

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 651 By: Leewright of the Senate  
3 and  
4 O'Donnell of the House  
5  
6

7 [ website accessibility claims - civil actions -  
8 codification - effective date ]  
9

10 AUTHOR: Remove O'Donnell as principal House author and substitute  
11 Jordan as principal House author

12 AMENDMENT NO. 1. Replace the stricken title, enacting clause and  
13 entire bill and insert

14 "[ civil procedure - requiring written notification  
15 prior to commencement of an action based on  
16 website accessibility - effective date ]  
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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  
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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 organization 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  
24 with 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 organization corrects the alleged website defect  
7 prior to the filing of the petition and the plaintiff files the  
8 petition, the court shall dismiss the action and award court costs  
9 and reasonable attorney fees to the defendant. In addition, the  
10 court shall impose sanctions if the action is determined to be  
11 frivolous pursuant to Section 2011 of Title 12 of the Oklahoma  
12 Statutes.

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

22 SECTION 2. This act shall become effective November 1, 2017."  
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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 ]  
8

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

10 SECTION 3. 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  
24

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 4. 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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