at (914) 406-7562.

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