



## BILL ANALYSIS

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Bill Number: AB 2749

**Subject:** State Agency Director and Chief Information Officer Certify Internet Web site is Mobile-Friendly and Prohibit Web site Intended for Public Use from Being Operational unless Mobile-Friendly and Accessible by Persons with Disabilities

### Summary

This bill would prohibit a publicly-accessible Internet Web site maintained by a state agency from becoming operational unless it is mobile-friendly and accessible by persons with disabilities.

### Reason for the Bill

The reason for the bill is to ensure that all California State agencies' Internet Web sites are mobile-friendly and accessible by persons with disabilities.

### Effective/Operative Date

This bill would become effective and operative on January 1, 2019, and specifically require a certification to be posted before January 1, 2020.

### Federal/State Law

In 1998, Congress amended the Rehabilitation Act of 1973 (Rehabilitation Act) to require federal agencies and state agencies or contractors that receive federal funding to make their electronic and information technology accessible to people with disabilities. The law<sup>1</sup> applies to all federal agencies when they develop, procure, maintain, or use electronic and information technology.

On January 18, 2017, the U.S. Access Board<sup>2</sup> issued a final rule that updates accessibility requirements for information and communication technology in the federal sector covered by Section 508 of the Rehabilitation Act. The rule references Level A and Level AA Success Criteria and Conformance Requirements in Web Content Accessibility Guidelines WCAG 2.0 issued by the World Wide Web Consortium's Web Accessibility Initiative.

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<sup>1</sup> 29 U.S.C. § 794 (d).

<sup>2</sup> The U.S. Access Board is a federal agency that promotes equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards for the built environment, transportation, communication, medical diagnostic equipment, and information technology.

In 2003, the State of California enacted Government Code (GC) section 11135, requiring all of its agencies and departments to comply with Section 508 of the Rehabilitation Act.

Beginning on July 1, 2019, and before July 1 biennially thereafter, current law requires each state agency or entity, including the Franchise Tax Board (FTB), to post on the homepage of its Internet Web site a certification signed by the agency's director and chief information officer that the agency's Internet Web site is in compliance with Sections 7405 and 11135 of the GC, and the Web Content Accessibility Guidelines 2.0, or a subsequent version, as published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success criteria.

### **This Bill**

This bill would modify the Internet Web site accessibility certification requirement under the GC by additionally requiring before January 1, 2020, that each state agency post to on the homepage of its Internet Web site a written certification signed by the agency's executive officer and chief information officer that the Web site is mobile-friendly. Certifications due before July 1, 2021, and before July 1 biennially thereafter, would be required to certify that such Web sites have been redetermined to be both in compliance with accessibility requirements, as defined in current law, and mobile-friendly.

The prohibition of a Web site from becoming operational absent the required certification would be expanded to also prohibit an operational Web site that lacks the required certification from remaining operational.

The bill would define "mobile-friendly" to mean having substantially similar accessibility and functionality features across devices.

### **Legislative History**

AB 434 (Baker, Chapter 780, Statutes of 2017) requires state agencies to post before July 1, 2019, biennially thereafter on the homepage of their Internet Web site a certification signed by the director and the chief information officer of the state agency that they have determined the agency's Internet Web site is in compliance with specified accessibility standards in order to remain operational.

### **Other States' Information**

Since this bill would modify the accessibility and certification requirements applicable to California agencies' Internet Web sites, a review of other states' income tax laws would not be relevant.

### **Fiscal Impact**

Staff estimates a cost of approximately \$1,595,000 in fiscal year 2019-2020, and ongoing annual costs of \$560,000 to develop, program, and test revisions to existing systems for this bill. The department will pursue a budget change proposal.

### **Economic Impact**

This bill would not impact the state's income tax revenue.

**Appointments**

None.

**Support/Opposition**

Support: None provided.

Opposition: None provided.

**Votes**

<b>Location</b>	<b>Date</b>	<b>Yes Votes</b>	<b>No Votes</b>
Concurrence	August 29, 2018	80	0
Senate Floor	August 28, 2018	39	0
Assembly Floor	May 31, 2018	78	0

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