

ALERT

FCC Clarifies Accessibility Requirements for Internet Browsers, and Adopts New Requirements for Browsers Included with Mobile Telephones

April 30, 2013

On April 29, 2013 the Federal Communications Commission (Commission) released a Second Report and Order (Order) implementing Section 718 of the Communications Act, as added by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), and addressing other issues related to the accessibility of Internet browsers. The new rules adopted in the Order will become effective on the statutory deadline of October 8, 2013.

The Commission did four main things in the Order:

1. The Commission addressed the respective roles of Sections 716 and 718 of the Communications Act with respect to Internet browsers. The accessibility requirements of Section 716 apply to all Internet browsers used to access advanced communications services (ACS). By contrast, Section 718 applies only to Internet browsers included in mobile phones and requires accessibility for persons who are blind or have a visual impairment, regardless of whether the browser is used for ACS.
2. The Commission adopted rules implementing the requirements of Section 718. Under the new rules, manufacturers of mobile phones that include Internet browsers and mobile service providers that place Internet browsers in mobile phones must ensure that the browsers are accessible to and usable by people that are blind or visually-

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impaired, unless not achievable. The Commission adopted the same definitions for accessible, usable and achievable as are applied to equipment covered by Section 716.

3. The Commission declined either to require support for an accessibility application programming interface (API) in mobile phones, or to recognize the use of an accessibility API as a safe harbor.
4. The Commission retained its existing recordkeeping obligations for manufacturers and service providers covered under Section 718 and declined to delay implementation of the requirements beyond the January 30, 2013 effective date of the recordkeeping rules.