

Date of Hearing: April 21, 2026

Fiscal: Yes

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Rebecca Bauer-Kahan, Chair

AB 2190 (Wallis) – As Amended April 9, 2026

PROPOSED AMENDMENTS

SUBJECT: Internet website accessibility

SYNOPSIS

Just as steps at the entrance of a brick-and-mortar building can prevent people with disabilities from entering the building, inaccessible web content denies equal access to critical information and programs that businesses and governments make available online. Web accessibility impacts a wide range of disabilities; people who are vision-impaired may use screen readers, people who are hearing-impaired may use captioning, and people whose disabilities affect their ability to use a mouse may use voice recognition software.

A recent report on the accessibility of the top 1 million home pages found that 95.9% of home pages had detectable accessibility failures. With roughly 2 million Californians experiencing vision or hearing loss, the impact is difficult to overstate. As the California Council of the Blind, which supports the bill, writes: “These individuals are routinely shut out of essential online activities – banking, accessing healthcare information, applying for jobs, engaging in commerce – that non-disabled people take for granted. This exclusion is unnecessary.”

The Americans with Disabilities Act, adopted over 30 years ago, does not expressly apply to online-only businesses, and federal courts are split as to whether it applies by implication. Recent California decisions have concluded that the ADA does not apply to such businesses, foreclosing the remedies under the state’s civil rights laws that apply in the brick-and-mortar context.

This author-sponsored measure makes it easier for plaintiffs to assert civil rights violations for inaccessible internet websites. The bill creates affirmative defenses for businesses, establishes a liability regime for unscrupulous vendors, and sets a standard for when a business is deemed to have engaged in intentional discrimination.

This bill is supported by a coalition of disability rights advocates and some business groups, including Disability Rights California, the California Council of the Blind, the California Association of Realtors, and the Greater Coachella Valley Chamber of Commerce. The proponents argue that this bill balances the needs of the disability community with the need for clear guidance for businesses. The bill is opposed by the California Chamber of Commerce, the California Retailers Association and the Civil Justice Association of California. The opponents note that while they appreciate the attempt at guidance, they believe the bill’s affirmative defenses are too difficult to achieve.

Amendments described in Comment # 5 make technical, clarifying changes.

This bill was previously heard by the Judiciary Committee, where it passed on a 12-0 vote.

EXISTING LAW:

- 1) Provides, pursuant to the federal Americans with Disabilities Act, that no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases, or leases to, or operates a place of public accommodation. (42 U.S.C. § 12182.)
- 2) Pursuant to Section 508 of the federal Rehabilitation Act, all federal agencies, when they develop, procure, maintain, or use electronic and information technology, must give disabled employees and members of the public access to information that is comparable to access available to others. (29 U.S.C. § 794d.)
- 3) Pursuant to the Unruh Civil Rights Act, provides that all persons, regardless of sex, race, color, religion, ancestry, national origin, disability or medical condition, are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind; provides that a violation of the Americans with Disabilities Act also constitutes a violation of Unruh; and subjects a person or entity in violation to actual damages incurred by an injured party, treble actual damages but not less than \$4,000, and any attorney's fees as the court may determine to be proper. (Civil Code § 51 *et seq.*)
- 4) Provides, pursuant to the Disabled Persons Act, that individuals with disabilities or medical conditions have the same right as the general public to the full and free use of the streets, highways, sidewalks, walkways, public buildings, medical facilities, including hospitals, clinics and physicians' offices, public facilities and other public places, and also provides that a violation of an individual's rights under the Americans with Disabilities Act constitutes a violation of state law. (Civil Code § 54.)
- 5) Entitles individuals with disabilities to full and equal access to public accommodations, subject only to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons. (Civil Code § 54.1.)

THIS BILL:

- 1) Defines the following terms:
 - a) "Accessibility" means the degree to which an internet website is accessible.
 - b) "Accessibility page" means a publicly available page on an internet website that is labeled and displayed as "accessibility" and is linked from the main page, conforms to an internet website accessibility standard, and contains a specified notice regarding disability access.
 - c) "Accessible" means that an internet website provides equally effective communication to individuals with disabilities and facilitates full and equal access to, and enjoyment of, an entity's goods and services such that an individual with a disability can access the website with substantially equivalent timeliness, privacy, independence, and ease of use as an individual without a disability, as specified.

- d) “Conformant” means that an internet website either meets the criteria specified by the applicable internet accessibility standard, or does not meet the criteria specified by the applicable internet accessibility standard but doing so is not necessary, or not possible, due to the nature of the data sought to be presented on the internet website or failing to do so has such a minimal impact on a user of the internet website that the failure does not affect the accessibility of the internet website.
- e) “Digital accessibility report” means a date-stamped and downloadable report that contains all the following information about a specific accessibility barrier identified in the report in an accessible and conformant, nonproprietary tabular format that can be fully viewed offline without dependence upon an external database, as specified.
- f) “Entity” means a business establishment of any kind whatsoever, firm or corporation, person, or persons, that are subject to the provisions of Civil Code Section 51, 54, or 54.1.
- g) “Inaccessible” means the inverse of accessible.
- h) “Internet website” includes, but is not limited to, any internet web-based technology, including a mobile internet website, an application that can be accessed by a personal mobile device, or other personal consumer electronic device, any of which makes information about an entity’s goods, services, or presentations available to the public, regardless of whether payment, membership, or other eligibility criteria are required.
- i) “Internet website accessibility standard” means any of the following:
 - i. Before January 1, 2027, the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA standard for the accessibility of internet websites established by the World Wide Web Consortium (W3C) Accessibility Guidelines Working Group on June 5, 2018, or the accessibility standards for Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d) in Part 1194 of Title 36 of the Code of Federal Regulations.
 - ii. On or after January 1, 2027, the Web Content Accessibility Guidelines (WCAG) 2.2 Level AA standard for the accessibility of internet websites established by the World Wide Web Consortium (W3C) Accessibility Guidelines Working Group on June 12, 2023, or the accessibility standards for Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d) in Part 1194 of Title 36 of the Code of Federal Regulations.
 - iii. If there is an accessibility standard in federal law regarding the accessibility of a particular type of data that results in greater accessibility, that federal standard shall apply instead of a standard described by i) or ii).
- j) “Resource service provider” means an entity that, in exchange for money or any other form of remuneration, constructs, licenses, distributes, or maintains for online use an internet website or resource to be used within, or in conjunction with, an internet website, as specified.

- k) “Small business entity” means an entity that is not publicly traded, employs less than 25 full-time employees and earns less than \$5 million in annual revenue.
 - l) “Specific accessibility barrier” means the specific aspect of an internet website’s content design, functionality, interactive control, or behavior that causes the internet website to not be conformant or accessible to users with disabilities.
- 2) Provides an entity an affirmative defense to a claim seeking statutory damages under specified provisions of the Civil Code related to disability access, on the basis of a specific accessibility barrier on the entity’s internet website, as defined, if the entity provided evidence to the plaintiff demonstrating within 30 of days of receiving a written pre-lawsuit demand from the plaintiff that either of the following applies:
- a) Before receiving a written pre-lawsuit demand from the plaintiff through the time the affirmative defense under this subdivision is asserted, both of the following apply:
 - i. The entity published a digital accessibility report on the accessibility page of its internet website disclosing the specific access barrier.
 - ii. The entity published an updated digital accessibility report disclosing that the specific access barrier was remediated within 45 days of the initial digital accessibility report.
 - b) Before receiving a written pre-lawsuit demand from the plaintiff through the time the affirmative defense under this subdivision is asserted, all the following apply:
 - i. The entity had a reasonable and good faith basis to believe that the internet website was accessible and conformed with the internet website accessibility standard.
 - ii. The entity documented the regular use of automated and manual testing mechanisms to monitor the internet website on the same frequency that it is updated to ensure that the internet website is accessible and conforms to the internet website accessibility standard.
 - iii. The entity remediated any specific accessibility barrier identified by testing within 45 days of identification.
 - iv. The entity posts on its accessibility page its policy and general practices for ensuring that the entity’s internet website is accessible, including the frequency of reviewing or monitoring and testing content on the internet website and specifies the extent to which the entity relies on manual testing by users with disabilities and the extent to which the entity uses automated testing mechanisms.
 - v. The entity ensures that if a user of the internet website is required to utilize either a link to third-party content, or a resource developed or controlled by a third party, to access, view, utilize, conduct transactions, or interact with the entity or the entity’s goods, services, or presentations via the internet, the required third-party content or resource is accessible.
 - vi. The entity maintains an accessibility page.

- vii. The entity's accessibility page provides an accessible process for a user of the internet website, including a user with a disability, to contact the entity to obtain immediate assistance with inaccessible content on the internet website or to otherwise access, view, utilize, or conduct transactions with respect to the entity or the entity's goods, services, or presentations, and report in writing specific accessibility barriers that users encounter on the internet website.
 - viii. The entity reviews each report made pursuant to the process described in vii) within five business days to determine whether the report identifies a specific accessibility barrier and responds to the person making the report within 48 hours of receiving the report by acknowledging its receipt and providing a copy of the report.
 - ix. No later than 45 days after the date of a report pursuant to the process described in vii), the entity remediates each reported specific accessibility barrier and notifies the reporting party of its determination and remediation, as applicable.
 - x. The entity retains all records related to any report pursuant to the process described in vii) for at least three years after the date on which the report is submitted to the entity.
- 3) Prohibits a resource service provider in exchange for money or any other form of remuneration from negligently, recklessly, or knowingly doing either of the following:
 - a) Constructing, licensing, distributing, or maintaining for online use a resource or part of an internet website that causes an entity's internet website to be inaccessible or not conformant with the internet accessibility standard if the resource or part of the internet website is within the control of the resource service provider to remediate; or
 - b) Making a false representation that a resource or part of an internet website is accessible or conforms to the internet accessibility standard.
 - 4) Authorizes any of the following to bring a civil action to enforce the prohibitions of 2):
 - a) A small business entity that pays, compensates, or contracts with the resource service provider to construct, license, distribute, or maintain an internet website and is injured as a result of the violation.
 - b) The Attorney General, the Civil Rights Department, or a district attorney, county counsel, or city attorney.
 - 5) Authorizes a private plaintiff prevailing in an action brought pursuant to 3) to recover any damages, including, but not limited to, any statutory damages and attorney's fees and costs paid by the small business entity as a result of a lawsuit against the small business entity pursuant to specified sections of the Civil Code based upon the inaccessibility of the person or small business entity's internet website.
 - 6) Authorizes a public prosecutor to bring an action to enforce the provisions of 2) to recover the following:
 - a) Injunctive or declaratory relief; and
 - b) Attorney's fees and costs.

- 7) Provides that, notwithstanding the lawsuits authorized pursuant to 3), if a person is harmed by a violation of the bill by a resource service provider, caused the same specific accessibility barrier on multiple internet websites or caused specific accessibility barriers on multiple internet websites that are so similar that they have the same effect on a user of the internet websites, the person may bring a civil action against the resource service provider to obtain all of the following:
 - a) Injunctive or declaratory relief.
 - b) Attorney's fees and costs.
- 8) Provides that a provision within a contract that seeks to waive liability under this bill or otherwise shift the liability to a person or small business entity that pays, compensates, or contracts with the resource service provider is void as a matter of public policy.
- 9) Provides that nothing in this bill limits or alters the application of any other provision of the Civil Code related to disability access or the ability of a plaintiff to bring a civil action under any other theory of the law, including, but not limited to, breach of contract, implied warranty of merchantability, or false or deceptive advertising.
- 10) Provides that a violation of this bill can be deemed an intentional violation of specified provisions of the Civil Code related to disability access if both of the following can be demonstrated:
 - a) A user with a disability sent written notice to the entity describing a specific accessibility barrier on the entity's internet website that explains how the barrier made the internet website inaccessible to that user; and
 - b) The entity failed to remediate that specific accessibility barrier within 45 days of receiving notice from the user with the disability.
- 11) Clarifies that any federal law granting written notice and a corresponding opportunity to cure under the federal Americans with Disabilities Act of 1990 (Public Law 101-336) are not applicable to any civil action under state law based on federal access standards, as specified.

COMMENTS:

- 1) **Author's statement.** According to the author:

In a world where shopping, banking, healthcare and so much more happens online, the digital divide shuts people with disabilities out of everyday life. Accessibility isn't a luxury, it's essential.

The bill rewards businesses that act early by utilizing common tools to remove barriers, maintain a clear accessibility page, report known issues openly, and demonstrate good faith remediation efforts.

In return, those companies gain strong protections, including affirmative defenses against statutory damages claims, moving away from endless reactive lawsuits that rarely help anyone.

California has long led on disability rights. The Unruh Act helped inspire the federal ADA, and AB 2190 carries that legacy into the digital age. It extends the ADA’s bipartisan promise online by making the internet more inclusive and creating a fairer system overall.

2) **Website accessibility.** Just as steps at the entrance of a brick-and-mortar building can prevent people with disabilities from entering the building, inaccessible web content denies equal access to critical information and programs that businesses and governments make available online. Web “[a]ccessibility implicates a wide range of disabilities, including visual, auditory, physical, speech, cognitive, language, learning, and neurological disabilities.”¹ People who are vision-impaired may use screen readers, people who are hearing-impaired may use captioning, and people whose disabilities affect their ability to use a mouse may use voice recognition software.²

WebAIM’s 2026 report on the accessibility of the top 1 million home pages found that 95.9% of home pages had detectable accessibility failures, a slight increase from 2025.³ The most common errors were low contrast text (83.9%), missing alternative text (53.1%), missing labels (51%), empty links (46.3%), empty buttons (30.6%), and missing language (13.5%). With roughly 2 million Californians experiencing vision or hearing loss,⁴ the impact is difficult to overstate. As the California Council of the Blind, which supports the bill, writes: “These individuals are routinely shut out of essential online activities — banking, accessing healthcare information, applying for jobs, engaging in commerce — that non-disabled people take for granted. This exclusion is unnecessary.”

In 1999, the World Wide Web Consortium (W3C), the main international internet standards organization, published a set of international guidelines – the Web Content Accessibility Guidelines (WCAG) – for improving web accessibility, primarily for individuals with disabilities. W3C published WCAG 2.0 in 2008, followed by WCAG 2.1 in 2018 and WCAG 2.2 in 2023. WCAG 2.0 consists of twelve guidelines organized around four core principles:

- Perceivable: Content must be presentable in ways all users can perceive.
- Operable: Users must be able to navigate and interact with all content.
- Understandable: Content and UI must be clear and predictable.
- Robust: Content must work with current and future assistive technologies.⁵

Each guideline has testable success criteria that are rated at three conformance levels: Level A (minimum baseline that developer *must* satisfy), Level AA (optional higher level that developer *should* satisfy), and Level AAA (highest level that developer *may* satisfy). WCAG 2.0 had 61 testable success criteria; WCAG 2.1 added 17 additional success criteria; and WCAG 2.2 added nine more.⁶ Also included is a rich collection of techniques for meeting and exceeding those criteria. With respect to public sector websites, several government entities have adopted the

¹ WC3, *Web Content Accessibility Guidelines (WCAG) 2.1* (May 6, 2025), <https://www.w3.org/TR/WCAG21/#intro>.

² ADA.gov, *Guidance on Web Accessibility* (Mar. 18, 2022), <https://www.ada.gov/resources/web-guidance/>.

³ <https://webaim.org/projects/million/>.

⁴ Disability statistics, *Prevalence* (2023), <https://disabilitystatistics.org/acs-census?indStat=1>.

⁵ WC3, *Web Content Accessibility Guidelines (WCAG) 2.1* (May 6, 2025), <https://www.w3.org/TR/WCAG21/#intro>.

⁶ Wikipedia, *Web Content Accessibility Guidelines*, https://en.wikipedia.org/wiki/Web_Content_Accessibility_Guidelines.

WCAG 2.1 standard, Level AA, including the European Union and the U.S. Department of Justice, which applies to state and local government web content and apps.⁷

3) California’s disability access laws provide limited remedies for inaccessible websites belonging to online businesses. The Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability by any “place of public accommodation” and requires businesses to provide equal access to their goods and services.⁸ At the state level, the principal sources of state disability access protection are two overlapping laws – the Unruh Civil Rights Act and the Disabled Persons Act.⁹ A violation of the ADA violates both state laws.¹⁰ The ADA authorizes only injunctive relief, whereas its California counterparts additionally authorize plaintiffs to recover damages – a minimum of \$4,000 per violation under the Unruh Act and \$1,000 per violation under the Disabled Persons Act.¹¹

In California, website accessibility claims have been extensively litigated under the Unruh Act. While non-ADA violations of the Unruh Act generally require proof of intentional discrimination by the business,¹² ADA-based violations of the Unruh Act do not require a showing of intentional discrimination,¹³ making these claims easier to prove. In *Thurston v. Midvale Corp.*,¹⁴ a blind plaintiff sued a Los Angeles restaurant after her screen reader could not access its online menu or reservation system. The Court of Appeal held that the ADA applies to commercial websites with a nexus to a physical place of public accommodation. The court upheld an injunction requiring the restaurant to bring its website into compliance with WCAG 2.0 Level AA.¹⁵ Although federal courts are split as to whether the ADA applies to online-only businesses, recent California Court of Appeal cases addressing ADA-based Unruh claims have held that such businesses are not “places of public accommodation”.¹⁶ Consequently, plaintiffs asserting accessibility violations against online-only businesses must instead prove intentional discrimination directly under the Unruh Act.

Intentional discrimination requires a showing of willful, affirmative misconduct to accomplish discrimination on the basis of a protected trait, including disability.¹⁷ Evidence of disparate impact is probative of intent but cannot alone establish it.¹⁸ Failure to address known discriminatory effects of a policy, likewise, is insufficient to establish intentional discrimination under the Unruh Act.¹⁹ In practice, this standard is difficult for plaintiffs to meet.

⁷ *Id.*

⁸ 42 U.S.C. § 12182. Title III does not authorize damages for private plaintiffs – only injunctive relief and attorneys’ fees. (42 U.S.C. § 12188(a).)

⁹ Civ. Code §§ 51, 54-55.3; *Jankey v. Lee* (2012) 55 Cal.4th 1038, 1044.

¹⁰ Civ. Code §§ 51(f), 54(c).

¹¹ Cal. Civ. Code §§ 52(a), 54.3.

¹² *Harris v. Capital Growth Investors XIV* (1991) 52 Cal.3d 1142, 1172; see *Long v. Playboy Enterprises Intern., Inc.* (2014) 565 Fed.Appx. 646, 647-648.

¹³ *Martinez v. Cot’n Wash, Inc.* (2022) 81 Cal.App.5th 1026, 1036.

¹⁴ (2019) 39 Cal.App.5th 634.

¹⁵ *Id.* at pp. 646-647; see also *Robles v. Domino’s Pizza* (9th Cir. 2019) LLC, 913 F.3d 898.

¹⁶ *Martin v. Thi E-Commerce, LLC* (2023) 95 Cal.App.5th 521, 525; *Martinez v. Cot’n Wash, Inc.*, *supra*, 81 Cal.App.5th at p. 1032.

¹⁷ *Martinez v. Cot’n Wash, Inc.*, *supra*, 81 Cal.App.5th at p. 1036.

¹⁸ *Ibid.*

¹⁹ *Id.* at p. 1038.

4) **What this bill would do.** AB 2190 adds provisions that make it easier for plaintiffs to hold businesses and vendors accountable under existing civil rights laws for inaccessible internet websites. Key provisions are described below.

Makes it easier to prove intentional discrimination. The bill provides that a business is deemed to have engaged in intentional discrimination for purposes of the Unruh Act and Disabled Person Act if a user with a disability provided written notice of a specific accessibility barrier and the business failed to remediate that barrier within 45 days of receiving notice. As described above, case law indicates that mere knowledge of an access barrier is not sufficient to show affirmative, willful conduct. This change would help plaintiffs meet that high standard.

Affirmative defenses for businesses. Under the bill, a business has an affirmative defense to statutory damages and attorney's fees under the Unruh Act and Disabled Persons Act if the business provides evidence to the plaintiff within 30 days of a prelawsuit demand establishing either of the following:

- The business disclosed the specific barrier in a "disability accessibility report" and remediated it within 45 days of disclosure. A disability accessibility report is a date-stamped, downloadable, nonproprietary tabular report disclosing known accessibility barriers, responsible parties, and expected remediation dates.
- The business had a reasonable and good faith basis to believe that the internet website was accessible and conformed with the "website accessibility standard" – amendments clarify that this standard is WCAG 2.1 until January 1, 2028 and thereafter WCAG 2.2 – and took certain additional steps to ensure compliance. Among other things, the business must also have employed regular automated and manual testing, an accessibility page with a barrier-reporting process, 48-hour acknowledgment of reports, 45-day remediation of identified barriers, and three-year record retention.

Resource service provider (RSP) liability. Under the bill an RSP – a website vendor – may not negligently, recklessly, or knowingly construct, license, distribute, or maintain part of a website that causes it to be inaccessible or non-conformant with the applicable accessibility standard. An RSP is also prohibited from making a false representation that a website is accessible or conformant with the accessibility standard.

New cause of action against unscrupulous vendors. Civil actions may be brought against an RSP by: (1) small business entities, who may recover damages and attorneys fees and costs; (2) the Attorney General, Civil Rights Department, or local prosecutors for injunctive or declaratory relief and fees and costs; and (3) individuals with disabilities who suffer harm or qualifying nonprofits for injunctive relief and attorney's fees. Contractual provisions waiving or shifting RSP liability are void as against public policy.

5) **Amendments.** The author has agreed to make the following technical, clarifying changes to ensure bill's timeline aligns with its effective date and the scope of covered accessibility standards meet WCAG 2.1 or 2.2 only (the reference to the federal regulations would inadvertently allow for WCAG 2.0). The amendments are as follows:

Amendment 1:

(1) Subject to paragraph (3), before January 1, ~~2027~~ 2028, the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA standard for the accessibility of internet websites established by the World Wide Web Consortium (W3C) Accessibility Guidelines Working Group on June 5, 2018, ~~or the accessibility standards for Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d) in Part 1194 of Title 36 of the Code of Federal Regulations.~~

(2) Subject to paragraph (3), on or after January 1, ~~2027~~ 2028, the Web Content Accessibility Guidelines (WCAG) 2.2 Level AA standard for the accessibility of internet websites established by the World Wide Web Consortium (W3C) Accessibility Guidelines Working Group on June 12, 2023, ~~or the accessibility standards for Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d) in Part 1194 of Title 36 of the Code of Federal Regulations.~~

(3) If there is an accessibility standard in federal law regarding the accessibility of a particular type of data that results in greater accessibility, that federal standard shall apply instead of a standard described by paragraph (1) or (2).

Amendment 2: “This part applies to any civil action filed on or after January 1, ~~2026~~ 2027.”

Amendment 3: Change references to “internet accessibility standard” to read “internet *website* accessibility standard” – the term defined in the bill.

ARGUMENTS IN SUPPORT: California Council of the Blind writes:

First, the bill establishes clear accessibility standards by adopting WCAG 2.1 AA (transitioning to WCAG 2.2 AA on January 1, 2027) — the same internationally recognized benchmarks already referenced by the U.S. Department of Justice, the European Union, and accessibility professionals worldwide. This eliminates ambiguity for businesses about what compliance means.

Second, the bill creates a meaningful affirmative defense for businesses that act proactively. Companies that publish a Digital Accessibility Report disclosing known barriers and remediate them within defined timelines — or that maintain comprehensive good-faith accessibility programs with regular testing, prompt remediation, and accessible reporting channels — can avoid statutory damages. This rewards compliance rather than punishing businesses that are making genuine efforts.

Third, AB 2190 addresses a critical gap in accountability by establishing resource service provider liability. In our experience, many businesses — especially small businesses — rely on third-party website platforms and developers to build their online presence. When those providers deliver inaccessible technology, the frontline business bears the legal exposure for barriers it did not create and often cannot fix. AB 2190 makes it unlawful for paid technology providers to negligently or knowingly build or maintain inaccessible website components, and it voids contract provisions that attempt to shift this liability entirely onto the businesses they serve. This is a principled and overdue correction.

Fourth, the bill establishes an intentional discrimination standard that holds entities accountable when they have been notified of a specific barrier by a user with a disability and fail to act within a defined period. This ensures that businesses cannot simply ignore accessibility problems once they are made aware of them.

From a technical standpoint, the requirements of AB 2190 are entirely feasible. The WCAG standards the bill references provide precise, testable success criteria. Both free and commercial accessibility testing tools already exist in the marketplace to evaluate conformance through automated and manual methods. This bill does not ask businesses to meet an undefined or unreachable bar — it asks them to meet a standard that the industry has known how to implement for years.

The National Federation of the Blind of California writes in support:

The reach of online technology cannot be overstated. Web-based technology is increasingly the sole method to engage in commerce for nearly everything from medical appointments to grocery shopping. Even the simple act of getting a haircut now often involves a digital calendar or online booking experience.

The Internet provides great promise for people with disabilities. Information, once digitized, can be rendered in multi-modal accessible formats. Assistive technology can meet the unique needs of people with disabilities regardless of vision. Though a blind person might struggle to read a print price tag, they can listen to a synthetic voice that speaks the price or displays it on a computer refreshable Braille display. A low vision senior citizen might have no transportation to go to a physical store. But they might be able to use magnification and color contrast technology on an iPhone to browse grocery items that can be delivered to their front door.

Unfortunately, if web-based user interfaces are not built in conformance with longstanding web content technical standards, many people with disabilities will never realize the potential benefits of an accessible online marketplace.

The Americans with Disabilities Act and complementary California laws have sought to promote a fully accessible digital economy. However, our laws have not kept up with technology. This bill modernizes our civil rights framework. It rebalances incentives to promote more voluntary and proactive compliance from businesses instead of encouraging reactive remediation and costly legal enforcement. Blind people don't prefer to submit complaints and hire attorneys for every single website encountered on a daily basis. Blind people want websites to be accessible before a blind person arrives, not after a threat of litigation. In addition to encouraging voluntary proactive compliance, this bill creates a quick and reliable method for a person with a disability to get encountered barriers fixed with less effort than searching for an attorney.

This bill carefully preserves all existing rights and remedies for people with disabilities to pursue enforcement against those recalcitrant businesses who fail to comply with equal access or simply opt to maintain their status quo approach. At the same time, it offers a reasonable incentive and protection to the business that is committed to achieving an accessible experience before receiving a complaint from a potential customer with a disability.

ARGUMENTS IN OPPOSITION: A coalition of opponents, led by the Civil Justice Association of California argues:

The bill is structured as a trade-off between a liability protection and new, pass-through liability for “resource service providers.” In practice, however, the liability protections appear largely unworkable, meaning the bill may primarily function to create new exposure and a new cause of action without providing meaningful protection.

AB 2190 would add Civil Code Section 55.58.2, which conditions the availability of an affirmative defense on requirements that are either circular or infeasible. Under subdivision (a), for example, a business must both identify an accessibility issue in a publicly posted digital accessibility report and have already remediated that issue prior to receiving a complaint. In effect, a business qualifies for protection only where no issue remains.

At the same time, identifying unresolved issues in a public report may increase litigation risk without providing protection during the period in which remediation is underway. This structure may discourage transparency and proactive compliance, undermining the bill’s stated intent. While Subdivision (b) offers an alternative pathway, it would impose a series of extremely burdensome obligations that may be impossible for many businesses to meet in practice. These include maintaining ongoing compliance with evolving federal accessibility standards, conducting continuous automated and manual testing, remediating all identified issues within unspecified timeframes, publicly posting detailed testing protocols, and assuming responsibility for accessibility issues caused by third-party content or integrations.

The bill would also require rapid response timelines for addressing complaints, such as a required response to any reports of inaccessibility within 48 hours and a review of any complaint for accuracy within 5 business days. These rapid timelines may not be feasible depending on the nature and complexity of the issue, and the proposed timelines create concerns particularly in the absence of any provision for a user impact assessment or a mechanism to allow extensions based on technical feasibility.

Additionally, recent amendments add in 30- and 45-day remediation timelines that might not be workable as entities vary widely in size, resources, and operational complexity, including obligations to comply with multiple jurisdictions. These factors can significantly affect the time required to investigate and remediate alleged issues.

AB 2190 also creates new liability for “resource service providers,” even where those entities may not control the underlying website or the specific accessibility issue. This raises concerns regarding the scope of liability and the potential for expanded litigation against entities that are not in a position to control or remediate the alleged harm.

A final and critical concern is newly proposed Section 55.58.4 of the Civil Code, which appears to represent a significant shift in how intentional discrimination is established under the Unruh Civil Rights Act. As currently drafted, a business would be deemed to have engaged in intentional discrimination if it receives written notice of an alleged violation and fails to remediate within an unspecified number of days. This approach effectively lowers the standard for proving intent and raises concerns about fairness and due process.

REGISTERED SUPPORT / OPPOSITION:

Support

Association of California State Employees With Disabilities
AudioEye
California Assisted Living Association
California Association of Realtors
California Council of the Blind
Dayle McIntosh Center for the Disabled
Disability Rights California
National Federation of the Blind of California
The Greater Coachella Valley Chamber of Commerce

Opposition

American Petroleum and Convenience Store Association
California Chamber of Commerce
California Grocers Association
California Retailers Association
Civil Justice Association of California (CJAC)
TechNet

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