

**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. 24-1170.01 Rebecca Bayetti x4348

HOUSE BILL 24-1452

HOUSE SPONSORSHIP

Ortiz and Bacon,

SENATE SPONSORSHIP

Priola,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AIRPORT ACCESSIBILITY REQUIREMENTS.**

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 imposes a set of duties on each large hub airport (airport), as defined by federal law, in Colorado for accessibility-related functions at the airports. The airport shall monitor the completion and ongoing upkeep of compliance with the duties and functions according to the timelines established in the bill.

An individual alleging damages resulting from a violation of the duties required by an airport may bring a civil suit against the airport and may seek a court order requiring compliance and any other remedy

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
Amended 2nd Reading
April 23, 2024

available under law.

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

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

4 (a) Aviation and air travel have become a critical part of life for
5 those seeking to obtain economic and educational opportunities, visit
6 unique places, and spend time with friends and family;

7 (b) Individuals living with a disability, however, have consistently
8 faced hardship, barriers, and, in some instances, outright discrimination
9 when attempting to enjoy equitable opportunity through air travel;

10 (c) According to the United States government accountability
11 office's April 2021 report "Passengers with Disabilities: Airport
12 Accessibility Barriers and Practices and the Department of
13 Transportation's Oversight of Airlines' Disability-Related Training",
14 passengers with disabilities face infrastructure, information, and customer
15 service barriers at airports throughout the United States. For example,
16 complex terminal layouts and long distances between gates can be hard
17 to navigate. Additionally, travel information is not always available in a
18 format that is accessible to everyone.

19 (d) The data is supported by real-world examples that have not
20 only cost individuals with disabilities the opportunities that come with air
21 travel, but have also cost individuals the use of their mobility devices and
22 more. Because of constant carelessness shown to mobility devices, a
23 broken chair by one airline directly led to a medical condition that took
24 the life of one of the nation's great disability rights advocates, Engracia
25 Figueroa.

1 (e) Changes that occurred in 2023 and are scheduled for 2024 are
2 critical to finally secure basic access and equity in Colorado for airport
3 passengers with a disability who travel;

4 (f) Airports in Colorado have received at least \$22 million in
5 grants for fiscal year 2023 from the federal airport terminal program as
6 part of the bipartisan infrastructure law funding;

7 (g) Funding from the federal airport terminal program, one of
8 three aviation programs created by the bipartisan infrastructure law,
9 provides \$1 billion annually for five years for airport terminal program
10 grants. In total, the bipartisan infrastructure law provided a historic \$25
11 billion to modernize our country's airport infrastructure.

12 (h) Individuals living with a disability must work together to
13 ensure that these infrastructure dollars will be used to provide basic
14 access and equity in travel opportunities at our country's airports.

15 (2) Therefore, the community of individuals living with a
16 disability in Colorado has been working collaboratively with Denver
17 international airport staff to ensure that Denver international airport
18 becomes a model that airports across the country can follow in meeting
19 the basic requirements of the federal "Americans with Disabilities Act"
20 and appropriate aspects of the federal "Air Carriers Access Act", which
21 seek to ensure basic access and equity for all travelers.

22 (3) The general assembly therefore declares that the purpose of
23 this act is to place in state law basic accessibility standards and features
24 in all large hub airports in Colorado.

25 **SECTION 2.** In Colorado Revised Statutes, **add** 43-10-118 as
26 follows:

27 **43-10-118. Large hub airport accessibility - duties - civil action**

1 - **definition.** (1) EACH LARGE HUB AIRPORT IN COLORADO HAS THE
2 FOLLOWING DUTIES RELATED TO ACCESSIBILITY AND SAFETY:

3 (a) ON OR BEFORE JULY 1, 2024, ESTABLISH AN ADVISORY
4 COMMITTEE FOR THE CROSS-DISABLED COMMUNITY. THE ADVISORY
5 COMMITTEE MUST HAVE REPRESENTATION FROM PERSONS WITH VARIOUS
6 DISABILITIES AND SHALL PROVIDE INPUT DURING AIRPORT RENOVATIONS
7 TO ENSURE BASIC ACCESS AND EQUITY IN AIR TRAVEL. THE ADVISORY
8 COMMITTEE SHALL MAKE REGULAR ASSESSMENTS TO IDENTIFY AREAS FOR
9 IMPROVEMENT AND ACKNOWLEDGE SUCCESSES.

10 (b) ON AND AFTER JULY 1, 2024, CONSULT WITH THE DISABLED
11 COMMUNITY AND CONFER WITH THE ADVISORY COMMITTEE DURING THE
12 CONSTRUCTION OF WALKWAYS AND OTHER FACILITIES AT THE AIRPORT;

13 (c) ON OR BEFORE JULY 1, 2024, INCORPORATE WAYFINDING
14 TECHNOLOGY TO ASSIST INDIVIDUALS WHO ARE BLIND OR VISUALLY
15 IMPAIRED TO NAVIGATE THE AIRPORT INDEPENDENTLY WITH OR WITHOUT
16 AUXILIARY SERVICES;

17 (d) ON OR BEFORE JANUARY 1, 2026, CREATE, MAINTAIN, AND
18 UPDATE, AS NECESSARY, AN ELECTRONIC DASHBOARD TO REPORT AND
19 TRACK BASIC ACCESS SHORTCOMINGS AND VIOLATIONS THROUGHOUT THE
20 TRAVEL PROCESS. THE DASHBOARD MUST INCLUDE A PUBLIC INQUIRY
21 FORM THAT ALLOWS AN INDIVIDUAL TO DIRECTLY REPORT AN
22 ACCESSIBILITY EXPERIENCE AT THE AIRPORT.

23 (e) ON OR BEFORE DECEMBER 31, 2026, DEVELOP AND PROVIDE
24 ONGOING, COMPREHENSIVE TRAINING PROGRAMS FOR STAFF EMPLOYED
25 DIRECTLY BY THE AIRPORT ON THE HANDLING OF MOBILITY DEVICES,
26 INCLUDING POWER WHEELCHAIRS, MANUAL WHEELCHAIRS, WALKERS,
27 CANES, MEDICAL EQUIPMENT, AND ADAPTIVE SPORTS EQUIPMENT;

1 (f) NO LATER THAN JANUARY 1, 2027, WHEN ENTERING INTO OR
2 RENEWING AGREEMENTS BETWEEN THE AIRPORT AND ANY THIRD PARTY,
3 INCLUDE IN EACH AGREEMENT A PROVISION THAT THE THIRD PARTY
4 ADHERE TO ALL APPLICABLE LEGAL REQUIREMENTS REGARDING
5 ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES;

6 (g) ON OR BEFORE JUNE 30, 2030, INSTALL AND MAINTAIN
7 RESTROOMS FOR INDIVIDUALS WITH DISABILITIES THAT INCLUDE
8 COMPANION CARE CHANGING TABLES, INCLUDING AT LEAST ONE
9 ACCESSIBLE PUBLIC RESTROOM IN EVERY TERMINAL; AND

10
11 (h) ON OR BEFORE DECEMBER 31, 2030, USE ELEVATORS TO
12 TRANSPORT POWER WHEELCHAIRS FROM THE TARMAC TO THE JETWAY AND
13 GIVE PRIORITY USAGE OF AN ELEVATOR TO POWER WHEELCHAIRS AND
14 OTHER MOBILITY DEVICES THAT REQUIRE THE USE OF AN ELEVATOR FOR
15 TRANSPORTATION TO AND FROM THE TARMAC.

16 (2) EACH AIRPORT SHALL MONITOR COMPLIANCE WITH THE DUTIES
17 SET FORTH IN SUBSECTION (1) OF THIS SECTION. THE AIRPORT SHALL
18 MAINTAIN AND UPDATE ITS FACILITIES AND FUNCTIONS, AS APPLICABLE, TO
19 ENSURE ONGOING COMPLIANCE WITH THE DUTIES SET FORTH IN
20 SUBSECTION (1) OF THIS SECTION.

21 (3) AN INDIVIDUAL ALLEGING DAMAGES RESULTING FROM A
22 VIOLATION OF A DUTY SET FORTH IN SUBSECTION (1)(c), (1)(d), (1)(e),
23 (1)(f), (1)(g), OR (1)(h) OF THIS SECTION MAY BRING A CIVIL SUIT IN A
24 COURT OF COMPETENT JURISDICTION AGAINST THE AIRPORT PURSUANT TO
25 SECTION 24-34-802 AND MAY SEEK A COURT ORDER REQUIRING
26 COMPLIANCE WITH THE PROVISIONS OF THIS SECTION AND ALL REMEDIES
27 AVAILABLE PURSUANT TO SECTION 24-34-802.

1 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
2 REQUIRES, "AIRPORT" MEANS A LARGE HUB AIRPORT AS DEFINED IN 49
3 U.S.C. SEC. 47102 (11).

4 **SECTION 3.** In Colorado Revised Statutes, 24-34-802, **amend**
5 (2)(a) introductory portion as follows:

6 **24-34-802. Violations - penalties - immunity.** (2) (a) An
7 individual with a disability, as defined in section 24-34-301, who is
8 subject to a violation of subsection (1) of this section or of section
9 24-34-502, 24-34-502.2, 24-34-601, ~~or~~ 24-34-803, OR 43-10-118 based
10 on the individual's disability may bring a civil suit in a court of competent
11 jurisdiction and is entitled to a court order requiring compliance with the
12 provisions of the applicable section and either of the following remedies:

13 **SECTION 4. Safety clause.** The general assembly finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, or safety or for appropriations for
16 the support and maintenance of the departments of the state and state
17 institutions.