

STATE OF KANSAS

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SENATE CHAMBER

MR. PRESIDENT:

I move to amend **Senate Substitute for HB 2016**, on page 1, in line 22, after "system" by inserting "against smaller Kansas businesses"; in line 35, after the period, by inserting "The lack of standards issued by the federal department of justice concerning website accessibility under title III of the federal Americans with disabilities act has resulted in the need for this process.";

On page 2, in line 22, after "(C)", by inserting "the resources available to the defendant to correct the alleged website access violation;

(D)";

Also on page 2, in line 29, after the semicolon by inserting "and"; in line 30, by striking all in lines 30 through 37; following line 40, by inserting:

"(3) Except as provided further, if the defendant in the litigation that alleges a website access violation in good faith attempts to cure the alleged violation within 30 days after being provided written notice or being served a petition or complaint with sufficient detail to identify and correct the alleged violation, there shall be a rebuttable presumption that the subsequent initiation or continuance of litigation that alleges a website access violation constitutes abusive litigation. There shall not be a rebuttable presumption that such litigation is abusive litigation if the alleged website access violation is not corrected, as determined by the court, within 90 days after being provided written notice or being served a petition or complaint with sufficient detail to identify and correct the alleged violation. The trier of fact shall not determine whether such litigation is abusive litigation until after such 90-day period expires or the alleged violation is corrected, as determined by the court, whichever occurs first.";

On page 3, in line 4, by striking "shall" and inserting "may"; following line 28, by inserting:

"(g) If the federal department of justice issues standards concerning website accessibility under title III of the federal Americans with disabilities act, the attorney general shall certify to the secretary of state that such standards have been issued. Upon receipt of such certification, the secretary of state shall cause a notice of such certification to be published in the Kansas register. The provisions of this section shall expire on the date such certification is published in the Kansas register.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

Senator \_\_\_\_\_