

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 25-0686.01 Jacob Baus x2173

HOUSE BILL 25-1152

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A BILL FOR AN ACT

101 **CONCERNING NONCOMPLIANCE WITH REQUIREMENTS REGARDING**
102 **TECHNOLOGY ACCESSIBILITY FOR PERSONS WITH DISABILITIES**
103 **WHEN THE NONCOMPLIANCE IS CAUSED BY A CONTRACTOR.**

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>.)

Under current law, certain provisions are required in a public school contract (contract), and if the provisions are omitted from a contract, the law deems that the provisions are automatically included in the contract. The bill clarifies that the list includes that a contractor is required to comply with accessibility standards for an individual with a

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.

HOUSE
3rd Reading Unamended
February 10, 2025

HOUSE
2nd Reading Unamended
February 7, 2025

disability adopted by the office of information technology. The bill adds a provision to the list to require a contractor to indemnify, hold harmless, and assume liability on behalf of a public school contracting entity, the public school, and the public school's employees and agents, for all remedies for noncompliance with standards that ensure technology accessibility to persons with disabilities.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-1-135, **amend**
3 (2)(d) introductory portion and (2)(d)(III); and **add** (2)(d)(II)(C),
4 (2)(d)(IV), and (2)(e) as follows:

5 **22-1-135. Terms and conditions in public school contracts -**
6 **definitions.** (2) (d) A public school contract must include provisions, and
7 if such provisions are ~~nonetheless inadvertently or otherwise~~ omitted,
8 ~~shall be~~ THE CONTRACT IS deemed to include provisions that:

9 (II) Require the contractor to comply with all applicable federal,
10 state, and local laws, rules, and regulations in effect when the contract is
11 executed or thereafter established, including, without limitation:

12 (C) ACCESSIBILITY STANDARDS FOR AN INDIVIDUAL WITH A
13 DISABILITY ADOPTED BY THE OFFICE OF INFORMATION TECHNOLOGY
14 PURSUANT TO SECTION 24-85-103.

15 (III) Require the contractor to perform its duties as an independent
16 contractor, to pay when due all applicable employment taxes and income
17 taxes for its employees incurred in the performance of the contract, and
18 to provide and keep in force workers' compensation and unemployment
19 compensation insurance in the amounts required by law; AND

20 (IV) REQUIRE THE CONTRACTOR TO INDEMNIFY, HOLD HARMLESS,
21 AND ASSUME LIABILITY ON BEHALF OF THE PUBLIC SCHOOL CONTRACTING
22 ENTITY, THE PUBLIC SCHOOL, AND THE PUBLIC SCHOOL'S EMPLOYEES AND

1 AGENTS, FOR ALL COSTS, EXPENSES, CLAIMS, DAMAGES, LIABILITIES,
2 COURT AWARDS, ATTORNEY FEES AND RELATED COSTS, AND ANY OTHER
3 AMOUNTS INCURRED BY A SCHOOL DISTRICT IN RELATION TO A
4 CONTRACTOR'S NONCOMPLIANCE WITH ACCESSIBILITY STANDARDS FOR AN
5 INDIVIDUAL WITH A DISABILITY ADOPTED BY THE OFFICE OF INFORMATION
6 TECHNOLOGY PURSUANT TO SECTION 24-85-103.

7 (e) A PUBLIC SCHOOL CONTRACTING ENTITY MAY REQUIRE THAT
8 THE CONTRACTOR'S COMPLIANCE WITH ACCESSIBILITY STANDARDS FOR AN
9 INDIVIDUAL WITH A DISABILITY ADOPTED BY THE OFFICE OF INFORMATION
10 TECHNOLOGY PURSUANT TO SECTION 24-85-103 IS DETERMINED AND
11 ATTESTED TO BY A QUALIFIED THIRD PARTY SELECTED BY THE PUBLIC
12 SCHOOL CONTRACTING ENTITY.

13 **SECTION 2. In Colorado Revised Statutes, 24-85-104, add (5)**
14 **as follows:**

15 **24-85-104. Procurement requirements - criteria -**
16 **implementation - contract terms - definitions. (5) (a) AS USED IN THIS**
17 **SUBSECTION (5), UNLESS THE CONTEXT OTHERWISE REQUIRES:**

18 **(I) "CONTRACTOR" MEANS ANY PERSON HAVING A CONTRACT OR**
19 **AGREEMENT WITH A STATE AGENCY OR PUBLIC ENTITY, EXCLUDING**
20 **ANOTHER COLORADO STATE AGENCY, PUBLIC ENTITY, OR EMPLOYEE**
21 **THEREOF.**

22 **(II) "PUBLIC ENTITY" HAS THE SAME MEANING SET FORTH IN**
23 **SECTION 24-34-301.**

24 **(b) (I) A CONTRACT OR AGREEMENT THAT IS ENTERED INTO**
25 **BETWEEN A STATE AGENCY OR PUBLIC ENTITY AND A CONTRACTOR MUST**
26 **INCLUDE PROVISIONS PROVIDED IN SUBSECTION (5)(c) OF THIS SECTION,**
27 **AND IF SUCH PROVISIONS ARE OMITTED, THE CONTRACT OR AGREEMENT IS**

1 DEEMED TO INCLUDE PROVISIONS PROVIDED IN SUBSECTION (5)(c) OF THIS
2 SECTION, IF THE PRIMARY PURPOSE OF THE CONTRACT IS TO ACQUIRE
3 SUPPLIES OR SERVICES, CONSTRUCTION, OR THE DISPOSAL OF SUPPLIES FOR
4 THE BENEFIT OF THE STATE AGENCY OR PUBLIC ENTITY.

5 (II) NOTWITHSTANDING SUBSECTION (5)(b)(I) OF THIS SECTION,
6 THIS SUBSECTION (5) DOES NOT APPLY TO PUBLIC SCHOOL CONTRACTS
7 DESCRIBED IN SECTION 22-1-135, OR CONTRACTS OR AGREEMENTS FOR
8 PROFESSIONAL SERVICES AS DEFINED IN SECTION 24-30-1402.

9 (c) (I) THE CONTRACTOR SHALL COMPLY WITH THE ACCESSIBILITY
10 STANDARDS FOR AN INDIVIDUAL WITH A DISABILITY ADOPTED BY THE
11 OFFICE OF INFORMATION TECHNOLOGY PURSUANT TO SECTION 24-85-103.

12 (II) THE CONTRACTOR SHALL INDEMNIFY, HOLD HARMLESS, AND
13 ASSUME LIABILITY ON BEHALF OF THE STATE AGENCY OR PUBLIC ENTITY,
14 AND THE STATE AGENCY'S OR PUBLIC ENTITY'S OFFICERS, EMPLOYEES, AND
15 AGENTS, FOR ALL COSTS, EXPENSES, CLAIMS, DAMAGES, LIABILITIES,
16 COURT AWARDS, ATTORNEY FEES AND RELATED COSTS, AND ANY OTHER
17 AMOUNTS INCURRED BY THE STATE AGENCY OR PUBLIC ENTITY IN
18 RELATION TO THE CONTRACTOR'S NONCOMPLIANCE WITH THE
19 ACCESSIBILITY STANDARDS FOR AN INDIVIDUAL WITH A DISABILITY
20 ADOPTED BY THE OFFICE OF INFORMATION TECHNOLOGY PURSUANT TO
21 SECTION 24-85-103.

22 (d) THE STATE AGENCY OR PUBLIC ENTITY MAY REQUIRE THAT THE
23 CONTRACTOR'S COMPLIANCE WITH ACCESSIBILITY STANDARDS FOR AN
24 INDIVIDUAL WITH A DISABILITY ADOPTED BY THE OFFICE OF INFORMATION
25 TECHNOLOGY PURSUANT TO SECTION 24-85-103 IS DETERMINED AND
26 ATTESTED TO BY A QUALIFIED THIRD PARTY SELECTED BY THE STATE
27 AGENCY OR PUBLIC ENTITY.

1 **SECTION 3. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly; except
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V
5 of the state constitution against this act or an item, section, or part of this
6 act within such period, then the act, item, section, or part will not take
7 effect unless approved by the people at the general election to be held in
8 November 2026 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.