

House Bill 1470 (AS PASSED HOUSE AND SENATE)

By: Representatives Kelley of the 16th, Williamson of the 112th, Efstration of the 104th, Oliver of the 84th, and Smith of the 18th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to torts, so as to provide for a cause of action against a claimant
3 and his or her attorney for certain unsuccessful actions under the Americans with Disabilities
4 Act; to provide for damages and attorney fees; to provide for a statute of limitations; to
5 provide for construction; to provide for an effective date and applicability; to provide for
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general
10 provisions relative to torts, is amended by enacting a new Code section to read as follows:

11 "51-1-58.

12 (a) When a civil action brought by a claimant against a person or entity of this state
13 alleging that such person or entity operates a website that violates the federal Americans
14 with Disabilities Act of 1990, 42 U.S.C. Section 12101, et seq., as amended, is adjudicated
15 on the merits against such claimant, involuntarily dismissed at any stage of the civil

16 proceedings, or dismissed based on the claimant's lack of standing, such person or entity
17 shall be entitled to recover the following from the claimant and the claimant's attorney:

18 (1) Actual damages for disruption of such person's or entity's business or other lost
19 opportunity costs related to the unsuccessful action, or statutory damages of \$10,000.00,
20 whichever is greater;

21 (2) Reasonable attorney fees related to the defense of the unsuccessful action and to the
22 prosecution of an action under this Code section; and

23 (3) Treble damages when, prior to the entry of judgment in the underlying unsuccessful
24 action, the claimant was given written notice of the provisions of this Code section but
25 refused or otherwise failed to voluntarily dismiss such action.

26 (b) Any action under this Code section shall be brought within two years after the entry
27 of judgment in the underlying unsuccessful action.

28 (c) This Code section shall be narrowly construed and shall not be construed to alter or
29 amend any other provision of law."

30 **SECTION 2.**

31 This Act shall become effective on July 1, 2026, and shall apply to causes of action accruing
32 on or after such date.

33 **SECTION 3.**

34 All laws and parts of laws in conflict with this Act are repealed.