

HB1088/364438/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1088
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “develop” in line 4 down through “circumstances;” in line 10 and substitute “adopt new nonvisual access procurement standards that provide certain individuals with certain nonvisual access and are consistent with certain federal standards; requiring the Secretary, or the Secretary’s designee, on or before a certain date, to establish a certain process for determining whether certain information technology meets certain standards and enforcing certain provisions of this Act; requiring, on or after a certain date, a certain nonvisual access clause to include a certain statement; requiring a certain nonvisual access clause to be included in each invitation for bids or request for proposals in each renewal of a certain contract under certain circumstances; altering a certain exemption from the nonvisual access clause requirement;”; and strike beginning with “requiring” in line 11 down through “standards;” in line 14.

On page 2, strike in their entirety lines 1 through 5, inclusive.

AMENDMENT NO. 2

On page 3, in line 27, strike “§ 3A-311(C)” and substitute “§ 3A-303(B)”.

On page 4, in line 4, before “The” insert “(A)”; in line 26, strike the brackets; in line 29, after “government” insert “IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.”; strike beginning with “; AND” in line 29 down through “3A-303.1.” in line 32 and substitute:

“(B) ON OR BEFORE JANUARY 1, 2020, THE SECRETARY OR THE SECRETARY’S DESIGNEE SHALL:

(Over)

(1) ADOPT NEW NONVISUAL ACCESS PROCUREMENT STANDARDS

THAT:

(I) PROVIDE AN INDIVIDUAL WITH DISABILITIES WITH NONVISUAL ACCESS IN A WAY THAT IS FULLY AND EQUALLY ACCESSIBLE TO AND INDEPENDENTLY USABLE BY THE INDIVIDUAL WITH DISABILITIES SO THAT THE INDIVIDUAL IS ABLE TO ACQUIRE THE SAME INFORMATION, ENGAGE IN THE SAME INTERACTIONS, AND ENJOY THE SAME SERVICES AS USERS WITHOUT DISABILITIES, WITH SUBSTANTIALLY EQUIVALENT EASE OF USE; AND

(II) ARE CONSISTENT WITH THE STANDARDS OF § 508 OF THE FEDERAL REHABILITATION ACT OF 1973; AND

(2) ESTABLISH A PROCESS FOR THE SECRETARY OR THE SECRETARY'S DESIGNEE TO:

(I) DETERMINE WHETHER INFORMATION TECHNOLOGY MEETS THE NONVISUAL ACCESS STANDARDS ADOPTED UNDER ITEM (1) OF THIS SUBSECTION; AND

(II) 1. FOR INFORMATION TECHNOLOGY PROCURED BY A STATE UNIT BEFORE JANUARY 1, 2020, AND STILL USED BY THE STATE UNIT ON OR AFTER JANUARY 1, 2020, WORK WITH THE VENDOR TO MODIFY THE INFORMATION TECHNOLOGY TO MEET THE NONVISUAL ACCESS STANDARDS, IF PRACTICABLE; OR

2. FOR INFORMATION TECHNOLOGY PROCURED BY A STATE UNIT ON OR AFTER JANUARY 1, 2020, ENFORCE THE NONVISUAL ACCESS CLAUSE DEVELOPED UNDER § 3A-311 OF THIS SUBTITLE, INCLUDING THE

ENFORCEMENT OF THE CIVIL PENALTY DESCRIBED IN § 3A-311(A)(2)(III)1 OF THIS SUBTITLE.

AMENDMENT NO. 3

On page 5, strike in their entirety lines 1 through 22, inclusive; in line 24, after “(a)” insert “**(1)**”; in the same line, after “Secretary” insert “**OR THE SECRETARY’S DESIGNEE**”; in lines 28, 30, 32, and 34, strike “(1)”, “(2)”, “(3)”, and “(4)”, respectively, and substitute “**(I)**”, “**(II)**”, “**(III)**”, and “**(IV)**”, respectively; after line 35, insert:

“(2) ON OR AFTER JANUARY 1, 2020, THE NONVISUAL ACCESS CLAUSE DEVELOPED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A STATEMENT THAT:

(I) WITHIN 18 MONTHS AFTER THE AWARD OF THE PROCUREMENT, THE SECRETARY OR THE SECRETARY’S DESIGNEE WILL DETERMINE WHETHER THE INFORMATION TECHNOLOGY MEETS THE NONVISUAL ACCESS STANDARDS ADOPTED IN ACCORDANCE WITH § 3A-303(B) OF THIS SUBTITLE;

(II) IF THE INFORMATION TECHNOLOGY DOES NOT MEET THE NONVISUAL ACCESS STANDARDS, THE SECRETARY OR THE SECRETARY’S DESIGNEE WILL NOTIFY THE VENDOR IN WRITING THAT THE VENDOR, AT THE VENDOR’S OWN EXPENSE, HAS 12 MONTHS AFTER THE DATE OF THE NOTIFICATION TO MODIFY THE INFORMATION TECHNOLOGY IN ORDER TO MEET THE NONVISUAL ACCESS STANDARDS; AND

(III) IF THE VENDOR FAILS TO MODIFY THE INFORMATION TECHNOLOGY TO MEET THE NONVISUAL ACCESS STANDARDS WITHIN 12 MONTHS AFTER THE DATE OF THE NOTIFICATION, THE VENDOR:

(Over)

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- 1. MAY BE SUBJECT TO A CIVIL PENALTY OF:**
 - A. FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$5,000; AND**
 - B. FOR A SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$10,000; AND**
- 2. SHALL INDEMNIFY THE STATE FOR LIABILITY RESULTING FROM THE USE OF INFORMATION TECHNOLOGY THAT DOES NOT MEET THE NONVISUAL ACCESS STANDARDS.**

AMENDMENT NO. 4

On page 6, in line 3, after “modification” insert “**OR RENEWAL**”; in line 14, strike “**10%**” and substitute “**15%**”; and strike in their entirety lines 15 through 25, inclusive.