

House Bill 1470 (COMMITTEE SUBSTITUTE)

By: Representatives Kelley of the 16<sup>th</sup>, Williamson of the 112<sup>th</sup>, Efstoration of the 104<sup>th</sup>, Oliver of the 84<sup>th</sup>, and Smith of the 18<sup>th</sup>

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

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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.