



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB0511

Introduced 2/8/2007, by Sen. John J. Cullerton

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Information Technology Access Act. Requires the State, units of local government, and service providers paid with public funds to make their visual-based, electronic information technology accessible to blind and visually impaired employees, program participants, and members of the public through the use of nonvisual technology. Establishes procurement standards and applies to the purchase of new technology and the upgrading of software, hardware, and websites. Authorizes injunctions against violations. Effective immediately.

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FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning information technology access.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Information Technology Access Act.

6 Section 5. Findings; policy.

7 (a) The Legislature finds that:

8 (1) The advent of the information age throughout the  
9 United States and around the world has resulted in lasting  
10 changes in information technology.

11 (2) Use of interactive visual display terminals by  
12 State and State-assisted organizations is becoming a  
13 widespread means of access for employees and the public to  
14 obtain information available electronically, but nonvisual  
15 access, whether by speech, Braille, or other appropriate  
16 means has been overlooked in purchasing and deploying the  
17 latest information technology.

18 (3) Presentation of electronic data solely in a visual  
19 format is a barrier to access by individuals who are blind  
20 or visually impaired, preventing them from participating  
21 on equal terms in crucial areas of life, such as education  
22 and employment.

23 (4) Alternatives, including both software and hardware

1 adaptations, have been created so that interactive control  
2 of computers and use of the information presented is  
3 possible by both visual and nonvisual means.

4 (5) The goals of the State in obtaining and deploying  
5 the most advanced forms of information technology properly  
6 include universal access so that segments of society with  
7 particular needs (including individuals unable to use  
8 visual displays) will not be left out of the information  
9 age.

10 (b) It is the policy of the State of Illinois that all  
11 programs and activities that are supported in whole or in part  
12 by public funds shall be conducted in accordance with the  
13 following principles:

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

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

1 Section 10. Definitions. As used in this Act:

2 "Access" means the ability to receive, use, and manipulate  
3 data and operate controls included in information technology.

4 "Blind or visually impaired individual" means an  
5 individual who:

6 (1) Has a visual acuity of 20/200 or less in the better  
7 eye with correcting lenses or has a limited field of vision  
8 so that the widest diameter of the visual field subtends an  
9 angle no greater than 20 degrees;

10 (2) Has a medically indicated expectation of visual  
11 deterioration; or

12 (3) Has a medically diagnosed limitation in visual  
13 functioning that restricts the individual's ability to  
14 read and write standard print at levels expected of  
15 individuals of comparable ability.

16 "Covered entities" means the State of Illinois, all units  
17 of local government located within the State of Illinois, as  
18 well as any organization to which the State or any unit of  
19 local government delegates the responsibility of providing  
20 services to the people of this State.

21 "Information technology" means all electronic information  
22 processing hardware and software, including  
23 telecommunications.

24 "Nonvisual" means synthesized speech, Braille, and other  
25 output methods not requiring sight.

26 "State" means the State or any of its departments,

1 agencies, public bodies, or other instrumentalities.

2 "State-assisted organization" means a college, nonprofit  
3 organization, person, political subdivision, school district,  
4 or other entity supported in whole or in part by State funds.

5 "Telecommunications" means the transmission of  
6 information, images, pictures, voice, or data by radio, video,  
7 or other electronic or impulse means.

8 Section 15. Assurance of nonvisual access. In general, the  
9 head of each covered entity shall ensure that information  
10 technology equipment and software used by employees, program  
11 participants, or members of the general public:

12 (1) Provides blind or visually impaired individuals  
13 with access (including interactive use of the equipment and  
14 services) that is equivalent to that provided to  
15 individuals who are not blind or visually impaired.

16 (2) Is designed to present information (including  
17 prompts used for interactive communications) in formats  
18 intended for both visual and nonvisual use.

19 (3) Has been purchased under a contract that includes  
20 the technology access clause required pursuant to Section  
21 20.

22 Section 20. Procurement requirements.

23 (a) The technology access clause specified in Section 15  
24 shall be developed by the Department of Central Management

1 Services and shall require compliance with nonvisual access  
2 standards established by the State. The clause shall specify  
3 that the technology:

4 (1) Must be compatible with technology used for access  
5 by nonvisual means and provide for effective, interactive  
6 control and use of operating systems, applications  
7 programs, and the logical organization of the data format  
8 presented.

9 (2) Must permit use by nonvisual means when integrated  
10 into networks used to share communications among  
11 employees, program participants, and the public.

12 (3) Shall be obtained without modification for  
13 compatibility with software and hardware used for  
14 nonvisual access whenever technology not requiring such  
15 modification is commercially available.

16 (4) Shall have been evaluated by, and developed in  
17 consultation with, blind employees whose employment may  
18 require them to use the software or web interface in  
19 question, blind persons representing those who may use the  
20 software to access a service or benefit of the covered  
21 entity, and organizations of the blind having expertise in  
22 the evaluation, design, and development of information  
23 technology that affords good nonvisual access.

24 (b) The nonvisual access standards established by the State  
25 pursuant to subsection (a) of this Section shall include such  
26 specifications as are necessary to fulfill the assurances in

1 Section 15 and the specifications in subsection (a) of this  
2 Section.

3 Section 25. Implementation.

4 (a) With respect to the application of this Act:

5 (1) The clause required by Section 4 of this Act shall  
6 be included in all contracts for the procurement of  
7 information technology by or for the use of entities  
8 covered by this Act on or after the effective date of this  
9 Act.

10 (2) Nothing in this Section requires the installation  
11 of software or peripheral devices used for nonvisual access  
12 when the information technology is being used by  
13 individuals who are not blind or visually impaired.

14 (3) Notwithstanding the provisions of paragraph (2) of  
15 this subsection, the applications programs and underlying  
16 operating systems (including the format of the data) used  
17 for the manipulation and presentation of information shall  
18 permit the installation and effective use of nonvisual  
19 access software and peripheral devices.

20 (b) Compliance with this Act in regard to information  
21 technology purchased prior to the effective date of this Act  
22 shall be achieved at the time of procurement of an upgrade or  
23 replacement of the existing equipment or software, or at the  
24 time an internet site is updated.

1 Section 30. Action for injunction.

2 (a) A person injured by a violation of this Act may  
3 maintain an action for damages and for injunctive relief to  
4 enforce the terms of this Act. The court may award the  
5 plaintiff up to 3 times the amount of any damages suffered,  
6 together with the plaintiff's reasonable attorney's fees and  
7 court costs associated with bringing the action.

8 (b) Any action under this Section shall be commenced within  
9 4 years after the cause of action accrues. For the purposes of  
10 this subsection, a cause of action for a continuing violation  
11 accrues at the time of the latest violation.

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.