

**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. 24-0110.01 Megan McCall x4215

**HOUSE BILL 24-1296**

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**HOUSE SPONSORSHIP**

**Kipp and Soper,**

**SENATE SPONSORSHIP**

**Marchman,**

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**House Committees**

State, Civic, Military, & Veterans Affairs  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING MODIFICATIONS TO LESSEN THE BURDENS OF**  
102                    **RESPONDING TO RECORDS REQUESTS FOR CUSTODIANS OF**  
103                    **RECORDS UNDER THE "COLORADO OPEN RECORDS ACT".**

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**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 makes the following changes to the "Colorado Open Records Act" (CORA):

- Requires a custodian to evaluate a request for public records promptly and for no longer than 2 days. Within the 2-day period the custodian shall notify the requester

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.

whether or not any costs or fees that may apply to the request and if extenuating circumstances exist that allow for an extension of the reasonable time to respond to a CORA request (response period). If there are costs or fees that may apply, the response period does not begin until the custodian receives a response from the requester acknowledging acceptance of the costs or fees. Alternatively, a requester may revise their request and the custodian shall evaluate the revised request within the 2-day evaluation period. Otherwise, the response period begins after the custodian has provided notice to the requester.

- Adds an extenuating circumstance that allows for an extension of the response period when the custodian is not scheduled to work within the response period;
- If public records are in the custody and control of someone who is not scheduled to work within the response period, a custodian shall notify the requester of the date the person is scheduled to return to work and make best efforts to make responsive records available for inspection within the response period or extended response period, as applicable. The requester may make a subsequent request for additional responsive records, if any, on or after the date the person who is authorized to have custody and control of the records is scheduled to return to work.
- Allows a custodian to determine that a requester is a vexatious requester, requires the custodian to make a sworn statement in support of the determination to provide to the requester, allows the custodian a 30-day response period when a requester is a vexatious requester, and permits the requester to appeal the determination that the requester is a vexatious requester to the district court;
- Excludes a mass medium or newsperson from being a vexatious requester;
- Allows a custodian to determine that a request is made for the direct solicitation of business for pecuniary gain, requires the custodian to make a sworn statement in support of the determination to provide to the requester, allows the custodian a 30-day response period for such a request, permits the requester to appeal the determination that the request is made for the direct solicitation of business for pecuniary gain to the district court, and allows a custodian to charge the requester for the full cost of responding to the request notwithstanding the allowance for the first hour of research and retrieval to otherwise be free of charge and

notwithstanding the statutory cap on fees, which otherwise would apply;

- Prohibits disclosure of any other contact information of students in any public elementary or secondary school in addition to the prohibition of disclosure of addresses and telephone numbers that is in current law;
- Allows a custodian to deny the right of inspection of public records that are an employee's calendar, unless the public record is an elected official's calendar or the calendar of an employee who is in a leadership position or the request is made by a mass medium or newsperson; and
- Allows a custodian to treat a CORA request made within 14 calendar days of another CORA request made by the same person as one request for purposes of calculating the fee that the custodian may charge to the requester for research and retrieval of responsive public records.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-72-202, **add** (6.3)  
3 as follows:

4 **24-72-202. Definitions.** As used in this part 2, unless the context  
5 otherwise requires:

6 (6.3) (a) "VEXATIOUS REQUESTER" MEANS AN INDIVIDUAL OR  
7 ENTITY THAT SUBMITS A REQUEST FOR PUBLIC RECORDS AND THAT, BY THE  
8 INDIVIDUAL'S OR ENTITY'S CONDUCT, AS DETERMINED BY THE COURT IN  
9 ACCORDANCE WITH SECTION 24-72-303 (5), DEMONSTRATES AN INTENT TO  
10 ANNOY OR HARASS A CUSTODIAN, THE PUBLIC ENTITY FOR WHICH THE  
11 CUSTODIAN WORKS LISTED IN SUBSECTION (2) OF THIS SECTION, ANOTHER  
12 EMPLOYEE OF THAT PUBLIC ENTITY, A PERSON WHO DEPENDS ON SERVICES  
13 FROM THAT PUBLIC ENTITY, OR ANOTHER ENTITY WHICH MAY OR MAY NOT  
14 BE AN ENTITY LISTED IN SUBSECTION (2) OF THIS SECTION; EXCEPT THAT  
15 AN INDIVIDUAL OR ENTITY IS NOT A VEXATIOUS REQUESTER SOLELY DUE  
16 TO THE NUMBER OF REQUESTS THE INDIVIDUAL OR ENTITY HAS FILED OR

1 THE NUMBER OF PUBLIC RECORDS SOUGHT.

2 (b) "VEXATIOUS REQUESTER" DOES NOT INCLUDE A MASS MEDIUM,  
3 AS DEFINED IN SECTION 13-90-119 (1)(a), ■■■ A NEWSPERSON, AS DEFINED  
4 IN SECTION 13-90-119 (1)(c), OR AN INDIVIDUAL OR ENTITY ENGAGED IN  
5 COLLECTIVE BARGAINING, ORGANIZING, OR EXERCISING RIGHTS  
6 PROTECTED BY ARTICLE 33 OF TITLE 29.

7 **SECTION 2.** In Colorado Revised Statutes, 24-72-203, **amend**  
8 (3)(b) introductory portion, (3)(b)(I), (3)(b)(II)(B), and (3)(b)(III); and  
9 **add** (1)(c), ■■■ (3)(b)(IV), (3)(b.5), (3)(d), (3)(e), and (5) as follows:

10 **24-72-203. Public records open to inspection.** (1) (c) A PUBLIC  
11 ENTITY THAT HAS PUBLIC RECORDS THAT MAY BE SUBJECT TO DISCLOSURE  
12 PURSUANT TO THIS PART 2 SHALL POST ON ITS WEBSITE ANY RULES OR  
13 POLICIES ADOPTED IN ACCORDANCE WITH THIS PART 2, INCLUDING RULES  
14 CONCERNING THE INSPECTION OF PUBLIC RECORDS. THE PUBLIC ENTITY  
15 SHALL ALSO POST INFORMATION ON ITS WEBSITE INFORMING MEMBERS OF  
16 THE PUBLIC HOW TO REQUEST INSPECTION OF PUBLIC RECORDS FROM A  
17 CUSTODIAN OF THE PUBLIC ENTITY. IF THE PUBLIC ENTITY DOES NOT HAVE  
18 A PUBLICLY ACCESSIBLE WEBSITE, THEN THE INFORMATION REQUIRED TO  
19 BE POSTED PURSUANT TO THIS SUBSECTION (1)(c) MUST BE PHYSICALLY  
20 POSTED IN THE LOCATION DESIGNATED BY THE PUBLIC ENTITY FOR  
21 POSTING NOTICES.

22 (3) ■■■ ■■■ (b) The date and hour set for the inspection of  
23 records not readily available at the time of the request ~~shall~~ MUST be  
24 within a reasonable time after the request. As used in this subsection (3),  
25 a "reasonable time" ~~shall be~~ IS presumed to be ~~three~~ FIVE working days or  
26 less. Such period may be extended if extenuating circumstances exist.  
27 However, such period of extension shall not exceed ~~seven~~ TEN working

1 days. A finding that extenuating circumstances exist shall MUST be made  
2 in writing by the custodian and shall MUST be provided to the person  
3 making the request within the three-day FIVE-DAY period. Extenuating  
4 circumstances shall apply only when:

5 (I) A broadly stated request is made that encompasses all or  
6 substantially all of a large category of records and the request is without  
7 sufficient specificity to allow the custodian reasonably to prepare or  
8 gather the records within the three-day FIVE-DAY period; or

9 (II) A broadly stated request is made that encompasses all or  
10 substantially all of a large category of records and the agency is unable to  
11 prepare or gather the records within the three-day FIVE-DAY period  
12 because:

13 (B) In the case of the general assembly or its staff or service  
14 agencies, the general assembly is in session; or

15 (III) A request involves such a large volume of records that the  
16 custodian cannot reasonably prepare or gather the records within the  
17 three-day FIVE-DAY period without substantially interfering with the  
18 custodian's obligation to perform his or her other public service  
19 responsibilities; OR

20 (IV) THE CUSTODIAN, OR A PERSON WHO IS ESSENTIAL TO THE  
21 PROCESS OF RESPONDING TO REQUESTS, IS NOT SCHEDULED TO WORK  
22 WITHIN ALL OR PART OF THE FIVE-DAY PERIOD.

23 (b.5) NOTWITHSTANDING THE PERIODS SET FORTH IN SUBSECTION  
24 (3)(b) OF THIS SECTION, A "REASONABLE TIME" TO RESPOND TO A REQUEST  
25 MADE BY A MASS MEDIUM, AS DEFINED IN SECTION 13-90-119 (1)(a), OR  
26 A NEWSPERSON, AS DEFINED IN SECTION 13-90-119 (1)(c), IS PRESUMED TO  
27 BE THREE WORKING DAYS OR LESS, AND SUCH PERIOD MAY BE EXTENDED

1 UP TO SEVEN WORKING DAYS IF EXTENUATING CIRCUMSTANCES EXIST AS  
2 SET FORTH IN SUBSECTION (3)(b) OF THIS SECTION.

3 (d) (I) (A) IF A CUSTODIAN, DESPITE EXPENDING REASONABLE  
4 EFFORT, IS UNABLE TO DETERMINE OR ACCESS PUBLIC RECORDS THAT MAY  
5 BE RESPONSIVE TO A REQUEST BECAUSE THE PUBLIC RECORDS MAY BE IN  
6 THE CUSTODY AND CONTROL OF ANOTHER EMPLOYEE, VOLUNTEER,  
7 DIRECTOR, AGENT, ELECTED OFFICIAL, OR OTHER PERSON AUTHORIZED TO  
8 HAVE CUSTODY AND CONTROL OF THE PUBLIC RECORDS WHO IS ON LEAVE,  
9 NOT ON CONTRACT, OR OTHERWISE NOT SCHEDULED TO WORK WITHIN THE  
10 THREE-DAY OR FIVE-DAY PERIOD, AS APPLICABLE, THE CUSTODIAN SHALL  
11 PROVIDE WITHIN THE PERIODS SET FORTH IN THIS SUBSECTION (3), AS  
12 APPLICABLE, ALL OTHER AVAILABLE RESPONSIVE PUBLIC RECORDS IN  
13 ACCORDANCE WITH THIS PART 2. THE CUSTODIAN SHALL NOTIFY THE  
14 REQUESTER OF THE EARLIEST DATE ON WHICH THE OTHER PERSON WHO  
15 MAY HAVE ADDITIONAL POTENTIALLY RESPONSIVE PUBLIC RECORDS, IF  
16 ANY, IS EXPECTED TO BE AVAILABLE AND IF THE PERSON'S RETURN DATE  
17 IS UNABLE TO BE DETERMINED AT THE TIME OF THE REQUEST, THE  
18 CUSTODIAN SHALL NOTIFY THE REQUESTER OF THE DATE OF THE PERSON'S  
19 RETURN AS SOON AS IT IS ABLE TO BE DETERMINED OR IF THE PERSON IS  
20 NOT EXPECTED TO RETURN TO WORK THE CUSTODIAN SHALL PROVIDE  
21 NOTICE TO THE REQUESTER OF THAT. THE REQUESTER MAY SUBMIT A NEW  
22 REQUEST FOR ADDITIONAL POTENTIALLY RESPONSIVE PUBLIC RECORDS ON  
23 OR AFTER THE DATE THAT THE CUSTODIAN PROVIDES.

24 (B) THIS SUBSECTION (3)(d) IS NOT INTENDED TO BE UTILIZED TO  
25 INTENTIONALLY DELAY OR CIRCUMVENT THE RELEASE OF PUBLIC RECORDS  
26 AND IT DOES NOT EXEMPT A CUSTODIAN'S RESPONSIBILITY TO MAINTAIN  
27 REASONABLE ACCESS TO PUBLIC RECORDS.

1 (II) THE PROVISIONS SET FORTH IN THIS SUBSECTION (3)(d) DO NOT  
2 MODIFY THE PROVISIONS SET FORTH IN SUBSECTION (2)(a) OF THIS  
3 SECTION.

4 (e) (I) IF A CUSTODIAN DETERMINES THAT REQUESTED PUBLIC  
5 RECORDS WILL BE USED FOR THE DIRECT SOLICITATION OF BUSINESS FOR  
6 PECUNIARY GAIN, THE CUSTODIAN SHALL PROVIDE THE REQUESTER WITH  
7 A SWORN STATEMENT OF THE DETERMINATION WITHIN THE THREE-DAY  
8 OR FIVE-DAY PERIOD, AS APPLICABLE, AND, NOTWITHSTANDING  
9 SUBSECTION (3)(b) OF THIS SECTION, IN SETTING A DATE AND HOUR FOR  
10 RECORDS TO BE AVAILABLE FOR INSPECTION, THE CUSTODIAN SHALL HAVE  
11 THIRTY WORKING DAYS FROM PROVIDING THE NOTICE. A REQUESTER MAY  
12 SUBMIT WITH A REQUEST A SIGNED STATEMENT AFFIRMING THAT THE  
13 REQUESTED PUBLIC RECORDS WILL NOT BE USED FOR THE DIRECT  
14 SOLICITATION OF BUSINESS FOR PECUNIARY GAIN, WHICH THE CUSTODIAN  
15 MUST CONSIDER IN MAKING THE CUSTODIAN'S DETERMINATION PURSUANT  
16 TO THIS SUBSECTION (3)(e)(I).

17 (II) A REQUESTER THAT MAKES A REQUEST THAT HAS BEEN  
18 DETERMINED BY A CUSTODIAN TO BE FOR THE DIRECT SOLICITATION OF  
19 BUSINESS FOR PECUNIARY GAIN MAY APPLY TO THE DISTRICT COURT OF  
20 THE DISTRICT IN WHICH THE REQUESTED PUBLIC RECORDS ARE LOCATED  
21 FOR A DETERMINATION THAT THE REQUEST IS NOT FOR THE DIRECT  
22 SOLICITATION OF BUSINESS FOR PECUNIARY GAIN. THE COURT SHALL  
23 REVIEW THE MATTER AT THE EARLIEST PRACTICAL TIME AND HAS  
24 DISCRETION TO LIMIT ITS REVIEW TO SUBMISSION OF PLEADINGS,  
25 AFFIDAVITS, AND OTHER MATERIAL AS DEEMED APPROPRIATE BY THE  
26 COURT, OR THE COURT MAY SCHEDULE A HEARING. IN ITS REVIEW, THE  
27 COURT SHALL APPLY AN ABUSE OF DISCRETION STANDARD TO THE

1 CUSTODIAN'S DETERMINATION.

2 (III) NOTWITHSTANDING SECTION 24-72-205 (6)(a), A CUSTODIAN  
3 IS ENTITLED TO RECOVER THE FULL COST ASSOCIATED WITH RESPONDING  
4 TO A REQUEST FOR RECORDS THAT HAS BEEN DETERMINED BY THE  
5 CUSTODIAN TO BE FOR THE DIRECT SOLICITATION OF BUSINESS FOR  
6 PECUNIARY GAIN.

7 (IV) A REQUEST FOR PUBLIC RECORDS FOR PURPOSES RELATED TO  
8 COLLECTIVE BARGAINING, ORGANIZING, OR OTHER RIGHTS AND ACTIVITIES  
9 PROTECTED BY ARTICLE 33 OF TITLE 29 BY AN ENTITY ENGAGED IN  
10 COLLECTIVE BARGAINING, ORGANIZING, OR OTHER RIGHTS AND ACTIVITIES  
11 PROTECTED BY ARTICLE 33 OF TITLE 29 IS NOT A REQUEST FOR THE DIRECT  
12 SOLICITATION OF BUSINESS FOR PECUNIARY GAIN.

13 (V) THIS SUBSECTION (3)(f) DOES NOT APPLY TO A CONTRACT OR  
14 OTHER INFORMATION DELIVERED ROUTINELY USING COMPUTER DATA  
15 EXTRACTION METHODS THAT REQUIRE MINIMAL HUMAN INTERVENTION  
16 FOR RETRIEVAL.

17 (5) (a) A CUSTODIAN OF A PUBLIC ENTITY MAY APPLY TO THE  
18 DISTRICT COURT OF THE DISTRICT THAT THE PUBLIC ENTITY IS LOCATED IN  
19 FOR A DETERMINATION THAT AN INDIVIDUAL OR ENTITY IS A VEXATIOUS  
20 REQUESTER. THE COURT SHALL REVIEW THE MATTER AT THE EARLIEST  
21 PRACTICAL TIME AND MAY LIMIT ITS REVIEW TO SUBMISSION OF  
22 PLEADINGS, AFFIDAVITS, AND OTHER MATERIAL AS DEEMED APPROPRIATE  
23 BY THE COURT OR SCHEDULE A HEARING. THE INDIVIDUAL OR ENTITY THAT  
24 IS THE SUBJECT OF SUCH AN APPLICATION SHALL HAVE NOTICE OF THE  
25 APPLICATION AND ANY HEARING SET BY THE COURT SERVED UPON THEM  
26 IN THE MANNER PROVIDED FOR SERVICE OF PROCESS BY THE COLORADO  
27 RULES OF CIVIL PROCEDURE AND HAS THE RIGHT TO RESPOND OR APPEAR

1 AND BE HEARD, AS APPLICABLE. IN AN ACTION BROUGHT PURSUANT TO  
2 THIS SUBSECTION (5)(a), THE BURDEN OF PROOF IS ON THE CUSTODIAN.  
3 THE COURT SHALL MAKE A DETERMINATION ON THE APPLICATION BY  
4 BALANCING THE FACTORS SET FORTH IN SUBSECTION (5)(b) OF THIS  
5 SECTION. IF THE COURT DETERMINES THAT THE INDIVIDUAL OR ENTITY IS  
6 A VEXATIOUS REQUESTER, THE COURT SHALL ISSUE AN ORDER SETTING  
7 FORTH ITS DETERMINATION AND THE DETERMINATION SHALL BE EFFECTIVE  
8 FOR THREE YEARS FROM THE DATE OF THE COURT'S ORDER. THE  
9 CUSTODIAN WHO APPLIED TO THE DISTRICT COURT MAY RELY ON THE  
10 COURT'S ORDER IN RESPONDING TO SUBSEQUENT RECORDS REQUESTS  
11 SUBMITTED BY THE INDIVIDUAL OR ENTITY THAT'S BEEN DETERMINED TO  
12 BE A VEXATIOUS REQUESTER AND NOTWITHSTANDING SUBSECTION (3)(b)  
13 OF THIS SECTION, IN SETTING A DATE AND HOUR FOR RECORDS TO BE  
14 AVAILABLE FOR INSPECTION, SHALL HAVE THIRTY WORKING DAYS FROM  
15 THE DATE OF RECEIPT OF THE REQUEST IN ACCORDANCE WITH ALL OTHER  
16 APPLICABLE PROVISIONS OF THIS PART 2.

17 (b) IN AN ACTION BROUGHT PURSUANT TO SUBSECTION (5)(a) OF  
18 THIS SECTION, THE FACTORS THAT A COURT SHALL CONSIDER, AS  
19 APPLICABLE, IN MAKING ITS DETERMINATION INCLUDE:

20 (I) THE TOTAL NUMBER OF REQUESTS FILED BY THE INDIVIDUAL OR  
21 ENTITY TO THE PUBLIC ENTITY; EXCEPT THAT THE DETERMINATION  
22 CANNOT BE MADE SOLELY ON THIS BASIS OR ON THE BASIS OF THE FACTORS  
23 SET FORTH IN THIS SUBSECTION (5)(b)(I) AND SUBSECTION (5)(b)(II) OF  
24 THIS SECTION;

25 (II) THE TOTAL NUMBER OF PENDING REQUESTS FILED BY THE  
26 INDIVIDUAL OR ENTITY TO THE PUBLIC ENTITY; EXCEPT THAT THE  
27 DETERMINATION CANNOT BE MADE SOLELY ON THIS BASIS OR ON THE

1 BASIS OF THE FACTORS SET FORTH IN THIS SUBSECTION (5)(b)(II) AND  
2 SUBSECTION (5)(b)(I) OF THIS SECTION;

3 (III) THE SCOPE OF THE REQUESTS THAT HAVE BEEN MADE BY THE  
4 INDIVIDUAL OR ENTITY;

5 (IV) THE NATURE, CONTENT, LANGUAGE, OR SUBJECT MATTER OF  
6 THE REQUESTS;

7 (V) THE NATURE, CONTENT, LANGUAGE, OR SUBJECT MATTER OF  
8 OTHER ORAL AND WRITTEN COMMUNICATIONS BY THE INDIVIDUAL OR  
9 ENTITY TO THE CUSTODIAN;

10 (VI) CONDUCT THAT THE CUSTODIAN ALLEGES IS PLACING AN  
11 UNREASONABLE BURDEN ON THE CUSTODIAN;

12 (VII) CONDUCT THAT THE CUSTODIAN ALLEGES IS INTENDED TO  
13 HARASS;

14 (VIII) A PATTERN OF CONDUCT THAT AMOUNTS TO AN ABUSE OF  
15 REQUESTS OR AN INTERFERENCE WITH THE PUBLIC ENTITY'S OPERATION;

16 (IX) THE PUBLIC PURPOSE TO BE SERVED BY THIS PART 2 AND THE  
17 INTENT TO AVOID HINDERING THIS PURPOSE;

18 (X) THE PUBLIC INTEREST SERVED BY THE INDIVIDUAL OR ENTITY;  
19 OR

20 (XI) ANY OTHER RELEVANT INFORMATION, INCLUDING SIMILAR  
21 DETERMINATIONS THAT HAVE BEEN MADE BY THE COURT OR OTHER  
22 COURTS AGAINST THE SAME INDIVIDUAL OR ENTITY.

23 **SECTION 3.** In Colorado Revised Statutes, 24-72-204, **amend**  
24 (3)(a)(VI) and (3)(a)(XXIII); and **add** (3)(a)(XXIV) as follows:

25 **24-72-204. Allowance or denial of inspection - grounds -**  
26 **procedure - appeal - definitions - repeal.** (3) (a) The custodian  
27 shall deny the right of inspection of the following records, unless

1 otherwise provided by law; except that the custodian shall make any of  
2 the following records, other than letters of reference concerning  
3 employment, licensing, or issuance of permits, available to the person in  
4 interest in accordance with this subsection (3):

5 (VI) Except as provided in section 1-2-227, addresses, ~~and~~  
6 telephone numbers, AND ANY OTHER CONTACT INFORMATION of students  
7 in any public elementary or secondary school;

8 (XXIII) Records, including analyses and maps, compiled or  
9 maintained in accordance with article 73 of title 35 that are based on  
10 information related to private lands and identify or allow to be identified  
11 any specific Colorado landowners, land managers, agricultural producers,  
12 or parcels of land; except that the custodian may release or authorize  
13 inspection of summary or aggregated data that do not specifically identify  
14 individual landowners, land managers, agricultural producers, or parcels  
15 of land; AND

16 (XXIV) AN EMPLOYEE'S CALENDAR THAT IS KEPT AND  
17 MAINTAINED PRIMARILY PURSUANT TO THE EMPLOYEE'S EMPLOYMENT;  
18 EXCEPT THAT CALENDARS OF ELECTED OFFICIALS OR EMPLOYEES IN  
19 LEADERSHIP POSITIONS ARE NOT SUBJECT TO THIS SUBSECTION  
20 (3)(a)(XXIV). NOTHING IN THIS SUBSECTION (3)(a)(XXIV) PROHIBITS THE  
21 CUSTODIAN FROM ALLOWING A MASS MEDIUM, AS DEFINED IN SECTION  
22 13-90-119 (1)(a), OR A NEWSPERSON, AS DEFINED IN SECTION 13-90-119  
23 (1)(c), THE RIGHT OF INSPECTION OF THESE RECORDS.

24 **SECTION 4.** In Colorado Revised Statutes, 24-72-205, **add**  
25 (6)(c) and (8) as follows:

26 **24-72-205. Copy, printout, or photograph of a public record**  
27 **- imposition of research and retrieval fee.** (6) (c) FOR PURPOSES OF THE

1 FEE CHARGED PURSUANT TO THIS SUBSECTION (6), A CUSTODIAN MAY  
2 TREAT A REQUEST FOR PUBLIC RECORDS MADE WITHIN FOURTEEN  
3 CALENDAR DAYS OF ANOTHER REQUEST MADE BY THE SAME PERSON AS  
4 ONE REQUEST AND NOT AS MULTIPLE INDIVIDUAL REQUESTS; EXCEPT THAT  
5 THIS SUBSECTION (6)(c) DOES NOT APPLY TO REQUESTS MADE BY A MASS  
6 MEDIUM, AS DEFINED IN SECTION 13-90-119 (1)(a), OR A NEWSPERSON, AS  
7 DEFINED IN SECTION 13-90-119 (1)(c).

8 (8) IF A CUSTODIAN IMPOSES ANY REQUIREMENTS CONCERNING  
9 THE PRE-PAYMENT OF FEES OR THE PAYMENT OF FEES IN CONNECTION  
10 WITH A REQUEST FOR INSPECTION OF PUBLIC RECORDS, THE REQUIREMENTS  
11 MUST BE IN ACCORDANCE WITH THE CUSTODIAN'S ADOPTED RULES OR  
12 WRITTEN POLICIES PURSUANT TO THIS PART 2 AND MUST NOT BE  
13 INCONSISTENT WITH THE PROVISIONS SET FORTH IN THIS SECTION.

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

24 (2) This act applies to requests for open records made pursuant to  
25 article 72 of title 24, Colorado Revised Statutes, on or after the applicable  
26 effective date of this act.