61.986 Exclusion of technology access clause -- Conditions -- Exempting from access requirements -- Compliance of existing equipment or software.

(1)   For the purpose of procurement, the head of any covered entity may, with respect to access software or peripheral devices and other assistive technology pertinent to individuals with disabilities access to information technology obtained following July 14, 2000, approve the exclusion of the technology access clause if the cost of the software or peripheral devices or other assistive technology for the covered entity presents an undue burden.

(2)   The head of any covered entity shall not approve the exclusion of the technology access clause from any contract with respect to:

(a)   The compatibility of standard operating systems and software with nonvisual access or other assistive software, peripheral devices, or any assistive technology; or

(b)   The initial design, development, and installation of information systems, including the design and procurement of interactive equipment and software.

(3)   Nothing in this section shall require the installation of software or peripheral devices for nonvisual or alternative access if the information technology is being used by individuals who are not blind, visually impaired, or otherwise disabled. However, the applications programs and underlying operating system, including the format of the data, used for the manipulation and presentation of information shall permit the installation and effective use of nonvisual access software and peripheral devices.

(4)   Information technology purchased prior to July 14, 2000, shall be brought into compliance with KRS 61.980 to 61.988 when the covered entity upgrades or replaces the existing equipment or software. Nothing in KRS 61.980 to 61.988 shall be construed or interpreted to require the replacement or upgrade of existing equipment or software.

Effective: July 14, 2000

History: Created 2000 Ky. Acts ch. 536, sec. 35, effective July 14, 2000.