

**Second 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. 24-1163.01 Jerry Barry x4341

HOUSE BILL 24-1454

HOUSE SPONSORSHIP

Ortiz and Pugliese,

SENATE SPONSORSHIP

Lundeen,

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A ONE-YEAR EXTENSION OF THE DEADLINE FOR PUBLIC**
102 **AGENCIES TO COMPLY WITH DIGITAL ACCESSIBILITY STANDARDS**
103 **IF THE PUBLIC AGENCY DEMONSTRATES A GOOD FAITH EFFORT**
104 **TOWARD COMPLIANCE.**

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>.)

Current law requires state agencies and public entities to comply with digital accessibility standards on or before July 1, 2024. The bill provides a one-year extension to July 1, 2025, of immunity from liability

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
2nd Reading Unamended
April 29, 2024

for failure to comply with the digital accessibility standards for an agency that demonstrates good faith efforts toward compliance or toward resolution of any complaint of noncompliance.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 declares that:

4 (a) It is imperative to recognize the importance of ensuring full
5 accessibility for individuals with disabilities to state and local government
6 digital resources;

7 (b) The general assembly's commitment to inclusivity and equal
8 access is underscored by establishing a one-year grace period that extends
9 the current deadline for full digital accessibility compliance for state
10 agencies and public entities from July 1, 2024, to July 1, 2025, so that
11 applicable state agencies and public entities may achieve compliance with
12 established accessibility standards, provided that the public entity or state
13 agency has demonstrated good faith efforts toward compliance;

14 (c) The temporary grace period reflects the general assembly's
15 understanding of the reality of adapting the necessary accessibility
16 standards by state agencies and public entities and bases the grace period
17 on current progress made by each state agency and public entity; and

18 (d) The one-year grace period is made with the intent to encourage
19 continued diligent progress toward accessibility for all Coloradans with
20 disabilities without imposing immediate penalties on state agencies and
21 public entities.

22 **SECTION 2.** In Colorado Revised Statutes, 24-34-802, **amend**
23 (1)(c) as follows:

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

1 (1) (c) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(c)(II) OF THIS
2 SECTION, discrimination pursuant to this section includes the failure of a
3 public entity or state agency, as those terms are defined in section
4 24-34-301, to fully comply, on or before July 1, 2024, with the
5 accessibility standards for individuals with a disability established by the
6 office of information technology pursuant to section 24-85-103. Liability
7 for noncompliance as to content lies with the public entity or state agency
8 that manages the content. Liability for noncompliance of the platform
9 hosting the content lies with the public entity or state agency that manages
10 the platform.

11 (II) (A) A PUBLIC ENTITY OR STATE AGENCY IS IMMUNE FROM
12 LIABILITY FOR A VIOLATION OF SUBSECTION (1)(c)(I) OF THIS SECTION
13 UNTIL JULY 1, 2025, IF THE PUBLIC ENTITY OR STATE AGENCY
14 DEMONSTRATES GOOD FAITH EFFORTS TOWARD COMPLIANCE WITH THE
15 ACCESSIBILITY STANDARDS ESTABLISHED PURSUANT TO SECTION
16 24-85-103 OR, AS NECESSARY, MAKES GOOD FAITH EFFORTS TOWARD
17 RESOLUTION OF A COMPLAINT OF NONCOMPLIANCE. TO BE ELIGIBLE FOR
18 THE IMMUNITY AUTHORIZED PURSUANT TO THIS SUBSECTION (1)(c)(II), BY
19 JULY 1, 2024, A PUBLIC ENTITY'S OR STATE AGENCY'S GOOD FAITH EFFORTS
20 MUST INCLUDE CREATING A PROGRESS-TO-DATE REPORT THAT
21 DEMONSTRATES CONCRETE AND SPECIFIC EFFORTS TOWARD COMPLIANCE
22 ON THE ENTITY'S OR AGENCY'S FRONT-FACING WEB PAGES; UPDATING THE
23 REPORT ON A QUARTERLY BASIS; AND CREATING A CLEAR, EASY-TO-FIND
24 PROCESS FOR REQUESTING REDRESS FOR INACCESSIBLE DIGITAL PRODUCTS,
25 INCLUDING CONTACT OPTIONS THAT ARE NOT DEPENDENT ON WEB ACCESS
26 OR DIGITAL ACCESSIBILITY AND ARE PROMINENTLY DISPLAYED ON ALL
27 FRONT-FACING WEB PAGES.

1 (B) IF A CIVIL ACTION IS FILED PURSUANT TO THIS SUBSECTION
2 (1)(c) AND A PUBLIC ENTITY OR STATE AGENCY ALLEGES THAT IT HAS
3 MADE GOOD FAITH EFFORTS PURSUANT TO THIS SUBSECTION (1)(c)(II), THE
4 COURT IN WHICH THE CIVIL ACTION WAS FILED SHALL DETERMINE, BASED
5 ON A PREPONDERANCE OF THE EVIDENCE, WHETHER THE PUBLIC ENTITY OR
6 STATE AGENCY HAS MADE GOOD FAITH EFFORTS, AND, IF THE COURT
7 DETERMINES THAT GOOD FAITH EFFORTS HAVE BEEN MADE, THE COURT
8 SHALL DISMISS THE ACTION WITHOUT PREJUDICE.

9 (C) THIS SUBSECTION (1)(c)(II) IS REPEALED, EFFECTIVE JULY 1,
10 2025.

11 **SECTION 3. Safety clause.** The general assembly finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety or for appropriations for
14 the support and maintenance of the departments of the state and state
15 institutions.