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SENATE BILL NO. 1302

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 30, 2019)

(Patron Prior to Substitute—Senator Barker)

A *BILL to amend the Code of Virginia by adding in Chapter 9 of Title 51.5 a section numbered 51.5-46.1, relating to rights of persons with disabilities; procedures for certain actions; website accessibility.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 51.5-46.1 as follows:

§ 51.5-46.1. Procedures for certain actions; website accessibility; opportunity to cure.

A. *For the purposes of this section, "entity" means a bank, trust company, savings institution, or credit union.*

B. *When a complaint is filed alleging that an entity's website does not comply with applicable law regarding its accessibility by persons with vision or hearing impairment, the responsive pleading deadline in Rule 3:8 of the Rules of Supreme Court of Virginia shall be extended to 120 days after service of the summons and complaint upon the defendant to give such entity an opportunity to cure any defect regarding its website's accessibility. The complaint shall include an explanation regarding the manner in which the website fails to comply with applicable law regulating website accessibility to accommodate individuals with disabilities. At any time before the 120-day time period has expired, the defendant may request and the court may grant a reasonable extension of time for good cause shown.*

C. *If the defendant files a responsive pleading stating that it has cured the defect alleged in the plaintiff's complaint, the court shall hold an evidentiary hearing on the issue. If the court finds that the defendant has cured the defect, it shall dismiss the action. The court may award the plaintiff reasonable attorney fees in this circumstance.*

D. *An entity's website is in compliance with applicable law regarding its accessibility by persons with vision or hearing impairment, until such time that the federal government adopts standards governing website accessibility, if it meets the Web Content Accessibility Guidelines 2.0 Level AA as developed by the Web Accessibility Initiative.*

2. That the provisions of this act adding subsections B and C of § 51.5-46.1 to the Code of Virginia shall expire on July 1, 2020.