

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 HOUSE BILL 1429

 By: Hilbert of the House

5 and

6 Leewright of the Senate

7
8 AS INTRODUCED

9
10 An Act relating to civil procedure; providing for
11 commencement of action based on website accessibility
12 claim; requiring prefiling notification; requiring
13 that certain information be attached to petition;
14 providing for dismissal of action if requirements are
15 not complied with; providing for dismissal of action
16 if defendant corrects defects prior to filing of
17 petition; providing for award of court costs and
18 attorney fees; providing for imposition of sanctions;
19 authorizing the court to grant extension of time for
20 corrective action in certain circumstances and
21 dismissal of action if corrective action is
22 completed; providing for codification; and providing
23 an effective date.
24

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

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

23 COMMENCEMENT OF ACTION BASED ON WEBSITE ACCESSIBILITY CLAIM
24

1 A. Prior to filing any civil action or a petition for
2 injunctive relief based on a claim that an organization's website
3 does not conform with applicable law, codes and standards for
4 websites for the visually or hearing impaired, the plaintiff shall
5 notify the defendant in writing of the plaintiff's assertion that
6 its website does not comply with applicable law, codes and standards
7 regulating the functionality of an organization's website to
8 accommodate visually or hearing impaired individuals and the
9 specific violations that the plaintiff asserts. The notice shall be
10 sent by certified mail with return receipt requested at least one
11 hundred twenty (120) days prior to the filing of a petition for
12 injunctive relief.

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

17 1. A copy of the notice required by subsection A of this
18 section; and

19 2. A copy of the certified mail return receipt signed by the
20 defendant or person authorized to receive service of process for the
21 defendant.

22 C. If a civil action or action for injunctive relief that is
23 based on a claim that an organization's website does not conform with
24 applicable law, codes and standards for the visually or hearing

1 impaired is filed without the documentation required by subsection B
2 of this section or if the petition is filed less than one hundred
3 twenty (120) days after the date the notice required by subsection A
4 of this section is sent, the court shall, upon motion of the
5 defendant, dismiss the action without prejudice to its refiling.

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

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

21 SECTION 2. This act shall become effective November 1, 2017.
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23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL AND
24 ENVIRONMENTAL, dated 02/21/2017 - DO PASS, As Coauthored.