

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. 24-0312.03 Jessica Herrera x4218

**HOUSE BILL 24-1334**

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**HOUSE SPONSORSHIP**

**Boesenecker,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Transportation, Housing & Local Government

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE AUTHORIZATION OF A BROADBAND PROVIDER'S**  
102 **INSTALLATION OF NECESSARY BROADBAND INFRASTRUCTURE IN**  
103 **MULTIUNIT BUILDINGS, AND, IN CONNECTION THEREWITH,**  
104 **SPECIFYING LEGAL OBLIGATIONS AND RIGHTS RELATING TO THE**  
105 **INSTALLATION OF BROADBAND INFRASTRUCTURE IN SUCH**  
106 **BUILDINGS.**

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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 prohibits a property owner (owner) of a multiunit building,

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.*



1 INCLUDING A PROVIDER THAT IS FINANCED BY A LOCAL GOVERNMENT AND  
2 A PRIVATE PROVIDER, MAY ACCESS AND INSTALL ANY NECESSARY  
3 BROADBAND FACILITIES TO PROVIDE HIGH-SPEED BROADBAND INTERNET  
4 SERVICE TO A MULTIUNIT BUILDING IF:

5 (a) THE BROADBAND INTERNET SERVICE PROVIDER PROVIDES  
6 ADEQUATE NOTICE OF INTENT TO ACCESS THE PROPERTY TO INSTALL THE  
7 NECESSARY BROADBAND FACILITY TO PROVIDE BROADBAND INTERNET  
8 SERVICE TO AN OWNER OF A MULTIUNIT BUILDING OR TO A MOBILE HOME  
9 LANDLORD IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION. AN  
10 OWNER'S FAILURE TO RESPOND TO THE NOTICE IS DEEMED TO BE AN  
11 ACCEPTANCE OF THE TERMS OF THE ACCESS AGREEMENT IN ACCORDANCE  
12 WITH SUBSECTION (1)(b) OF THIS SECTION.

13 (b) THE BROADBAND INTERNET SERVICE PROVIDER PROVIDES TO  
14 A MULTIUNIT OWNER OR A MOBILE HOME LANDLORD AN ACCESS  
15 AGREEMENT THAT:

16 (I) COMPLIES WITH ALL FEDERAL LAWS AND REGULATIONS, STATE  
17 LAWS AND RULES, AND LOCAL ORDINANCES, RESOLUTIONS, AND  
18 REGULATIONS, INCLUDING ANY DECLARATORY RULING FROM THE FEDERAL  
19 COMMUNICATIONS COMMISSION BARRING EXCLUSIVE REVENUE SHARING  
20 AGREEMENTS AND GRADUATED REVENUE SHARING AGREEMENTS AND ANY  
21 SALE AND LEASEBACK AGREEMENTS UNDER WHICH A BROADBAND  
22 INTERNET SERVICE PROVIDER TRANSFERS OWNERSHIP OF ANY INSIDE WIRE  
23 ARRANGEMENTS TO THE OWNER OF A MULTIDWELLING RESIDENTIAL  
24 BUILDING AND THEN LEASES THE WIRE BACK FROM THE PROPERTY OWNER;

25 (II) GRANTS THE BROADBAND INTERNET SERVICE PROVIDER A  
26 NON-EXCLUSIVE LICENSE TO CONSTRUCT, REPLACE, MAINTAIN, REPAIR,  
27 OPERATE, AND REMOVE, AT THE PROVIDER'S SOLE OPTION AND EXPENSE,

1 ANY BROADBAND FACILITY OR OTHER EQUIPMENT NECESSARY OR USEFUL  
2 IN DISTRIBUTING ANY BROADBAND INTERNET SERVICE AND ANY  
3 ACCOMPANYING SERVICE DISTRIBUTED OVER THE HIGH-SPEED  
4 BROADBAND INTERNET INFRASTRUCTURE;

5 (III) GRANTS THE BROADBAND INTERNET SERVICE PROVIDER  
6 ACCESS TO THE PROPERTY DURING NORMAL BUSINESS HOURS OR AT ANY  
7 TIME DURING AN EMERGENCY TO INSTALL OR REPAIR ANY BROADBAND  
8 FACILITY;

9 (IV) REQUIRES THE BROADBAND INTERNET SERVICE PROVIDER TO  
10 OBTAIN CONSENT FROM ANY TENANT OF THE MULTIUNIT BUILDING OR  
11 MOBILE HOME PARK PRIOR TO ENTERING THE TENANT'S PREMISES AND  
12 INSTALLING OR REPAIRING ANY NECESSARY BROADBAND FACILITY;

13 (V) GRANTS THE BROADBAND INTERNET SERVICE PROVIDER ALL  
14 OWNERSHIP INTEREST IN ANY BROADBAND FACILITY EXCEPT WHERE A  
15 FACILITY MAY BE DEEMED TO BE AFFIXED TO THE REAL PROPERTY AND  
16 CONSIDERED A FIXTURE OF THE PROPERTY IN WHICH THE OWNER OF THE  
17 PROPERTY RETAINS OWNERSHIP INTEREST OF THE FIXTURE;

18 (VI) REQUIRES THE BROADBAND INTERNET SERVICE PROVIDER TO  
19 BE RESPONSIBLE FOR MAINTAINING THE BROADBAND FACILITIES IN GOOD  
20 ORDER AND PROMPTLY REPAIRING ANY DAMAGE TO THE PROPERTY  
21 CAUSED BY THE BROADBAND INTERNET SERVICE PROVIDER, EXCEPT  
22 DAMAGE CAUSED BY ORDINARY WEAR AND TEAR;

23 (VII) RELEASES THE OWNER OF A MULTIUNIT BUILDING FROM ANY  
24 LIABILITY FOR ANY DAMAGE OR LOSS TO THE BROADBAND FACILITY  
25 EXCEPT IN THE OWNER'S WILLFUL MISCONDUCT OR GROSS NEGLIGENCE;

26 (VIII) REQUIRES THE BROADBAND INTERNET SERVICE PROVIDER  
27 TO MAINTAIN INSURANCE THAT WILL INSURE ITS OBLIGATIONS UNDER THE

1 ACCESS AGREEMENT;

2 (IX) RELEASES THE BROADBAND INTERNET SERVICE PROVIDER  
3 AND THE OWNER OF A MULTIUNIT BUILDING FROM ANY INDIRECT,  
4 INCIDENTAL, PUNITIVE, OR CONSEQUENTIAL DAMAGES OF ANY FAILURE TO  
5 PERFORM ITS OBLIGATION UNDER THE ACCESS AGREEMENT IF THE FAILURE  
6 IS CAUSED BY AN ACT OF GOD, ACCIDENT, FIRE, ACT OF GOVERNMENT, OR  
7 OTHER CAUSE OF SIMILAR NATURE BEYOND THE OBLIGOR'S REASONABLE  
8 CONTROL; AND

9 (X) STIPULATES THAT THE BROADBAND INTERNET SERVICE  
10 PROVIDER IS RESPONSIBLE FOR REMOVING THE BROADBAND FACILITY AND  
11 REPAIRING ALL DAMAGE CAUSED BY SUCH REMOVAL, WITHIN NINETY DAYS  
12 OF THE EXPIRATION OR TERMINATION OF THE ACCESS AGREEMENT, AT THE  
13 SOLE COST AND EXPENSE OF THE PROVIDER. THE BROADBAND INTERNET  
14 SERVICE PROVIDER MUST LEAVE THE BROADBAND FACILITY IN PLACE IF  
15 THE FACILITY BECOMES THE PROPERTY OF THE MULTIUNIT BUILDING  
16 OWNER IN ACCORDANCE WITH LAWS REGARDING FIXTURES.

17 (2) THE NOTICE REQUIRED BY SUBSECTION (1)(a) OF THIS SECTION  
18 MUST:

19 (a) INCLUDE A FULL DESCRIPTION OF AREAS OF THE PROPERTY  
20 THAT WILL BE ACCESSED AND THE TYPE OF BROADBAND FACILITY THAT  
21 WILL BE NECESSARY, AND THE EXPECTED TIME FRAME NEEDED FOR THE  
22 DEPLOYMENT OF INFRASTRUCTURE; AND

23 (b) INCLUDE AN EXPLANATION OF ALL THE LEGAL OBLIGATIONS  
24 AND RIGHTS OF THE PROVIDER AND THE OWNER OF THE MULTIUNIT  
25 BUILDING IN ACCORDANCE WITH SUBSECTION (1)(b) OF THIS SECTION.

26 (3) NOTHING IN THIS SECTION SHOULD BE CONSTRUED TO PERMIT  
27 A BROADBAND INTERNET SERVICE PROVIDER TO IDENTIFY AND SEEK

1 REPAIR FOR ANY STRUCTURAL DEFICIENCIES NOT RELATED TO THE DIRECT  
2 NEED FOR INSTALLING THE BROADBAND FACILITY.

3 **SECTION 2.** In Colorado Revised Statutes, **add** 38-12-224 as  
4 follows:

5 **38-12-224. Broadband internet service providers' access to**  
6 **property.** A BROADBAND INTERNET SERVICE PROVIDER, INCLUDING A  
7 BROADBAND INTERNET SERVICE PROVIDER THAT IS FINANCED BY A LOCAL  
8 GOVERNMENT AND A PRIVATE BROADBAND INTERNET SERVICE PROVIDER,  
9 MAY ACCESS AND INSTALL ANY NECESSARY BROADBAND FACILITIES TO  
10 PROVIDE BROADBAND SERVICE TO ANY MOBILE HOME IN A MOBILE HOME  
11 PARK PURSUANT TO PART 5 OF ARTICLE 27 OF TITLE 29.

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