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February 21, 2017

AS AMENDED

SENATE BILL NO. 651

By: Leewright of the Senate

and

ODonnell of the House

[website accessibility claims - civil actions -
codification - effective date]

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

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

COMMENCEMENT OF ACTION BASED ON WEBSITE ACCESSIBILITY CLAIM

A. Prior to filing any civil action or a petition for injunctive relief based on a claim that an organization's website 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 regulating the functionality of an organization's website to accommodate visually or hearing impaired individuals and the specific violations that the plaintiff asserts. The notice shall be

1 sent by certified mail with return receipt requested at least one
2 hundred twenty (120) days prior to the filing of a petition for
3 injunctive relief.

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

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

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

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

21 D. If the organization corrects the alleged website defect
22 prior to the filing of the petition and the plaintiff files the
23 petition, the court shall dismiss the action and award court costs
24 and reasonable attorney fees to the defendant. In addition, the

1 court shall impose sanctions if the action is determined to be
2 frivolous pursuant to Section 2011 of Title 12 of the Oklahoma
3 Statutes.

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.

14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
15 February 21, 2017 - DO PASS AS AMENDED
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