

(C) THE NONVISUAL ACCESS CLAUSE DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE CONSISTENT WITH THE STANDARDS DEVELOPED BY THE DEPARTMENT OF BUDGET AND MANAGEMENT IN ACCORDANCE WITH THE PROVISIONS OF § 3-412 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

**Article - State Finance and Procurement**

3-412.

(a) The Chief and the Board, in consultation with other units of State government, and after public comment, shall develop a nonvisual access clause for use in the procurement of information technology and information technology services which specifies that the technology and services:

(1) must provide equivalent access for effective use by both visual and nonvisual means;

(2) will present information, including prompts used for interactive communications, in formats intended for both visual and nonvisual use;

(3) can be integrated into networks for obtaining, retrieving, and disseminating information used by individuals who are not blind or visually impaired; and

(4) shall be obtained, whenever possible, without modification for compatibility with software and hardware for nonvisual access.

(b) (1) Except as provided in paragraph (2) of this subsection, the nonvisual access clause required under subsection (a) of this section shall be included in each invitation for bids or request for proposals and in each procurement contract or modification of a contract issued under Title 13 of this article, without regard to the method chosen under Title 13, Subtitle 1 of this article for the purchase of new or upgraded information technology and information technology services.

(2) Except as provided in subsection (a)(4) of this section, the nonvisual access clause required under paragraph (1) of this subsection is not required if:

(i) the information technology is not available with nonvisual access because the essential elements of the information technology are visual and nonvisual equivalence cannot be developed; or

(ii) the cost of modifying the information technology for compatibility with software and hardware for nonvisual access would increase the price of the procurement by more than 5 percent.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.

Approved May 10, 2005.