



Associated General  
Contractors (AGC)

April 11, 2011

TO: Members, California State Senate

FROM: CalChamber  
Associated Builders and Contractors of California  
Associated General Contractors  
California Automotive Business Coalition  
California Business Properties Association  
California Framing Contractors Association  
California Grocers Association  
California Independent Grocers Association  
California Manufacturers and Technology Association  
California Retailers Association

**SUBJECT: SB 111 (YEE) CIVIL RIGHTS: LANGUAGE RESTRICTIONS  
OPPOSE**

The above-listed organizations respectfully **OPPOSE SB 111 (Yee)**, as amended March 14, 2011, which would make it a violation under the Unruh Civil Rights Act for a business establishment to require, limit, or prohibit the use of any language, unless such requirement, limit or prohibition is a business necessity.

Although we believe the bill is well-intentioned, we are concerned with the unintended consequences that may result from the vague and ambiguous language currently used in the bill. For example, there is no definition as to what type of "notice" must be provided and/or what types of actions are considered "customer service." Accordingly, it is unclear as to what obligations businesses have under **SB 111**, such as whether businesses will be required to (1) provide written notice in all recognized languages to all customers regarding any required language used in the establishment; or (2) ensure that all menus, signage, and services offered in the establishment are provided in all recognized languages. Moreover, if a business establishment fails to offer such written documentation in multiple languages, **SB 111** would shift the burden of proof to the establishment to show that a business necessity justified the omission. The costs associated with complying with such requirements and/or defending claims of alleged discrimination would be significant for all businesses.

Additionally, given that **SB 111** creates a private right of action for any alleged violation along with the availability of minimum statutory damages of \$ 4,000 under Civil Code section 52, there is a significant

chance that this provision will be exposed as a new avenue for meritless lawsuits to be filed for the sole purpose of obtaining a quick settlement, similar to such cases afflicting businesses with regard to disability access. Although we recognize that not all disability access cases filed under Civil Code section 51 *et.seq.* are frivolous, there are a significant number of repeat offenders who have exposed the minimum damages allowed under Civil Code section 52 as a way in which to pressure businesses into a quick monetary settlement in order to avoid costly litigation, without actually improving upon access for the disabled. It is very likely that a similar result could occur if **SB 111** is implemented, thereby burdening businesses in California that are already being unfairly targeted. California is currently recognized as one of the top ten most litigious states in the nation, which **SB 111** will only further validate.

For these and other reasons, we **OPPOSE SB 111 (Yee)**.

cc: The Honorable Leland Yee  
Aaron Maguire, Office of the Governor  
Mike Petersen, Senate Republican Caucus  
Kirstin Kolpitzke, Office of Planning and Research  
Senate Floor Analysis

MG:dt