

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas

2 82nd General Assembly

A Bill

Act 1227 of 1999

3 Regular Session, 1999
HOUSE BILL 2044

4

5 By: Representative Broadway

6

7

8

For An Act To Be Entitled

9

"AN ACT TO SECURE THE BENEFITS OF ACCESS TO

10

INFORMATION TECHNOLOGY FOR INDIVIDUALS WHO ARE BLIND

11

OR VISUALLY IMPAIRED THROUGH THE PROCUREMENT OF SUCH

12

TECHNOLOGY IN ACCORDANCE WITH STANDARDS FOR EQUIVALENT

13

ACCESS BY BOTH VISUAL AND NONVISUAL MEANS; AND FOR

14

OTHER PURPOSES."

15

16

Subtitle

17

"TO SECURE BENEFITS OF ACCESS TO

18

INFORMATION TECHNOLOGY FOR INDIVIDUALS

19

WHO ARE BLIND OR VISUALLY IMPAIRED

20

THROUGH PROCUREMENT OF SUCH TECHNOLOGY

21

WITH STANDARDS FOR EQUIVALENT ACCESS BY

22 BOTH VISUAL AND NONVISUAL MEANS."

23

24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26

27 SECTION 1. Findings and policy.

28 (a) The Legislature finds that:

29 (1) The advent of the information age throughout the United

30 States and around the world has resulted in lasting changes in information

31 technology;

32 (2) Use of interactive visual display terminals by state and

33 state-assisted organizations is becoming a widespread means of access for

34 employees and the public to obtain information available electronically, but

35 nonvisual access, whether by speech, Braille, or other appropriate means has

36 been overlooked in purchasing and deploying the latest information technology;

-----**End of Page 1**

1 (3) Presentation of electronic data solely in a visual format is

2 a barrier to access by individuals who are blind or visually impaired,

3 preventing them from participating on equal terms in crucial areas of life,

4 such as education and employment;

5 (4) Alternatives, including both software and hardware

6 adaptations, have been created so that interactive control of computers and

7 use of the information presented is possible by both visual and nonvisual

8 means; and

9 (5) The goals of the state in obtaining and deploying the most

10 advanced forms of information technology properly include universal access so
11 that segments of society with particular needs, including but not limited to
12 individuals unable to use visual displays, will not be left out of the
13 information age.

14 (b) It is the policy of the State of Arkansas that all programs and
15 activities which are supported in whole or in part by public funds shall be
16 conducted in accordance with the following principles:

17 (1) Individuals who are blind or visually impaired have the right
18 to full participation in the life of the state, including the use of advanced
19 technology which is provided by the state or state-assisted organizations for
20 use by employees, program participants, and members of the general public; and

21 (2) Technology purchased in whole or in part with funds provided
22 by the state to be used for the creation, storage, retrieval, or dissemination
23 of information and intended for use by employees, program participants, and
24 members of the general public shall be accessible to and usable by individuals
25 who are blind or visually impaired.

26

27 SECTION 2. Definitions.

28 For purposes of this act:

29 (1) "Access" means the ability to receive, use, and manipulate data and
30 operate controls included in information technology;

31 (2) "Blind or visually impaired individual" means an individual who:

32 (A) Has a visual acuity of twenty/two hundred (20/200) or less in
33 the better eye with correcting lenses or has a limited field of vision so that
34 the widest diameter of the visual field subtends an angle no greater than

35 twenty (20) degrees;

36 (B) Has a medically indicated expectation of visual

-----**End of Page 2**

1 deterioration; or

2 (C) Has a medically diagnosed limitation in visual functioning

3 that restricts the individual's ability to read and write standard print at

4 levels expected of individuals of comparable ability;

5 (3) "Covered entity" means the state or any state-assisted organization;

6 (4) "Information technology" means all electronic information processing

7 hardware and software, including telecommunications;

8 (5) "Nonvisual" means synthesized speech, Braille, and other output

9 methods not requiring sight;

10 (6) "State" means the state or any of its departments, agencies, public

11 bodies, or other instrumentalities;

12 (7) "State-assisted organization" means a college, nonprofit

13 organization, person, political subdivision, school system, or other entity

14 supported in whole or in part by state funds;

15 (8) "Telecommunications" means the transmission of information, images,

16 pictures, voice or data by radio, video, or other electronic or impulse means.

17

18 SECTION 3. Assurance of nonvisual access.

19 (a) In general, the head of each covered entity shall ensure that

20 information technology equipment and software used by employees, program

21 participants, or members of the general public:

22 (1) Provides blind or visually impaired individuals with access.

23 including but not limited to interactive use of the equipment and services

24 which is equivalent to that provided to individuals who are not blind or

25 visually impaired;

26 (2) Is designed to present information including but not limited

27 to prompts used for interactive communications in formats intended for both

28 visual and nonvisual use; and

29 (3) Has been purchased under a contract which includes the

30 technology access clause required pursuant to Section 4 of this act.

31

32 SECTION 4. Procurement requirements.

33 (a) The technology access clause specified in Section 3 of this act

34 shall be developed by the Department of Information Systems and shall require

35 compliance with nonvisual access standards established by the state. The

36 clause shall be included in all contracts for the procurement of information

-----**End of Page 3**

1 technology by, or for the use of, entities covered by this act on or after the

2 effective date of this act.

3 (b) The nonvisual access standards established by the state pursuant to

4 subsection (a) of this section shall include such specifications as are

5 necessary to fulfill the assurances in Section 3 of this act and shall include

6 the following minimum specifications:

7 (1) That effective, interactive control and use of the technology

8 including but not limited to the operating system, applications programs, and

9 format of the data presented, is readily achievable by nonvisual means;

10 (2) That the technology equipped for nonvisual access must be

11 compatible with information technology used by other individuals with whom the

12 blind or visually impaired individual must interact;

13 (3) That nonvisual access technology must be integrated into

14 networks used to share communications among employees, program participants,

15 and the public; and

16 (4) That the technology for nonvisual access must have the

17 capability of providing equivalent access by nonvisual means to

18 telecommunications or other interconnected network services used by persons

19 who are not blind or visually impaired.

20

21 SECTION 5. Implementation.

22 (a) For the purpose of assuring the effective phasing in of nonvisual

23 access technology procurement, the head of any covered entity:

24 (1) May not approve exclusion of the technology access clause

25 from any contract with respect to the compatibility of standard operating

26 systems and software with nonvisual access software and peripheral devices or

27 with respect to the initial design, development, and installation of

28 information systems, including the design and procurement of interactive

29 equipment and software; or

30 (2) May, with respect to nonvisual access software or peripheral

31 devices obtained during the three (3) year period, beginning upon the date of

32 enactment of this act, approve exclusion of such clause to the extent that the

33 cost of such software or devices for the covered entity exceeds:

34 (A) Fifty thousand dollars (\$50,000) for the first year;

35 (B) One hundred thousand dollars (\$100,000) for the second

36 year; and

-----**End of Page 4**

1 (C) Two hundred and fifty thousand dollars (\$250,000) for
2 the third year.

3 (b) Nothing in this section requires the installation of software or
4 peripheral devices used for nonvisual access when the information technology
5 is being used by individuals who are not blind or visually impaired.

6 (c) Notwithstanding the provisions of paragraph (b) of this section,
7 the applications programs and underlying operating systems including but not
8 limited to the format of the data used for the manipulation and presentation
9 of information shall permit the installation and effective use of nonvisual
10 access software and peripheral devices.

11 (d) Compliance with this act in regard to information technology
12 purchased prior to the effective date of this act shall be achieved at the
13 time of procurement of an upgrade or replacement of the existing equipment or
14 software.

15

16 SECTION 6. Action for injunction.

17 (a) A person injured by a violation of this act may maintain an action
18 for injunctive relief to enforce the terms of this act.

19 (b) Limitation period for civil action:

20 (1) Any such action shall be commenced within four (4) years
21 after the cause of action accrues; and

22 (2) For the purposes of this subsection, a cause of action for a
23 continuing violation accrues at the time of the latest violation.

24

25 SECTION 7. This act shall take effect and be in force from the date of
26 enactment of this act.

27

28 SECTION 8. All provisions of this act of a general and permanent nature
29 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
30 Revision Commission shall incorporate the same in the Code.

31

32 SECTION 9. If any provision of this act or the application thereof to
33 any person or circumstance is held invalid, such invalidity shall not affect
34 other provisions or applications of the act which can be given effect without
35 the invalid provision or application, and to this end the provisions of this
36 act are declared to be severable.

-----End of Page 5

1

2 SECTION 10. All laws and parts of laws in conflict with this act are
3 hereby repealed.

4

5

6 APPROVED: 4/8/1999

7