

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 18, 2010
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB10-1152 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

6 **18-13-107. Interference with persons with disabilities.** (3) ~~No~~
7 A person shall NOT beat, harass, intimidate, entice, distract, or otherwise
8 interfere with ~~any dog~~ AN ANIMAL on a blaze orange leash or
9 accompanying a person carrying a white or white tipped with red or
10 metallic colored cane or walking stick or any assistance ~~dog~~ ANIMAL, as
11 defined in section 24-34-803 (7), C.R.S., accompanying a person when
12 that ~~dog~~ ANIMAL is being controlled by or wearing a harness normally
13 used for ~~dogs~~ ANIMALS accompanying or leading persons with
14 disabilities.

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

1 BECAUSE OF DISABILITY.

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

7 (6) VIOLATION OF THE PROVISIONS OF SUBSECTION (1) OF THIS
8 SECTION IS A CLASS 1 PETTY OFFENSE. VIOLATION OF ANY OF THE
9 PROVISIONS OF SUBSECTIONS (3) TO (5) OF THIS SECTION IS A CLASS 3
10 MISDEMEANOR.

11 **SECTION 2.** The introductory portion to 24-34-301 and
12 24-34-301 (2.5), (5), and (6), Colorado Revised Statutes, are amended,
13 and the said 24-34-301 is further amended BY THE ADDITION OF THE
14 FOLLOWING NEW SUBSECTIONS, to read:

15 **24-34-301. Definitions.** As used in THIS PART 3 AND parts 3 to 7
16 4 TO 8 AND PART 10 of this article, unless the context otherwise requires:

17 (1.3) "AGENCY" OR "STATE AGENCY" SHALL HAVE THE SAME
18 MEANING AS SET FORTH IN SECTION 24-4-102 (3).

19 (2.5) (a) "Disability" ~~means a physical impairment which~~
20 ~~substantially limits one or more of a person's major life activities and~~
21 ~~includes a record of such an impairment and being regarded as having~~
22 ~~such an impairment~~ SHALL HAVE THE SAME MEANING AS SET FORTH IN THE
23 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
24 12101 ET SEQ.

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

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

31 (III) ~~The term "mental impairment" as used in subparagraphs (I)~~
32 ~~and (II) of this paragraph (b) shall mean any mental or psychological~~

1 ~~disorder such as developmental disability, organic brain syndrome, mental~~
2 ~~illness, or specific learning disabilities.~~

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

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

12 (a) AN INN, HOTEL, MOTEL, OR OTHER PLACE OF LODGING, EXCEPT
13 FOR AN ESTABLISHMENT LOCATED WITHIN A BUILDING THAT CONTAINS
14 NOT MORE THAN FIVE ROOMS FOR RENT OR HIRE AND THAT IS ACTUALLY
15 OCCUPIED BY THE PROPRIETOR OF THE ESTABLISHMENT AS HIS OR HER
16 RESIDENCE;

17 (b) A RESTAURANT, BAR, OR OTHER ESTABLISHMENT SERVING
18 FOOD OR DRINK;

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

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

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

25 (f) A LAUNDROMAT, DRY CLEANER, BANK, BARBER SHOP, BEAUTY
26 SHOP, TRAVEL SERVICE, SHOE REPAIR SERVICE, FUNERAL PARLOR, GAS
27 STATION, OFFICE OF AN ACCOUNTANT OR LAWYER, PHARMACY, INSURANCE
28 OFFICE, PROFESSIONAL OFFICE OF A HEALTH CARE PROVIDER, HOSPITAL, OR
29 OTHER SERVICE ESTABLISHMENT;

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

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

3 (i) A PARK, ZOO, AMUSEMENT PARK, OR OTHER PLACE OF
4 RECREATION;

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

7 (k) A DAY CARE CENTER, SENIOR CITIZEN CENTER, HOMELESS
8 SHELTER, FOOD BANK, ADOPTION AGENCY, OR OTHER SOCIAL SERVICE
9 CENTER ESTABLISHMENT; OR

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

12 (5.5) "PUBLIC ENTITY" MEANS:

13 (a) THE STATE OF COLORADO, A POLITICAL SUBDIVISION OF THE
14 STATE, OR A LOCAL GOVERNMENT;

15 (b) A DEPARTMENT, AGENCY, SPECIAL DISTRICT, SPECIAL PURPOSE
16 AUTHORITY, OR OTHER INSTRUMENTALITY OF THE STATE OR A LOCAL
17 GOVERNMENT.

18 (5.7) "QUALIFIED PERSON WITH A DISABILITY" MEANS A PERSON
19 WITH A DISABILITY WHO MEETS THE ESSENTIAL ELIGIBILITY
20 REQUIREMENTS OF A PUBLIC ENTITY TO RECEIVE ITS SERVICES OR
21 PARTICIPATE IN ITS PROGRAMS OR ACTIVITIES, WITH OR WITHOUT
22 REASONABLE MODIFICATIONS TO RULES, POLICIES, OR PRACTICES;
23 REMOVAL OF ARCHITECTURAL, COMMUNICATION, OR TRANSPORTATION
24 BARRIERS; OR PROVISION OF AUXILIARY AIDS AND SERVICES.

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

28 **SECTION 3.** Part 3 of article 34 of title 24, Colorado Revised
29 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
30 read:

1 **24-34-309. Cash fund.** THERE IS HEREBY CREATED IN THE STATE
2 TREASURY THE COLORADO CIVIL RIGHTS COMMISSION CASH FUND,
3 REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST
4 OF SUCH MONEYS AS MAY BE APPROPRIATED TO THE FUND BY THE
5 GENERAL ASSEMBLY AND SUCH MONEYS AS MAY BE CREDITED TO THE
6 FUND PURSUANT TO SECTIONS 24-34-602, 24-34-705, 24-34-802,
7 24-34-804, AND 24-34-1003 AND SECTION 25.5-4-107, C.R.S. MONEYS IN
8 THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION FOR THE
9 ADMINISTRATION OF PARTS 3 TO 8 AND PART 10 OF THIS ARTICLE. ALL
10 INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN
11 THE FUND SHALL BE CREDITED TO THE FUND. AT THE END OF ANY FISCAL
12 YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND
13 SHALL REMAIN IN THE FUND AND SHALL NOT REVERT OR BE CREDITED OR
14 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

15 **SECTION 4.** The introductory portion to 24-34-401, Colorado
16 Revised Statutes, is amended to read:

17 **24-34-401. Definitions.** THE DEFINITIONS PROVIDED FOR TERMS
18 IN SECTION 24-34-301 SHALL APPLY TO SAID TERMS AS USED IN THIS PART
19 4. IN ADDITION, as used in this part 4, unless the context otherwise
20 requires:

21 **SECTION 5.** The introductory portion to 24-34-501, Colorado
22 Revised Statutes, is amended to read:

23 **24-34-501. Definitions.** THE DEFINITIONS PROVIDED FOR TERMS
24 IN SECTION 24-34-301 SHALL APPLY TO SAID TERMS AS USED IN THIS PART
25 5. IN ADDITION, as used in this part 5, unless the context otherwise
26 requires:

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

29 **24-34-502.2. Unfair or discriminatory housing practices**
30 **against persons with disabilities prohibited - penalty.** (3.5) A PERSON
31 WHO DENIES THE RIGHTS OF A PERSON WITH A DISABILITY PROTECTED BY
32 THIS PART 5 COMMITS A CLASS 3 MISDEMEANOR AND SHALL BE SENTENCED
33 IN ACCORDANCE WITH SECTION 18-1.3-501 (1) (a), C.R.S.

34 **SECTION 7. Repeal.** 24-34-508 (1) (a), Colorado Revised

1 Statutes, is repealed as follows:

2 **24-34-508. Relief authorized.** (1) In addition to the relief
3 authorized by section 24-34-306 (9), the commission may order a
4 respondent who has been found to have engaged in an unfair housing
5 practice:

6 (a) ~~To rehire, reinstate, and provide back pay to any employee or~~
7 ~~agent discriminated against because of his obedience to this part 5;~~

8 **SECTION 8.** 24-34-601 (1), Colorado Revised Statutes, is
9 amended to read:

10 **24-34-601. Discrimination in places of public accommodation.**
11 (1) ~~As used in this part 6 "place of public accommodation" means any~~
12 ~~place of business engaged in any sales to the public and any place~~
13 ~~offering services, facilities, privileges, advantages, or accommodations~~
14 ~~to the public, including but not limited to any business offering wholesale~~
15 ~~or retail sales to the public; any place to eat, drink, sleep, or rest, or any~~
16 ~~combination thereof; any sporting or recreational area and facility; any~~
17 ~~public transportation facility; a barber shop, bathhouse, swimming pool,~~
18 ~~bath, steam or massage parlor, gymnasium, or other establishment~~
19 ~~conducted to serve the health, appearance, or physical condition of a~~
20 ~~person; a campsite or trailer camp; a dispensary, clinic, hospital,~~
21 ~~convalescent home, or other institution for the sick, ailing, aged, or~~
22 ~~infirm; a mortuary, undertaking parlor, or cemetery; an educational~~
23 ~~institution; or any public building, park, arena, theater, hall, auditorium,~~
24 ~~museum, library, exhibit, or public facility of any kind whether indoor or~~
25 ~~outdoor. "Place of public accommodation" shall not include a church,~~
26 ~~synagogue, mosque, or other place that is principally used for religious~~
27 ~~purposes~~ THE DEFINITIONS PROVIDED FOR TERMS IN SECTION 24-34-301
28 SHALL APPLY TO SAID TERMS AS USED IN THIS PART 6.

29 **SECTION 9.** 24-34-602 (1) and (2), Colorado Revised Statutes,
30 are amended, and the said 24-34-602 is further amended BY THE
31 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

32 **24-34-602. Penalties and civil liability.** (1) Any person who
33 violates section 24-34-601 ~~shall be fined not less than fifty dollars nor~~
34 ~~more than five hundred dollars~~ SHALL PAY ACTUAL DAMAGES OR
35 STATUTORY DAMAGES OF FOUR THOUSAND DOLLARS, WHICHEVER IS

1 GREATER, TO THE PERSON AGGRIEVED for each violation. A person
2 aggrieved by the violation of section 24-34-601 shall bring an action in
3 any court of competent jurisdiction in the county where the violation
4 occurred. Upon finding a violation, the court shall order the defendant to
5 pay ~~the fine~~ DAMAGES to the aggrieved party.

6 (2) ~~For each violation of section 24-34-601, the person is guilty~~
7 ~~of a misdemeanor and, upon conviction thereof, shall be punished by a~~
8 ~~fine of not less than ten dollars nor more than three hundred dollars, or by~~
9 ~~imprisonment in the county jail for not more than one year, or by both~~
10 ~~such fine and imprisonment~~ A PERSON WHO DENIES THE RIGHTS OF A
11 PERSON WITH A DISABILITY PROTECTED BY THIS PART 6 COMMITS A CLASS
12 3 MISDEMEANOR AND SHALL BE SENTENCED IN ACCORDANCE WITH
13 SECTION 18-1.3-501 (1) (a), C.R.S.

14 (4) A PERSON WHO IS THE PREVAILING PARTY IN A LAWSUIT UNDER
15 THIS SECTION IS ENTITLED TO RECOVER REASONABLE ATTORNEY FEES AND
16 COSTS PURSUANT TO THE "PREVAILING PARTY" STANDARDS UNDER THE
17 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
18 12101 ET SEQ.

19 (5) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION AND
20 SECTION 24-34-306 (9), THE COMMISSION OR A COURT MAY ORDER A
21 RESPONDENT WHO HAS BEEN FOUND GUILTY OF VIOLATING THE
22 PROVISIONS OF SECTION 24-34-601 TO PAY TO THE COLORADO CIVIL
23 RIGHTS COMMISSION CASH FUND, CREATED IN SECTION 24-34-309,
24 ACCORDING TO THE FOLLOWING SCHEDULE:

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

26 (b) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND
27 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED
28 ANY OTHER VIOLATION OF SECTION 24-34-601 DURING THE FIVE-YEAR
29 PERIOD PRECEDING THE DATE OF THE FILING OF THE CHARGE.

30 **SECTION 10. Repeal.** 24-34-605, Colorado Revised Statutes,
31 is repealed as follows:

32 **24-34-605. Relief authorized.** ~~In addition to the relief authorized~~
33 ~~by section 24-34-306 (9), the commission may order a respondent who~~
34 ~~has been found to have engaged in a discriminatory practice as defined in~~

1 ~~this part 6 to rehire, reinstate, and provide back pay to any employee or~~
2 ~~agent discriminated against because of his obedience to this part 6; to~~
3 ~~make reports as to the manner of compliance with the order of the~~
4 ~~commission; and to take affirmative action, including the posting of~~
5 ~~notices setting forth the substantive rights of the public under this part 6.~~

6 **SECTION 11.** 24-34-703, Colorado Revised Statutes, is amended
7 to read:

8 **24-34-703. Definitions.** ~~A place of public accommodation, resort,~~
9 ~~or amusement, within the meaning of this part 7, shall be deemed to~~
10 ~~include any inn, tavern, or hotel, whether conducted for the entertainment,~~
11 ~~housing, or lodging of transient guests or for the benefit, use, or~~
12 ~~accommodation of those seeking health, recreation, or rest, and any~~
13 ~~restaurant, eating house, public conveyance on land or water, bathhouse,~~
14 ~~barber shop, theater, and music hall~~ THE DEFINITIONS PROVIDED FOR
15 TERMS IN SECTION 24-34-301 SHALL APPLY TO SAID TERMS AS USED IN
16 THIS PART 7.

17 **SECTION 12.** 24-34-705, Colorado Revised Statutes, is amended
18 to read:

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

31 (2) A PERSON, FIRM, OR CORPORATION OR THE AGENT OF A PERSON,
32 FIRM, OR CORPORATION THAT VIOLATES THE PROVISIONS OF THIS PART 7
33 SHALL PAY ACTUAL DAMAGES OR STATUTORY DAMAGES OF FOUR
34 THOUSAND DOLLARS, WHICHEVER IS GREATER, TO THE PERSON
35 AGGRIEVED. THE COURT SHALL ORDER INJUNCTIVE RELIEF AND ANY
36 OTHER RELIEF THE COURT DEEMS APPROPRIATE AND NECESSARY TO

1 PREVENT FUTURE VIOLATIONS.

2 (3) A PERSON WHO IS THE PREVAILING PARTY IN A LAWSUIT UNDER
3 THIS SECTION IS ENTITLED TO RECOVER REASONABLE ATTORNEY FEES AND
4 COSTS PURSUANT TO THE "PREVAILING PARTY" STANDARDS UNDER THE
5 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
6 12101 ET SEQ.

7 (4) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION AND
8 SECTION 24-34-306 (9), THE COMMISSION OR A COURT MAY ORDER A
9 RESPONDENT WHO HAS BEEN FOUND GUILTY OF VIOLATING THE
10 PROVISIONS OF THIS PART 7 TO PAY TO THE COLORADO CIVIL RIGHTS
11 COMMISSION CASH FUND, CREATED IN SECTION 24-34-309, ACCORDING TO
12 THE FOLLOWING SCHEDULE:

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

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

18 **SECTION 13. Repeal.** 24-34-707, Colorado Revised Statutes,
19 is repealed as follows:

20 ~~**24-34-707. Relief authorized.** In addition to the relief authorized
21 by section 24-34-306 (9), the commission may order a respondent who
22 has been found to have violated any of the provisions of this part 7 to
23 rehire, reinstate, and provide back pay to any employee or agent
24 discriminated against because of his obedience to this part 7; to make
25 reports as to the manner of compliance with the order of the commission;
26 and to take affirmative action, including the posting of notices setting
27 forth the substantive rights of the public under this part 7.~~

28 **SECTION 14.** 24-34-801 (1), Colorado Revised Statutes, is
29 amended to read:

30 **24-34-801. Legislative declaration.** (1) The general assembly
31 hereby declares that it is the policy of the state:

32 (a) To encourage and enable ~~the blind, the visually impaired, the~~

1 ~~deaf, the partially deaf, and the otherwise physically disabled~~ PERSONS
2 WITH DISABILITIES to participate fully in the social and economic life of
3 the state and to engage in remunerative employment;

4 (b) ~~That the blind, the visually impaired, the deaf, the partially~~
5 ~~deaf, and the otherwise physically disabled~~ PERSONS WITH DISABILITIES
6 shall be employed in the state service, the service of the political
7 subdivisions of the state, the public schools, and in all other employment
8 supported in whole or in part by public funds on the same terms and
9 conditions as the able-bodied unless it is shown that the particular
10 disability prevents the performance of the work involved;

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

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

31 (e) and (f) Repealed.

32 **SECTION 15.** 24-34-802, Colorado Revised Statutes, is amended
33 to read:

34 **24-34-802. Violations - penalties.** (1) ~~Any~~ A person, firm, or
35 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 AN UNLAWFUL DISCRIMINATORY PRACTICE FOR A
9 PERSON, FIRM, OR CORPORATION OR THE AGENT OF A PERSON, FIRM, OR
10 CORPORATION TO DISCRIMINATE AGAINST AN INDIVIDUAL OR A GROUP
11 BECAUSE THE INDIVIDUAL OR GROUP HAS:

12 (a) OPOSED ANY DISCRIMINATORY PRACTICE SET FORTH IN THIS
13 PART 8; OR

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

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

24 (4) A PERSON WHO IS THE PREVAILING PARTY IN A LAWSUIT UNDER
25 THIS SECTION IS ENTITLED TO RECOVER REASONABLE ATTORNEY FEES AND
26 COSTS PURSUANT TO THE "PREVAILING PARTY" STANDARDS UNDER THE
27 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
28 12101 ET SEQ.

29 (5) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION AND
30 SECTION 24-34-306 (9), THE COLORADO CIVIL RIGHTS COMMISSION OR A
31 COURT MAY ORDER A RESPONDENT WHO HAS BEEN FOUND GUILTY OF
32 VIOLATING THE PROVISIONS OF SECTION 24-34-801 TO PAY TO THE
33 COLORADO CIVIL RIGHTS COMMISSION CASH FUND, CREATED IN SECTION
34 24-34-309, ACCORDING TO THE FOLLOWING SCHEDULE:

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

2 (b) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND
3 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED
4 ANY OTHER VIOLATION OF SECTION 24-34-801 DURING THE FIVE-YEAR
5 PERIOD PRECEDING THE DATE OF THE FILING OF THE CHARGE.

6 **SECTION 16.** 24-34-803, Colorado Revised Statutes, is amended
7 to read:

8 **24-34-803. Rights of persons with assistance animals -**
9 **definitions.** (1) A person with a disability ~~including but not limited to~~
10 ~~a blind, visually impaired, deaf, hard of hearing, or otherwise physically~~
11 ~~disabled person,~~ has the right to be accompanied by an assistance ~~dog~~
12 ANIMAL specially trained for that person without being required to pay an
13 extra charge for the assistance ~~dog in or on the following places and~~
14 ~~subject to the conditions and limitations established by law and applicable~~
15 ~~alike to all persons:~~ ANIMAL IN OR ON THE PROPERTY OF ANY PLACE OF
16 EMPLOYMENT, HOUSING, PUBLIC ACCOMMODATION, PUBLIC ENTITY, OR
17 PUBLIC TRANSPORTATION SERVICES.

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

20 ~~(b) Any place of public accommodation or on public~~
21 ~~transportation services; and~~

22 ~~(c) Any housing accommodation offered for rent, lease, or other~~
23 ~~compensation in the state.~~

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

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

32 ~~(b) Any place of public accommodation or on public~~

1 ~~transportation services.~~

2 (3) (a) An employer shall ~~not refuse to~~ permit an employee with
3 a disability who is accompanied by an assistance ~~dog~~ ANIMAL to keep the
4 employee's assistance ~~dog~~ ANIMAL with ~~the employee~~ HIM OR HER at all
5 times in the place of employment. An employer shall not fail or refuse to
6 hire or discharge any person with a disability, or otherwise discriminate
7 against any person with a disability, with respect to compensation, terms,
8 conditions, or privileges of employment because ~~that person with a~~
9 ~~disability~~ HE OR SHE is accompanied by an assistance ~~dog~~ ANIMAL
10 specially trained for ~~that person~~ TO ASSIST THE PERSON WITH HIS OR HER
11 DISABILITY.

12 (b) An employer shall make reasonable accommodation to make
13 the workplace accessible for an otherwise qualified person with a
14 disability who is an applicant or employee and who is accompanied by an
15 assistance ~~dog~~ ANIMAL specially trained for that person unless the
16 employer can show that the accommodation would impose an undue
17 hardship on the employer's business. For purposes of this paragraph (b),
18 "undue hardship" means an action requiring significant difficulty or
19 expense.

20 (4) (a) The owner or ~~the~~ person having control or custody of an
21 assistance ~~dog~~ ANIMAL or an assistance ~~dog~~ ANIMAL in training is liable
22 for any damage to persons, premises, or facilities, including places of
23 housing accommodation and places of employment, caused by that
24 person's assistance ~~dog~~ ANIMAL or assistance ~~dog~~ ANIMAL in training.
25 The OWNER OR person having control or custody of an assistance ~~dog~~
26 ANIMAL or an assistance ~~dog~~ ANIMAL in training shall be subject to the
27 provisions of section 18-9-204.5, C.R.S.

28 (b) A PERSON WHO CAUSES HARM TO AN ASSISTANCE ANIMAL OR
29 AN ASSISTANCE ANIMAL IN TRAINING SHALL BE LIABLE TO THE OWNER OF
30 THE ASSISTANCE ANIMAL OR ASSISTANCE ANIMAL IN TRAINING FOR TREBLE
31 THE AMOUNT OF ACTUAL DAMAGES.

32 (c) THE OWNER OF AN ANIMAL THAT CAUSES HARM TO AN
33 ASSISTANCE ANIMAL OR AN ASSISTANCE ANIMAL IN TRAINING SHALL BE
34 LIABLE TO THE OWNER OF THE ASSISTANCE ANIMAL OR ASSISTANCE
35 ANIMAL IN TRAINING FOR TREBLE THE AMOUNT OF ACTUAL DAMAGES.

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

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

8 (7) THE DEFINITIONS PROVIDED FOR TERMS IN SECTION 24-34-301
9 SHALL APPLY TO SAID TERMS AS USED IN THIS SUBSECTION (7). IN
10 ADDITION, as used in this section, unless the context otherwise requires:

11 (a) "Assistance ~~dog~~ ANIMAL" means ~~a dog~~ AN ANIMAL that has
12 been or is being trained as ~~a guide dog, hearing dog, or service dog. Such~~
13 ~~terms are further defined as follows:~~ TO PERFORM ONE OR MORE SPECIFIC
14 FUNCTIONS FOR A PERSON WITH A DISABILITY.

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

19 (HH) ~~"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
28 GREATER PROTECTION FOR THE PERSON WITH THE DISABILITY.

29 (d) "Housing accommodations" means any real property or portion
30 thereof that is used or occupied, or intended, arranged, or designed to be
31 used or occupied, as the home, residence, or sleeping place of one or
32 more persons but does not include any single family residence, the

1 occupants of which rent, lease, or furnish for compensation not more than
2 one room in that residence.

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

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

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

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

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

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

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

21 (VII) ~~Laundromats, dry cleaners, banks, barber shops, beauty~~
22 ~~shops, travel services, shoe repair services, funeral parlors, offices of~~
23 ~~accountants or attorneys-at-law, pharmacies, insurance offices,~~
24 ~~professional offices of health care providers, hospitals, or other service~~
25 ~~establishments;~~

26 (VIII) ~~Terminals, depots, or other stations used for specified~~
27 ~~purposes;~~

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

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

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

3 ~~(XII) Day care centers, senior citizen centers, homeless shelters,~~
4 ~~food banks, adoption agencies, or other social service center~~
5 ~~establishments;~~

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

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

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

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

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

19 **SECTION 17.** 24-34-804, Colorado Revised Statutes, is amended
20 to read:

21 **24-34-804. Violations - penalties.** (1) It is unlawful for any
22 person, firm, corporation, or agent of any person, firm, or corporation to:

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

26 (b) Threaten to interfere with any of the rights ~~of persons with~~
27 ~~disabilities or trainers secured in section 24-34-803~~ SECURED IN SECTION
28 24-34-803 FOR A PERSON WITH A DISABILITY OR A TRAINER OF AN
29 ASSISTANCE ANIMAL;

30 (c) Punish or attempt to punish any person with a disability or

1 trainer OF AN ASSISTANCE ANIMAL for exercising or attempting to exercise
2 any right or privilege secured by section 24-34-803; or

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

5 (e) DISCRIMINATE AGAINST AN INDIVIDUAL OR A GROUP BECAUSE
6 THAT INDIVIDUAL OR GROUP HAS OPPOSED A PRACTICE MADE A
7 DISCRIMINATORY PRACTICE BY THIS PART 8 OR BECAUSE THE INDIVIDUAL
8 OR GROUP HAS MADE A CHARGE, TESTIFIED, ASSISTED, OR PARTICIPATED
9 IN ANY MANNER IN AN INVESTIGATION, PROCEEDING, OR HEARING
10 CONDUCTED PURSUANT TO THIS PART 8.

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

14 (3) (a) Any person who violates any provision of subsection (1)
15 of this section shall be liable to the person with a disability or trainer OF
16 THE ASSISTANCE ANIMAL whose rights were affected for actual damages
17 for economic loss OR STATUTORY DAMAGES OF FOUR THOUSAND
18 DOLLARS, WHICHEVER IS GREATER, FOR EACH VIOLATION to be recovered
19 in a civil action in a court in the county where the infringement of rights
20 occurred or where the defendant resides. THE COURT SHALL ORDER
21 INJUNCTIVE RELIEF AND ANY OTHER RELIEF THE COURT DEEMS
22 APPROPRIATE AND NECESSARY TO PREVENT FUTURE VIOLATIONS.

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

25 (3.5) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION
26 AND SECTION 24-34-306 (9), THE COLORADO CIVIL RIGHTS COMMISSION
27 OR A COURT MAY ORDER A RESPONDENT WHO HAS BEEN FOUND GUILTY OF
28 VIOLATING THE PROVISIONS OF SECTION 24-34-803 TO PAY TO THE
29 COLORADO CIVIL RIGHTS COMMISSION CASH FUND, CREATED IN SECTION
30 24-34-309, ACCORDING TO THE FOLLOWING SCHEDULE:

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

32 (b) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND
33 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED

1 ANY OTHER VIOLATION OF SECTION 24-34-803 DURING THE FIVE-YEAR
2 PERIOD PRECEDING THE DATE OF THE FILING OF THE CHARGE.

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

6 **SECTION 18.** Article 34 of title 24, Colorado Revised Statutes,
7 is amended BY THE ADDITION OF A NEW PART to read:

8 **PART 10**
9 **DISCRIMINATION BY PUBLIC ENTITIES**
10 **AND STATE AGENCIES**

11 **24-34-1001. Definitions.** THE DEFINITIONS PROVIDED FOR TERMS
12 IN SECTION 24-34-301 SHALL APPLY TO SAID TERMS AS USED IN THIS PART
13 10.

14 **24-34-1002. Prohibition against discrimination by public**
15 **entities.** (1) A QUALIFIED PERSON WITH A DISABILITY SHALL NOT BE
16 EXCLUDED FROM PARTICIPATION IN OR DENIED THE BENEFITS OF THE
17 SERVICES, PROGRAMS, OR ACTIVITIES OF A PUBLIC ENTITY, OR BE
18 SUBJECTED TO DISCRIMINATION BY A PUBLIC ENTITY, BY REASON OF THE
19 PERSON'S DISABILITY.

20 (2) DISCRIMINATION BY REASON OF DISABILITY INCLUDES ANY
21 ACTION THAT WOULD CONSTITUTE A VIOLATION OF TITLE II OF THE
22 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
23 12131 ET SEQ., AND ITS IMPLEMENTING REGULATIONS.

24 (3) IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR A
25 PERSON OR PUBLIC ENTITY TO DISCRIMINATE AGAINST A PERSON OR GROUP
26 BECAUSE THE PERSON OR GROUP HAS OPPOSED A PRACTICE THAT IS MADE
27 A DISCRIMINATORY PRACTICE BY THIS PART 10 OR BECAUSE THE PERSON
28 OR GROUP HAS MADE A CHARGE, TESTIFIED, ASSISTED, OR PARTICIPATED
29 IN ANY MANNER IN AN INVESTIGATION, PROCEEDING, OR HEARING
30 CONDUCTED PURSUANT TO THIS PART 10.

31 **24-34-1003. Discrimination by public entities - remedies -**
32 **penalties.** (1) A PERSON WHO HAS BEEN SUBJECTED TO A
33 DISCRIMINATORY ACT PROHIBITED BY SECTION 24-34-1002 MAY BRING A

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

10 (2) A PERSON WHO DENIES THE RIGHTS OF A PERSON WITH A
11 DISABILITY PROTECTED BY THIS PART 10 COMMITS A CLASS 3
12 MISDEMEANOR AND SHALL BE SENTENCED IN ACCORDANCE WITH SECTION
13 18-1.3-501 (1) (a), C.R.S.

14 (3) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION AND
15 SECTION 24-34-306 (9), THE COLORADO CIVIL RIGHTS COMMISSION OR A
16 COURT MAY ORDER A RESPONDENT WHO HAS BEEN FOUND GUILTY OF
17 VIOLATING THE PROVISIONS OF THIS PART 10 TO PAY TO THE COLORADO
18 CIVIL RIGHTS COMMISSION CASH FUND, CREATED IN SECTION 24-34-309,
19 ACCORDING TO THE FOLLOWING SCHEDULE:

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

21 (b) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND
22 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED
23 ANY OTHER VIOLATION OF THIS PART 10 DURING THE FIVE-YEAR PERIOD
24 PRECEDING THE DATE OF THE FILING OF THE CHARGE.

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

30 (2) A PERSON WHO IS AGGRIEVED BY A VIOLATION OF THIS SECTION
31 HAS A PRIVATE RIGHT OF ACTION TO BRING A CIVIL LAWSUIT IN A COURT
32 OF COMPETENT JURISDICTION AGAINST THE VIOLATING STATE AGENCY.

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

1 (a) INJUNCTIVE RELIEF IN THE FORM OF A COURT ORDER REQUIRING
2 COMPLIANCE WITH THIS SECTION AND SPECIFYING THE FORM OF
3 COMPLIANCE;

4 (b) ACTUAL DAMAGES OR STATUTORY DAMAGES OF FOUR
5 THOUSAND DOLLARS, WHICHEVER IS GREATER, FOR EACH VIOLATION OF
6 THIS SECTION; AND

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

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

18 **SECTION 19.** 25.5-4-107, Colorado Revised Statutes, is
19 amended BY THE ADDITION OF A NEW SUBSECTION to read:

20 **25.5-4-107. Retaliation definition - penalties.** (3) (a) A PERSON
21 OR ENTITY WHO VIOLATES THIS SECTION SHALL BE HELD LIABLE TO THE
22 PERSON AGGRIEVED IN A COURT OF COMPETENT JURISDICTION FOR
23 INJUNCTIVE RELIEF AND FOR ACTUAL DAMAGES OR STATUTORY DAMAGES
24 OF FOUR THOUSAND DOLLARS, WHICHEVER IS GREATER, FOR EACH
25 VIOLATION. THE COURT MAY AWARD REASONABLE ATTORNEY FEES AND
26 COSTS TO THE PREVAILING PARTY PURSUANT TO THE "PREVAILING PARTY"
27 STANDARDS UNDER THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF
28 1990", 42 U.S.C. SEC. 12101 ET SEQ.

29 (b) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION AND
30 SECTION 24-34-306 (9), C.R.S., THE COLORADO CIVIL RIGHTS COMMISSION
31 OR A COURT MAY ORDER A RESPONDENT WHO HAS BEEN FOUND GUILTY OF
32 VIOLATING THE PROVISIONS OF THIS SECTION TO PAY TO THE COLORADO
33 CIVIL RIGHTS COMMISSION CASH FUND, CREATED IN SECTION 24-34-309,
34 C.R.S., ACCORDING TO THE FOLLOWING SCHEDULE:

1 (I) AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS; OR

2 (II) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND
3 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED
4 ANY OTHER VIOLATION OF THIS SECTION DURING THE FIVE-YEAR PERIOD
5 PRECEDING THE DATE OF THE FILING OF THE CHARGE.

6 **SECTION 20.** 24-34-302 (2), Colorado Revised Statutes, is
7 amended to read:

8 **24-34-302. Civil rights division - director - powers and duties.**
9 (2) The director shall appoint ~~such~~ investigators and other personnel as
10 ~~may be~~ necessary to carry out the functions and duties of the division.
11 The director and the staff of the division shall receive, investigate, and
12 make determinations on charges alleging unfair or discriminatory
13 practices in violation of parts 4 to ~~7~~ 8 AND PART 10 of this article.

14 **SECTION 21.** 24-34-305 (1) (a), (1) (c), (1) (e), (1) (i), (1) (i.5),
15 (2), (3), and (4), Colorado Revised Statutes, are amended to read:

16 **24-34-305. Powers and duties of commission.** (1) The
17 commission has the following powers and duties:

18 (a) To adopt, publish, amend, and rescind rules ~~and regulations,~~
19 in accordance with the provisions of section 24-4-103, ~~which~~ THAT are
20 consistent with and for the implementation of THIS PART 3 AND parts ~~3 to~~
21 ~~7~~ 4 TO 8 AND PART 10 of this article. All such rules adopted or amended
22 on or after July 1, 1979, shall be subject to sections 24-4-103 (8) (c) and
23 (8) (d) and 24-34-104 (9) (b) (II).

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

28 (e) To issue such publications and reports of investigations and
29 research as in its judgment will tend to promote goodwill among the
30 various racial, religious, age, and ethnic groups of the state and which
31 will tend to minimize or eliminate discriminatory or unfair practices as
32 specified by THIS PART 3 AND parts ~~3 to~~ 4 TO 8 AND PART 10 of this
33 article. Publications of the commission circulated in quantity outside the

1 executive branch shall be issued in accordance with the provisions of
2 section 24-1-136.

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

9 (i.5) To intervene in racial, religious, cultural, age, and intergroup
10 tensions or conflicts for the purpose of informal mediation using
11 alternative dispute resolution techniques. Such intervention may be made
12 in cooperation with other agencies or organizations, both public and
13 private, whose purposes are consistent with those of THIS PART 3 AND
14 parts ~~3 to 7~~ 4 to 8 AND PART 10 of this article.

15 (2) Any provision of this article to the contrary notwithstanding,
16 ~~no~~ A person shall NOT be required to alter, modify, or purchase any
17 building, structure, or equipment or incur any additional expense ~~which~~
18 THAT would not otherwise be incurred in order to comply with THIS PART
19 3 AND parts ~~3, 4, 6, and 7~~ 4, 6 TO 8, AND 10 of this article.

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

25 (4) Whether by rule ~~regulation~~, or other action or whether as a
26 remedy for violation of any provision of THIS PART 3 OR parts ~~3 to 7~~ 4 TO
27 8 AND PART 10 of this article or otherwise, the commission shall not
28 prescribe or require the implementation of a quota system.

29 **SECTION 22.** 24-34-306 (1) (a), (2) (a), (9), (11), (13), and (14),
30 Colorado Revised Statutes, are amended to read:

31 **24-34-306. Charge - complaint - hearing - procedure -**
32 **exhaustion of administrative remedies.** (1) (a) Any person claiming
33 to be aggrieved by a discriminatory or unfair practice as defined by parts
34 4 to ~~7~~ 8 AND PART 10 of this article may, by himself or herself or through

1 his or her attorney-at-law, make, sign, and file with the division a verified
2 written charge stating the name and address of the respondent alleged to
3 have committed the discriminatory or unfair practice, setting forth the
4 particulars of the alleged discriminatory or unfair practice, and containing
5 any other information required by the division.

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

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

28 (11) If written notice that a formal hearing will be held is not
29 served within two hundred seventy days after the filing of the charge, if
30 the complainant has requested and received a notice of right to sue
31 pursuant to subsection (15) of this section, or if the hearing is not
32 commenced within the one-hundred-twenty-day period prescribed by
33 subsection (4) of this section, the jurisdiction of the commission over the
34 complaint shall cease, and the complainant may seek the relief authorized
35 under this part 3 and parts 4 to 7 8 AND PART 10 of this article against the
36 respondent by filing a civil action in the district court for the district in
37 which the alleged discriminatory or unfair practice occurred. ~~Such~~ THE
38 action must be filed within ninety days of the date upon which the

1 jurisdiction of the commission ceased, and if not so filed, it shall be
2 barred and the district court shall have no jurisdiction to hear ~~such~~ THE
3 action. If any party requests the extension of any time period prescribed
4 by this subsection (11), ~~such~~ THE extension may be granted for good
5 cause by the commission, a commissioner, or the administrative law
6 judge, as the case may be, but the total period of all such extensions to
7 either the respondent or the complainant shall not exceed ninety days
8 each, and, in the case of multiple parties, the total period of all extensions
9 shall not exceed one hundred eighty days.

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

21 (14) ~~No~~ A person may NOT file a civil action in a district court in
22 this state based on an alleged discriminatory or unfair practice prohibited
23 by parts 4 to ~~7~~ 8 AND PART 10 of this article without first exhausting the
24 proceedings and remedies available to him OR HER under this part 3
25 unless he OR SHE shows, in an action filed in the appropriate district court,
26 by clear and convincing evidence, THAT his OR HER ill health ~~which~~ is of
27 such a nature that pursuing administrative remedies would not provide
28 timely and reasonable relief and would cause irreparable harm.

29 **SECTION 23.** 24-34-308, Colorado Revised Statutes, is amended
30 to read:

31 **24-34-308. Enforcement of federal law prohibited.** Nothing in
32 THIS PART 3 AND parts ~~3~~ 4 to 8 AND PART 10 of this article shall be
33 construed to authorize the commission, the director, or the division to
34 enforce any provision of federal law. Nothing in this section shall
35 prevent the commission from accepting federal grants for the enforcement
36 of THIS PART 3 AND parts ~~3 to 7~~ 4 to 8 AND PART 10 OF THIS ARTICLE.

1 **SECTION 24.** 18-6.5-102 (3) (f), Colorado Revised Statutes, is
2 amended to read:

3 **18-6.5-102. Definitions.** As used in this article, unless the context
4 otherwise requires:

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

6 (f) Is mentally impaired as the term is defined in section
7 24-34-301 (2.5), ~~(b) (H)~~; C.R.S.;

8 **SECTION 25.** 40-9-109, Colorado Revised Statutes, is amended
9 to read:

10 **40-9-109. Transportation of assistance animals.** When a ~~totally~~
11 ~~or partially blind, totally or partially deaf, or physically disabled~~ person
12 WITH A DISABILITY, AS DEFINED IN SECTION 24-34-301 (2.5), C.R.S., is
13 accompanied by ~~a dog which serves as an assistance dog~~ ANIMAL or
14 ~~which~~ AN ANIMAL THAT is being trained by a qualified trainer as an
15 assistance ~~dog~~ ANIMAL, as defined in section 24-34-803 (7), C.R.S., ~~for~~
16 ~~such disabled person~~, neither the ~~disabled~~ person WITH A DISABILITY nor
17 the ~~dog~~ ANIMAL shall be denied the facilities of any common carrier, nor
18 shall ~~such disabled~~ THE person WITH A DISABILITY be denied the
19 immediate custody of the ~~dog~~ ANIMAL while riding upon a common
20 carrier. The provisions of this section shall also apply to any qualified
21 trainer who is training ~~a dog for use by a totally or partially blind, totally~~
22 ~~or partially deaf, or physically disabled person~~ AN ASSISTANCE ANIMAL,
23 unless the ~~dog~~ ANIMAL presents an imminent danger to the public health
24 or safety. ~~Such disabled~~ THE person WITH A DISABILITY or ~~any~~ A
25 qualified trainer who is training ~~a dog for use by a disabled person~~ AN
26 ASSISTANCE ANIMAL shall be liable for any damage done to the premises
27 or facilities of the common carrier by ~~such dog.~~ ~~Any dog~~ THE ANIMAL.
28 AN ANIMAL being trained ~~for the purpose of aiding a disabled person~~ AS
29 AN ASSISTANCE ANIMAL shall be visibly and prominently identified as an
30 assistance ~~dog~~ ANIMAL in training.

31 **SECTION 26.** 42-4-808 (1), Colorado Revised Statutes, is
32 amended to read:

33 **42-4-808. Drivers and pedestrians, other than persons in**
34 **wheelchairs, to yield to persons with disabilities.** (1) Any pedestrian,

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

12 **SECTION 27. No appropriation.** The general assembly has
13 determined that this act can be implemented within existing
14 appropriations, and therefore no separate appropriation of state moneys
15 is necessary to carry out the purposes of this act.

16 **SECTION 28. Act subject to petition - effective date -**
17 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
18 following the expiration of the ninety-day period after final adjournment
19 of the general assembly (August 11, 2010, if adjournment sine die is on
20 May 12, 2010); except that, if a referendum petition is filed pursuant to
21 section 1 (3) of article V of the state constitution against this act or an
22 item, section, or part of this act within such period, then the act, item,
23 section, or part shall not take effect unless approved by the people at the
24 general election to be held in November 2010 and shall take effect on the
25 date of the official declaration of the vote thereon by the governor.

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

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