

SENATE BILL 29

P1

8lr0733

(PRE-FILED)

By: **Senator Kagan**

Requested: October 3, 2017

Introduced and read first time: January 10, 2018

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 6, 2018

CHAPTER _____

1 AN ACT concerning

2 **State Government – Websites – Language Access**

3 FOR the purpose of requiring each State department, agency, and program to provide equal
4 access versions of certain websites in certain languages except under certain
5 circumstances; repealing a certain provision of law providing that the reasonable
6 steps certain departments, agencies, and programs are required to take related to
7 equal access to public services for individuals with limited English proficiency
8 include the operation and maintenance of certain equal access versions of certain
9 websites; making conforming changes; and generally relating to equal access to
10 public services for individuals with limited English proficiency.

11 BY repealing and reenacting, without amendments,
12 Article – State Government
13 Section 10–1102(a), (b), (c), and (e)
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2017 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – State Government
18 Section 10–1103, 10–1104, and 10–1105
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2017 Supplement)

21 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – State Government
2 Section 10–1105
3 Annotated Code of Maryland
4 (2014 Replacement Volume and 2017 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
6 That the Laws of Maryland read as follows:

7 **Article – State Government**

8 10–1102.

9 (a) In this subtitle the following words have the meanings indicated.

10 (b) “Equal access” means to be informed of, participate in, and benefit from public
11 services offered by a State department, agency, or program, at a level equal to English
12 proficient individuals.

13 (c) “Limited English proficiency” means the inability to adequately understand
14 or express oneself in the spoken or written English language.

15 (e) “Program” means all of the operations of a State department, State agency, or
16 any other instrumentality of the State.

17 10–1103.

18 (a) Each State department, agency, or program listed or identified under
19 subsection [(d)] (C) of this section shall take reasonable steps to provide equal access to
20 public services for individuals with limited English proficiency.

21 (b) Reasonable steps to provide equal access to public services include:

22 (1) the provision of oral language services for individuals with limited
23 English proficiency, which must be through face-to-face, in-house oral language services
24 if contact between the agency and individuals with limited English proficiency is on a
25 weekly or more frequent basis;

26 (2) (i) the translation of vital documents ordinarily provided to the
27 public into any language spoken by any limited English proficient population that
28 constitutes 3% of the overall population within the geographic area served by a local office
29 of a State program as measured by the United States Census; and

30 (ii) the provision of vital documents translated under item (i) of this
31 paragraph on a statewide basis to any local office as necessary; and

32 (3) any additional methods or means necessary to achieve equal access to
33 public services.

1 [(c) (1) (i) Except as provided in paragraphs (2) and (3) of this subsection,
2 beginning October 1, 2016, reasonable steps to provide equal access to public services
3 include the operation and maintenance, for each Web site that may reasonably be expected
4 to be available to and used by members of the general public, of equal access versions in
5 any language that:

6 1. is spoken by any limited English proficient population that
7 constitutes at least 0.5% of the overall population within the State, as measured by the
8 most recent United States Census; and

9 2. can be translated free-of-charge.

10 (ii) If machine translation services are used to carry out the
11 provisions of this subsection, the State department, agency, or program may post
12 conspicuously on its Web site, a disclaimer that the State department, agency, or program:

13 1. does not guarantee the accuracy or reliability of the
14 translation; and

15 2. is not liable for any loss or damage arising out of the use
16 of or reliance on the translated content.

17 (2) A State department, agency, or program is not required to provide equal
18 access to Web site content if:

19 (i) the State department, agency, or program determines that an
20 inaccurate translation of the content could lead to a denial of services or benefits; or

21 (ii) the content cannot be translated due to the limitations of
22 machine translation software, including files in PDF format, images, and videos.

23 (3) A unit of local government is encouraged to take the steps under
24 paragraph (1) of this subsection, but may not be required to do so.]

25 [(d)] (C) The provisions of this [subtitle] SECTION shall be fully implemented
26 according to the following schedule:

27 (1) on or before July 1, 2003, full implementation by:

28 (i) the Department of Human Services;

29 (ii) the Department of Labor, Licensing, and Regulation;

30 (iii) the Maryland Department of Health;

31 (iv) the Department of Juvenile Services; and

1 (v) the Workers' Compensation Commission;

2 (2) on or before July 1, 2004, full implementation by:

3 (i) the Department of Aging;

4 (ii) the Department of Public Safety and Correctional Services;

5 (iii) the Department of Transportation, not including the Maryland
6 Transit Administration;

7 (iv) the Commission on Civil Rights;

8 (v) the Department of State Police; and

9 (vi) five independent agencies, boards, or commissions, to be
10 determined by the Secretary of Human Services, in consultation with the Office of the
11 Attorney General;

12 (3) on or before July 1, 2005, full implementation by:

13 (i) the Comptroller of Maryland;

14 (ii) the Department of Housing and Community Development;

15 (iii) the Maryland Transit Administration;

16 (iv) the Department of Natural Resources;

17 (v) the Maryland State Department of Education;

18 (vi) the Office of the Attorney General; and

19 (vii) five independent agencies, boards, or commissions to be
20 determined by the Secretary of Human Services, in consultation with the Office of the
21 Attorney General; and

22 (4) on or before July 1, 2006, full implementation by:

23 (i) the Department of Agriculture;

24 (ii) the Department of Commerce;

25 (iii) the Department of Veterans Affairs;

26 (iv) the Department of the Environment; and

1 (v) five independent agencies, boards, or commissions to be
2 determined by the Secretary of Human Services, in consultation with the Office of the
3 Attorney General.

4 10-1104.

5 Each State department, agency, or program not listed or identified under [§
6 10-1103(d)] **§ 10-1103(C)** of this subtitle shall monitor its operations to determine if the
7 State department, agency, or program should take reasonable steps **UNDER § 10-1103** to
8 achieve equal access to public services for individuals with limited English proficiency.

9 **10-1105.**

10 (A) (1) **EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS**
11 **SECTION, EACH STATE DEPARTMENT, AGENCY, AND PROGRAM SHALL PROVIDE FOR**
12 **EACH WEBSITE THAT MAY REASONABLY BE EXPECTED TO BE AVAILABLE TO AND**
13 **USED BY MEMBERS OF THE GENERAL PUBLIC EQUAL ACCESS VERSIONS OF THE**
14 **WEBSITE IN ANY LANGUAGE THAT:**

15 (I) **IS SPOKEN BY ANY LIMITED ENGLISH PROFICIENT**
16 **POPULATION THAT CONSTITUTES AT LEAST 0.5% OF THE OVERALL POPULATION**
17 **WITHIN THE STATE, AS MEASURED BY THE MOST RECENT UNITED STATES CENSUS;**
18 **AND**

19 (II) **CAN BE TRANSLATED FREE OF CHARGE.**

20 (2) **IF MACHINE TRANSLATION SERVICES ARE USED TO CARRY OUT**
21 **THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, THE STATE**
22 **DEPARTMENT, AGENCY, OR PROGRAM MAY POST CONSPICUOUSLY ON ITS WEBSITE,**
23 **A DISCLAIMER THAT THE STATE DEPARTMENT, AGENCY, OR PROGRAM:**

24 (I) **DOES NOT GUARANTEE THE ACCURACY OR RELIABILITY OF**
25 **THE TRANSLATION; AND**

26 (II) **IS NOT LIABLE FOR ANY LOSS OR DAMAGE ARISING OUT OF**
27 **THE USE OF OR RELIANCE ON THE TRANSLATED CONTENT.**

28 (B) **A STATE DEPARTMENT, AGENCY, OR PROGRAM IS NOT REQUIRED TO**
29 **PROVIDE EQUAL ACCESS TO WEBSITE CONTENT IF:**

30 (1) **THE STATE DEPARTMENT, AGENCY, OR PROGRAM DETERMINES**
31 **THAT AN INACCURATE TRANSLATION OF THE CONTENT COULD LEAD TO A DENIAL**
32 **OF SERVICES OR BENEFITS; OR**

1 **(2) THE CONTENT CANNOT BE TRANSLATED DUE TO THE LIMITATIONS**
 2 **OF MACHINE TRANSLATION SOFTWARE, INCLUDING FILES IN PDF FORMAT, IMAGES,**
 3 **AND VIDEOS.**

4 **(C) A UNIT OF LOCAL GOVERNMENT IS ENCOURAGED TO PROVIDE EQUAL**
 5 **ACCESS VERSIONS OF WEBSITES TO THE SAME EXTENT STATE DEPARTMENTS,**
 6 **AGENCIES, AND PROGRAMS ARE REQUIRED TO UNDER SUBSECTION (A) OF THIS**
 7 **SECTION, BUT MAY NOT BE REQUIRED TO DO SO.**

8 **[10-1105.] 10-1106.**

9 (a) The Department of Human Services, in consultation with the Office of the
 10 Attorney General and the Department of Information Technology, shall provide central
 11 coordination and technical assistance to State departments, agencies, and programs to aid
 12 compliance with this subtitle.

13 (b) (1) The Department of Information Technology shall establish minimum
 14 standards to which the equal access versions of [Web sites] **WEBSITES** required under [§
 15 10-1103(c)] **§ 10-1105** of this subtitle must conform.

16 (2) The minimum standards established under paragraph (1) of this
 17 subsection shall include a standard regarding the prominent placement of links on the
 18 English version of a [Web site] **WEBSITE** to each equal access version of the [Web site]
 19 **WEBSITE.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
 21 1, 2018.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.