

## **New Ohio Law Offers Businesses Protections Against Predatory Lawsuits**

Prior to the end of December, the Ohio General Assembly approved H.B. 271 sponsored by Sen. Robert McColley (R-Napoleon), which requires plaintiff attorneys to provide notice of an alleged accessibility law violation prior to the filing of a lawsuit, if the plaintiff attorneys are to eligible for attorney's fees. The measure passed the House 96-0 and the Senate 31-0.

The official bill analysis can be downloaded [here](#).

"The purpose of the ADA is to ensure there are opportunities for all Americans, not to punish businesses for innocent mistakes or irrelevant details," McColley said. "This bill ensures we will continue to protect those with disabilities, while also giving businesses ample time to correct legitimate ADA violations."

The bill requires the plaintiff to serve such a notice and allow a property owner or responsible party a reasonable amount of time to respond and to remedy conditions regarding access. This is a positive step for responsible business owners and operators who want to ensure access to disabled individuals.

McColley introduced the bill while serving in the House and was appointed to the Senate in December 2017.

State laws cannot supersede remedies and procedures established by federal laws like the Americans with Disabilities Act, so H.B. 271 may not impact the demands plaintiff attorneys issue under the ADA is Title III. However, it is a important step as some accessibility cases can be filed under state law, and it sets the right standard of allowing responsible business owners to take steps to ensure accessibility, rather than just making the subject to demands and extortion tactics from unscrupulous lawyers.

## **Ohio House Members Elect New Speaker**

The Ohio House of Representatives set the course for leadership during the 133rd Ohio General Assembly by electing Former House Speaker Larry Householder (R-Glenford) by a vote of 52 to 45. Speaker Householder served in the same role from 2001 to 2004. Republicans will begin the current legislative session with a 61-38 majority in the House of Representatives.

In the Ohio Senate, Senator Larry Obhof (R-Medina) was elected to a second term as President in a vote held one week after the November 2018 General Election.

Both legislative leaders will work with a new administration lead by Governor Mike DeWine when he is sworn in on January 14, and the new Lieutenant Governor, Jon Husted.

Statewide officeholders elected in November that make up the rest of Ohio's new political leadership include Attorney General Dave Yost; Secretary of State Frank LaRose; Treasurer Robert Sprague; and Auditor Keith Faber. All of these new statewide officeholders are Republicans.