

Date of Hearing: May 13, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 2190 (Wallis) – As Amended April 23, 2026

Policy Committee:	Judiciary	Vote:	12 - 0
	Privacy and Consumer Protection		14 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill establishes a statutory framework for internet website accessibility claims under California’s disability civil rights laws, providing affirmative defenses to statutory damages for businesses that meet specified accessibility practices, creating a new cause of action against website vendors that build or maintain inaccessible websites, and defining when a business is deemed to have engaged in intentional discrimination.

Specifically, this bill:

- 1) Provides an affirmative defense to statutory damages under the Unruh Civil Rights Act and Disabled Persons Act for a business, as specified.
- 2) Prohibits a “resource service provider” (website vendor) from negligently, recklessly, or knowingly building or maintaining a website resource that causes inaccessibility, or making a false representation of accessibility, and authorizes civil actions by small businesses, the Attorney General, the Civil Rights Department, local prosecutors, and individuals or nonprofits harmed when the same barrier appears on multiple websites.
- 3) Deems a business to have engaged in intentional discrimination under the Unruh Act and Disabled Persons Act if it fails to remediate a specific barrier within 45 days of receiving written notice from a user with a disability.
- 4) Voids contractual provisions that waive or shift resource service provider liability.
- 5) Applies to civil actions filed on or after January 1, 2027.

FISCAL EFFECT:

- 1) Costs (Trial Court Trust Fund, General Fund) to the courts of an unknown but potentially significant amount to adjudicate cases brought under the new private right of action against resource service providers created by this bill, as well as cases applying the new affirmative defenses and intentional discrimination standard in existing Unruh Act and Disabled Persons Act litigation. One eight-hour day of court time has an estimated cost of \$8,000. If 50 plaintiffs or public prosecutors bring suits under this bill and each lawsuit takes two days of court time to resolve, the resulting cost would be \$800,000. There are potentially offsetting reductions in trial court workload to the extent that the affirmative defenses created by this bill resolve cases earlier in litigation. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for

increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.

- 2) Costs (General Fund) of an unknown amount to the Department of Justice (DOJ) to the extent that DOJ seeks to enforce civil violations by resource service providers who negligently, recklessly, or knowingly construct, license, distribute, or maintain inaccessible website resources, or who make false representations of accessibility. Actual costs will depend on whether DOJ seeks to enforce these violations and how many lawsuits it files.
- 3) Costs (General Fund) of an unknown but potentially significant amount to the Civil Rights Department (CRD) to enforce the changes made to the Unruh Act and Disabled Persons Act that would result from the bill, as well as litigation costs to the extent that CRD seeks to enforce the bill's resource service provider provisions through civil actions.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year.

COMMENTS:

- 1) **Purpose.** 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.

- 2) **Background.** Under the Unruh Civil Rights Act and Disabled Persons Act, a violation of the federal Americans with Disabilities Act (ADA) constitutes a violation of state law, with statutory damages of \$4,000 per Unruh violation and \$1,000 per Disabled Persons Act violation. The federal government has never adopted formal website accessibility regulations, leaving courts to rely on the privately-promulgated Web Content Accessibility Guidelines (WCAG) when evaluating claims. Recent California Court of Appeal decisions have held that online-only businesses are not "places of public accommodation" under the ADA, meaning plaintiffs in those cases must prove intentional discrimination directly under the Unruh Act — a high bar that mere knowledge of an accessibility barrier does not meet under existing case law. According to the policy analysis, a 2026 report found 95.9% of the top one million home pages had detectable accessibility failures.

This bill operates on two tracks. First, it modifies how existing Unruh Act and Disabled Persons Act claims against businesses are litigated: it creates affirmative defenses to statutory damages for businesses that meet specified accessibility practices, and it deems a business to have engaged in intentional discrimination if it fails to remediate a noticed barrier within 45 days — lowering the bar for plaintiffs suing online-only businesses. Second, the bill creates a new, freestanding cause of action against website vendors

(“resource service providers”) who negligently, recklessly, or knowingly build or maintain inaccessible websites or falsely represent accessibility, with claims available to small businesses, public prosecutors, and individuals or nonprofits harmed when the same barrier appears on multiple websites.

- 3) **Support and Opposition.** Supporters, including Disability Rights California and the California Association of Realtors, argue the bill establishes clear, internationally recognized accessibility standards, rewards businesses that proactively comply, and addresses a critical gap by holding paid website vendors accountable for inaccessible products. Opponents, including the California Chamber of Commerce and the California Retailers Association argue the affirmative defense criteria are unworkable in practice, the rapid response timelines may not be feasible for complex issues, and the new intentional discrimination standard significantly lowers the bar for proving intent under the Unruh Act.
- 4) **Prior Legislation.** This is the Legislature’s third attempt to establish a website accessibility framework. AB 950 (Maienschein), of the 2023-24 Legislative Session, would have established WCAG 2.1 Level AA as the website accessibility standard, created a presumption of equally effective communication for websites conforming to that standard, authorized civil actions against website vendors that built or maintained inaccessible websites, and required the California Commission on Disability Access to review website accessibility standards and recommend revisions. AB 950 was held on this committee’s suspense file.

AB 1757 (Assembly Committee on Judiciary), of the 2023-24 Legislative Session, took up a streamlined version of AB 950’s language by gut-and-amend, dropping the municipality-notification and CCDA-review provisions but retaining the WCAG standard, the presumption of accessibility, and vendor liability. AB 1757 passed the Assembly but was held in the Senate Appropriations Committee.

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