

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 651

By: Leewright

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6 AS INTRODUCED

7 An Act relating to website accessibility claims;
8 providing procedure and requirements for commencement
9 of certain civil actions; providing for dismissal of
10 action if requirements are not met; providing for
11 dismissal of action in certain circumstances;
12 providing for award of costs and attorney fees in
13 certain circumstances; providing for sanctions;
14 authorizing extension of time to complete
15 corrections; providing for codification; and
16 providing an effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 2003.3 of Title 12, unless there
20 is created a duplication in numbering, reads as follows:

21 COMMENCEMENT OF ACTION BASED ON WEBSITE ACCESSIBILITY CLAIM

22 A. Prior to filing any civil action or a petition for
23 injunctive relief based on a claim that an organization's website
24 does not conform with applicable law, codes and standards for
websites for the visually or hearing impaired, the plaintiff shall
notify the organization in writing of the plaintiff's assertion that
its website does not comply with applicable law, codes and standards

1 regulating the functionality of an organization's website to
2 accommodate visually or hearing impaired individuals and the
3 specific violations that the plaintiff asserts. The notice shall be
4 sent by certified mail with return receipt requested at least one
5 hundred twenty (120) days prior to the filing of a petition for
6 injunctive relief.

7 B. In any civil action or action for injunctive relief based on
8 a claim that an organization's website does not conform with
9 applicable law, codes and standards for the visually or hearing
10 impaired, the plaintiff shall attach to the petition:

11 1. A copy of the notice required by subsection A of this
12 section; and

13 2. A copy of the certified mail return receipt signed by the
14 defendant or person authorized to receive service of process for the
15 defendant.

16 C. If a civil action or action for injunctive relief that is
17 based on a claim that an organization's website does not conform
18 with applicable law, codes and standards for the visually or hearing
19 impaired is filed without the documentation required by subsection B
20 of this section or if the petition is filed less than one hundred
21 twenty (120) days after the date the notice required by subsection A
22 of this section is sent, the court shall, upon motion of the
23 defendant, dismiss the action without prejudice to its refiling.

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1 D. If the organization corrects the alleged website defect
2 prior to the filing of the petition and the plaintiff files the
3 petition, the court shall dismiss the action and award court costs
4 and reasonable attorney fees to the defendant. In addition, the
5 court shall impose sanctions if the action is determined to be
6 frivolous pursuant to Section 2011 of Title 12 of the Oklahoma
7 Statutes.

8 E. If the defendant has made a reasonable effort to correct the
9 defect but has not completed the correction within one hundred
10 twenty (120) days of notification as directed in subsection A of
11 this section or prior to the filing of the petition, the court may,
12 upon application of the defendant for good cause shown, grant the
13 defendant a reasonable extension of time, based on the nature of the
14 work needed on the website to correct the deficiency. If the
15 correction is completed within that period of time, the court shall
16 dismiss the action.

17 SECTION 2. This act shall become effective November 1, 2017.

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