

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 24-1454

BY REPRESENTATIVE(S) Ortiz and Pugliese, Bacon, Bird, Duran, Kipp, Lieder, Parenti, Young;
also SENATOR(S) Lundeen, Bridges, Kirkmeyer, Priola, Roberts.

CONCERNING A ONE-YEAR EXTENSION OF THE DEADLINE FOR PUBLIC AGENCIES TO COMPLY WITH DIGITAL ACCESSIBILITY STANDARDS IF THE PUBLIC AGENCY DEMONSTRATES A GOOD FAITH EFFORT TOWARD COMPLIANCE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly declares that:

(a) It is imperative to recognize the importance of ensuring full accessibility for individuals with disabilities to state and local government digital resources;

(b) The general assembly's commitment to inclusivity and equal access is underscored by establishing a one-year grace period that extends the current deadline for full digital accessibility compliance for state agencies and public entities from July 1, 2024, to July 1, 2025, so that

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

applicable state agencies and public entities may achieve compliance with established accessibility standards, provided that the public entity or state agency has demonstrated good faith efforts toward compliance;

(c) The temporary grace period reflects the general assembly's understanding of the reality of adapting the necessary accessibility standards by state agencies and public entities and bases the grace period on current progress made by each state agency and public entity; and

(d) The one-year grace period is made with the intent to encourage continued diligent progress toward accessibility for all Coloradans with disabilities without imposing immediate penalties on state agencies and public entities.

SECTION 2. In Colorado Revised Statutes, 24-34-802, **amend** (1)(c) as follows:

24-34-802. Violations - penalties - immunity - repeal.

(1) (c) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(c)(II) OF THIS SECTION, discrimination pursuant to this section includes the failure of a public entity or state agency, as those terms are defined in section 24-34-301, to fully comply, on or before July 1, 2024, with the accessibility standards for individuals with a disability established by the office of information technology pursuant to section 24-85-103. Liability for noncompliance as to content lies with the public entity or state agency that manages the content. Liability for noncompliance of the platform hosting the content lies with the public entity or state agency that manages the platform.

(II) (A) A PUBLIC ENTITY OR STATE AGENCY IS IMMUNE FROM LIABILITY FOR A VIOLATION OF SUBSECTION (1)(c)(I) OF THIS SECTION UNTIL JULY 1, 2025, IF THE PUBLIC ENTITY OR STATE AGENCY DEMONSTRATES GOOD FAITH EFFORTS TOWARD COMPLIANCE WITH THE ACCESSIBILITY STANDARDS ESTABLISHED PURSUANT TO SECTION 24-85-103 OR, AS NECESSARY, MAKES GOOD FAITH EFFORTS TOWARD RESOLUTION OF A COMPLAINT OF NONCOMPLIANCE. TO BE ELIGIBLE FOR THE IMMUNITY AUTHORIZED PURSUANT TO THIS SUBSECTION (1)(c)(II), BY JULY 1, 2024, A PUBLIC ENTITY'S OR STATE AGENCY'S GOOD FAITH EFFORTS MUST INCLUDE CREATING A PROGRESS-TO-DATE REPORT THAT DEMONSTRATES CONCRETE AND SPECIFIC EFFORTS TOWARD COMPLIANCE ON THE ENTITY'S OR AGENCY'S FRONT-FACING WEB PAGES; UPDATING THE REPORT ON A QUARTERLY BASIS;

AND CREATING A CLEAR, EASY-TO-FIND PROCESS FOR REQUESTING REDRESS FOR INACCESSIBLE DIGITAL PRODUCTS, INCLUDING CONTACT OPTIONS THAT ARE NOT DEPENDENT ON WEB ACCESS OR DIGITAL ACCESSIBILITY AND ARE PROMINENTLY DISPLAYED ON ALL FRONT-FACING WEB PAGES.

(B) IF A CIVIL ACTION IS FILED PURSUANT TO THIS SUBSECTION (1)(c) AND A PUBLIC ENTITY OR STATE AGENCY ALLEGES THAT IT HAS MADE GOOD FAITH EFFORTS PURSUANT TO THIS SUBSECTION (1)(c)(II), THE COURT IN WHICH THE CIVIL ACTION WAS FILED SHALL DETERMINE, BASED ON A PREPONDERANCE OF THE EVIDENCE, WHETHER THE PUBLIC ENTITY OR STATE AGENCY HAS MADE GOOD FAITH EFFORTS, AND, IF THE COURT DETERMINES THAT GOOD FAITH EFFORTS HAVE BEEN MADE, THE COURT SHALL DISMISS THE ACTION WITHOUT PREJUDICE.

(C) THIS SUBSECTION (1)(c)(II) IS REPEALED, EFFECTIVE JULY 1, 2025.

SECTION 3. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate

preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO