

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0051.01 Jane Ritter

HOUSE BILL 10-1152

HOUSE SPONSORSHIP

Frangas,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CIVIL RIGHTS OF 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://www.leg.state.co.us/billsummaries>.)

The bill generally clarifies sections in statute concerning the civil rights of persons with disabilities.

Section 1 specifies that a person who denies or interferes with the rights of a person with disabilities commits a class 3 misdemeanor.

Sections 2 through 6 update the definition concerning civil rights for persons with disabilities, and generally clarify the definitions for several statutory parts.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

Section 7 addresses the penalties and civil liability issues related to unlawful discriminatory acts in places of public accommodation, including increasing the amount of damages available and allowing for the payment of attorney fees and costs.

Sections 10 and 11 concern basic civil rights of persons with disabilities. Particular unlawful discriminatory acts against persons with disabilities are described in section 11, and the penalties for violations of those acts are defined, including the ability to recover reasonable attorney fees and costs.

The rights of persons with assistance animals and of trainers of assistance animals are clarified and updated in **section 12**. **Section 13** details what constitutes a violation of those rights and the remedies available to a person who is subjected to a discriminatory act.

Section 14 adds a new section to statute concerning discrimination by public entities and state agencies. Prohibitions against discrimination by public entities are outlined, including failing to make buildings accessible and otherwise making reasonable accommodations for persons with disabilities so those individuals may have an equal opportunity to enjoy and use the public entity's programs, services, and activities. Remedies for violations are specified, including damages and attorney fees and costs. Requirements for compliance with applicable discrimination policies by state agencies are described and remedies for relief are set forth.

Section 15 sets forth remedies for relief for persons with disabilities who are retaliated against for making a complaint concerning the Colorado medical assistance act.

The bill is applicable to offenses committed on or after July 1, 2010.

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

2 **SECTION 1.** 18-13-107 (3) and (4), Colorado Revised Statutes,
3 are amended, and the said 18-13-107 is further amended BY THE
4 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

5 **18-13-107. Interference with persons with disabilities.** (3) No
6 A person shall NOT beat, harass, intimidate, entice, distract, or otherwise
7 interfere with ~~any dog~~ AN ANIMAL on a blaze orange leash or
8 accompanying a person carrying a white or white tipped with red or
9 metallic colored cane or walking stick or any assistance ~~dog~~ ANIMAL, as

1 defined in section 24-34-803 (7), C.R.S. ~~accompanying a person when~~
2 ~~that dog is being controlled by or wearing a harness normally used for~~
3 ~~dogs accompanying or leading persons with disabilities.~~

4 (4) ~~Violation of the provisions of subsection (1) of this section is~~
5 ~~a class 1 petty offense. Violation of the provisions of subsection (3) of~~
6 ~~this section is a class 3 misdemeanor~~ A PERSON SHALL NOT DENY A
7 PERSON WITH A DISABILITY FULL AND EQUAL ACCESS TO ANY PLACE OF
8 PUBLIC ACCOMMODATION AS DEFINED IN SECTION 24-34-301, C.R.S., OR
9 OTHERWISE VIOLATE THE PROVISIONS OF PARTS 5 TO 8 AND PART 10 OF
10 ARTICLE 34 OF TITLE 24, C.R.S., WITH RESPECT TO A PERSON BECAUSE OF
11 DISABILITY.

12 (5) A PERSON SHALL NOT DENY A PERSON WITH A DISABILITY WHO
13 IS USING AN ASSISTANCE ANIMAL OR A PERSON WHO IS TRAINING AN
14 ASSISTANCE ANIMAL, AS DEFINED IN SECTION 24-34-803 (7), C.R.S., THE
15 ABILITY TO ACCESS A GOVERNMENT BUILDING, A PLACE OF PUBLIC
16 ACCOMMODATION, HOUSING, OR PUBLIC TRANSPORTATION.

17 (6) VIOLATION OF THE PROVISIONS OF SUBSECTION (1) OF THIS
18 SECTION IS A CLASS 1 PETTY OFFENSE. VIOLATION OF ANY OF THE
19 PROVISIONS OF SUBSECTIONS (3) TO (5) OF THIS SECTION IS A CLASS 3
20 MISDEMEANOR.

21 **SECTION 2.** The introductory portion to 24-34-301 and
22 24-34-301 (2.5), (5), and (6), Colorado Revised Statutes, are amended,
23 and the said 24-34-301 is further amended BY THE ADDITION OF THE
24 FOLLOWING NEW SUBSECTIONS, to read:

25 **24-34-301. Definitions.** As used in THIS PART 3 AND parts 3 to 7
26 4 TO 8 AND PART 10 of this article, unless the context otherwise requires:

27 (1.3) "AGENCY" OR "STATE AGENCY" SHALL HAVE THE SAME

1 MEANING AS SET FORTH IN SECTION 24-4-102 (3).

2 (2.5) (a) "Disability" means a physical impairment which
3 substantially limits one or more of a person's major life activities and
4 includes a record of such an impairment and being regarded as having
5 such an impairment SHALL HAVE THE SAME MEANING AS SET FORTH IN THE
6 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
7 12101 ET SEQ.

8 (b) (I) On and after July 1, 1990, as to part 5 of this article,
9 "disability" shall also include such a person who has a mental impairment,
10 but such term does not include any person currently involved in the illegal
11 use of or addiction to a controlled substance.

12 (II) On and after July 1, 1992, as to parts 4, 6, and 7 of this article,
13 "disability" shall also include such a person who has a mental impairment.

14 (III) The term "mental impairment" as used in subparagraphs (I)
15 and (II) of this paragraph (b) shall mean any mental or psychological
16 disorder such as developmental disability, organic brain syndrome, mental
17 illness, or specific learning disabilities.

18 (5) "Person" means one or more individuals, limited liability
19 companies, partnerships, associations, corporations, legal representatives,
20 trustees, OR receivers. or the state of Colorado, and all political
21 subdivisions and agencies thereof.

22 (5.3) "PLACE OF PUBLIC ACCOMMODATION" SHALL HAVE THE SAME
23 MEANING AS SET FORTH IN TITLE III OF THE FEDERAL "AMERICANS WITH
24 DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12181 (7), AND MEANS ANY OF
25 THE FOLLOWING PRIVATE ENTITIES IF THE OPERATIONS OF THE ENTITY
26 AFFECT COMMERCE:

27 (a) AN INN, HOTEL, MOTEL, OR OTHER PLACE OF LODGING, EXCEPT

1 FOR AN ESTABLISHMENT LOCATED WITHIN A BUILDING THAT CONTAINS
2 NOT MORE THAN FIVE ROOMS FOR RENT OR HIRE AND THAT IS ACTUALLY
3 OCCUPIED BY THE PROPRIETOR OF THE ESTABLISHMENT AS HIS OR HER
4 RESIDENCE;

5 (b) A RESTAURANT, BAR, OR OTHER ESTABLISHMENT SERVING
6 FOOD OR DRINK;

7 (c) A MOTION PICTURE HOUSE, THEATER, CONCERT HALL,
8 STADIUM, OR OTHER PLACE OF EXHIBITION OR ENTERTAINMENT;

9 (d) AN AUDITORIUM, CONVENTION CENTER, LECTURE HALL, OR
10 OTHER PLACE OF PUBLIC GATHERING;

11 (e) A BAKERY, GROCERY STORE, CLOTHING STORE, HARDWARE
12 STORE, SHOPPING CENTER, OR OTHER SALES OR RETAIL ESTABLISHMENT;

13 (f) A LAUNDROMAT, DRY CLEANER, BANK, BARBER SHOP, BEAUTY
14 SHOP, TRAVEL SERVICE, SHOE REPAIR SERVICE, FUNERAL PARLOR, GAS
15 STATION, OFFICE OF AN ACCOUNTANT OR LAWYER, PHARMACY, INSURANCE
16 OFFICE, PROFESSIONAL OFFICE OF A HEALTH CARE PROVIDER, HOSPITAL, OR
17 OTHER SERVICE ESTABLISHMENT;

18 (g) A TERMINAL, DEPOT, OR OTHER STATION USED FOR SPECIFIED
19 PUBLIC TRANSPORTATION;

20 (h) A MUSEUM, LIBRARY, GALLERY, OR OTHER PLACE OF PUBLIC
21 DISPLAY OR COLLECTION;

22 (i) A PARK, ZOO, AMUSEMENT PARK, OR OTHER PLACE OF
23 RECREATION;

24 (j) A NURSERY, ELEMENTARY, SECONDARY, UNDERGRADUATE, OR
25 POSTGRADUATE PRIVATE SCHOOL, OR OTHER PLACE OF EDUCATION;

26 (k) A DAY CARE CENTER, SENIOR CITIZEN CENTER, HOMELESS
27 SHELTER, FOOD BANK, ADOPTION AGENCY, OR OTHER SOCIAL SERVICE

1 CENTER ESTABLISHMENT; OR

2 (l) A GYMNASIUM, HEALTH SPA, BOWLING ALLEY, GOLF COURSE,
3 OR OTHER PLACE OF EXERCISE OR RECREATION.

4 (5.5) "PUBLIC ENTITY" MEANS:

5 (a) THE STATE OF COLORADO, A POLITICAL SUBDIVISION OF THE
6 STATE, OR A LOCAL GOVERNMENT;

7 (b) A DEPARTMENT, AGENCY, SPECIAL DISTRICT, SPECIAL PURPOSE
8 AUTHORITY, OR OTHER INSTRUMENTALITY OF THE STATE OR A LOCAL
9 GOVERNMENT.

10 (5.7) "QUALIFIED PERSON WITH A DISABILITY" MEANS A PERSON
11 WITH A DISABILITY WHO MEETS THE ESSENTIAL ELIGIBILITY
12 REQUIREMENTS OF A PUBLIC ENTITY TO RECEIVE ITS SERVICES OR
13 PARTICIPATE IN ITS PROGRAMS OR ACTIVITIES, WITH OR WITHOUT
14 REASONABLE MODIFICATIONS TO RULES, POLICIES, OR PRACTICES;
15 REMOVAL OF ARCHITECTURAL, COMMUNICATION, OR TRANSPORTATION
16 BARRIERS; OR PROVISION OF AUXILIARY AIDS AND SERVICES.

17 (6) "Respondent" means any person, agency, organization, or
18 other entity against whom a charge is filed pursuant to any of the
19 provisions of parts 3 to 7 8 AND PART 10 of this article.

20 **SECTION 3.** The introductory portion to 24-34-401, Colorado
21 Revised Statutes, is amended to read:

22 **24-34-401. Definitions.** THE DEFINITIONS PROVIDED FOR TERMS
23 IN SECTION 24-34-301 SHALL APPLY TO SAID TERMS AS USED IN THIS PART
24 4. IN ADDITION, as used in this part 4, unless the context otherwise
25 requires:

26 **SECTION 4.** The introductory portion to 24-34-501, Colorado
27 Revised Statutes, is amended to read:

1 **24-34-501. Definitions.** THE DEFINITIONS PROVIDED FOR TERMS
2 IN SECTION 24-34-301 SHALL APPLY TO SAID TERMS AS USED IN THIS PART
3 5. IN ADDITION, as used in this part 5, unless the context otherwise
4 requires:

5 **SECTION 5.** 24-34-502.2, Colorado Revised Statutes, is
6 amended BY THE ADDITION OF A NEW SUBSECTION to read:

7 **24-34-502.2. Unfair or discriminatory housing practices**
8 **against persons with disabilities prohibited - penalty.** (3.5) A PERSON
9 WHO DENIES THE RIGHTS OF A PERSON WITH A DISABILITY PROTECTED BY
10 THIS PART 5 COMMITS A CLASS 3 MISDEMEANOR AND SHALL BE SENTENCED
11 IN ACCORDANCE WITH SECTION 18-1.3-501 (1) (a), C.R.S.

12 **SECTION 6.** 24-34-601 (1), Colorado Revised Statutes, is
13 amended, and the said 24-34-601 is further amended BY THE
14 ADDITION OF A NEW SUBSECTION, to read:

15 **24-34-601. Discrimination in places of public accommodation.**
16 (1) ~~As used in this part 6 "place of public accommodation" means any~~
17 ~~place of business engaged in any sales to the public and any place~~
18 ~~offering services, facilities, privileges, advantages, or accommodations~~
19 ~~to the public, including but not limited to any business offering wholesale~~
20 ~~or retail sales to the public; any place to eat, drink, sleep, or rest, or any~~
21 ~~combination thereof; any sporting or recreational area and facility; any~~
22 ~~public transportation facility; a barber shop, bathhouse, swimming pool,~~
23 ~~bath, steam or massage parlor, gymnasium, or other establishment~~
24 ~~conducted to serve the health, appearance, or physical condition of a~~
25 ~~person; a campsite or trailer camp; a dispensary, clinic, hospital,~~
26 ~~convalescent home, or other institution for the sick, ailing, aged, or~~
27 ~~infirm; a mortuary, undertaking parlor, or cemetery; an educational~~

1 ~~institution, or any public building, park, arena, theater, hall, auditorium,~~
2 ~~museum, library, exhibit, or public facility of any kind whether indoor or~~
3 ~~outdoor. "Place of public accommodation" shall not include a church,~~
4 ~~synagogue, mosque, or other place that is principally used for religious~~
5 ~~purposes~~ THE DEFINITIONS PROVIDED FOR TERMS IN SECTION 24-34-301
6 SHALL APPLY TO SAID TERMS AS USED IN THIS PART 6.

7 (4) WITH RESPECT TO DISABILITY DISCRIMINATION, NOTHING IN
8 THIS PART 6 SHALL BE CONSTRUED TO IMPOSE BROADER DESIGN AND
9 CONSTRUCTION AND BARRIER-REMOVAL REQUIREMENTS THAN PROVIDED
10 FOR IN THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42
11 U.S.C. SEC. 12101 ET SEQ.

12 **SECTION 7.** 24-34-602 (1) and (2), Colorado Revised Statutes,
13 are amended, and the said 24-34-602 is further amended BY THE
14 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

15 **24-34-602. Penalties and civil liability.** (1) Any person who
16 violates section 24-34-601 ~~shall be fined not less than fifty dollars nor~~
17 ~~more than five hundred dollars~~ SHALL PAY ACTUAL DAMAGES OR
18 STATUTORY DAMAGES OF FOUR THOUSAND DOLLARS, WHICHEVER IS
19 GREATER, TO THE PERSON AGGRIEVED for each violation. A person
20 aggrieved by the violation of section 24-34-601 shall bring an action in
21 any court of competent jurisdiction in the county where the violation
22 occurred. Upon finding a violation, the court shall order the defendant to
23 pay ~~the fine~~ DAMAGES to the aggrieved party. THE COURT SHALL ORDER
24 INJUNCTIVE RELIEF AND ANY OTHER RELIEF THE COURT DEEMS
25 APPROPRIATE AND NECESSARY TO PREVENT FUTURE VIOLATIONS.

26 (2) ~~For each violation of section 24-34-601, the person is guilty~~
27 ~~of a misdemeanor and, upon conviction thereof, shall be punished by a~~

1 ~~fine of not less than ten dollars nor more than three hundred dollars, or by~~
2 ~~imprisonment in the county jail for not more than one year, or by both~~
3 ~~such fine and imprisonment~~ A PERSON WHO DENIES THE RIGHTS OF A
4 PERSON WITH A DISABILITY PROTECTED BY THIS PART 6 COMMITS A CLASS
5 3 MISDEMEANOR AND SHALL BE SENTENCED IN ACCORDANCE WITH
6 SECTION 18-1.3-501 (1) (a), C.R.S.

7 (4) A PERSON WHO IS THE PREVAILING PARTY IN A LAWSUIT UNDER
8 THIS SECTION IS ENTITLED TO RECOVER REASONABLE ATTORNEY FEES AND
9 COSTS PURSUANT TO THE "PREVAILING PARTY" STANDARDS UNDER THE
10 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
11 12101 ET SEQ.

12 (5) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION AND
13 SECTION 24-34-306 (9), THE COMMISSION OR A COURT MAY ORDER A
14 RESPONDENT WHO HAS BEEN FOUND IN VIOLATION OF THE PROVISIONS OF
15 SECTION 24-34-601 TO PAY TO THE GENERAL FUND ACCORDING TO THE
16 FOLLOWING SCHEDULE:

- 17 (a) AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS; OR
- 18 (b) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND
19 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED
20 ANY OTHER VIOLATION OF SECTION 24-34-601 DURING THE FIVE-YEAR
21 PERIOD PRECEDING THE DATE OF THE FILING OF THE CHARGE.

22 **SECTION 8.** 24-34-703, Colorado Revised Statutes, is amended
23 to read:

24 **24-34-703. Definitions.** A place of public accommodation, resort,
25 or amusement, within the meaning of this part 7, shall be deemed to
26 include any inn, tavern, or hotel, whether conducted for the entertainment,
27 housing, or lodging of transient guests or for the benefit, use, or

1 ~~accommodation of those seeking health, recreation, or rest, and any~~
2 ~~restaurant, eating house, public conveyance on land or water, bathhouse,~~
3 ~~barber shop, theater, and music hall~~ THE DEFINITIONS PROVIDED FOR
4 TERMS IN SECTION 24-34-301 SHALL APPLY TO SAID TERMS AS USED IN
5 THIS PART 7.

6 **SECTION 9.** 24-34-705, Colorado Revised Statutes, is amended
7 to read:

8 **24-34-705. Penalties.** (1) ~~Any~~ A person who violates any of the
9 provisions of this part 7 or who aids in, incites, causes, or brings about in
10 whole or in part the violation of any of such provisions, for each and
11 every violation thereof, is guilty of a CLASS 3 misdemeanor and, upon
12 conviction thereof, shall be ~~punished by a fine of not less than one~~
13 ~~hundred dollars nor more than five hundred dollars, or by imprisonment~~
14 ~~in the county jail for not less than thirty days nor more than ninety days,~~
15 ~~or by both such fine and imprisonment~~ SENTENCED IN ACCORDANCE WITH
16 SECTION 18-1.3-501 (1) (a), C.R.S. The penalty provided by this section
17 shall be an alternative to the relief authorized by section 24-34-306 (9),
18 and a person who seeks redress under this section shall not be permitted
19 to seek relief from the commission.

20 (2) A PERSON, FIRM, OR CORPORATION OR THE AGENT OF A PERSON,
21 FIRM, OR CORPORATION THAT VIOLATES THE PROVISIONS OF THIS PART 7
22 SHALL PAY ACTUAL DAMAGES OR STATUTORY DAMAGES OF FOUR
23 THOUSAND DOLLARS, WHICHEVER IS GREATER, TO THE PERSON
24 AGGRIEVED. THE COURT SHALL ORDER INJUNCTIVE RELIEF AND ANY
25 OTHER RELIEF THE COURT DEEMS APPROPRIATE AND NECESSARY TO
26 PREVENT FUTURE VIOLATIONS.

27 (3) A PERSON WHO IS THE PREVAILING PARTY IN A LAWSUIT UNDER

1 THIS SECTION IS ENTITLED TO RECOVER REASONABLE ATTORNEY FEES AND
2 COSTS PURSUANT TO THE "PREVAILING PARTY" STANDARDS UNDER THE
3 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
4 12101 ET SEQ.

5 (4) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION AND
6 SECTION 24-34-306 (9), THE COMMISSION OR A COURT MAY ORDER A
7 RESPONDENT WHO HAS BEEN FOUND IN VIOLATION OF THE PROVISIONS OF
8 THIS PART 7 TO PAY TO THE GENERAL FUND ACCORDING TO THE
9 FOLLOWING SCHEDULE:

10 (a) AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS; OR

11 (b) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND
12 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED
13 ANY OTHER VIOLATION OF THIS PART 7 DURING THE FIVE-YEAR PERIOD
14 PRECEDING THE DATE OF THE FILING OF THE CHARGE.

15 **SECTION 10.** 24-34-801 (1), Colorado Revised Statutes, is
16 amended to read:

17 **24-34-801. Legislative declaration.** (1) The general assembly
18 hereby declares that it is the policy of the state:

19 (a) To encourage and enable ~~the blind, the visually impaired, the~~
20 ~~deaf, the partially deaf, and the otherwise physically disabled~~ PERSONS
21 WITH DISABILITIES to participate fully in the social and economic life of
22 the state and to engage in remunerative employment;

23 (b) That ~~the blind, the visually impaired, the deaf, the partially~~
24 ~~deaf, and the otherwise physically disabled~~ PERSONS WITH DISABILITIES
25 shall be employed in the state service, the service of the political
26 subdivisions of the state, the public schools, and in all other employment
27 supported in whole or in part by public funds on the same terms and

1 conditions as the able-bodied unless it is shown that the particular
2 disability prevents the performance of the work involved;

3 (c) ~~That the blind, the visually impaired, the deaf, the partially~~
4 ~~deaf, and the otherwise physically disabled~~ PERSONS WITH DISABILITIES
5 have the same rights as the able-bodied to the full and free use of the
6 streets, highways, sidewalks, walkways, public buildings, public facilities,
7 and other public places;

8 (d) ~~That the blind, the visually impaired, the deaf, the partially~~
9 ~~deaf, and the otherwise physically disabled~~ PERSONS WITH DISABILITIES
10 are entitled to full and equal housing and full and equal accommodations,
11 advantages, facilities, and privileges of all common carriers, airplanes,
12 motor vehicles, railroad trains, motor buses, streetcars, boats, or any other
13 public conveyances or modes of transportation, hotels, motels, lodging
14 places, places of public accommodation, amusement, or resort, and other
15 places to which the general public is invited, including restaurants and
16 grocery stores; and that ~~the blind, the visually impaired, the deaf, the~~
17 ~~partially deaf, or the otherwise physically disabled person assume~~ THE
18 PERSON WITH A DISABILITY ASSUMES the liability for any injury that he or
19 she might sustain which is attributable solely to causes originating with
20 the nature of the particular disability involved and otherwise subject only
21 to the conditions and limitations established by law and applicable alike
22 to all persons.

23 (e) and (f) Repealed.

24 **SECTION 11.** 24-34-802, Colorado Revised Statutes, is amended
25 to read:

26 **24-34-802. Violations - penalties.** (1) ~~Any~~ A person, firm, or
27 corporation or the agent of ~~any~~ A person, firm, or corporation that denies

1 or interferes with the rights and the admittance to or enjoyment of the
2 public facilities enumerated in ~~section 24-34-801 (1) (b) to (1) (d)~~ is
3 guilty of a misdemeanor and, upon conviction thereof, shall be punished
4 by a fine of not more than one hundred dollars, or by imprisonment in the
5 county jail for not more than sixty days, or by both such fine and
6 imprisonment THIS PART 8 COMMITS A CLASS 3 MISDEMEANOR AND SHALL
7 BE SENTENCED IN ACCORDANCE WITH SECTION 18-1.3-501 (1) (a), C.R.S.

8 (2) IT SHALL BE UNLAWFUL FOR A PERSON, FIRM, OR CORPORATION
9 OR THE AGENT OF A PERSON, FIRM, OR CORPORATION TO DISCRIMINATE
10 AGAINST AN INDIVIDUAL BECAUSE THE INDIVIDUAL HAS:

11 (a) OPPOSED ANY DISCRIMINATORY PRACTICE SET FORTH IN THIS
12 PART 8; OR

13 (b) MADE A COMPLAINT, TESTIFIED, ASSISTED, OR PARTICIPATED
14 IN ANY MANNER IN AN INVESTIGATION, PROCEEDING, OR HEARING
15 CONDUCTED PURSUANT TO THIS PART 8.

16 (3) A PERSON, FIRM, OR CORPORATION OR THE AGENT OF A PERSON,
17 FIRM, OR CORPORATION THAT VIOLATES THE PROVISIONS OF THIS SECTION
18 OR ANY OTHER PROVISION OF THIS PART 8 SHALL PAY ACTUAL DAMAGES
19 OR STATUTORY DAMAGES OF FOUR THOUSAND DOLLARS, WHICHEVER IS
20 GREATER, TO THE PERSON AGGRIEVED. THE COURT SHALL ORDER
21 INJUNCTIVE RELIEF AND ANY OTHER RELIEF THE COURT DEEMS
22 APPROPRIATE AND NECESSARY TO PREVENT FUTURE VIOLATIONS.

23 (4) A PERSON WHO IS THE PREVAILING PARTY IN A LAWSUIT UNDER
24 THIS SECTION IS ENTITLED TO RECOVER REASONABLE ATTORNEY FEES AND
25 COSTS PURSUANT TO THE "PREVAILING PARTY" STANDARDS UNDER THE
26 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
27 12101 ET SEQ.

1 (5) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION AND
2 SECTION 24-34-306 (9), THE COLORADO CIVIL RIGHTS COMMISSION OR A
3 COURT MAY ORDER A RESPONDENT WHO HAS BEEN FOUND IN VIOLATION
4 OF THE PROVISIONS OF SECTION 24-34-801 TO PAY TO THE GENERAL FUND
5 ACCORDING TO THE FOLLOWING SCHEDULE:

- 6 (a) AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS; OR
7 (b) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND
8 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED
9 ANY OTHER VIOLATION OF SECTION 24-34-801 DURING THE FIVE-YEAR
10 PERIOD PRECEDING THE DATE OF THE FILING OF THE CHARGE.

11 **SECTION 12.** 24-34-803, Colorado Revised Statutes, is amended
12 to read:

13 **24-34-803. Rights of persons with assistance animals -**
14 **definitions.** (1) A person with a disability ~~including but not limited to~~
15 ~~a blind, visually impaired, deaf, hard of hearing, or otherwise physically~~
16 ~~disabled person,~~ has the right to be accompanied by an assistance ~~dog~~
17 ANIMAL specially trained for that person without being required to pay an
18 extra charge for the assistance dog ~~in or on the following places and~~
19 ~~subject to the conditions and limitations established by law and applicable~~
20 ~~alike to all persons:~~ ANIMAL IN OR ON THE PROPERTY OF ANY PLACE OF
21 EMPLOYMENT, HOUSING, PUBLIC ACCOMMODATION, PUBLIC ENTITY, OR
22 PUBLIC TRANSPORTATION SERVICES.

23 (a) ~~Public streets, highways, walkways, public buildings, public~~
24 ~~facilities and services, and other public places;~~

25 (b) ~~Any place of public accommodation or on public~~
26 ~~transportation services; and~~

27 (c) ~~Any housing accommodation offered for rent, lease, or other~~

1 ~~compensation in the state.~~

2 (2) A trainer of an assistance ~~dog~~ ANIMAL has the right to be
3 accompanied by ~~an~~ THE assistance ~~dog~~ ANIMAL that the trainer is in the
4 process of training without being required to pay an extra charge for the
5 assistance ~~dog in or on the following places:~~ ANIMAL IN OR ON THE
6 PROPERTY OF ANY PLACE OF EMPLOYMENT, HOUSING, PUBLIC
7 ACCOMMODATION, PUBLIC ENTITY, OR PUBLIC TRANSPORTATION SERVICES.

8 ~~(a) Public streets, highways, walkways, public buildings, public~~
9 ~~facilities and services, and other public places; and~~

10 ~~(b) Any place of public accommodation or on public~~
11 ~~transportation services.~~

12 (3) (a) An employer shall ~~not refuse to~~ permit an employee with
13 a disability who is accompanied by an assistance ~~dog~~ ANIMAL to keep the
14 employee's assistance ~~dog~~ ANIMAL with ~~the employee~~ HIM OR HER at all
15 times in the place of employment. An employer shall not fail or refuse to
16 hire or discharge any person with a disability, or otherwise discriminate
17 against any person with a disability, with respect to compensation, terms,
18 conditions, or privileges of employment because ~~that person with a~~
19 ~~disability~~ HE OR SHE is accompanied by an assistance ~~dog~~ ANIMAL
20 specially trained ~~for that person~~ TO ASSIST THE PERSON WITH HIS OR HER
21 DISABILITY.

22 (b) An employer shall make reasonable accommodation to make
23 the workplace accessible for an otherwise qualified person with a
24 disability who is an applicant or employee and who is accompanied by an
25 assistance ~~dog~~ ANIMAL specially trained for that person unless the
26 employer can show that the accommodation would impose an undue
27 hardship on the employer's business. For purposes of this paragraph (b),

1 "undue hardship" means an action requiring significant difficulty or
2 expense.

3 (4) (a) The owner or the person having control or custody of an
4 assistance ~~dog~~ ANIMAL or an assistance ~~dog~~ ANIMAL in training is liable
5 for any damage to persons, premises, or facilities, including places of
6 housing accommodation and places of employment, NEGLIGENTLY caused
7 by that person's assistance ~~dog~~ ANIMAL or assistance ~~dog~~ ANIMAL in
8 training. The OWNER OR person having control or custody of an
9 assistance ~~dog~~ ANIMAL or an assistance ~~dog~~ ANIMAL in training shall be
10 subject to the provisions of section 18-9-204.5, C.R.S.

11 (b) A PERSON WHO NEGLIGENTLY HARMS AN ASSISTANCE ANIMAL
12 OR AN ASSISTANCE ANIMAL IN TRAINING SHALL BE LIABLE TO THE OWNER
13 OF THE ASSISTANCE ANIMAL OR ASSISTANCE ANIMAL IN TRAINING FOR
14 TREBLE THE AMOUNT OF ACTUAL DAMAGES.

15 (c) THE OWNER OF AN ANIMAL THAT NEGLIGENTLY HARMS AN
16 ASSISTANCE ANIMAL OR AN ASSISTANCE ANIMAL IN TRAINING SHALL BE
17 LIABLE TO THE OWNER OF THE ASSISTANCE ANIMAL OR ASSISTANCE
18 ANIMAL IN TRAINING FOR TREBLE THE AMOUNT OF ACTUAL DAMAGES.

19 (5) A person with a disability is exempt from any state or local
20 licensing fees or charges that might otherwise apply in connection with
21 owning an assistance ~~dog~~ ANIMAL.

22 (6) The mere presence of an assistance ~~dog~~ ANIMAL in a place of
23 public accommodation shall not be grounds for any violation of a sanitary
24 standard, rule, or regulation promulgated pursuant to section 25-4-1604,
25 C.R.S.

26 (7) THE DEFINITIONS PROVIDED FOR TERMS IN SECTION 24-34-301
27 SHALL APPLY TO SAID TERMS AS USED IN THIS SUBSECTION (7). IN

1 ADDITION, as used in this section, unless the context otherwise requires:

2 (a) (I) ~~"Assistance dog ANIMAL" means a dog AN ANIMAL that has~~
3 ~~been or is being trained as a guide dog, hearing dog, or service dog. Such~~
4 ~~terms are further defined as follows:~~ TO PERFORM ONE OR MORE SPECIFIC
5 FUNCTIONS FOR A PERSON WITH A DISABILITY. THIS PARAGRAPH (a) SHALL
6 NOT BE CONSTRUED TO PROVIDE ANY BROADER PROTECTIONS THAN
7 REQUIRED BY THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF
8 1990".

9 (II) AN ASSISTANCE ANIMAL SHALL NOT INCLUDE AN ANIMAL THAT
10 POSES A DIRECT THREAT TO THE HEALTH OR SAFETY OF OTHERS. FOR THE
11 PURPOSES OF THIS SECTION, "DIRECT THREAT" MEANS A SIGNIFICANT RISK
12 TO THE HEALTH OR SAFETY OF OTHERS THAT CANNOT BE ELIMINATED BY
13 A MODIFICATION OF POLICIES, PRACTICES, OR PROCEDURES, OR BY THE
14 PROVISION OF AUXILIARY AIDS OR SERVICES.

15 (I) ~~"Guide dog" means a dog that has been or is being specially~~
16 ~~trained to aid a particular blind or visually impaired person.~~

17 (II) ~~"Hearing dog" means a dog that has been or is being specially~~
18 ~~trained to aid a particular deaf or hearing impaired person.~~

19 (III) ~~"Service dog" means a dog that has been or is being specially~~
20 ~~trained to aid a particular physically disabled person with a physical~~
21 ~~disability other than sight or hearing impairment.~~

22 (b) ~~"Disability" has the same meaning as set forth in the federal~~
23 ~~"Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12102 (2), as~~
24 ~~amended.~~

25 (c) ~~"Employer" has the same meaning as set forth in the federal~~
26 ~~"Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12111 (5), as~~
27 ~~amended, OR IN SECTION 24-34-401 (3), WHICHEVER DEFINITION PROVIDES~~

1 GREATER PROTECTION FOR THE PERSON WITH THE DISABILITY.

2 (d) "Housing accommodations" means any real property or portion
3 thereof that is used or occupied, or intended, arranged, or designed to be
4 used or occupied, as the home, residence, or sleeping place of one or
5 more persons but does not include any single family residence, the
6 occupants of which rent, lease, or furnish for compensation not more than
7 one room in that residence.

8 (e) ~~"Places of public accommodation" means the following~~
9 ~~categories of private entities:~~

10 ~~(I) Inns, hotels, motels, or other places of lodging, except~~
11 ~~establishments located within buildings actually occupied by the~~
12 ~~proprietor as the proprietor's residence containing five or fewer rooms for~~
13 ~~rent or hire;~~

14 ~~(II) Restaurants, bars, cafeterias, lunchrooms, lunch counters, soda~~
15 ~~fountains, casinos, or other establishments serving food or drink,~~
16 ~~including any such facility located on the premises of any retail~~
17 ~~establishment;~~

18 ~~(III) Gasoline stations or garages;~~

19 ~~(IV) Motion picture theaters, theaters, billiard or pool halls,~~
20 ~~concert halls, stadiums, sports arenas, amusement or recreation parks, or~~
21 ~~other places of exhibition or entertainment;~~

22 ~~(V) Auditoriums, convention centers, lecture halls, or other places~~
23 ~~of public gathering;~~

24 ~~(VI) Bakeries, grocery stores, clothing stores, hardware stores,~~
25 ~~shopping centers, or other sales or retail establishments;~~

26 ~~(VII) Laundromats, dry cleaners, banks, barber shops, beauty~~
27 ~~shops, travel services, shoe repair services, funeral parlors, offices of~~

1 ~~accountants or attorneys-at-law, pharmacies, insurance offices,~~
2 ~~professional offices of health care providers, hospitals, or other service~~
3 ~~establishments;~~

4 ~~(VIII) Terminals, depots, or other stations used for specified~~
5 ~~purposes;~~

6 ~~(IX) Museums, libraries, galleries, or other places of public~~
7 ~~display or collection;~~

8 ~~(X) Parks, zoos, or other places of recreation;~~

9 ~~(XI) Nursery, elementary, secondary, undergraduate, or graduate~~
10 ~~schools or other places of education;~~

11 ~~(XII) Day care centers, senior citizen centers, homeless shelters,~~
12 ~~food banks, adoption agencies, or other social service center~~
13 ~~establishments;~~

14 ~~(XIII) Gymnasiums, health spas, bowling alleys, golf courses, or~~
15 ~~other places of exercise or recreation;~~

16 ~~(XIV) Any other establishment or place to which the public is~~
17 ~~invited; or~~

18 ~~(XV) Any establishment physically containing or contained within~~
19 ~~any of the establishments described in this paragraph (e) that holds itself~~
20 ~~out as serving patrons of the described establishment.~~

21 (f) "Public transportation services" means common carriers of
22 passengers or any other means of public conveyance or modes of
23 transportation, including but not limited to airplanes, motor vehicles,
24 railroad trains, motor buses, streetcars, boats, or taxis.

25 (g) "Trainer of an assistance ~~dog~~ ANIMAL" means a person who is
26 qualified to train ~~dogs~~ AN ANIMAL to serve as AN assistance ~~dogs~~ ANIMAL.

27 **SECTION 13.** 24-34-804, Colorado Revised Statutes, is amended

1 to read:

2 **24-34-804. Violations - penalties.** (1) It is unlawful for any
3 person, firm, corporation, or agent of any person, firm, or corporation to:

4 (a) Withhold, deny, deprive, or attempt to withhold, deny, or
5 deprive any person with a disability or trainer OF AN ASSISTANCE ANIMAL
6 of any of the rights or privileges secured in section 24-34-803;

7 (b) Threaten to interfere with any of the rights of persons with
8 ~~disabilities or trainers secured in section 24-34-803~~ SECURED IN SECTION
9 24-34-803 FOR A PERSON WITH A DISABILITY OR A TRAINER OF AN
10 ASSISTANCE ANIMAL;

11 (c) Punish or attempt to punish any person with a disability or
12 trainer OF AN ASSISTANCE ANIMAL for exercising or attempting to exercise
13 any right or privilege secured by section 24-34-803; ~~or~~

14 (d) Interfere with, injure, or harm, or cause another dog to
15 interfere with, injure, or harm, an assistance ~~dog~~ ANIMAL; OR

16 (e) DISCRIMINATE AGAINST AN INDIVIDUAL BECAUSE THAT
17 INDIVIDUAL HAS OPPOSED A PRACTICE MADE A DISCRIMINATORY PRACTICE
18 BY THIS PART 8 OR BECAUSE THE INDIVIDUAL HAS MADE A CHARGE,
19 TESTIFIED, ASSISTED, OR PARTICIPATED IN ANY MANNER IN AN
20 INVESTIGATION, PROCEEDING, OR HEARING CONDUCTED PURSUANT TO THIS
21 PART 8.

22 (2) Any person who violates any provision of ~~subsection (1) of~~
23 ~~this section~~ THIS PART 8 commits a class 3 misdemeanor and shall be
24 punished as provided in section 18-1.3-501, C.R.S.

25 (3) (a) Any person who violates any provision of subsection (1)
26 of this section shall be liable to the person with a disability or trainer OF
27 THE ASSISTANCE ANIMAL whose rights were affected for actual damages

1 for economic loss OR STATUTORY DAMAGES OF FOUR THOUSAND
2 DOLLARS, WHICHEVER IS GREATER, FOR EACH VIOLATION to be recovered
3 in a civil action in a court in the county where the infringement of rights
4 occurred or where the defendant resides. THE COURT SHALL ORDER
5 INJUNCTIVE RELIEF AND ANY OTHER RELIEF THE COURT DEEMS
6 APPROPRIATE AND NECESSARY TO PREVENT FUTURE VIOLATIONS.

7 (b) In any action commenced pursuant to this subsection (3), a
8 court may award costs and reasonable attorney fees.

9 (3.5) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION
10 AND SECTION 24-34-306 (9), THE COLORADO CIVIL RIGHTS COMMISSION
11 OR A COURT MAY ORDER A RESPONDENT WHO HAS BEEN FOUND IN
12 VIOLATION OF THE PROVISIONS OF SECTION 24-34-803 TO PAY TO THE
13 GENERAL FUND ACCORDING TO THE FOLLOWING SCHEDULE:

14 (a) AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS; OR

15 (b) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND
16 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED
17 ANY OTHER VIOLATION OF SECTION 24-34-803 DURING THE FIVE-YEAR
18 PERIOD PRECEDING THE DATE OF THE FILING OF THE CHARGE.

19 (4) Nothing in this section is intended to interfere with remedies
20 or relief that any person might be entitled to pursuant to parts 3 to 7 8 AND
21 PART 10 of this article.

22 **SECTION 14.** Article 34 of title 24, Colorado Revised Statutes,
23 is amended BY THE ADDITION OF A NEW PART to read:

24 **PART 10**

25 **DISCRIMINATION BY PUBLIC ENTITIES**

26 **AND STATE AGENCIES**

27 **24-34-1001. Definitions.** THE DEFINITIONS PROVIDED FOR TERMS

1 IN SECTION 24-34-301 SHALL APPLY TO SAID TERMS AS USED IN THIS PART
2 10.

3 **24-34-1002. Prohibition against discrimination by public**
4 **entities.** (1) A QUALIFIED PERSON WITH A DISABILITY SHALL NOT BE
5 EXCLUDED FROM PARTICIPATION IN OR DENIED THE BENEFITS OF THE
6 SERVICES, PROGRAMS, OR ACTIVITIES OF A PUBLIC ENTITY, OR BE
7 SUBJECTED TO DISCRIMINATION BY A PUBLIC ENTITY, BY REASON OF THE
8 PERSON'S DISABILITY.

9 (2) DISCRIMINATION BY REASON OF DISABILITY INCLUDES ANY
10 ACTION THAT WOULD CONSTITUTE A VIOLATION OF TITLE II OF THE
11 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
12 12131 ET SEQ., AND ITS IMPLEMENTING REGULATIONS.

13 (3) IT SHALL BE UNLAWFUL FOR A PUBLIC ENTITY TO DISCRIMINATE
14 AGAINST A PERSON BECAUSE THE PERSON HAS OPPOSED A PRACTICE THAT
15 IS MADE A DISCRIMINATORY PRACTICE BY THIS PART 10 OR BECAUSE THE
16 PERSON HAS MADE A CHARGE, TESTIFIED, ASSISTED, OR PARTICIPATED IN
17 ANY MANNER IN AN INVESTIGATION, PROCEEDING, OR HEARING
18 CONDUCTED PURSUANT TO THIS PART 10.

19 (4) WITH RESPECT TO DISABILITY DISCRIMINATION, NOTHING IN
20 THIS PART 10 SHALL BE CONSTRUED TO IMPOSE BROADER DESIGN AND
21 CONSTRUCTION REQUIREMENTS THAN PROVIDED FOR IN THE FEDERAL
22 "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET
23 SEQ."

24 **24-34-1003. Discrimination by public entities - remedies -**
25 **penalties.** (1) A PERSON WHO HAS BEEN SUBJECTED TO A
26 DISCRIMINATORY ACT PROHIBITED BY SECTION 24-34-1002 MAY BRING A
27 CIVIL SUIT IN A COURT OF COMPETENT JURISDICTION AND MAY OBTAIN A

1 COURT ORDER FOR COMPLIANCE WITH THIS PART 10. A PERSON WHO
2 BRINGS SUIT PURSUANT TO THIS SECTION IS ENTITLED TO THE RECOVERY
3 OF ACTUAL DAMAGES OR STATUTORY DAMAGES OF FOUR THOUSAND
4 DOLLARS, WHICHEVER IS GREATER, FOR EACH VIOLATION. A PERSON WHO
5 IS THE PREVAILING PARTY IN A LAWSUIT UNDER THIS SECTION IS ENTITLED
6 TO RECOVER REASONABLE ATTORNEY FEES AND COSTS PURSUANT TO THE
7 "PREVAILING PARTY" STANDARDS UNDER THE FEDERAL "AMERICANS WITH
8 DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ. THE COURT
9 SHALL ORDER INJUNCTIVE RELIEF AND ANY OTHER RELIEF THE COURT
10 DEEMS APPROPRIATE AND NECESSARY TO PREVENT FUTURE VIOLATIONS.

11 (2) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION AND
12 SECTION 24-34-306 (9), THE COLORADO CIVIL RIGHTS COMMISSION OR A
13 COURT MAY ORDER A RESPONDENT WHO HAS BEEN FOUND IN VIOLATION
14 OF THE PROVISIONS OF THIS PART 10 TO PAY TO THE GENERAL FUND
15 ACCORDING TO THE FOLLOWING SCHEDULE:

- 16 (a) AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS; OR
17 (b) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND
18 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED
19 ANY OTHER VIOLATION OF THIS PART 10 DURING THE FIVE-YEAR PERIOD
20 PRECEDING THE DATE OF THE FILING OF THE CHARGE.

21 **24-34-1004. Discrimination by state agencies - requirements**
22 **for compliance.** (1) A STATE AGENCY IS REQUIRED TO COMPLY WITH ALL
23 APPLICABLE DISCRIMINATION POLICIES, INCLUDING BUT NOT LIMITED TO
24 FEDERAL AND STATE LAWS AND ANY RULES PROMULGATED BY THE
25 AGENCY.

26 (2) A PERSON WHO IS AGGRIEVED BY A VIOLATION OF THIS SECTION
27 HAS A PRIVATE RIGHT OF ACTION TO BRING A CIVIL LAWSUIT IN A COURT

1 OF COMPETENT JURISDICTION AGAINST THE VIOLATING STATE AGENCY.

2 (3) REMEDIES UNDER THIS SECTION INCLUDE, BUT ARE NOT
3 LIMITED TO:

4 (a) INJUNCTIVE RELIEF IN THE FORM OF A COURT ORDER REQUIRING
5 COMPLIANCE WITH THIS SECTION AND SPECIFYING THE FORM OF
6 COMPLIANCE;

7 (b) ACTUAL DAMAGES OR STATUTORY DAMAGES OF FOUR
8 THOUSAND DOLLARS, WHICHEVER IS GREATER, FOR EACH VIOLATION OF
9 THIS SECTION; AND

10 (c) RECOVERY OF REASONABLE ATTORNEY FEES AND COSTS TO THE
11 PREVAILING PARTY PURSUANT TO THE "PREVAILING PARTY" STANDARDS
12 UNDER THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42
13 U.S.C. SEC. 12101 ET SEQ.

14 (4) IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR AN
15 AGENCY TO DISCRIMINATE AGAINST A PERSON BECAUSE THAT PERSON HAS
16 OPPOSED A PRACTICE THAT IS MADE A DISCRIMINATORY PRACTICE BY THIS
17 PART 10 OR BECAUSE THAT PERSON HAS MADE A CHARGE, TESTIFIED,
18 ASSISTED, OR PARTICIPATED IN ANY MANNER IN AN INVESTIGATION,
19 PROCEEDING, OR HEARING CONDUCTED PURSUANT TO THIS PART 10.

20 **SECTION 15.** 25.5-4-107, Colorado Revised Statutes, is
21 amended BY THE ADDITION OF A NEW SUBSECTION to read:

22 **25.5-4-107. Retaliation definition - penalties.** (3) (a) A PERSON
23 OR ENTITY WHO VIOLATES THIS SECTION SHALL BE HELD LIABLE TO THE
24 PERSON AGGRIEVED IN A COURT OF COMPETENT JURISDICTION FOR
25 INJUNCTIVE RELIEF AND FOR ACTUAL DAMAGES OR STATUTORY DAMAGES
26 OF FOUR THOUSAND DOLLARS, WHICHEVER IS GREATER, FOR EACH
27 VIOLATION. THE COURT MAY AWARD REASONABLE ATTORNEY FEES AND

1 COSTS TO THE PREVAILING PARTY PURSUANT TO THE "PREVAILING PARTY"
2 STANDARDS UNDER THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF
3 1990", 42 U.S.C. SEC. 12101 ET SEQ.

4 (b) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION AND
5 SECTION 24-34-306 (9), C.R.S., THE COLORADO CIVIL RIGHTS COMMISSION
6 OR A COURT MAY ORDER A RESPONDENT WHO HAS BEEN FOUND IN
7 VIOLATION OF THE PROVISIONS OF THIS SECTION TO PAY TO THE GENERAL
8 FUND ACCORDING TO THE FOLLOWING SCHEDULE:

- 9 (I) AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS; OR
10 (II) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND
11 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED
12 ANY OTHER VIOLATION OF THIS SECTION DURING THE FIVE-YEAR PERIOD
13 PRECEDING THE DATE OF THE FILING OF THE CHARGE.

14 **SECTION 16.** 24-34-302 (2), Colorado Revised Statutes, is
15 amended to read:

16 **24-34-302. Civil rights division - director - powers and duties.**

17 (2) The director shall appoint ~~such~~ investigators and other personnel as
18 ~~may be~~ necessary to carry out the functions and duties of the division.
19 The director and the staff of the division shall receive, investigate, and
20 make determinations on charges alleging unfair or discriminatory
21 practices in violation of parts 4 to 7 8 AND PART 10 of this article.

22 **SECTION 17.** 24-34-305 (1) (a), (1) (c), (1) (e), (1) (i), (1) (i.5),
23 (2), (3), and (4), Colorado Revised Statutes, are amended to read:

24 **24-34-305. Powers and duties of commission.** (1) The
25 commission has the following powers and duties:

- 26 (a) To adopt, publish, amend, and rescind rules ~~and regulations,~~
27 in accordance with the provisions of section 24-4-103, ~~which~~ THAT are

1 consistent with and for the implementation of THIS PART 3 AND parts 3 to
2 7 4 TO 8 AND PART 10 of this article. All such rules adopted or amended
3 on or after July 1, 1979, shall be subject to sections 24-4-103 (8) (c) and
4 (8) (d) and 24-34-104 (9) (b) (II).

5 (c) To investigate and study the existence, character, causes, and
6 extent of unfair or discriminatory practices as defined in parts 4 to 7 8
7 AND PART 10 of this article and to formulate plans for the elimination
8 thereof by educational or other means;

9 (e) To issue such publications and reports of investigations and
10 research as in its judgment will tend to promote goodwill among the
11 various racial, religious, age, and ethnic groups of the state and which
12 will tend to minimize or eliminate discriminatory or unfair practices as
13 specified by THIS PART 3 AND parts 3 to 7 4 TO 8 AND PART 10 of this
14 article. Publications of the commission circulated in quantity outside the
15 executive branch shall be issued in accordance with the provisions of
16 section 24-1-136.

17 (i) To cooperate, within the limits of any appropriations made for
18 its operation, with other agencies or organizations, both public and
19 private, whose purposes are consistent with those of THIS PART 3 AND
20 parts 3 to 7 4 to 8 AND PART 10 of this article, in the planning and
21 conducting of educational programs designed to eliminate racial,
22 religious, cultural, age, and intergroup tensions;

23 (i.5) To intervene in racial, religious, cultural, age, and intergroup
24 tensions or conflicts for the purpose of informal mediation using
25 alternative dispute resolution techniques. Such intervention may be made
26 in cooperation with other agencies or organizations, both public and
27 private, whose purposes are consistent with those of THIS PART 3 AND

1 parts ~~3 to 7~~ 4 to 8 AND PART 10 of this article.

2 (2) Any provision of this article to the contrary notwithstanding,
3 ~~no~~ A person shall NOT be required to alter, modify, or purchase any
4 building, structure, or equipment or incur any additional expense ~~which~~
5 THAT would not otherwise be incurred in order to comply with THIS PART
6 3 AND parts ~~3, 4, 6, and 7~~ 4, 6 TO 8, AND 10 of this article.

7 (3) In exercising the powers and performing the duties and
8 functions under THIS PART 3 AND parts ~~3 to 7~~ 4 TO 8 AND PART 10 of this
9 article, the commission, the division, and the director shall presume that
10 the conduct of ~~any~~ A respondent is not unfair or discriminatory until
11 proven otherwise.

12 (4) Whether by rule ~~regulation~~, or other action or whether as a
13 remedy for violation of any provision of THIS PART 3 OR parts ~~3 to 7~~ 4 TO
14 8 AND PART 10 of this article or otherwise, the commission shall not
15 prescribe or require the implementation of a quota system.

16 **SECTION 18.** 24-34-306 (1) (a), (2) (a), (9), (11), (13), and (14),
17 Colorado Revised Statutes, are amended to read:

18 **24-34-306. Charge - complaint - hearing - procedure -**
19 **exhaustion of administrative remedies.** (1) (a) Any person claiming
20 to be aggrieved by a discriminatory or unfair practice as defined by parts
21 4 to ~~7~~ 8 AND PART 10 of this article may, by himself or herself or through
22 his or her attorney-at-law, make, sign, and file with the division a verified
23 written charge stating the name and address of the respondent alleged to
24 have committed the discriminatory or unfair practice, setting forth the
25 particulars of the alleged discriminatory or unfair practice, and containing
26 any other information required by the division.

27 (2) (a) After the filing of a charge alleging a discriminatory or

1 unfair practice as defined by parts 4 to 7 8 AND PART 10 of this article, the
2 director, with the assistance of the division's staff, shall make a prompt
3 investigation of the charge. The director may subpoena witnesses and
4 compel the testimony of witnesses and the production of books, papers,
5 and records if the testimony, books, papers, and records sought are
6 limited to matters directly related to the charge. Any subpoena issued
7 pursuant to this paragraph (a) shall be enforceable in the district court for
8 the district in which the alleged discriminatory or unfair practice occurred
9 and shall be issued only if the person or entity to be subpoenaed has
10 refused or failed, after a proper request from the director, to provide
11 voluntarily to the director the information sought by the subpoena.

12 (9) If, upon all the evidence at a hearing, there is a statement of
13 findings and conclusions in accordance with section 24-4-105, together
14 with a statement of reasons for such conclusions, showing that a
15 respondent has engaged in or is engaging in any discriminatory or unfair
16 practice as defined in parts 4 to 7 8 AND PART 10 of this article, the
17 commission shall issue and cause to be served upon the respondent an
18 order requiring such respondent to cease and desist from such
19 discriminatory or unfair practice and to take such action as it may order
20 in accordance with the provisions of THIS PART 3 AND parts 4 to 7 8 AND
21 PART 10 of this article.

22 (11) If written notice that a formal hearing will be held is not
23 served within two hundred seventy days after the filing of the charge, if
24 the complainant has requested and received a notice of right to sue
25 pursuant to subsection (15) of this section, or if the hearing is not
26 commenced within the one-hundred-twenty-day period prescribed by
27 subsection (4) of this section, the jurisdiction of the commission over the

1 complaint shall cease, and the complainant may seek the relief authorized
2 under this part 3 and parts 4 to-7 8 AND PART 10 of this article against the
3 respondent by filing a civil action in the district court for the district in
4 which the alleged discriminatory or unfair practice occurred. ~~Such~~ THE
5 action must be filed within ninety days of the date upon which the
6 jurisdiction of the commission ceased, and if not so filed, it shall be
7 barred and the district court shall have no jurisdiction to hear ~~such~~ THE
8 action. If any party requests the extension of any time period prescribed
9 by this subsection (11), ~~such~~ THE extension may be granted for good
10 cause by the commission, a commissioner, or the administrative law
11 judge, as the case may be, but the total period of all such extensions to
12 either the respondent or the complainant shall not exceed ninety days
13 each, and, in the case of multiple parties, the total period of all extensions
14 shall not exceed one hundred eighty days.

15 (13) Any member of the commission and any person participating
16 in good faith in the making of a complaint or a report or in any
17 investigative or administrative proceeding authorized by THIS PART 3 AND
18 parts 3 to-7 4 TO 8 AND PART 10 of this article shall be immune from
19 liability in any civil action brought against him OR HER for acts occurring
20 while acting in his OR HER capacity as a commission member or
21 participant, respectively, if ~~such~~ THE individual was acting in good faith
22 within the scope of his OR HER respective capacity, made a reasonable
23 effort to obtain the facts of the matter as to which he OR SHE acted, and
24 acted in the reasonable belief that ~~the~~ HIS OR HER action taken by him was
25 warranted by the facts.

26 (14) ~~No~~ A person may NOT file a civil action in a district court in
27 this state based on an alleged discriminatory or unfair practice prohibited

1 by parts 4 to 7 8 AND PART 10 of this article without first exhausting the
2 proceedings and remedies available to him OR HER under this part 3
3 unless he OR SHE shows, in an action filed in the appropriate district court,
4 by clear and convincing evidence, THAT his OR HER ill health which is of
5 such a nature that pursuing administrative remedies would not provide
6 timely and reasonable relief and would cause irreparable harm.

7 **SECTION 19.** 24-34-308, Colorado Revised Statutes, is amended
8 to read:

9 **24-34-308. Enforcement of federal law prohibited.** Nothing in
10 THIS PART 3 AND parts 3 4 to 8 AND PART 10 of this article shall be
11 construed to authorize the commission, the director, or the division to
12 enforce any provision of federal law. Nothing in this section shall
13 prevent the commission from accepting federal grants for the enforcement
14 of THIS PART 3 AND parts 3 to 7 4 to 8 AND PART 10 OF THIS ARTICLE.

15 **SECTION 20.** 18-6.5-102 (3) (f), Colorado Revised Statutes, is
16 amended to read:

17 **18-6.5-102. Definitions.** As used in this article, unless the context
18 otherwise requires:

19 (3) A "person with a disability" means any person who:

20 (f) Is mentally impaired as the term is defined in section
21 24-34-301 (2.5), ~~(b)-(H)~~, C.R.S.;

22 **SECTION 21.** 40-9-109, Colorado Revised Statutes, is amended
23 to read:

24 **40-9-109. Transportation of assistance animals.** When a totally
25 ~~or partially blind, totally or partially deaf, or physically disabled~~ person
26 WITH A DISABILITY, AS DEFINED IN SECTION 24-34-301 (2.5), C.R.S., is
27 accompanied by a ~~dog~~ which serves as an assistance ~~dog~~ ANIMAL or

1 ~~which~~ AN ANIMAL THAT is being trained by a qualified trainer as an
2 assistance ~~dog~~ ANIMAL, as defined in section 24-34-803 (7), C.R.S., for
3 ~~such disabled person~~, neither the ~~disabled~~ person WITH A DISABILITY nor
4 the ~~dog~~ ANIMAL shall be denied the facilities of any common carrier, nor
5 shall ~~such disabled~~ THE person WITH A DISABILITY be denied the
6 immediate custody of the ~~dog~~ ANIMAL while riding upon a common
7 carrier. The provisions of this section shall also apply to any qualified
8 trainer who is training a ~~dog for use by a totally or partially blind, totally~~
9 ~~or partially deaf, or physically disabled person~~ AN ASSISTANCE ANIMAL,
10 unless the ~~dog~~ ANIMAL presents an imminent danger to the public health
11 or safety. ~~Such disabled~~ THE person WITH A DISABILITY or ~~any~~ A
12 qualified trainer who is training a ~~dog for use by a disabled person~~ AN
13 ASSISTANCE ANIMAL shall be liable for any damage done to the premises
14 or facilities of the common carrier by ~~such dog~~. ~~Any dog~~ THE ANIMAL.
15 AN ANIMAL being trained for the purpose of aiding a ~~disabled person~~ AS
16 AN ASSISTANCE ANIMAL shall be visibly and prominently identified as an
17 assistance ~~dog~~ ANIMAL in training.

18 **SECTION 22.** 42-4-808 (1), Colorado Revised Statutes, is
19 amended to read:

20 **42-4-808. Drivers and pedestrians, other than persons in**
21 **wheelchairs, to yield to persons with disabilities.** (1) Any pedestrian,
22 other than a person in a wheelchair, or any driver of a vehicle who
23 approaches a person who has an obviously apparent disability of
24 blindness, deafness, or mobility impairment shall immediately come to a
25 full stop and take such precautions before proceeding as are necessary to
26 avoid an accident or injury to said person. A disability shall be deemed to
27 be obviously apparent if, by way of example and without limitation, the

1 person is using a cane or crutches, is assisted by an assistance ~~dog~~
2 ANIMAL, as defined in section 24-34-803 (7), C.R.S., is being assisted by
3 another person, is in a wheelchair, or is walking with an obvious physical
4 impairment. Any person who violates any provision of this section
5 commits a class A traffic offense.

6 **SECTION 23. No appropriation.** The general assembly has
7 determined that this act can be implemented within existing
8 appropriations, and therefore no separate appropriation of state moneys
9 is necessary to carry out the purposes of this act.

10 **SECTION 24. Act subject to petition - effective date -**
11 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
12 following the expiration of the ninety-day period after final adjournment
13 of the general assembly (August 11, 2010, if adjournment sine die is on
14 May 12, 2010); except that, if a referendum petition is filed pursuant to
15 section 1 (3) of article V of the state constitution against this act or an
16 item, section, or part of this act within such period, then the act, item,
17 section, or part shall not take effect unless approved by the people at the
18 general election to be held in November 2010 and shall take effect on the
19 date of the official declaration of the vote thereon by the governor.

20 (2) The provisions of this act shall apply to offenses committed on
21 or after the applicable effective date of this act.