

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 651

By: Leewright of the Senate

and

O'Donnell of the House

COMMITTEE SUBSTITUTE

An Act relating to civil procedure; requiring written notification prior to commencement of an action based on website accessibility; prescribing method of notice; directing attachment to petition of notice and receipt; providing for dismissal of action without prejudice for failure to comply; directing dismissal of action if website is corrected and petition is filed anyway; providing for award of costs and attorney fees; requiring sanctions for frivolous action; authorizing extension of time to

1 complete corrections; providing for codification; and  
2 providing an effective date.

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

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

11 COMMENCEMENT OF ACTION BASED ON WEBSITE ACCESSIBILITY CLAIM

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13 A. Prior to filing any civil action or a petition for  
14 injunctive relief based on a claim that an organization's website  
15 does not conform with applicable law, codes and standards for  
16 websites for the visually or hearing impaired, the plaintiff shall  
17 notify the organization in writing of the plaintiff's assertion that  
18 its website does not comply with applicable law, codes and standards  
19 regulating the functionality of an organization's website to  
20 accommodate visually or hearing impaired individuals and the  
21 specific violations that the plaintiff asserts. The notice shall be  
22 sent by certified mail with return receipt requested at least one  
23 hundred twenty (120) days prior to the filing of a petition for  
24 injunctive relief.

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

5 1. A copy of the notice required by subsection A of this  
6 section; and  
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8 2. A copy of the certified mail return receipt signed by the  
9 defendant or person authorized to receive service of process for the  
10 defendant.

11 C. If a civil action or action for injunctive relief that is  
12 based on a claim that an organization's website does not conform  
13 with applicable law, codes and standards for the visually or hearing  
14 impaired is filed without the documentation required by subsection B  
15 of this section or if the petition is filed less than one hundred  
16 twenty (120) days after the date the notice required by subsection A  
17 of this section is sent, the court shall, upon motion of the  
18 defendant, dismiss the action without prejudice to its refiling.  
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20 D. If the organization corrects the alleged website defect  
21 prior to the filing of the petition and the plaintiff files the  
22 petition, the court shall dismiss the action and award court costs  
23 and reasonable attorney fees to the defendant. In addition, the  
24 court shall impose sanctions if the action is determined to be

1 frivolous pursuant to Section 2011 of Title 12 of the Oklahoma  
2 Statutes.

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

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

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16 56-1-7407 EK 04/04/17  
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