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SENATE BILL 14-118

BY SENATOR(S) Steadman, Aguilar, Guzman, Heath, Hodge, Jones, Kefalas, Kerr, Newell, Nicholson, Schwartz, Tochtrop, Todd, Ulibarri, Zenzinger, Carroll;

also REPRESENTATIVE(S) Melton, Becker, Duran, Exum, Fields, Fischer, Foote, Garcia, Gerou, Ginal, Hamner, Hullinghorst, Kraft-Tharp, Labuda, Landgraf, Lebsock, Lee, May, McCann, McLachlan, Mitsch Bush, Moreno, Murray, Pabon, Peniston, Pettersen, Primavera, Rosenthal, Ryden, Salazar, Schafer, Singer, Stephens, Tyler, Vigil, Williams, Young, Ferrandino.

CONCERNING IMPROVING PROTECTIONS FOR INDIVIDUALS WITH  
DISABILITIES.

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

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

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

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

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

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

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

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

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

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

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

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

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

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

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

(4.1) "HOUSING" MEANS A BUILDING, STRUCTURE, VACANT LAND,

OR PART THEREOF OFFERED FOR SALE, LEASE, RENT, OR TRANSFER OF OWNERSHIP; EXCEPT THAT "HOUSING" DOES NOT INCLUDE ANY ROOM OFFERED FOR RENT OR LEASE IN A SINGLE-FAMILY DWELLING MAINTAINED AND OCCUPIED IN PART BY THE OWNER OR LESSEE OF SAID DWELLING AS HIS OR HER HOUSEHOLD.

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

(4.5) "Marital status" means a relationship or a spousal status of a ~~person~~ AN INDIVIDUAL, including but not limited to being single, cohabitating, engaged, widowed, married, in a civil union, or legally separated, or a relationship or a spousal status of a ~~person~~ AN INDIVIDUAL who has had or is in the process of having a marriage or civil union dissolved or declared invalid.

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

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

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

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

(5.5) "PUBLIC TRANSPORTATION SERVICE" MEANS A COMMON CARRIER OF PASSENGERS OR ANY OTHER MEANS OF PUBLIC CONVEYANCE OR MODES OF TRANSPORTATION, INCLUDING BUT NOT LIMITED TO AIRPLANES, MOTOR VEHICLES, RAILROAD TRAINS, MOTOR BUSES, STREETCARS, BOATS, OR TAXIS.

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

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

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

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

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

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

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

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

~~employer's perception thereof.~~

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

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

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

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

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

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

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

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

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

**24-34-502.2. Unfair or discriminatory housing practices against individuals with disabilities prohibited.** (1) It ~~shall be~~ IS an unfair or discriminatory housing practice and THEREFORE unlawful and ~~hereby~~ prohibited:

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

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

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

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

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

(c) In connection with the design and construction of covered multifamily dwellings for first occupancy after the date that is thirty months after the date of enactment of the federal "Fair Housing Amendments Act of 1988", a failure to design and construct those dwellings in such a manner that the public use and common use portions of ~~such~~ THE dwellings are readily accessible to and usable by ~~persons~~ INDIVIDUALS with disabilities. At least one building entrance ~~shall~~ MUST be on an accessible route unless it is impractical to do so because of the terrain or the unusual

characteristics of the site. All doors designed to allow passage into and within all premises within ~~such~~ THE dwellings ~~shall~~ MUST be sufficiently wide to allow passage by ~~persons~~ INDIVIDUALS with disabilities ~~in wheelchairs~~ USING MOBILITY DEVICES, and all premises within ~~such~~ THE dwellings ~~shall~~ MUST contain the following features of adaptive design:

(I) Accessible routes into and through the dwellings;

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

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

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

(3) Compliance with the appropriate requirements of the American national standard for buildings and facilities providing accessibility and usability for ~~persons~~ INDIVIDUALS with physical disabilities (commonly cited as ANSI A117.1) suffices to satisfy the requirements of paragraph (c) of subsection (2) of this section.

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

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

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

**24-34-601. Discrimination in places of public accommodation - definition.** (2) (a) It is a discriminatory practice and unlawful for a person, directly or indirectly, to refuse, withhold from, or deny to an individual or a group, because of disability, race, creed, color, sex, sexual orientation, marital status, national origin, or ancestry, the full and equal

enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or, directly or indirectly, to publish, circulate, issue, display, post, or mail any written, electronic, or printed communication, notice, or advertisement that indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation will be refused, withheld from, or denied an individual or that an individual's patronage or presence at a place of public accommodation is unwelcome, objectionable, unacceptable, or undesirable because of disability, race, creed, color, sex, sexual orientation, marital status, national origin, or ancestry.

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

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

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

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

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

**24-34-703. Places of public accommodation - definition.** A place of public accommodation ~~resort, or amusement, within the meaning of this part 7, shall be deemed to include any inn, tavern, or hotel, whether conducted for the entertainment, housing, or lodging of transient guests or for the benefit, use, or accommodation of those seeking health, recreation,~~



~~or rest, and any restaurant, eating house, public conveyance on land or water, bathhouse, barber shop, theater, and music hall~~ HAS THE SAME MEANING AS SET FORTH IN SECTION 24-34-301.

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

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

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

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

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

(d) THAT INDIVIDUALS WHO ARE VISUALLY OR HEARING IMPAIRED OR INDIVIDUALS WITH A DISABILITY MUST NOT BE EXCLUDED, BY REASON OF HIS OR HER DISABILITY, FROM PARTICIPATION IN OR BE DENIED THE BENEFITS OF THE SERVICES, PROGRAMS, OR ACTIVITIES OF ANY PUBLIC ENTITY OR BE SUBJECT TO DISCRIMINATION BY ANY PUBLIC ENTITY.

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

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

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

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

(II) THE RECOVERY OF ACTUAL MONETARY DAMAGES; OR

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

(b) FOR A CLAIM BROUGHT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) FOR A CONSTRUCTION-RELATED ACCESSIBILITY VIOLATION, THE VIOLATION MUST BE CONSIDERED A SINGLE INCIDENT AND NOT AS SEPARATE VIOLATIONS FOR EACH DAY THE CONSTRUCTION-RELATED ACCESSIBILITY VIOLATION EXISTS.

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

(II) FOR PURPOSES OF THIS PARAGRAPH (c), "SMALL BUSINESS"

MEANS AN EMPLOYER WITH TWENTY-FIVE OR FEWER EMPLOYEES AND NO MORE THAN THREE MILLION FIVE HUNDRED THOUSAND DOLLARS IN ANNUAL GROSS INCOME.

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

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

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

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

**24-34-803. Rights of individuals with service animals.** (1) A QUALIFIED INDIVIDUAL WITH A DISABILITY HAS THE RIGHT TO BE ACCOMPANIED BY A SERVICE ANIMAL INDIVIDUALLY TRAINED FOR THAT INDIVIDUAL WITHOUT BEING REQUIRED TO PAY AN EXTRA CHARGE FOR THE SERVICE ANIMAL IN OR ON THE FOLLOWING PLACES OR DURING THE FOLLOWING ACTIVITIES AND SUBJECT TO THE CONDITIONS AND LIMITATIONS ESTABLISHED BY LAW AND APPLICABLE ALIKE TO ALL INDIVIDUALS:

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

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

(c) ANY PUBLIC TRANSPORTATION SERVICE; OR

(d) ANY OTHER PLACE OPEN TO THE PUBLIC.

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

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

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

(c) ANY PUBLIC TRANSPORTATION SERVICE; OR

(d) ANY OTHER PLACE OPEN TO THE PUBLIC.

(3) (a) AN EMPLOYER SHALL ALLOW AN EMPLOYEE WITH A DISABILITY WHO IS ACCOMPANIED BY A SERVICE ANIMAL TO KEEP THE EMPLOYEE'S SERVICE ANIMAL WITH THE EMPLOYEE AT ALL TIMES IN THE PLACE OF EMPLOYMENT. AN EMPLOYER SHALL NOT FAIL OR REFUSE TO HIRE OR DISCHARGE ANY INDIVIDUAL WITH A DISABILITY, OR OTHERWISE DISCRIMINATE AGAINST ANY INDIVIDUAL WITH A DISABILITY, WITH RESPECT TO COMPENSATION, TERMS, CONDITIONS, OR PRIVILEGES OF EMPLOYMENT BECAUSE THAT INDIVIDUAL WITH A DISABILITY IS ACCOMPANIED BY A SERVICE ANIMAL INDIVIDUALLY TRAINED FOR THAT INDIVIDUAL.

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

(4) THE OWNER OR INDIVIDUAL WITH A DISABILITY WHO HAS

CONTROL OR CUSTODY OF A SERVICE ANIMAL OR THE TRAINER OF A SERVICE ANIMAL IS LIABLE FOR ANY DAMAGE TO PERSONS, PREMISES, OR FACILITIES, INCLUDING PLACES OF HOUSING, PLACES OF PUBLIC ACCOMMODATION, AND PLACES OF EMPLOYMENT, CAUSED BY THAT INDIVIDUAL'S SERVICE ANIMAL OR SERVICE ANIMAL IN TRAINING. THE INDIVIDUAL WHO HAS CONTROL OR CUSTODY OF A SERVICE ANIMAL OR A SERVICE ANIMAL IN TRAINING IS SUBJECT TO THE PROVISIONS OF SECTION 18-9-204.5, C.R.S.

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

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

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

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

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

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

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

(d) Interfere with, injure, or harm, or cause another dog to interfere with, injure, or harm, ~~an assistance dog~~ A SERVICE ANIMAL.

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

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

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

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

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

**18-13-107. Interference with persons with disabilities.** (1) ~~No person, except one wholly or partially blind, or wholly or partially deaf, or both wholly or partially blind and wholly or partially deaf, shall carry, hold, or use upon any street, highway, sidewalk, or any other public place a cane or walking stick which is white or white tipped with red or metallic in color or a leash blaze orange in color on any dog accompanying such person~~ A PERSON SHALL NOT FALSELY IMPERSONATE AN INDIVIDUAL WITH A DISABILITY, AS THAT TERM IS DEFINED IN SECTION 24-34-301 (5.6), C.R.S.

(3) ~~No person shall beat, harass, intimidate, entice, distract, or~~

~~otherwise interfere with any dog on a blaze orange leash or accompanying a person carrying a white or white tipped with red or metallic colored cane or walking stick or any assistance dog, as defined in section 24-34-803 (7); C.R.S., accompanying a person when that dog is being controlled by or wearing a harness normally used for dogs accompanying or leading persons with disabilities~~ A PERSON SHALL NOT KNOWINGLY DENY AN INDIVIDUAL WITH A DISABILITY, AS DEFINED IN SECTION 24-34-301 (5.6), C.R.S., ANY RIGHT OR PRIVILEGE PROTECTED IN SECTION 24-34-502, 24-34-502.2, 24-34-601, 24-34-802 (1), OR 24-34-803, C.R.S.

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

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

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

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

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

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

**12-9-107. Persons permitted to conduct games of chance - premises - equipment - expenses - rules.** (27) ~~No~~ AN operator shall NOT reserve or allow to be reserved any bingo cards for use by players except braille cards or other cards for use by legally blind players. A PERSON WHO IS legally blind ~~players~~ may use ~~their~~ HIS OR HER personal braille cards

when a licensed organization does not provide such cards. A licensed organization has the right to inspect and to reject any personal braille card. A PERSON WHO IS legally blind or ~~disabled person~~ AN INDIVIDUAL WITH A DISABILITY may use a braille card or hard card in place of a purchased disposable paper bingo card.

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

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

(d) Sole responsibility for the daily care of a ~~permanently disabled person~~ AN INDIVIDUAL WITH A PERMANENT DISABILITY living in the same household to the extent that the performance of juror service would cause a substantial risk of injury to the health of the ~~disabled person~~ INDIVIDUAL WITH A DISABILITY. Jurors who are regularly employed at a location other than their households may not be disqualified for this reason. Any person claiming this disqualification shall, if the jury commissioner requests it, submit a letter from a licensed physician, licensed advanced practice nurse, or authorized Christian science practitioner stating the name, address, and age of the ~~disabled person~~ INDIVIDUAL WITH A DISABILITY, the nature of care provided by the prospective juror, and an opinion that the performance of juror service would cause a substantial risk of injury to the ~~disabled person~~ INDIVIDUAL WITH A DISABILITY.

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

**15-16-307. Limitations on proceedings against trustees after final account.** Unless previously barred by adjudication, consent, or limitation, any claim against a trustee for breach of trust is barred as to any beneficiary who has received a final account or other statement fully disclosing the matter and showing termination of the trust relationship between the trustee and the beneficiary unless a proceeding to assert the claim is commenced within six months after receipt of the final account or statement. In any event and notwithstanding lack of full disclosure, an action for breach of trust against a trustee who has issued a final account or statement received by the beneficiary and has informed the beneficiary of the location and availability of records for his OR HER examination ~~shall~~



MUST be brought within the time period prescribed in section 13-80-101, C.R.S. A beneficiary is deemed to have received a final account or statement if, being an adult, it is received by him OR HER personally or if, being a minor or ~~disabled person~~ AN INDIVIDUAL WITH A DISABILITY, it is received by his OR HER representative as described in section 15-10-403.

**SECTION 19.** In Colorado Revised Statutes, 23-71-122, **amend** (1) introductory portion and (1) (s) as follows:

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

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

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

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

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

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

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

**SECTION 21.** In Colorado Revised Statutes, **amend** 31-10-1514 as follows:

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

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

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

**SECTION 23.** In Colorado Revised Statutes, 33-14.5-101, **amend** (3) (e) as follows:

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

(3) "Off-highway vehicle" means any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational

purposes. "Off-highway vehicle" does not include the following:

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

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

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

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

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

**40-9-109. Transportation of service animals accompanying individuals with disabilities.** When a ~~totally or partially blind, totally or partially deaf, or physically disabled person~~ AN INDIVIDUAL WITH A DISABILITY is accompanied by a ~~dog which serves as an assistance dog~~ A SERVICE ANIMAL or which is being trained by a ~~qualified trainer as an assistance dog~~ AS A SERVICE ANIMAL, as defined in section ~~24-34-803 (7)~~ 24-34-301, C.R.S., for such ~~disabled person~~ INDIVIDUAL WITH A DISABILITY, neither the ~~disabled person nor the dog~~ INDIVIDUAL WITH A DISABILITY NOR THE SERVICE ANIMAL shall be denied the facilities of any common carrier, nor shall ~~such disabled person~~ THE INDIVIDUAL WITH A DISABILITY be denied the immediate custody of the ~~dog~~ SERVICE ANIMAL while riding upon a common carrier. The provisions of this section ~~shall~~ also apply to ~~any qualified~~ A trainer who is training a ~~dog~~ OF A SERVICE ANIMAL, AS DEFINED IN SECTION 24-34-301, C.R.S., for use by a ~~totally or~~

~~partially blind, totally or partially deaf, or physically disabled person~~  
QUALIFIED INDIVIDUAL WITH A DISABILITY, unless the ~~dog~~ SERVICE ANIMAL  
presents an imminent danger to the public health or safety. ~~Such disabled~~  
~~person or any qualified trainer who is training a dog for use by a disabled~~  
~~person~~ THE INDIVIDUAL WITH A DISABILITY OR THE TRAINER OF THE  
SERVICE ANIMAL shall be liable for any damage done to the premises or  
facilities of the common carrier by ~~such dog~~. Any ~~dog~~ THE SERVICE  
ANIMAL. AN ANIMAL being INDIVIDUALLY trained for the purpose of aiding  
~~a disabled person~~ AN INDIVIDUAL WITH A DISABILITY shall be visibly and  
prominently identified as ~~an assistance dog~~ A SERVICE ANIMAL in training.

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

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

**SECTION 27. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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Morgan Carroll  
PRESIDENT OF  
THE SENATE

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO