

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0541.01 Nicole Myers x4326

HOUSE BILL 24-1168

HOUSE SPONSORSHIP

Froelich and Rutinel,

SENATE SPONSORSHIP

Hinrichsen,

House Committees

Transportation, Housing & Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ACCESSIBILITY TO PUBLIC MEETINGS FOR INDIVIDUALS**
102 **WITH DISABILITIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires state and local public bodies (public bodies) to ensure that the following accessibility requirements are implemented by July 1, 2025:

- Any public meeting at which public business is discussed, formal action may be taken, or recommendations to the governing body of the public body may be discussed

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

(meeting) held by a public body is required to be accessible in real time by live streaming video or audio that is recorded and accessible to individuals with disabilities;

- A public body is required to post on its website, at least 24 hours before a meeting, any documents that will be distributed during the meeting;
- For any meeting of a public body during which public testimony will be heard, the public body is required to allow any individual to participate in the meeting and offer public testimony by using a video conferencing platform unless the meeting occurs in a geographic location that lacks broadband internet service; and
- A public body is required to provide any auxiliary aids or services requested in time for the meeting for which they were requested. A public body may require that a request for auxiliary aids or services to attend a meeting of the public body with the use of the video conferencing platform be made up to 7 days before the date of the meeting.

Nothing in the bill prohibits a public body from promulgating rules for the administration of public testimony so long as the rules apply to both in-person and remote testimony, and nothing in the bill requires a public body to provide hardware or software or internet or phone access at an individual's home.

The failure of any public body to comply with the applicable requirements of the bill constitutes discrimination on the basis of disability. Any individual who is subjected to a violation is entitled to seek relief as currently provided in law.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) The federal "Americans with Disabilities Act of 1990" has
5 been law for over three decades;

6 (b) The federal "Americans with Disabilities Act of 1990"
7 mandates equal access to everyday activities for individuals with
8 disabilities;

9 (c) Many places of public business continue to be inaccessible to

1 individuals with disabilities; and

2 (d) It is the right of every individual to participate in public
3 discourse, and it is imperative to a healthy and functional democracy that
4 all citizens have access to their government.

5 (2) The general assembly further finds and declares that it is
6 necessary to codify the right to accessible and transparent governance to
7 protect citizens' access to their government and promote greater equity.

8 **SECTION 2.** In Colorado Revised Statutes, **add 24-6-403** as
9 follows:

10 **24-6-403. Meetings - accessibility for individuals with**
11 **disabilities.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
12 OTHERWISE REQUIRES:

13 (a) "AUXILIARY SERVICES" HAS THE SAME MEANING AS SET FORTH
14 IN SECTION 26-21-103 (1).

15 (b) "LOCAL PUBLIC BODY" HAS THE SAME MEANING AS SET FORTH
16 IN SECTION 24-6-402 (1)(a).

17 (c) "MEETING" HAS THE SAME MEANING AS SET FORTH IN SECTION
18 24-6-402 (1)(b).

19 (d) "REMOTE METHOD" MEANS THE SIMULTANEOUS
20 COMMUNICATION OR TRANSMISSION OF A PUBLIC MEETING BY A
21 TELEPHONIC, ELECTRONIC, OR SIMILAR REMOTE METHOD.

22 (e) "SMALL COMMUNITY" MEAN ANY AUTHORITY, DISTRICT, OR
23 OTHER POLITICAL SUBDIVISION OF THE STATE WITH FEWER THAN ONE
24 THOUSAND ELIGIBLE ELECTORS AT THE LAST ELECTION OF THE AUTHORITY,
25 DISTRICT, OR OTHER POLITICAL SUBDIVISION OF THE STATE.

26 (d) "STATE PUBLIC BODY" HAS THE SAME MEANING AS SET FORTH
27 IN SECTION 24-6-402 (1)(d).

1 (2) BEGINNING JULY 1, 2025, A STATE PUBLIC BODY OR A LOCAL
2 PUBLIC BODY THAT IS NOT A SMALL COMMUNITY IS SUBJECT TO THE
3 FOLLOWING REQUIREMENTS:

4 (a) ANY MEETING OF A STATE PUBLIC BODY OR LOCAL PUBLIC
5 BODY THAT IS NOT A SMALL COMMUNITY FOR WHICH NOTICE IS REQUIRED
6 TO BE PROVIDED PURSUANT TO SECTION 24-6-402 (2)(c)(I) AND AT WHICH
7 THE ADOPTION OF ANY PROPOSED POLICY, POSITION, RESOLUTION, RULE,
8 REGULATION, OR FORMAL ACTION WILL OCCUR, OR WHERE THE STATE
9 PUBLIC BODY OR LOCAL PUBLIC BODY THAT IS NOT A SMALL COMMUNITY
10 WILL BE HEARING PUBLIC TESTIMONY OR COMMENT, MUST BE MADE
11 ACCESSIBLE IN REAL TIME BY LIVE-STREAMING VIDEO OR AUDIO;

12 (b) ANY DOCUMENT THAT IS IN THE POSSESSION OF A STATE PUBLIC
13 BODY OR A LOCAL PUBLIC BODY THAT IS NOT A SMALL COMMUNITY AND
14 WILL BE MADE AVAILABLE TO THE PUBLIC DURING A MEETING MUST BE
15 POSTED AT LEAST TWENTY-FOUR HOURS BEFORE THE MEETING, OR IF
16 POSTING TWENTY-FOUR HOURS BEFORE THE MEETING IS NOT POSSIBLE,
17 MUST BE POSTED AS SOON AS PRACTICABLE; AND

18 (c) FOR A MEETING AT WHICH A STATE PUBLIC BODY OR A LOCAL
19 PUBLIC BODY THAT IS NOT A SMALL COMMUNITY WILL HEAR PUBLIC
20 TESTIMONY OR COMMENT, THE STATE PUBLIC BODY OR LOCAL PUBLIC
21 BODY THAT IS NOT A SMALL COMMUNITY MUST ALLOW INDIVIDUALS WHO
22 WISH TO PARTICIPATE REMOTELY TO PROVIDE PUBLIC COMMENT
23 VIRTUALLY. IT IS IN THE DISCRETION OF THE STATE PUBLIC BODY OR LOCAL
24 PUBLIC BODY THAT IS NOT A SMALL COMMUNITY TO PROMULGATE RULES
25 FOR THE ADMINISTERING OF PUBLIC COMMENT SO LONG AS SUCH RULES
26 APPLY EQUITABLY TO INDIVIDUALS SEEKING TO MAKE PUBLIC COMMENT
27 THROUGH A REMOTE METHOD AND INDIVIDUALS SEEKING TO MAKE PUBLIC

1 COMMENT IN PERSON.

2 (3) BEGINNING JULY 1, 2025, A LOCAL PUBLIC BODY THAT IS A
3 SMALL COMMUNITY IS SUBJECT TO THE FOLLOWING REQUIREMENTS:

4 (a) FOR ANY MEETING OF A LOCAL PUBLIC BODY THAT IS A SMALL
5 COMMUNITY FOR WHICH NOTICE IS REQUIRED TO BE PROVIDED PURSUANT
6 TO SECTION 24-6-402 (2)(c)(I) AND AT WHICH THE ADOPTION OF ANY
7 PROPOSED POLICY, POSITION, RESOLUTION, RULE, REGULATION, OR
8 FORMAL ACTION WILL OCCUR, OR WHERE THE LOCAL PUBLIC BODY THAT
9 IS A SMALL COMMUNITY WILL BE HEARING PUBLIC TESTIMONY OR
10 COMMENT, THE LOCAL PUBLIC BODY THAT IS A SMALL COMMUNITY, UPON
11 RECEIPT OF A TIMELY REQUEST, SHALL:

12 (I) PROVIDE A REMOTE METHOD FOR INDIVIDUALS TO ATTEND A
13 MEETING;

14 (II) ALLOW REMOTE ACCESS TO OR ELECTRONIC TRANSMISSION OF
15 ANY DOCUMENTS DISTRIBUTED TO THE GENERAL PUBLIC ATTENDING A
16 MEETING IN PERSON; AND

17 (III) AT A MEETING AT WHICH FORMAL TESTIMONY OR COMMENT
18 FROM THE PUBLIC WILL BE HEARD, ALLOW A REMOTE METHOD OF
19 PROVIDING TESTIMONY OR COMMENT.

20 (b) A REQUEST IS TIMELY FOR PURPOSES OF SUBSECTION (3)(a) OF
21 THIS SECTION IF THE REQUEST IS MADE AT LEAST TWO BUSINESS DAYS
22 PRIOR TO A MEETING FOR WHICH A REMOTE METHOD OF ATTENDING IS
23 REQUESTED.

24 (4) A STATE PUBLIC BODY OR A LOCAL PUBLIC BODY MAY, IN ITS
25 DISCRETION, RECORD AND MAKE AVAILABLE ANY AUDIO OR VIDEO
26 RECORDING OF A MEETING FOR ON-DEMAND USE. THE GENERAL ASSEMBLY
27 ENCOURAGES ANY SUCH PUBLIC BODY TO RECORD AND MAKE AVAILABLE

1 ANY AUDIO OR VIDEO RECORDING OF A MEETING FOR ON-DEMAND USE.

2 (5) (a) A MEETING THAT IS HELD IN AN UNSERVED AREA, AS
3 DEFINED IN SECTION 40-15-102 (32), IS NOT SUBJECT TO THE
4 REQUIREMENTS OF THIS SECTION.

5 (b) A STATE PUBLIC BODY OR A LOCAL PUBLIC BODY HOLDING A
6 MEETING THAT IS EXEMPT FROM THE REQUIREMENTS OF THIS SECTION
7 PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION SHALL MAKE A GOOD
8 FAITH EFFORT TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION,
9 SUCH AS USING TELECONFERENCING OR OTHER ALTERNATIVE METHODS OF
10 REAL-TIME LIVE STREAMING, BUT IS NOT SUBJECT TO CIVIL SUIT PURSUANT
11 TO SUBSECTION (10) OF THIS SECTION.

12 (6) AN INTERRUPTION IN THE REAL-TIME LIVE STREAMED VIDEO OR
13 AUDIO OF A MEETING DUE TO IRREGULAR TECHNICAL OR OTHER ISSUES IS
14 NOT A VIOLATION OF THIS SECTION SO LONG AS THE STATE PUBLIC BODY
15 OR LOCAL PUBLIC BODY MAKES A GOOD FAITH EFFORT TO ENSURE THE
16 TIMELY RESTORATION OF THE REAL-TIME LIVE STREAM.

17 (7) BEGINNING JULY 1, 2025, A STATE PUBLIC BODY OR A LOCAL
18 PUBLIC BODY SHALL PROVIDE AUXILIARY SERVICES UPON TIMELY REQUEST
19 OF AN INDIVIDUAL WITH A DISABILITY WHO REQUIRES SUCH SERVICES TO
20 ATTEND A MEETING. A TIMELY REQUEST INCLUDES A REQUEST MADE AT
21 LEAST SEVEN DAYS PRIOR TO THE MEETING. NOTHING IN THIS SECTION
22 REQUIRES A STATE PUBLIC BODY OR A LOCAL PUBLIC BODY TO PROVIDE
23 HARDWARE OR SOFTWARE OR INTERNET OR PHONE ACCESS AT AN
24 INDIVIDUAL'S HOME.

25 (8) THIS SECTION DOES NOT APPLY TO A MEETING OR DOCUMENT
26 IF THE MEETING IS NOT OPEN TO THE PUBLIC OR THE DOCUMENT IS NOT
27 MADE AVAILABLE TO THE PUBLIC, INCLUDING MEETINGS HELD IN

1 EXECUTIVE SESSION PURSUANT TO SECTION 24-6-402 (3) OR (4).

2 (9) THE FAILURE OF A STATE PUBLIC BODY OR A LOCAL PUBLIC
3 BODY TO COMPLY WITH ANY REQUIREMENT OF THIS SECTION IS NOT A
4 DENIAL OF ANY OF THE RIGHTS THAT ARE CONFERRED ON THE PUBLIC FOR
5 THE PURPOSE OF SECTION 24-6-402 (9).

6 (10) (a) AN INDIVIDUAL WITH A DISABILITY, AS DEFINED IN
7 SECTION 24-34-301, WHO IS SUBJECT TO A VIOLATION OF THIS SECTION BY
8 A STATE PUBLIC BODY OR LOCAL PUBLIC BODY BASED ON THE
9 INDIVIDUAL'S DISABILITY MAY BRING A CIVIL SUIT IN A COURT OF
10 COMPETENT JURISDICTION. IF THE COURT FINDS THAT A VIOLATION OF THIS
11 SECTION OCCURRED, THE STATE PUBLIC BODY OR LOCAL PUBLIC BODY
12 THAT VIOLATED THIS SECTION IS SUBJECT TO EITHER A STATUTORY FINE OF
13 THREE THOUSAND DOLLARS OR AN AMOUNT EQUAL TO ONE PERCENT OF
14 THE STATE PUBLIC BODY'S OR LOCAL PUBLIC BODY'S PRIOR FISCAL YEAR
15 REVENUE, WHICHEVER IS LESS. THE FINE IS PAYABLE TO EACH INDIVIDUAL
16 SUBJECT TO A VIOLATION OF THIS SECTION OR THE COLORADO
17 COMMISSION FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND CASH
18 FUND ESTABLISHED IN SECTION 26-21-107, AT THE INDIVIDUAL'S
19 CHOOSING.

20 (b) ALLEGED VIOLATIONS OF SUBSECTION (5)(b) OF THIS SECTION
21 ARE NOT SUBJECT TO THIS SUBSECTION (10).

22 (11) ANY INFORMATION TECHNOLOGY SYSTEM THAT A STATE
23 PUBLIC BODY OR A LOCAL PUBLIC BODY USES PURSUANT TO THIS SECTION
24 MUST COMPLY WITH THE RULES FOR ACCESSIBILITY STANDARDS
25 ESTABLISHED IN SECTION 24-85-103.

26 (12) THIS SECTION DOES NOT APPLY TO A STATE PUBLIC BODY OR
27 A LOCAL PUBLIC BODY THAT IS SUBJECT TO STATE OR FEDERAL ANTITRUST

1 AND COMPETITION LAWS AND REGULATIONS.

2 **SECTION 3. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly; except
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V
6 of the state constitution against this act or an item, section, or part of this
7 act within such period, then the act, item, section, or part will not take
8 effect unless approved by the people at the general election to be held in
9 November 2024 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.