

1 ENGROSSED SENATE
2 BILL NO. 651

By: Leewright of the Senate

3 and

4 O'Donnell of the House

5
6 [website accessibility claims - civil actions -
7 codification - effective date]
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9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

13 COMMENCEMENT OF ACTION BASED ON WEBSITE ACCESSIBILITY CLAIM

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

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

7 1. A copy of the notice required by subsection A of this
8 section; and

9 2. A copy of the certified mail return receipt signed by the
10 defendant or person authorized to receive service of process for the
11 defendant.

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

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.

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

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

13 Passed the Senate the 7th day of March, 2017.

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Presiding Officer of the Senate

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17 Passed the House of Representatives the ____ day of _____,

18 2017.

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Presiding Officer of the House
of Representatives

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