

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

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 23-0973.02 Chelsea Princell x4335

**SENATE BILL 23-244**

---

**SENATE SPONSORSHIP**

**Bridges and Zenzinger, Kirkmeyer**

**HOUSE SPONSORSHIP**

**Bird and Sirota, Bockenfeld**

---

**Senate Committees**

Appropriations

**House Committees**

---

**A BILL FOR AN ACT**

101      **CONCERNING UPDATES TO LANGUAGE IN RELEVANT COLORADO**  
102              **STATUTES RELATED TO ENSURING TECHNOLOGY ACCESSIBILITY**  
103              **TO PERSONS 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/>.)*

**Joint Budget Committee.** The bill clarifies statutory language to ensure the provision of reasonable accommodations for persons with disabilities.

The bill requires the office of information technology to promulgate rules regarding accessibility standards for an individual with

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.*

SENATE  
2nd Reading Unamended  
March 29, 2023

a disability for information technology systems employed by state agencies.

The bill clarifies language regarding sanctions for failing to comply with accessibility standards.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-85-102, **amend**  
3 (1.5) as follows:

4 **24-85-102. Definitions.** As used in this article 85, unless the  
5 context otherwise requires:

6 (1.5) "Accessible" or "accessibility" means perceivable, operable,  
7 and understandable digital content that REASONABLY enables an  
8 individual with a disability to access the same information, engage in the  
9 same interactions, and enjoy the same services offered to other  
10 individuals, with the same privacy, independence, and ease of use as  
11 exists for individuals without a disability.

12 **SECTION 2.** In Colorado Revised Statutes, 24-85-103, **amend**  
13 (1) introductory portion, (1.5), (2.5), and (3); and **add** (4) as follows:

14 **24-85-103. Accessibility standards for individuals with a**  
15 **disability - appropriation - repeal.** (1) The chief information officer in  
16 the office of information technology shall ~~maintain~~ ESTABLISH IN RULE  
17 PURSUANT TO SECTION 24-37.5-106 (4), accessibility standards for an  
18 individual with a disability for information technology systems employed  
19 by state agencies that:

20 (1.5) The chief information officer in the office of information  
21 technology shall, consistent with the responsibilities of the office,  
22 promote and monitor the ~~access~~ ACCESSIBILITY standards for individuals  
23 with a disability in the state's information technology ~~infrastructure~~;

1 ~~including but not limited to architecture~~ INFRASTRUCTURE. Each state  
2 agency is directed to comply with the ~~access~~ ACCESSIBILITY standards for  
3 individuals with a disability, established by the office of information  
4 technology pursuant to subsection (2.5) of this section, in the creation and  
5 promulgation of any online content and materials used by such state  
6 agency.

7 (2.5) The chief information officer in the office of information  
8 technology shall PROMULGATE RULES THAT establish accessibility  
9 standards for individuals with a disability ~~using~~ BASED ON AND  
10 INCLUDING, BUT NOT LIMITED TO, the most recent web content  
11 accessibility guidelines promulgated and published by the world wide  
12 web consortium web accessibility initiative or the international  
13 accessibility guidelines working group, or any successor group or  
14 organization, or any subsequent updates or revisions to such guidelines  
15 by any successor group or organization WHEN ESTABLISHING THE  
16 ACCESSIBILITY STANDARDS FOR INDIVIDUALS WITH A DISABILITY.

17 (3) (a) ~~The head of each state agency, as that term is defined in~~  
18 ~~section 24-37.5-102, shall establish a written plan, as part of its annual~~  
19 ~~information technology plan, and develop any proposed budget requests~~  
20 ~~for implementing the accessibility standards for individuals with a~~  
21 ~~disability for its agency at facilities accessible by the public. Each such~~  
22 ~~state agency shall follow up on the plan as follows:~~

23 (I) ~~On or before July 1, 2022, the state agency shall submit its~~  
24 ~~written accessibility plan to the office of information technology. The~~  
25 ~~office of information technology shall work collaboratively with the state~~  
26 ~~agency to review the sections of the agency's plan related to accessibility~~  
27 ~~standards for individuals with a disability and establish implementation~~

1 methodology; and

2 (H) On or before July 1, 2024, each state agency shall fully  
3 implement the ~~sections of the agency's plan related to~~ accessibility  
4 standards for individuals with a disability. Any state agency not in  
5 compliance WITH THE ACCESSIBILITY STANDARDS PURSUANT TO  
6 SUBSECTION (2.5) OF THIS SECTION after July 1, 2024, is in violation of  
7 section 24-34-802 and is subject to the remedies for noncompliance set  
8 forth in section 24-34-802.

9 (4) (a) ANY UNEXPENDED AND UNENCUMBERED MONEY  
10 APPROPRIATED TO A DEPARTMENT IN A SPECIFIC LINE ITEM FOR  
11 INFORMATION TECHNOLOGY ACCESSIBILITY FOR FISCAL YEAR 2023-24  
12 REMAINS AVAILABLE FOR EXPENDITURE BY THE DEPARTMENT THROUGH  
13 FISCAL YEAR 2025-26 WITHOUT FURTHER APPROPRIATION FOR THE  
14 DEPARTMENT TO COMPLY WITH INFORMATION TECHNOLOGY  
15 ACCESSIBILITY STANDARDS. AT THE END OF FISCAL YEAR 2025-26, MONEY  
16 THAT IS UNEXPENDED OR UNENCUMBERED REVERTS TO THE FUND FROM  
17 WHICH IT WAS APPROPRIATED.

18 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2027.

19 **SECTION 3.** In Colorado Revised Statutes, 24-34-802, **amend**  
20 (1)(c) and (2) as follows:

21 **24-34-802. Violations - penalties - immunity.**

22 (1) (c) Discrimination pursuant to this section includes the failure of a  
23 public entity or state agency, as those terms are defined in section  
24 24-34-301, to ~~develop an accessibility plan using the accessibility~~  
25 ~~standards established pursuant to section 24-85-103 (2.5) and~~ fully  
26 comply, on or before July 1, 2024, with the accessibility standards for  
27 individuals with a disability established by the office of information

1 technology pursuant to ~~section 24-85-103 (2.5)~~ SECTION 24-85-103.  
2 Liability for noncompliance as to content lies with the public entity or  
3 state agency that manages the content. Liability for noncompliance of the  
4 platform hosting the content lies with the public entity or state agency that  
5 manages the platform.

6 (2) (a) An individual with a disability, as defined in section  
7 ~~24-34-301 (5.6)~~, 24-34-301, who is subject to a violation of subsection  
8 (1) of this section or of section 24-34-502, 24-34-502.2, 24-34-601, or  
9 24-34-803 based on the individual's disability may bring a civil suit in a  
10 court of competent jurisdiction ~~and, except as provided in section~~  
11 ~~24-85-103~~, AND is entitled to any of the following remedies:

12 (I) A court order requiring compliance with the provisions of the  
13 applicable section;

14 (II) The recovery of actual monetary damages; or

15 (III) A statutory fine of three thousand five hundred dollars,  
16 payable to each plaintiff for each violation.

17 (b) FOR A CLAIM BROUGHT PURSUANT TO SECTION 24-85-103 FOR  
18 A VIOLATION OF ACCESSIBILITY STANDARDS, THE VIOLATION MUST BE  
19 CONSIDERED A SINGLE INCIDENT AND NOT AS SEPARATE VIOLATIONS IF THE  
20 VIOLATION OCCURRED ON A SINGLE DIGITAL PRODUCT, INCLUDING A  
21 WEBSITE OR AN APPLICATION.

22 ~~(b)~~ (c) For a claim brought pursuant to ~~paragraph (a) of this~~  
23 ~~subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION for a  
24 construction-related accessibility violation, the violation must be  
25 considered a single incident and not as separate violations for each day  
26 the construction-related accessibility violation exists.

27 ~~(c)~~ (d) (I) A small business defendant is entitled to a fifty percent

1 reduction in a statutory fine assessed pursuant to ~~subparagraph (H) of~~  
2 ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a)(III) OF THIS  
3 SECTION if it corrects the accessibility violation within thirty days after the  
4 filing of the complaint. The fifty percent reduction in a statutory fine does  
5 not apply, however, if the defendant knowingly or intentionally made or  
6 caused to have made the access barrier that caused the accessibility  
7 violation.

8 (II) For purposes of this ~~paragraph (c)~~ SUBSECTION (2)(d), "small  
9 business" means an employer with twenty-five or fewer employees and  
10 no more than three million five hundred thousand dollars in annual gross  
11 income.

12 (III) Nothing in this ~~paragraph (c)~~ SUBSECTION (2)(d) may be  
13 interpreted to result in a reduction in actual monetary damages awarded  
14 pursuant to ~~subparagraph (H) of paragraph (a) of this subsection (2)~~  
15 SUBSECTION (2)(a)(II) OF THIS SECTION.

16 **SECTION 4.** In Colorado Revised Statutes, 24-37.5-106, **amend**  
17 (4) as follows:

18 **24-37.5-106. Chief information officer - duties and**  
19 **responsibilities.** (4) The chief information officer may promulgate as  
20 rules pursuant to article 4 of this title 24, all of the policies, procedures,  
21 standards, specifications, guidelines, or criteria that are developed or  
22 approved pursuant to section 24-37.5-105 (4) AND TO ESTABLISH  
23 ACCESSIBILITY STANDARDS FOR INDIVIDUALS WITH A DISABILITY  
24 PURSUANT TO SECTION 24-85-103.

25 **SECTION 5. Safety clause.** The general assembly hereby finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, or safety.