

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 14-0381.01 Jane Ritter x4342

SENATE BILL 14-118

SENATE SPONSORSHIP

Steadman,

HOUSE SPONSORSHIP

Melton,

Senate Committees
Judiciary

House Committees
State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING IMPROVING PROTECTIONS FOR INDIVIDUALS WITH**
102 **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/bills summaries>.)

The bill conforms several definitions related to discrimination based on a disability (discrimination) to the federal "Americans With Disabilities Act of 1990", including changing the term "assistance dog" to "service animal". The fine for discrimination in places of public accommodation, housing, and or violations of the rights of an individual

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.

HOUSE
3rd Reading Unamended
May 1, 2014

HOUSE
Amended 2nd Reading
April 30, 2014

SENATE
Amended 3rd Reading
April 28, 2014

SENATE
Amended 2nd Reading
April 25, 2014

with a disability who uses a service animal or a trainer of a service animal is increased to \$3,500. Penalties are added for a person who causes harm to a service animal or service animal in training or a person who owns an animal that causes harm to a service animal or service animal in training.

The bill makes conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend 24-34-301** as
3 follows:

4 **24-34-301. Definitions.** As used in parts 3 to 7 8 of this article,
5 unless the context otherwise requires:

6 (1) "Age" means a chronological age of at least forty years.

7 (1.1) "AGENCY" OR "STATE AGENCY" MEANS ANY BOARD, BUREAU,
8 COMMISSION, DEPARTMENT, INSTITUTION, DIVISION, SECTION, OR OFFICER
9 OF THE STATE.

10 (1.5) "Commission" means the Colorado civil rights commission
11 created by IN section 24-34-303.

12 (1.6) "Commissioner" means a member of the Colorado civil
13 rights commission.

14 (2) "Director" means the director of the Colorado civil rights
15 division, which office is created by IN section 24-34-302.

16 (2.5) (a) "Disability" means a physical impairment which
17 substantially limits one or more of a person's major life activities and
18 includes a record of such an impairment and being regarded as having
19 such an impairment HAS THE SAME MEANING AS SET FORTH IN THE
20 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
21 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING
22 REGULATIONS.

23 (b) (I) On and after July 1, 1990, as to part 5 of this article,

1 "disability" shall also include such a person who has a mental impairment,
2 but such term does not include any person currently involved in the illegal
3 use of or addiction to a controlled substance.

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

6 (HH) The term "mental impairment" as used in subparagraphs (I)
7 and (H) of this paragraph (b) shall mean any mental or psychological
8 disorder such as developmental disability, organic brain syndrome, mental
9 illness, or specific learning disabilities.

10 (3) "Division" means the Colorado civil rights division, created by
11 IN section 24-34-302.

12 (4) (Deleted by amendment, L. 93, p. 1655, § 59, effective July 1,
13 1993.)

14 (4.1) "HOUSING" MEANS A BUILDING, STRUCTURE, VACANT LAND,
15 OR PART THEREOF OFFERED FOR SALE, LEASE, RENT, OR TRANSFER OF
16 OWNERSHIP; EXCEPT THAT "HOUSING" DOES NOT INCLUDE ANY ROOM
17 OFFERED FOR RENT OR LEASE IN A SINGLE-FAMILY DWELLING MAINTAINED
18 AND OCCUPIED IN PART BY THE OWNER OR LESSEE OF SAID DWELLING AS
19 HIS OR HER HOUSEHOLD.

20 (4.2) "HOUSING ACCOMMODATIONS" MEANS ANY REAL PROPERTY
21 OR PORTION THEREOF THAT IS USED OR OCCUPIED, OR INTENDED,
22 ARRANGED, OR DESIGNED TO BE USED OR OCCUPIED, AS THE HOME,
23 RESIDENCE, OR SLEEPING PLACE OF ONE OR MORE PERSONS BUT DOES NOT
24 INCLUDE ANY SINGLE FAMILY RESIDENCE, THE OCCUPANTS OF WHICH
25 RENT, LEASE, OR FURNISH FOR COMPENSATION NOT MORE THAN ONE ROOM
26 IN THAT RESIDENCE.

27 (4.5) "Marital status" means a relationship or a spousal status of

1 a person AN INDIVIDUAL, including but not limited to being single,
2 cohabitating, engaged, widowed, married, in a civil union, or legally
3 separated, or a relationship or a spousal status of a person AN INDIVIDUAL
4 who has had or is in the process of having a marriage or civil union
5 dissolved or declared invalid.

6 (5) (a) "Person" means one or more individuals, limited liability
7 companies, partnerships, associations, corporations, legal representatives,
8 trustees, receivers, or the state of Colorado and all OF ITS political
9 subdivisions and agencies. thereof.

10 (b) FOR THE PURPOSES OF PART 5 OF THIS ARTICLE, "PERSON" DOES
11 NOT INCLUDE ANY PRIVATE CLUB NOT OPEN TO THE PUBLIC, WHICH AS AN
12 INCIDENT TO ITS PRIMARY PURPOSE OR PURPOSES PROVIDES LODGINGS
13 THAT IT OWNS OR OPERATES FOR OTHER THAN A COMMERCIAL PURPOSE,
14 UNLESS SUCH CLUB HAS THE PURPOSE OF PROMOTING DISCRIMINATION IN
15 THE MATTER OF HOUSING AGAINST ANY PERSON BECAUSE OF DISABILITY,
16 RACE, CREED, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, MARITAL
17 STATUS, FAMILIAL STATUS, NATIONAL ORIGIN, OR ANCESTRY.

18 (5.3) "PLACE OF PUBLIC ACCOMMODATION" OR "PUBLIC
19 ACCOMMODATION" HAS THE SAME MEANING AS SET FORTH IN TITLE III OF
20 THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C.
21 SEC. 12181 (7), AND ITS RELATED AMENDMENTS AND IMPLEMENTING
22 REGULATIONS.

23 (5.4) "PUBLIC ENTITY" HAS THE SAME MEANING AS SET FORTH IN
24 TITLE II OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990",
25 42 U.S.C. SEC. 12131, AND ITS RELATED AMENDMENTS AND
26 IMPLEMENTING REGULATIONS.

27 (5.5) "PUBLIC TRANSPORTATION SERVICE" MEANS A COMMON

1 CARRIER OF PASSENGERS OR ANY OTHER MEANS OF PUBLIC CONVEYANCE
2 OR MODES OF TRANSPORTATION, INCLUDING BUT NOT LIMITED TO
3 AIRPLANES, MOTOR VEHICLES, RAILROAD TRAINS, MOTOR BUSES,
4 STREETCARS, BOATS, OR TAXIS.

5 (5.6) "QUALIFIED INDIVIDUAL WITH A DISABILITY" OR "INDIVIDUAL
6 WITH A DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE
7 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
8 12131, AND ITS RELATED AMENDMENTS AND IMPLEMENTING
9 REGULATIONS.

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

13 (6.5) "SERVICE ANIMAL" HAS THE SAME MEANING AS SET FORTH IN
14 THE IMPLEMENTING REGULATIONS OF TITLE II AND TITLE III OF THE
15 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
16 12101 ET SEQ.

17 (7) "Sexual orientation" means a ~~person's~~ AN INDIVIDUAL'S
18 orientation toward heterosexuality, homosexuality, bisexuality, or
19 transgender status or another ~~person's~~ INDIVIDUAL'S perception thereof.

20 (8) "TRAINER OF A SERVICE ANIMAL" MEANS A PERSON WHO
21 INDIVIDUALLY TRAINS A SERVICE ANIMAL.

22 **SECTION 2.** In Colorado Revised Statutes, 24-34-401, amend
23 the introductory portion; and repeal (7.5) as follows:

24 **24-34-401. Definitions.** As used in this part 4, unless OTHERWISE
25 DEFINED IN SECTION 24-34-301 OR UNLESS the context otherwise requires:

26 (7.5) "~~Sexual orientation~~" means a ~~person's orientation toward~~
27 heterosexuality, homosexuality, bisexuality, or transgender status or an

1 employer's perception thereof.

2 **SECTION 3.** In Colorado Revised Statutes, 24-34-501, **add** (1.3)
3 as follows:

4 **24-34-501. Definitions.** As used in this part 5, unless the context
5 otherwise requires:

6 (1.3) (a) "DISABILITY" MEANS A PHYSICAL IMPAIRMENT WHICH
7 SUBSTANTIALLY LIMITS ONE OR MORE OF A PERSON'S MAJOR LIFE
8 ACTIVITIES AND INCLUDES A RECORD OF SUCH AN IMPAIRMENT AND BEING
9 REGARDED AS HAVING SUCH AN IMPAIRMENT.

10 (b) (I) ON AND AFTER JULY 1, 1990, AS TO THIS PART 5,
11 "DISABILITY" ALSO INCLUDES A PERSON WHO HAS A MENTAL IMPAIRMENT,
12 BUT THE TERM DOES NOT INCLUDE ANY PERSON CURRENTLY INVOLVED IN
13 THE ILLEGAL USE OF OR ADDICTION TO A CONTROLLED SUBSTANCE.

14 (II) THE TERM "MENTAL IMPAIRMENT" AS USED IN SUBPARAGRAPH
15 (I) OF THIS PARAGRAPH (b) MEANS ANY MENTAL OR PSYCHOLOGICAL
16 DISORDER SUCH AS AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY,
17 ORGANIC BRAIN SYNDROME, MENTAL ILLNESS, OR SPECIFIC LEARNING
18 DISABILITY.

19 **SECTION 4.** In Colorado Revised Statutes, 24-34-502, **add** (1)
20 (k) as follows:

21 **24-34-502. Unfair housing practices prohibited.** (1) It shall be
22 an unfair housing practice and unlawful and hereby prohibited:

23 (k) FOR ANY PERSON TO VIOLATE THE PROVISIONS OF SECTION
24 24-34-502.2.

25 **SECTION 5.** In Colorado Revised Statutes, 24-34-502.2, **amend**
26 (1), (2), and (3) as follows:

27 **24-34-502.2. Unfair or discriminatory housing practices**

1 against individuals with disabilities prohibited. (1) It shall be IS an
2 unfair or discriminatory housing practice and THEREFORE unlawful and
3 hereby prohibited:

4 (a) For any A person to discriminate in the sale or rental of, or to
5 otherwise make unavailable or deny, a dwelling to any buyer or renter
6 because of a disability of the A buyer or renter, or of any person AN
7 INDIVIDUAL who will reside in the dwelling after it is sold, rented, or
8 made available, or of any person INDIVIDUAL associated with such THE
9 buyer or renter;

10 (b) For any A person to discriminate against another person AN
11 INDIVIDUAL in the terms, conditions, or privileges of sale or rental of a
12 dwelling or in the provision of services or facilities in connection with
13 such dwelling because of a disability of that person INDIVIDUAL, of any
14 person INDIVIDUAL residing in or intending to reside in that dwelling after
15 it is so sold, rented, or made available, or of any person INDIVIDUAL
16 associated with that person THE INDIVIDUAL.

17 (2) For purposes of this section, "discrimination" includes BOTH
18 SEGREGATE AND SEPARATE AND INCLUDES, but is not limited to:

19 (a) A refusal to permit, at the expense of the person AN
20 INDIVIDUAL with a disability, reasonable modifications of existing
21 premises occupied or to be occupied by such person THE INDIVIDUAL if
22 such THE modifications are necessary to afford such person THE
23 INDIVIDUAL WITH full enjoyment of the premises; except that, in the case
24 of a rental, the landlord may, where it is reasonable to do so, condition
25 permission for a modification on the renter agreeing to restore the interior
26 of the premises to the condition that existed before the modification,
27 reasonable wear and tear excepted;

1 (b) A refusal to make reasonable accommodations in rules,
2 policies, practices, or services when such accommodations may be
3 necessary to afford ~~such person~~ THE INDIVIDUAL WITH A DISABILITY equal
4 opportunity to use and enjoy a dwelling; and

5 (c) In connection with the design and construction of covered
6 multifamily dwellings for first occupancy after the date that is thirty
7 months after the date of enactment of the federal "Fair Housing
8 Amendments Act of 1988", a failure to design and construct those
9 dwellings in such a manner that the public use and common use portions
10 of ~~such~~ THE dwellings are readily accessible to and usable by persons
11 INDIVIDUALS with disabilities. At least one building entrance ~~shall~~ MUST
12 be on an accessible route unless it is impractical to do so because of the
13 terrain or the unusual characteristics of the site. All doors designed to
14 allow passage into and within all premises within ~~such~~ THE dwellings
15 ~~shall~~ MUST be sufficiently wide to allow passage by persons INDIVIDUALS
16 with disabilities ~~in wheelchairs~~ USING MOBILITY DEVICES, and all premises
17 within ~~such~~ THE dwellings ~~shall~~ MUST contain the following features of
18 adaptive design:

19 (I) Accessible routes into and through the dwellings;

20 (II) Light switches, electrical outlets, thermostats, and other
21 environmental controls in accessible locations;

22 (III) Reinforcements in bathroom walls to allow later installation
23 of grab bars; and

24 (IV) Usable kitchens and bathrooms such that an individual ~~in a~~
25 ~~wheelchair~~ USING A MOBILITY DEVICE can maneuver about the space.

26 (3) Compliance with the appropriate requirements of the
27 American national standard for buildings and facilities providing

1 accessibility and usability for persons INDIVIDUALS with physical
2 disabilities (commonly cited as ANSI A117.1) suffices to satisfy the
3 requirements of paragraph (c) of subsection (2) of this section.

4 **SECTION 6.** In Colorado Revised Statutes, 24-34-508, add (2)
5 as follows:

6 **24-34-508. Relief authorized. (2)** IN ADDITION TO THE RELIEF
7 AUTHORIZED BY THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, AN
8 INDIVIDUAL WITH A DISABILITY WHO HAS SUFFERED AN UNFAIR HOUSING
9 PRACTICE BASED ON HIS OR HER DISABILITY IS ENTITLED TO THE RELIEF SET
10 FORTH IN SECTION 24-34-802.

11 **SECTION 7.** In Colorado Revised Statutes, 24-34-601, amend
12 (2) as follows:

13 **24-34-601. Discrimination in places of public accommodation**
14 **- definition. (2) (a)** It is a discriminatory practice and unlawful for a
15 person, directly or indirectly, to refuse, withhold from, or deny to an
16 individual or a group, because of disability, race, creed, color, sex, sexual
17 orientation, marital status, national origin, or ancestry, the full and equal
18 enjoyment of the goods, services, facilities, privileges, advantages, or
19 accommodations of a place of public accommodation or, directly or
20 indirectly, to publish, circulate, issue, display, post, or mail any written,
21 electronic, or printed communication, notice, or advertisement that
22 indicates that the full and equal enjoyment of the goods, services,
23 facilities, privileges, advantages, or accommodations of a place of public
24 accommodation will be refused, withheld from, or denied an individual
25 or that an individual's patronage or presence at a place of public
26 accommodation is unwelcome, objectionable, unacceptable, or
27 undesirable because of disability, race, creed, color, sex, sexual

1 orientation, marital status, national origin, or ancestry.

2 (b) A CLAIM BROUGHT PURSUANT TO PARAGRAPH (a) OF THIS
3 SUBSECTION (2) THAT IS BASED ON DISABILITY IS COVERED BY THE
4 PROVISIONS OF SECTION 24-34-802.

5 **SECTION 8.** In Colorado Revised Statutes, 24-34-602, amend
6 (1) as follows:

7 **24-34-602. Penalty and civil liability.** (1) (a) Any person who
8 violates section 24-34-601 shall be fined not less than fifty dollars nor
9 more than five hundred dollars for each violation. A person aggrieved by
10 the violation of section 24-34-601 shall bring an action in any court of
11 competent jurisdiction in the county where the violation occurred. Upon
12 finding a violation, the court shall order the defendant to pay the fine to
13 the aggrieved party.

14 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
15 THIS SUBSECTION (1), A PERSON WHO VIOLATES THE PROVISIONS OF
16 SECTION 24-34-601 BASED ON A DISABILITY SHALL BE SUBJECT TO THE
17 PROVISIONS OF SECTION 24-34-802.

18 **SECTION 9.** In Colorado Revised Statutes, amend 24-34-703 as
19 follows:

20 **24-34-703. Places of public accommodation - definition.** A
21 place of public accommodation resort, or amusement, within the meaning
22 of this part 7, shall be deemed to include any inn, tavern, or hotel,
23 whether conducted for the entertainment, housing, or lodging of transient
24 guests or for the benefit, use, or accommodation of those seeking health,
25 recreation, or rest, and any restaurant, eating house, public conveyance on
26 land or water, bathhouse, barber shop, theater, and music hall HAS THE
27 SAME MEANING AS SET FORTH IN SECTION 24-34-301.

1 **SECTION 10. In Colorado Revised Statutes, 24-34-801, repeal**
2 **and reenact, with amendments, (1) as follows:**

3 **24-34-801. Legislative declaration. (1) THE GENERAL ASSEMBLY**
4 **DECLARES THAT IT IS THE POLICY OF THE STATE:**

5 **(a) TO ENCOURAGE AND ENABLE INDIVIDUALS WHO ARE VISUALLY**
6 **OR HEARING IMPAIRED OR INDIVIDUALS WITH A DISABILITY TO**
7 **PARTICIPATE FULLY IN SOCIAL, EMPLOYMENT, AND EDUCATIONAL**
8 **OPPORTUNITIES, AS WELL AS OTHER ACTIVITIES IN OUR STATE ON THE**
9 **SAME TERMS AND CONDITIONS AS INDIVIDUALS WITHOUT A DISABILITY;**

10 **(b) THAT INDIVIDUALS WHO ARE VISUALLY OR HEARING IMPAIRED**
11 **OR INDIVIDUALS WITH A DISABILITY HAVE THE SAME RIGHTS AS**
12 **INDIVIDUALS WITHOUT A DISABILITY TO THE FULL AND FREE USE OF THE**
13 **STREETS, HIGHWAYS, SIDEWALKS, WALKWAYS, PUBLIC BUILDINGS, PUBLIC**
14 **FACILITIES, AND OTHER PUBLIC PLACES;**

15 **(c) THAT INDIVIDUALS WHO ARE VISUALLY OR HEARING IMPAIRED**
16 **OR INDIVIDUALS WITH A DISABILITY ARE ENTITLED TO FULL AND EQUAL**
17 **HOUSING ACCOMMODATIONS, FACILITIES, AND PRIVILEGES OF ALL**
18 **COMMON CARRIERS, AIRPLANES, MOTOR VEHICLES, TRAINS, MOTOR BUSES,**
19 **STREETCARS, BOATS, OR ANY OTHER PUBLIC CONVEYANCES OR MODES OF**
20 **TRANSPORTATION, HOTELS, MOTELS, LODGING PLACES, PLACES OF PUBLIC**
21 **ACCOMMODATION, AMUSEMENT, OR RESORT, AND OTHER PLACES TO**
22 **WHICH THE GENERAL PUBLIC IS INVITED, INCLUDING RESTAURANTS AND**
23 **GROCERY STORES; AND**

24 **(d) THAT INDIVIDUALS WHO ARE VISUALLY OR HEARING IMPAIRED**
25 **OR INDIVIDUALS WITH A DISABILITY MUST NOT BE EXCLUDED, BY REASON**
26 **OF HIS OR HER DISABILITY, FROM PARTICIPATION IN OR BE DENIED THE**
27 **BENEFITS OF THE SERVICES, PROGRAMS, OR ACTIVITIES OF ANY PUBLIC**

1 ENTITY OR BE SUBJECT TO DISCRIMINATION BY ANY PUBLIC ENTITY.

2 **SECTION 11. In Colorado Revised Statutes, repeal and reenact,**
3 **with amendments, 24-34-802 as follows:**

4 **24-34-802. Violations - penalties. (1) IT IS A DISCRIMINATORY**
5 **PRACTICE AND UNLAWFUL FOR ANY PERSON TO DISCRIMINATE AGAINST**
6 **ANY INDIVIDUAL OR GROUP BECAUSE SUCH PERSON OR GROUP HAS**
7 **OPPOSED ANY PRACTICE MADE A DISCRIMINATORY PRACTICE BASED ON**
8 **DISABILITY PURSUANT TO PART 5, 6, OR 8 OF THIS ARTICLE, OR BECAUSE**
9 **SUCH PERSON OR GROUP HAS MADE A CHARGE, TESTIFIED, ASSISTED, OR**
10 **PARTICIPATED IN ANY MANNER IN AN INVESTIGATION, PROCEEDING, OR**
11 **HEARING CONDUCTED PURSUANT TO PART 5, 6, OR 8 OF THIS ARTICLE.**

12 **(2) (a) A QUALIFIED INDIVIDUAL WITH A DISABILITY, AS DEFINED**
13 **IN SECTION 24-34-301 (5.6), WHO IS SUBJECT TO A VIOLATION OF**
14 **SUBSECTION (1) OF THIS SECTION OR OF SECTION 24-34-502, 24-34-502.2,**
15 **24-34-601, OR 24-34-803 BASED ON HIS OR HER DISABILITY MAY BRING A**
16 **CIVIL SUIT IN A COURT OF COMPETENT JURISDICTION AND IS ENTITLED TO**
17 **ANY OF THE FOLLOWING REMEDIES:**

18 **(I) A COURT ORDER REQUIRING COMPLIANCE WITH THE PROVISIONS**
19 **OF THE APPLICABLE SECTION;**

20 **(II) THE RECOVERY OF ACTUAL MONETARY DAMAGES; OR**

21 **(III) A STATUTORY FINE NOT TO EXCEED THREE THOUSAND FIVE**
22 **HUNDRED DOLLARS.**

23 **(b) FOR A CLAIM BROUGHT PURSUANT TO PARAGRAPH (a) OF THIS**
24 **SUBSECTION FOR A CONSTRUCTION-RELATED ACCESSIBILITY VIOLATION,**
25 **THE VIOLATION MUST BE CONSIDERED A SINGLE INCIDENT AND NOT AS**
26 **SEPARATE VIOLATIONS FOR EACH DAY THE CONSTRUCTION-RELATED**
27 **ACCESSIBILITY VIOLATION EXISTS.**

1 (c) (I) A SMALL BUSINESS DEFENDANT IS ENTITLED TO A FIFTY
2 PERCENT REDUCTION IN A STATUTORY FINE ASSESSED PURSUANT TO
3 SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (2) IF IT
4 CORRECTS THE ACCESSIBILITY VIOLATION WITHIN THIRTY DAYS AFTER THE
5 FILING OF THE COMPLAINT. THE FIFTY PERCENT REDUCTION IN A
6 STATUTORY FINE DOES NOT APPLY, HOWEVER, IF THE DEFENDANT
7 KNOWINGLY OR INTENTIONALLY MADE OR CAUSED TO HAVE MADE THE
8 ACCESS BARRIER THAT CAUSED THE ACCESSIBILITY VIOLATION.

9 (II) FOR PURPOSES OF THIS PARAGRAPH (c), "SMALL BUSINESS"
10 MEANS AN EMPLOYER WITH TWENTY-FIVE OR FEWER EMPLOYEES AND NO
11 MORE THAN THREE MILLION FIVE HUNDRED THOUSAND DOLLARS IN
12 ANNUAL GROSS INCOME.

13 (III) NOTHING IN THIS PARAGRAPH (c) MAY BE INTERPRETED TO
14 RESULT IN A REDUCTION IN ACTUAL MONETARY DAMAGES AWARDED
15 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION
16 (2).

17 (3) AN AWARD OF ATTORNEY FEES AND COSTS PURSUANT TO
18 SECTION 24-34-505.6 (6) (b) APPLIES TO CLAIMS BROUGHT PURSUANT TO
19 THIS SECTION.

20 (4) A COURT THAT HEARS CIVIL SUITS PURSUANT TO THIS SECTION
21 SHALL APPLY THE SAME STANDARDS AND DEFENSES THAT ARE AVAILABLE
22 UNDER THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42
23 U.S.C. SEC. 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND
24 IMPLEMENTING REGULATIONS.

25 **SECTION 12. In Colorado Revised Statutes, repeal and reenact,**
26 **with amendments, 24-34-803 as follows:**

27 **24-34-803. Rights of individuals with service animals. (1) A**

1 QUALIFIED INDIVIDUAL WITH A DISABILITY HAS THE RIGHT TO BE
2 ACCOMPANIED BY A SERVICE ANIMAL INDIVIDUALLY TRAINED FOR THAT
3 INDIVIDUAL WITHOUT BEING REQUIRED TO PAY AN EXTRA CHARGE FOR THE
4 SERVICE ANIMAL IN OR ON THE FOLLOWING PLACES OR DURING THE
5 FOLLOWING ACTIVITIES AND SUBJECT TO THE CONDITIONS AND
6 LIMITATIONS ESTABLISHED BY LAW AND APPLICABLE ALIKE TO ALL
7 INDIVIDUALS:

8 (a) ANY PLACE OF EMPLOYMENT, HOUSING, OR PUBLIC
9 ACCOMMODATION;

10 (b) ANY PROGRAMS, SERVICES, OR ACTIVITIES CONDUCTED BY A
11 PUBLIC ENTITY;

12 (c) ANY PUBLIC TRANSPORTATION SERVICE; OR

13 (d) ANY OTHER PLACE OPEN TO THE PUBLIC.

14 (2) A TRAINER OF A SERVICE ANIMAL, OR AN INDIVIDUAL WITH A
15 DISABILITY ACCOMPANIED BY AN ANIMAL THAT IS BEING TRAINED TO BE
16 A SERVICE ANIMAL, HAS THE RIGHT TO BE ACCOMPANIED BY THE SERVICE
17 ANIMAL IN TRAINING WITHOUT BEING REQUIRED TO PAY AN EXTRA
18 CHARGE FOR THE SERVICE ANIMAL IN TRAINING IN OR ON THE FOLLOWING
19 PLACES OR DURING THE FOLLOWING ACTIVITIES:

20 (a) ANY PLACE OF EMPLOYMENT, HOUSING, OR PUBLIC
21 ACCOMMODATION;

22 (b) ANY PROGRAMS, SERVICES, OR ACTIVITIES CONDUCTED BY A
23 PUBLIC ENTITY;

24 (c) ANY PUBLIC TRANSPORTATION SERVICE; OR

25 (d) ANY OTHER PLACE OPEN TO THE PUBLIC.

26 (3) (a) AN EMPLOYER SHALL ALLOW AN EMPLOYEE WITH A
27 DISABILITY WHO IS ACCOMPANIED BY A SERVICE ANIMAL TO KEEP THE

1 EMPLOYEE'S SERVICE ANIMAL WITH THE EMPLOYEE AT ALL TIMES IN THE
2 PLACE OF EMPLOYMENT. AN EMPLOYER SHALL NOT FAIL OR REFUSE TO
3 HIRE OR DISCHARGE ANY INDIVIDUAL WITH A DISABILITY, OR OTHERWISE
4 DISCRIMINATE AGAINST ANY INDIVIDUAL WITH A DISABILITY, WITH
5 RESPECT TO COMPENSATION, TERMS, CONDITIONS, OR PRIVILEGES OF
6 EMPLOYMENT BECAUSE THAT INDIVIDUAL WITH A DISABILITY IS
7 ACCOMPANIED BY A SERVICE ANIMAL INDIVIDUALLY TRAINED FOR THAT
8 INDIVIDUAL.

9 (b) AN EMPLOYER SHALL MAKE REASONABLE ACCOMMODATION TO
10 MAKE THE WORKPLACE ACCESSIBLE FOR AN OTHERWISE QUALIFIED
11 INDIVIDUAL WITH A DISABILITY WHO IS AN APPLICANT OR EMPLOYEE AND
12 WHO IS ACCOMPANIED BY A SERVICE ANIMAL INDIVIDUALLY TRAINED FOR
13 THAT INDIVIDUAL UNLESS THE EMPLOYER CAN SHOW THAT THE
14 ACCOMMODATION WOULD IMPOSE AN UNDUE HARDSHIP ON THE
15 EMPLOYER'S BUSINESS. FOR PURPOSES OF THIS PARAGRAPH (b), "UNDUE
16 HARDSHIP" AND "REASONABLE ACCOMMODATION" HAVE THE SAME
17 MEANING AS SET FORTH IN TITLE I OF THE FEDERAL "AMERICANS WITH
18 DISABILITIES ACT OF 1990", 42 U.S.C. SEC 12101 ET SEQ., AND ITS
19 RELATED AMENDMENTS AND IMPLEMENTING REGULATIONS.

20 (4) THE OWNER OR INDIVIDUAL WITH A DISABILITY WHO HAS
21 CONTROL OR CUSTODY OF A SERVICE ANIMAL OR THE TRAINER OF A
22 SERVICE ANIMAL IS LIABLE FOR ANY DAMAGE TO PERSONS, PREMISES, OR
23 FACILITIES, INCLUDING PLACES OF HOUSING, PLACES OF PUBLIC
24 ACCOMMODATION, AND PLACES OF EMPLOYMENT, CAUSED BY THAT
25 INDIVIDUAL'S SERVICE ANIMAL OR SERVICE ANIMAL IN TRAINING. THE
26 INDIVIDUAL WHO HAS CONTROL OR CUSTODY OF A SERVICE ANIMAL OR A
27 SERVICE ANIMAL IN TRAINING IS SUBJECT TO THE PROVISIONS OF SECTION

1 18-9-204.5, C.R.S.

2 (5) AN INDIVIDUAL WITH A DISABILITY WHO OWNS A SERVICE
3 ANIMAL IS EXEMPT FROM ANY STATE OR LOCAL LICENSING FEES OR
4 CHARGES THAT MIGHT OTHERWISE APPLY IN CONNECTION WITH OWNING
5 A SIMILAR ANIMAL.

6 (6) THE MERE PRESENCE OF A SERVICE ANIMAL IN A PLACE OF
7 PUBLIC ACCOMMODATION IS NOT GROUNDS FOR ANY VIOLATION OF A
8 SANITARY STANDARD, RULE, OR REGULATION PROMULGATED PURSUANT
9 TO SECTION 25-4-1604, C.R.S.

10 **SECTION 13.** In Colorado Revised Statutes, 24-34-804, amend
11 (1) and (3) (a); and add (3) (c) as follows:

12 **24-34-804. Service animals - violations - penalties.** (1) It is
13 unlawful for any person, firm, corporation, or agent of any person, firm,
14 or corporation to:

15 (a) Withhold, deny, deprive, or attempt to withhold, deny, or
16 deprive ~~any person~~ A QUALIFIED INDIVIDUAL with a disability WHO IS
17 ACCOMPANIED BY A SERVICE ANIMAL or A trainer OF A SERVICE ANIMAL
18 of any of the rights or privileges secured in section 24-34-803;

19 (b) Threaten to interfere with any of the rights of ~~persons with~~
20 ~~disabilities or trainers~~ A QUALIFIED INDIVIDUAL WITH A DISABILITY WHO
21 IS ACCOMPANIED BY A SERVICE ANIMAL OR A TRAINER OF A SERVICE
22 ANIMAL secured in section 24-34-803;

23 (c) Punish or attempt to punish ~~any person~~ A QUALIFIED
24 INDIVIDUAL with a disability WHO IS ACCOMPANIED BY A SERVICE ANIMAL
25 or A trainer OF A SERVICE ANIMAL for exercising or attempting to exercise
26 any right or privilege secured by section 24-34-803; or

27 (d) Interfere with, injure, or harm, or cause another dog to

1 interfere with, injure, or harm, ~~an assistance dog~~ A SERVICE ANIMAL.

2 (3) (a) Any EXCEPT AS PROVIDED FOR IN SUBPARAGRAPHS (I) AND
3 (II) OF THIS PARAGRAPH (a), A person who violates any provision of
4 subsection (1) of this section shall be IS liable to the person QUALIFIED
5 INDIVIDUAL with a disability WHO IS ACCOMPANIED BY A SERVICE ANIMAL
6 or A trainer OF A SERVICE ANIMAL whose rights were affected for actual
7 damages for economic loss, to be recovered in a civil action in a court in
8 the county where the infringement of rights occurred or where the
9 defendant resides. THE PENALTIES PROVIDED IN SECTION 24-34-802.

10 (I) A PERSON WHO WILLFULLY OR WANTONLY CAUSES HARM TO A
11 SERVICE ANIMAL OR A SERVICE ANIMAL IN TRAINING IS LIABLE TO THE
12 LEGAL OWNER OF THE SERVICE ANIMAL OR SERVICE ANIMAL IN TRAINING
13 FOR TREBLE THE AMOUNT OF ACTUAL DAMAGES.

14 (II) THE LEGAL OWNER OF AN ANIMAL THAT IS WILLFULLY OR
15 WANTONLY ALLOWED TO CAUSE HARM TO A SERVICE ANIMAL OR A
16 SERVICE ANIMAL IN TRAINING IS LIABLE TO THE LEGAL OWNER OF THE
17 SERVICE ANIMAL OR SERVICE ANIMAL IN TRAINING FOR TREBLE THE
18 AMOUNT OF ACTUAL DAMAGES.

19 (c) AN ANIMAL CARE OR CONTROL AGENCY IS EXEMPT FROM THE
20 PROVISIONS OF THIS SUBSECTION (3) IF, AFTER A GOOD FAITH EFFORT, THE
21 AGENCY IS UNAWARE THAT THE ANIMAL IS A SERVICE ANIMAL.

22 **SECTION 14.** In Colorado Revised Statutes, 18-13-107, amend
23 (1) and (3) as follows:

24 **18-13-107. Interference with persons with disabilities.** (1) No
25 person, except one wholly or partially blind, or wholly or partially deaf,
26 or both wholly or partially blind and wholly or partially deaf, shall carry,
27 hold, or use upon any street, highway, sidewalk, or any other public place

1 a cane or walking stick which is white or white tipped with red or metallic
2 in color or a leash blaze orange in color on any dog accompanying such
3 person A PERSON SHALL NOT FALSELY IMPERSONATE AN INDIVIDUAL WITH
4 A DISABILITY, AS THAT TERM IS DEFINED IN SECTION 24-34-301 (5.6),
5 C.R.S.

6 (3) No person shall beat, harass, intimidate, entice, distract, or
7 otherwise interfere with any dog on a blaze orange leash or accompanying
8 a person carrying a white or white tipped with red or metallic colored
9 cane or walking stick or any assistance dog, as defined in section
10 24-34-803 (7), C.R.S., accompanying a person when that dog is being
11 controlled by or wearing a harness normally used for dogs accompanying
12 or leading persons with disabilities A PERSON SHALL NOT KNOWINGLY
13 DENY AN INDIVIDUAL WITH A DISABILITY, AS DEFINED IN SECTION
14 24-34-301 (5.6), C.R.S., ANY RIGHT OR PRIVILEGE PROTECTED IN SECTION
15 24-34-502, 24-34-502.2, 24-34-601, 24-34-802 (1), OR 24-34-803, C.R.S.

16 **SECTION 15.** In Colorado Revised Statutes, 10-16-413.5,
17 **amend** (1) (b), (1) (d), and (1) (e) as follows:

18 **10-16-413.5. Return to home - legislative declaration.** (1) The
19 general assembly hereby finds that:

20 (b) Elderly INDIVIDUALS and ~~disabled persons~~ INDIVIDUALS WITH
21 DISABILITIES select particular facilities because of proximity to family and
22 friends, religious affiliation, reputation in the community, or the security
23 offered in a particular setting;

24 (d) Requiring an elderly INDIVIDUAL or ~~disabled person~~ AN
25 INDIVIDUAL WITH A DISABILITY to move into an unfamiliar environment
26 can be traumatic and have an adverse effect on the person's psychological,
27 social, and physical well-being;

1 (e) ~~Elderly and disabled persons~~ INDIVIDUALS AND INDIVIDUALS
2 WITH DISABILITIES who require hospitalization need to be able to "return
3 to home" without interference from health care coverage providers, if the
4 facility is able to provide the needed services and is willing to accept
5 payment on the same terms as a network provider.

6 **SECTION 16. In Colorado Revised Statutes, 12-9-107, amend**
7 **(27) as follows:**

8 **12-9-107. Persons permitted to conduct games of chance -**
9 **premises - equipment - expenses - rules. (27) ~~No~~ AN operator shall NOT**
10 **reserve or allow to be reserved any bingo cards for use by players except**
11 **braille cards or other cards for use by legally blind players. A PERSON**
12 **WHO IS legally blind ~~players~~ may use their HIS OR HER personal braille**
13 **cards when a licensed organization does not provide such cards. A**
14 **licensed organization has the right to inspect and to reject any personal**
15 **braille card. A PERSON WHO IS legally blind or ~~disabled person~~ AN**
16 **INDIVIDUAL WITH A DISABILITY may use a braille card or hard card in**
17 **place of a purchased disposable paper bingo card.**

18 **SECTION 17. In Colorado Revised Statutes, 13-71-105, amend**
19 **(2) (d) as follows:**

20 **13-71-105. Qualifications for juror service. (2) A prospective**
21 **trial or grand juror shall be disqualified, based on the following grounds:**

22 **(d) Sole responsibility for the daily care of a ~~permanently disabled~~**
23 **~~person~~ AN INDIVIDUAL WITH A PERMANENT DISABILITY living in the same**
24 **household to the extent that the performance of juror service would cause**
25 **a substantial risk of injury to the health of the ~~disabled person~~ INDIVIDUAL**
26 **WITH A DISABILITY. Jurors who are regularly employed at a location other**
27 **than their households may not be disqualified for this reason. Any person**

1 claiming this disqualification shall, if the jury commissioner requests it,
2 submit a letter from a licensed physician, licensed advanced practice
3 nurse, or authorized Christian science practitioner stating the name,
4 address, and age of the ~~disabled person~~ INDIVIDUAL WITH A DISABILITY,
5 the nature of care provided by the prospective juror, and an opinion that
6 the performance of juror service would cause a substantial risk of injury
7 to the ~~disabled person~~ INDIVIDUAL WITH A DISABILITY.

8 **SECTION 18.** In Colorado Revised Statutes, **amend 15-16-307**
9 as follows:

10 **15-16-307. Limitations on proceedings against trustees after**
11 **final account.** Unless previously barred by adjudication, consent, or
12 limitation, any claim against a trustee for breach of trust is barred as to
13 any beneficiary who has received a final account or other statement fully
14 disclosing the matter and showing termination of the trust relationship
15 between the trustee and the beneficiary unless a proceeding to assert the
16 claim is commenced within six months after receipt of the final account
17 or statement. In any event and notwithstanding lack of full disclosure, an
18 action for breach of trust against a trustee who has issued a final account
19 or statement received by the beneficiary and has informed the beneficiary
20 of the location and availability of records for his OR HER examination
21 shall MUST be brought within the time period prescribed in section
22 13-80-101, C.R.S. A beneficiary is deemed to have received a final
23 account or statement if, being an adult, it is received by him OR HER
24 personally or if, being a minor or ~~disabled person~~ AN INDIVIDUAL WITH A
25 DISABILITY, it is received by his OR HER representative as described in
26 section 15-10-403.

27 **SECTION 19.** In Colorado Revised Statutes, 23-71-122, **amend**

1 (1) introductory portion and (1) (s) as follows:

2 **23-71-122. Junior college board of trustees - specific powers**
3 **- rules - definitions.** (1) In addition to any other power granted by law
4 to a board of trustees of a junior college district, each board shall have
5 HAS the power to:

6 (s) Cooperate with the state board for community colleges and
7 occupational education in carrying out the provisions of the national and
8 state vocational education and rehabilitation acts, or amendments thereto,
9 or any such acts providing for vocational education or vocational
10 rehabilitation of ~~physically disabled persons~~ INDIVIDUALS WITH
11 DISABILITIES;

12 **SECTION 20.** In Colorado Revised Statutes, 25.5-5-202, amend
13 (1) (c) (I) and (1) (c) (II) as follows:

14 **25.5-5-202. Basic services for the categorically needy - optional**
15 **services - repeal.** (1) Subject to the provisions of subsection (2) of this
16 section, the following are services for which federal financial
17 participation is available and which Colorado has selected to provide as
18 optional services under the medical assistance program:

19 (c) Home- and community-based services, as specified in article
20 6 of this title, which include:

21 (I) Home- and community-based services for INDIVIDUALS WHO
22 ARE elderly OR blind and ~~disabled persons~~ INDIVIDUALS WITH
23 DISABILITIES, as specified in part 3 of article 6 of this title;

24 (II) Home- and community-based services for ~~developmentally~~
25 ~~disabled~~ persons WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES,
26 as specified in part 4 of article 6 of this title;

27 **SECTION 21.** In Colorado Revised Statutes, amend 31-10-1514

1 as follows:

2 **31-10-1514. Revealing how elector voted.** Any election official,
3 watcher, or person who assists a disabled person AN INDIVIDUAL WITH A
4 DISABILITY in voting AND who reveals how a voter has THE INDIVIDUAL
5 WITH A DISABILITY voted commits a misdemeanor and, upon conviction
6 thereof, shall be punished as provided in section 31-10-1504.

7 **SECTION 22.** In Colorado Revised Statutes, 31-30.5-702,
8 **amend** (1) as follows:

9 **31-30.5-702. Police officers' old hire pension plans -**
10 **municipalities under one hundred thousand in population.** (1) If any
11 AN old hire member of any police department in a municipality having a
12 population of less than one hundred thousand, while in the performance
13 of the member's duty or by reason of service in such department, becomes
14 physically or mentally disabled and such disability is deemed to be of a
15 temporary nature, said THE board of trustees shall retire such disabled
16 person THE INDIVIDUAL WITH A DISABILITY and shall authorize the
17 payment to such person INDIVIDUAL, monthly, of an amount from the
18 pension fund equal to the monthly compensation paid any such member
19 as salary at the date of such disability, not to exceed a period of one year.
20 For the purpose of determining the physical or mental disability of any
21 such member, the board of trustees may personally examine the member
22 or may appoint one or more physicians or surgeons to make an
23 examination of the member and report their findings to the board, which
24 report may be taken into consideration in determining whether said THE
25 member is physically or mentally disabled HAS A PHYSICAL OR MENTAL
26 DISABILITY.

27 **SECTION 23.** In Colorado Revised Statutes, 33-14.5-101,

1 amend (3) (e) as follows:

2 **33-14.5-101. Definitions.** As used in this article, unless the
3 context otherwise requires:

4 (3) "Off-highway vehicle" means any self-propelled vehicle which
5 is designed to travel on wheels or tracks in contact with the ground, which
6 is designed primarily for use off of the public highways, and which is
7 generally and commonly used to transport persons for recreational
8 purposes. "Off-highway vehicle" does not include the following:

9 (e) ~~Vehicles designed and used to carry disabled persons~~
10 INDIVIDUALS WITH DISABILITIES;

11 **SECTION 24.** In Colorado Revised Statutes, 39-3-112, **amend**
12 (1) (a.5) as follows:

13 **39-3-112. Definitions - residential property - orphanage -**
14 **low-income elderly or individuals with disabilities - homeless or**
15 **abused - low-income households - charitable purposes - exemption -**
16 **limitations.** (1) As used in this section, unless the context otherwise
17 requires:

18 (a.5) "Elderly or disabled low-income residential facility" means
19 a facility, a portion of which is operated as a residential facility for elderly
20 INDIVIDUALS or ~~disabled persons~~ INDIVIDUALS WITH DISABILITIES who
21 meet the requirements of sub-subparagraph (A) of subparagraph (II) of
22 paragraph (a) of subsection (3) of this section, which portion houses only
23 such persons, exclusive of necessary housing facilities for resident
24 managerial personnel, and the rest of which is operated as a health care
25 facility which is licensed by the state of Colorado.

26 **SECTION 25.** In Colorado Revised Statutes, **amend** 40-9-109 as
27 follows:

1 **40-9-109. Transportation of service animals accompanying**
2 **individuals with disabilities.** ~~When a totally or partially blind, totally or~~
3 ~~partially deaf, or physically disabled person~~ AN INDIVIDUAL WITH A
4 DISABILITY is accompanied by a dog which serves as an assistance dog A
5 SERVICE ANIMAL or which is being trained by a qualified trainer as an
6 assistance dog AS A SERVICE ANIMAL, as defined in section 24-34-803 (7)
7 24-34-301, C.R.S., for such disabled person INDIVIDUAL WITH A
8 DISABILITY, neither the disabled person nor the dog INDIVIDUAL WITH A
9 DISABILITY NOR THE SERVICE ANIMAL shall be denied the facilities of any
10 common carrier, nor shall such disabled person THE INDIVIDUAL WITH A
11 DISABILITY be denied the immediate custody of the dog SERVICE ANIMAL
12 while riding upon a common carrier. The provisions of this section shall
13 also apply to any qualified A trainer who is training a dog OF A SERVICE
14 ANIMAL, AS DEFINED IN SECTION 24-34-301, C.R.S., for use by a totally or
15 partially blind, totally or partially deaf, or physically disabled person
16 QUALIFIED INDIVIDUAL WITH A DISABILITY, unless the dog SERVICE
17 ANIMAL presents an imminent danger to the public health or safety. Such
18 disabled person or any qualified trainer who is training a dog for use by
19 a disabled person THE INDIVIDUAL WITH A DISABILITY OR THE TRAINER OF
20 THE SERVICE ANIMAL shall be liable for any damage done to the premises
21 or facilities of the common carrier by such dog. Any dog THE SERVICE
22 ANIMAL. AN ANIMAL being INDIVIDUALLY trained for the purpose of
23 aiding a disabled person AN INDIVIDUAL WITH A DISABILITY shall be
24 visibly and prominently identified as an assistance dog A SERVICE ANIMAL
25 in training.

26 **SECTION 26.** In Colorado Revised Statutes, 42-4-808, amend
27 (1) as follows:

1 42-4-808. Drivers and pedestrians, other than persons in
2 wheelchairs, to yield to individuals with disabilities. (1) Any
3 pedestrian, other than a person in a wheelchair, or any driver of a vehicle
4 who approaches a person AN INDIVIDUAL who has an obviously apparent
5 disability of blindness, deafness, or mobility impairment shall
6 immediately come to a full stop and take such precautions before
7 proceeding as are necessary to avoid an accident or injury to said person
8 INDIVIDUAL. A disability shall be deemed to be obviously apparent if, by
9 way of example and without limitation, the person INDIVIDUAL is using
10 a cane or crutches MOBILITY DEVICE, is assisted by an assistance dog A
11 SERVICE ANIMAL, as defined in section 24-34-803 (7) 24-34-301, C.R.S.,
12 is being assisted by another person, is in a wheelchair, or is walking with
13 an obvious physical impairment. Any person who violates any provision
14 of this section commits a class A traffic offense.

15 SECTION 27. Act subject to petition - effective date. This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part will not take effect
22 unless approved by the people at the general election to be held in
23 November 2014 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.