A BILL FOR AN ACT

CONCERNING ADDING LANGUAGE TO RELEVANT COLORADO STATUTES

RELATED TO PERSONS WITH DISABILITIES TO STRENGTHEN PROTECTIONS AGAINST DISCRIMINATION ON THE BASIS OF DISABILITY.

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 adds language to strengthen current Colorado law related to protections against discrimination on the basis of disability for persons with disabilities. The added provisions include:
Prohibiting a person with a disability from being excluded from participating in or being denied the benefits of services, programs, or activities of a public entity;

Clarifying that such prohibition includes the failure of a public entity to substantially comply with web content accessibility guidelines established and published by an international consortium;

Any Colorado agency with the authority to promulgate rules shall not promulgate a rule that provides less protection than that provided by the "Americans with Disabilities Act of 1990".

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

SECTION 1. In Colorado Revised Statutes, 24-34-301, amend (5.4) and (5.6) as follows:

24-34-301. Definitions. As used in parts 3 to 8 of this article 34, unless the context otherwise requires:

(5.4) "Public entity" has the same meaning as set forth in Title II of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12131, and its related amendments and implementing regulations. MEANS:

(a) ANY STATE OR LOCAL GOVERNMENT; OR
(b) ANY DEPARTMENT, AGENCY, SPECIAL PURPOSE DISTRICT, OR OTHER INSTRUMENTALITY OF A STATE OR LOCAL GOVERNMENT.

(5.6) "Qualified individual with a disability" or "individual with a disability" has the same meaning as set forth in the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12131, and its related amendments and implementing regulations MEANS AN INDIVIDUAL WHO, WITH OR WITHOUT REASONABLE MODIFICATIONS TO RULES, POLICIES, OR PRACTICES; THE REMOVAL OF ARCHITECTURAL, COMMUNICATION, OR TRANSPORTATION BARRIERS; OR THE PROVISION OF AUXILIARY AIDS AND SERVICES, MEETS THE ESSENTIAL ELIGIBILITY REQUIREMENTS FOR THE
SECTION 2. In Colorado Revised Statutes, 24-34-802, amend (1), (2)(a) introductory portion, and (2)(a)(III); and add (5) as follows:

24-34-802. Violations - penalties - immunity. (1) (a) It is a discriminatory practice and unlawful for any person OR GROUP to discriminate against any AN individual or group because such THE person or group has opposed any practice made a discriminatory practice based on disability pursuant to part 5, 6, or 8 of this article ARTICLE 34, or because such THE person or group has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted pursuant to part 5, 6, or 8 of this article ARTICLE 34.

(b) AN INDIVIDUAL WITH A DISABILITY, AS DEFINED IN SECTION 24-34-301 (5.6), SHALL NOT, BY REASON OF THE INDIVIDUAL'S DISABILITY, BE EXCLUDED FROM PARTICIPATION IN OR BE DENIED THE BENEFITS OF SERVICES, PROGRAMS, OR ACTIVITIES PROVIDED BY A PUBLIC ENTITY, AS DEFINED IN SECTION 24-34-301 (5.4), OR BE SUBJECTED TO DISCRIMINATION BY ANY SUCH ENTITY.

(c) DISCRIMINATION PURSUANT TO THIS SECTION INCLUDES THE FAILURE OF A PUBLIC ENTITY TO SUBSTANTIALLY COMPLY WITH THE MOST RECENT WEB CONTENT ACCESSIBILITY GUIDELINES PROMULGATED AND PUBLISHED BY THE WORLD WIDE WEB CONSORTIUM WEB ACCESSIBILITY INITIATIVE OR THE INTERNATIONAL ACCESSIBILITY GUIDELINES WORKING GROUP, OR ANY SUCCESSOR GROUP OR ORGANIZATION, OR ANY SUBSEQUENT UPDATES OR REVISIONS TO SUCH GUIDELINES BY ANY SUCCESSOR GROUP OR ORGANIZATION.

(2) (a) A qualified AN individual with a disability, as defined in
section 24-34-301 (5.6), who is subject to a violation of subsection (1) of this section or of section 24-34-502, 24-34-502.2, 24-34-601, or 24-34-803 based on his or her THE INDIVIDUAL'S disability may bring a civil suit in a court of competent jurisdiction and is entitled to any of the following remedies:

(III) A statutory fine not to exceed three thousand five hundred dollars, PAYABLE TO EACH PLAINTIFF.

(5) AN AGENCY IN THE STATE WITH THE AUTHORITY TO PROMULGATE RULES RELATED TO PROTECTIONS FOR PERSONS WITH DISABILITIES SHALL NOT PROMULGATE A RULE THAT PROVIDES LESS PROTECTION THAN THAT PROVIDED BY THE "AMERICANS WITH DISABILITIES ACT OF 1990", AS AMENDED, 42 U.S.C. SEC. 12101 ET. SEQ.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.