

(H. B. 2640)
(Conference)

(No. 229)

(Approved September 2, 2003)

AN ACT

To enact the “Act to Guarantee Access to Information to Disabled Persons,” through the availability of information through the web pages of the government of the Commonwealth of Puerto Rico; to add a new Section 5 and renumber present Sections 5 and 6 as Sections 6 and 7, respectively, of Act No. 110 of June 27, 2000, as amended, known as the “Puerto Rico Government Digital Act,” to allow access to the transmitting of government electronic transactions included in the Act, through technological assistance equipment owned by disabled persons.

STATEMENT OF MOTIVES

With the advent of the computer age, a worldwide transformation has occurred in communications. Advances in digital technology are extraordinary, to the extent that equipment has been invented to enable persons with physical disabilities to lead lives of greater independence and productivity. In this sense, the use of interactive audiovisual systems has generalized as an efficient means to obtain information available electronically.

On the other hand, with the advances in digital technology, the exclusively visual presentation of electronic data is a barrier that prevents persons with illnesses or conditions related to sight, or motor disabilities, to access areas that are vital to their development, such as education and employment. To minimize such a regrettable inequality, computer

applications, programs and equipment have been developed to provide visual and spoken access to information.

Furthermore, the agencies of the Government of the Commonwealth of Puerto Rico have a web site on the World Wide Web, where citizens may access different agencies and request information on programs and services, among others. However, if a web page on the Internet does not follow an adequate format for said information to be accessible to disabled persons, this could constitute a barrier for these citizens to access information. This measure has the purpose to eliminate such a barrier.

Therefore, the Government of the Commonwealth of Puerto Rico deems necessary the adoption of a public policy with the approval of this measure, whose main purpose is to ensure the equal rights of all disabled citizens. Thus, we guarantee a better quality of life for disabled persons.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Title

This Act shall be known as the “Act to Guarantee Access of Information to Disabled Persons.”

Section 2.- Definitions

For purposes of this Act, these terms shall have the following meanings:

- (A) Access – the capability and ability to use and receive data and operate technological assistance equipment.
- (B) Disabled person – any person who, due to a physical or mental condition, requires technological assistance to expedite their transactions in different entities.
- (C) Entity - agencies, departments, subdivisions, instrumentalities and public corporations of the Government of the Commonwealth of Puerto Rico, including its municipalities.

- (D) Technological Assistance – any type of equipment or service used to increase, maintain or improve the functional capacity of disabled persons.
- (E) Technological Assistance Equipment – any type of equipment, object, computer program or product acquired to increase, maintain or improve the functional capabilities of disabled persons.
- (F) Information – any previously digitalized data or documentation, or interactive service for the citizenry offered electronically by the entities through their Internet web pages.
- (G) Puerto Rico Technological Assistance Program – the program created by means of Act No. 264 of August 31, 2000.

Section 3.- Public Policy

Persons with disabilities are entitled to full access to information and to use the services offered by the Government of the Commonwealth of Puerto Rico through the web pages of the entities of the State. The Government of the Commonwealth of Puerto Rico hereby adopts a public policy geared to guarantee that all agencies, and public corporations and instrumentalities of the State shall comply with the purposes set forth in this Act.

Section 4.- Access Guarantees

The Secretary, Chief, Official, Director or person in charge of the entity shall ensure that the information on the web page thereof is designed to present information in alternate formats.

Section 5.- Adaptation of the Web Pages of the Government Entities of the Commonwealth of Puerto Rico.

All entities of the Government of the Commonwealth of Puerto Rico, including its municipalities, that have Internet web pages or are about to implement same, shall ensure that said web pages, as well as the electronic

documentation, are designed through universal computer language that can be read by technological assistance programs for disabled persons.

Section 6.- Non-Compliance Complaints

The Office of the Advocate for Persons with Disabilities shall be in charge of ensuring compliance with this Act.

Any citizen affected by non-compliance of the provisions of this Act, may file a complaint before the Office of the Advocate for Persons with Disabilities, pursuant to Act No. 2 of September 27, 1985, as amended, and take any other pertinent legal action.

Section 7.- Forms and Regulations

The Management and Budget Office of the Commonwealth of Puerto Rico is hereby empowered, in coordination and consultation with the Puerto Rico Technological Assistance Program, to establish uniform regulations for compliance with this Act to be used by the entities sheltered under this Act, for the adaptation of web pages. It shall also create all the forms to be used in a uniform manner by all entities and municipalities that are necessary for its implementation, within one hundred eighty (180) days following approval of this Act.

Section 8.- Penalties

The Advocate for Persons with Disabilities is hereby empowered to impose administrative fines up to a maximum of two thousand five hundred (2,500) dollars, after prior notice and hearing, on any Secretary, Chief, Official, Director or person in charge, of any entity that does not comply with the provisions of this Act. The funds collected as a result of this penalty, shall be deposited in the Special Fund of the Puerto Rico Technological Assistance Program created through Act No. 264 of August 31, 2000.

Section 9.- Severability Clause

If any clause, paragraph, article, section or part of this Act were found unconstitutional by a court with jurisdiction, the ruling to such effects shall not affect, modify or invalidate the remaining parts thereof. The effect of said ruling shall be limited to the clause, paragraph, article, section, subsection, subclause or part thereof that has thus been declared unconstitutional.

Section 10.- A new Section 5 is hereby added, and present Sections 5 and 6 are renumbered as 6 and 7, respectively, in Act No. 110 of June 27, 2000, as amended, known as the “Puerto Rico Government Digital Act,” to read as follows:

“Section 5.- Guarantee of Access to Information for Disabled Persons

Every government transaction that is electronically transmitted based on the provisions of this Act, shall be designed in universal computer language, pursuant to the parameters set forth by the Puerto Rico Technological Assistance Program created pursuant to Act No. 264 of August 31, 2000, so that disabled persons who have technological assistance equipment may recognize and access the information.”

Section 11.- Effectiveness

This Act shall take effect immediately after its approval, with the exception of Sections 4, 5 and 10, which shall take effect one (1) year after the approval of this Act.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 229 (H.B. 2640) (Conference) of the 5th Session of the 14th Legislature of Puerto Rico:

AN ACT to enact “Act to Guarantee Access to Information to Disabled Persons,” through the availability of information through the web pages of the government of the Commonwealth of Puerto Rico; to add a new Section 5 and renumber present Sections 5 and 6 as Sections 6 and 7, respectively, of Act No. 110 of June 27, 2000, as amended, known as the “Puerto Rico Government Digital Act,” to allow access to the transmitting of government electronic transactions included in the Act, through technological assistance equipment owned by persons,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 8th of October of 2004.

Elba Rosa Rodríguez-Fuentes
Director

