WEST VIRGINIA LEGISLATURE
Regular Session 2001

ENROLLED
Committee Substitute for
SENATE BILL NO. 476

(By Senator Hunter, et al)

PASSED April 14, 2001
In Effect from Passage
AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article ten-m, relating to providing access to information technology for visually impaired individuals through the procurement of compatible technology by the state purchasing division; setting forth findings and a statement of policy; providing definitions; providing for development of nonvisual access standards; and requiring nonvisual access requirements in all future state contracts for procurement of information technology.

Be it enacted by the Legislature of West Virginia:
That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article ten-m, to read as follows:

ARTICLE 10M. INFORMATION TECHNOLOGY ACCESS FOR THE BLIND AND VISUALLY IMPAIRED.

§18-10M-1. Findings; policy.

The Legislature finds that the use of interactive display terminals by state agencies is becoming a widespread means of access for employees and the public to obtain information available electronically, but that presentation of electronic data solely in a visual format is a barrier to access by individuals who are blind or visually impaired. Individuals who are blind or visually impaired have the right to full participation in the life of the state, including the use of advanced technology which is purchased by the state for use by employees, program participants and members of the general public. The Legislature also recognizes that technological advances allow interactive control of computers and use of the information by visually impaired persons, but that nonvisual access is dependent on the purchase of hardware and software that is compatible with technology used for nonvisual access.

§18-10M-2. Definitions.

The following words have the meanings indicated:

(a) “Access” means the ability to receive, use and manipulate data and operate controls included in information technology.

(b) “Blind or visually impaired individual” means an individual who:

(1) Has a visual acuity of 20/200 or less in the better eye with corrective lenses or has a limited field of vision so that the widest diameter of the visual field subtends an angle no greater than twenty degrees;
(2) Has a medically indicated expectation of visual
deterioration; or

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

(c) “Information technology” means all electronic
information processing hardware and software, including
telecommunications.

(d) “Nonvisual” means synthesized speech, Braille and
other output methods not requiring sight.

(e) “State agency” means the state or any of its depart-
ments, agencies or boards or commissions.

(f) “Telecommunications” means the transmission of
information, voice, or data by radio, video or other elec-
tronic or impulse means.

§18-10M-3. Purchasing to develop access standards; access
clause to be included in contracts.

(a) On or before first day of September, two thousand
one, the purchasing division of the department of adminis-
tration shall develop nonvisual access standards for
information technology systems employed by state agen-
cies that:

(1) Provide blind or visually impaired individuals with
access to information stored electronically by state
agencies by ensuring compatibility with adaptive technol-
ogy systems so that blind and visually impaired individu-
als have full and equal access when needed; and

(2) Are designed to present information, including
prompts used for interactive communications, in formats
intended for both visual and nonvisual use, such as the use
of text-only options.
(b) The purchasing division shall consult with state agencies and representatives of individuals who are blind or visually impaired in developing the nonvisual access standards described in subsection (a) of this section and the procurement criteria described in section four of this article.

(c) The head of each state agency shall establish a written plan and develop any proposed budget requests for implementing the nonvisual access standards for its agency at facilities accessible by the public.

§18-10M-4. Procurements by the purchasing division.

(a) On or before first day of January, two thousand two, the division shall approve minimum standards and criteria to be used in approving or rejecting procurements by state agencies for adaptive technologies for nonvisual access uses.

(b) Nothing in this article shall require the installation of software or peripheral devices used for nonvisual access when the information technology is being used by individuals who are not blind or visually impaired. Nothing in this article shall be construed to require the purchase of nonvisual adaptive equipment by a state agency.

(c) Notwithstanding the provisions of subsection (b) of this section, the applications, programs and underlying operating systems, including the format of the data, used for the manipulation and presentation of information shall permit the installation and effective use of and shall be compatible with nonvisual access software and peripheral devices.

(d) Compliance with the procurement requirements of this section with regard to information technology purchased prior to the first day of July, two thousand one, shall be achieved at the time of procurement of an upgrade or replacement of existing information technology equipment or software.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the Day of , 2001.

Governor