

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0051.01 Jane Ritter

HOUSE BILL 10-1152

---

HOUSE SPONSORSHIP

Frangas,

SENATE SPONSORSHIP

(None),

---

House Committees  
Judiciary

Senate Committees

---

A BILL FOR AN ACT

101 CONCERNING THE CIVIL RIGHTS OF PERSONS WITH DISABILITIES.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

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

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

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

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

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

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

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

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

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

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

---

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

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

5 **18-13-107. Interference with persons with disabilities.**

6 ~~(4) Violation of the provisions of subsection (1) of this section is a class~~  
7 ~~1 petty offense. Violation of the provisions of subsection (3) of this~~  
8 ~~section is a class 3 misdemeanor~~ A PERSON SHALL NOT DENY A PERSON  
9 WITH A DISABILITY FULL AND EQUAL ACCESS TO ANY PLACE OF PUBLIC

1 ACCOMMODATION AS DEFINED IN SECTION 24-34-301, C.R.S., OR  
2 OTHERWISE VIOLATE THE PROVISIONS OF PARTS 5 TO 8 AND PART 10 OF  
3 ARTICLE 34 OF TITLE 24, C.R.S., WITH RESPECT TO A PERSON OR GROUP  
4 BECAUSE OF DISABILITY.

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

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

14 **SECTION 2.** The introductory portion to 24-34-301, Colorado  
15 Revised Statutes, is amended, and the said 24-34-301 is further amended  
16 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS,  
17 to read:

18 **24-34-301. Definitions.** As used in parts 3 to 7 8 AND PART 10 of  
19 this article, unless the context otherwise requires:

20 (1.3) "AGENCY" OR "STATE AGENCY" SHALL HAVE THE SAME  
21 MEANING AS SET FORTH IN SECTION 24-4-102 (3).

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

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

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

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

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

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

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

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

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

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

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

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

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

1 CENTER ESTABLISHMENT; OR

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

4 (5.5) "PUBLIC ENTITY" MEANS:

5 (a) THE STATE OF COLORADO OR A LOCAL GOVERNMENT;

6 (b) A DEPARTMENT, AGENCY, SPECIAL PURPOSE DISTRICT, OR  
7 OTHER INSTRUMENTALITY OF A STATE, STATES, OR LOCAL GOVERNMENT.

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

10 **24-34-401. Definitions.** As used in this part 4, unless the context  
11 otherwise requires, A TERM NOT DEFINED IN THIS SECTION SHALL HAVE  
12 THE SAME MEANING AS SET FORTH IN SECTION 24-34-301:

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

15 **24-34-501. Definitions.** As used in this part 5, unless the context  
16 otherwise requires, A TERM NOT DEFINED IN THIS SECTION SHALL HAVE  
17 THE SAME MEANING AS SET FORTH IN SECTION 24-34-301:

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

20 **24-34-502.2. Unfair or discriminatory housing practices**  
21 **against persons with disabilities prohibited - penalty.** (3.5) A PERSON  
22 WHO DENIES THE RIGHTS OF A PERSON WITH A DISABILITY PROTECTED BY  
23 THIS PART 5 COMMITS A CLASS 3 MISDEMEANOR AND SHALL BE SENTENCED  
24 IN ACCORDANCE WITH SECTION 18-1.3-501 (1) (a), C.R.S.

25 **SECTION 6.** 24-34-601 (1), Colorado Revised Statutes, is  
26 amended to read:

27 **24-34-601. Discrimination in places of public accommodation.**

1 (1) As TERMS used in this part 6 "place of public accommodation" means  
2 any place of business engaged in any sales to the public and any place  
3 offering services, facilities, privileges, advantages, or accommodations  
4 to the public, including but not limited to any business offering wholesale  
5 or retail sales to the public; any place to eat, drink, sleep, or rest, or any  
6 combination thereof; any sporting or recreational area and facility; any  
7 public transportation facility; a barber shop, bathhouse, swimming pool,  
8 bath, steam or massage parlor, gymnasium, or other establishment  
9 conducted to serve the health, appearance, or physical condition of a  
10 person; a campsite or trailer camp; a dispensary, clinic, hospital,  
11 convalescent home, or other institution for the sick, ailing, aged, or  
12 infirm; a mortuary, undertaking parlor, or cemetery; an educational  
13 institution; or any public building, park, arena, theater, hall, auditorium,  
14 museum, library, exhibit, or public facility of any kind whether indoor or  
15 outdoor. "Place of public accommodation" shall not include a church,  
16 synagogue, mosque, or other place that is principally used for religious  
17 purposes SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION  
18 24-34-301.

19 **SECTION 7.** 24-34-602 (1) and (2), Colorado Revised Statutes,  
20 are amended, and the said 24-34-602 is further amended BY THE  
21 ADDITION OF A NEW SUBSECTION, to read:

22 **24-34-602. Penalty and civil liability.** (1) Any person who  
23 violates section 24-34-601 shall be fined not less than fifty dollars nor  
24 more than five hundred dollars SHALL PAY ACTUAL DAMAGES OR  
25 STATUTORY DAMAGES OF FOUR THOUSAND DOLLARS, WHICHEVER IS  
26 GREATER, TO THE PERSON AGGRIEVED for each violation. A person  
27 aggrieved by the violation of section 24-34-601 shall bring an action in

1 any court of competent jurisdiction in the county where the violation  
2 occurred. Upon finding a violation, the court shall order the defendant to  
3 pay ~~the fine~~ DAMAGES to the aggrieved party.

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

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

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

19 **24-34-703. Definitions.** ~~A place of public accommodation, resort,~~  
20 ~~or amusement, within the meaning of this part 7, shall be deemed to~~  
21 ~~include any inn, tavern, or hotel, whether conducted for the entertainment,~~  
22 ~~housing, or lodging of transient guests or for the benefit, use, or~~  
23 ~~accommodation of those seeking health, recreation, or rest, and any~~  
24 ~~restaurant, eating house, public conveyance on land or water, bathhouse,~~  
25 ~~barber shop, theater, and music hall.~~ TERMS USED IN THIS PART 7 SHALL  
26 HAVE THE SAME MEANING AS SET FORTH IN SECTION 24-34-301.

27 **SECTION 9.** 24-34-705, Colorado Revised Statutes, is amended

1 to read:

2 **24-34-705. Penalty.** Any person who violates any of the  
3 provisions of this part 7 or who aids in, incites, causes, or brings about in  
4 whole or in part the violation of any of such provisions, for each and  
5 every violation thereof, is guilty of a CLASS 3 misdemeanor and, upon  
6 conviction thereof, shall be ~~punished by a fine of not less than one~~  
7 ~~hundred dollars nor more than five hundred dollars, or by imprisonment~~  
8 ~~in the county jail for not less than thirty days nor more than ninety days,~~  
9 ~~or by both such fine and imprisonment~~ SENTENCED IN ACCORDANCE WITH  
10 SECTION 18-1.3-501 (1) (a), C.R.S. The penalty provided by this section  
11 shall be an alternative to the relief authorized by section 24-34-306 (9),  
12 and a person who seeks redress under this section shall not be permitted  
13 to seek relief from the commission.

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

16 **24-34-801. Legislative declaration.** (1) The general assembly  
17 hereby declares that it is the policy of the state:

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

22 (b) That ~~the blind, the visually impaired, the deaf, the partially~~  
23 ~~deaf, and the otherwise physically disabled~~ PERSONS WITH DISABILITIES  
24 shall be employed in the state service, the service of the political  
25 subdivisions of the state, the public schools, and in all other employment  
26 supported in whole or in part by public funds on the same terms and  
27 conditions as the able-bodied unless it is shown that the particular



1 disability prevents the performance of the work involved;

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

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

22 (e) and (f) Repealed.

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

25 **24-34-802. Violations - penalties.** (1) ~~Any~~ A person, firm, or  
26 corporation or the agent of ~~any~~ A person, firm, or corporation that denies  
27 or interferes with the rights and the admittance to or enjoyment of the

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

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

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

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

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

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

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

3           **24-34-803. Rights of persons with assistance animals -**  
4 **definitions.** (1) A person with a disability ~~including but not limited to~~  
5 ~~a blind, visually impaired, deaf, hard of hearing, or otherwise physically~~  
6 ~~disabled person,~~ has the right to be accompanied by an assistance ~~dog~~  
7 ANIMAL specially trained for that person without being required to pay an  
8 extra charge for the assistance ~~dog in or on the following places and~~  
9 ~~subject to the conditions and limitations established by law and applicable~~  
10 ~~alike to all persons:~~ ANIMAL IN OR ON THE PROPERTY OF ANY PLACE OF  
11 EMPLOYMENT, HOUSING, PUBLIC ACCOMMODATION, PUBLIC ENTITY, OR  
12 PUBLIC TRANSPORTATION SERVICES.

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

15           ~~(b) Any place of public accommodation or on public~~  
16 ~~transportation services; and~~

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

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

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

27           ~~(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.

1 (b) A PERSON WHO CAUSES HARM TO AN ASSISTANCE ANIMAL OR  
2 AN ASSISTANCE ANIMAL IN TRAINING SHALL BE LIABLE TO THE OWNER OF  
3 THE ASSISTANCE ANIMAL OR ASSISTANCE ANIMAL IN TRAINING FOR TREBLE  
4 THE AMOUNT OF ACTUAL DAMAGES.

5 (c) THE OWNER OF AN ANIMAL THAT CAUSES HARM TO AN  
6 ASSISTANCE ANIMAL OR AN ASSISTANCE ANIMAL IN TRAINING SHALL BE  
7 LIABLE TO THE OWNER OF THE ASSISTANCE ANIMAL OR ASSISTANCE  
8 ANIMAL IN TRAINING FOR TREBLE THE AMOUNT OF ACTUAL DAMAGES.

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

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

16 (7) As used in this section, unless the context otherwise requires,  
17 A TERM NOT DEFINED IN THIS SUBSECTION (7) SHALL HAVE THE SAME  
18 MEANING AS SET FORTH IN SECTION 24-34-301:

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

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

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

27 ~~(III) "Service dog" means a dog that has been or is being specially~~

1 ~~trained to aid a particular physically disabled person with a physical~~  
2 ~~disability other than sight or hearing impairment.~~

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

6 (c) ~~"Employer" has the same meaning as set forth in the federal~~  
7 ~~"Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12111 (5), as~~  
8 ~~amended, OR IN SECTION 24-34-401 (3), WHICHEVER DEFINITION PROVIDES~~  
9 ~~GREATER PROTECTION FOR THE PERSON WITH THE DISABILITY.~~

10 (d) ~~"Housing accommodations" means any real property or portion~~  
11 ~~thereof that is used or occupied, or intended, arranged, or designed to be~~  
12 ~~used or occupied, as the home, residence, or sleeping place of one or~~  
13 ~~more persons but does not include any single family residence, the~~  
14 ~~occupants of which rent, lease, or furnish for compensation not more than~~  
15 ~~one room in that residence.~~

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

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

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

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

27 (IV) ~~Motion picture theaters, theaters, billiard or pool halls,~~

1 ~~concert halls, stadiums, sports arenas, amusement or recreation parks, or~~  
2 ~~other places of exhibition or entertainment;~~  
3 ~~(V) Auditoriums, convention centers, lecture halls, or other places~~  
4 ~~of public gathering;~~  
5 ~~(VI) Bakeries, grocery stores, clothing stores, hardware stores,~~  
6 ~~shopping centers, or other sales or retail establishments;~~  
7 ~~(VII) Laundromats, dry cleaners, banks, barber shops, beauty~~  
8 ~~shops, travel services, shoe repair services, funeral parlors, offices of~~  
9 ~~accountants or attorneys-at-law, pharmacies, insurance offices,~~  
10 ~~professional offices of health care providers, hospitals, or other service~~  
11 ~~establishments;~~  
12 ~~(VIII) Terminals, depots, or other stations used for specified~~  
13 ~~purposes;~~  
14 ~~(IX) Museums, libraries, galleries, or other places of public~~  
15 ~~display or collection;~~  
16 ~~(X) Parks, zoos, or other places of recreation;~~  
17 ~~(XI) Nursery, elementary, secondary, undergraduate, or graduate~~  
18 ~~schools or other places of education;~~  
19 ~~(XII) Day care centers, senior citizen centers, homeless shelters,~~  
20 ~~food banks, adoption agencies, or other social service center~~  
21 ~~establishments;~~  
22 ~~(XIII) Gymnasiums, health spas, bowling alleys, golf courses, or~~  
23 ~~other places of exercise or recreation;~~  
24 ~~(XIV) Any other establishment or place to which the public is~~  
25 ~~invited; or~~  
26 ~~(XV) Any establishment physically containing or contained within~~  
27 ~~any of the establishments described in this paragraph (c) that holds itself~~

1 ~~out as serving patrons of the described establishment.~~

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

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

8 **SECTION 13.** 24-34-804, Colorado Revised Statutes, is amended  
9 to read:

10 **24-34-804. Violations - penalties.** (1) It is unlawful for any  
11 person, firm, corporation, or agent of any person, firm, or corporation to:

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

15 (b) Threaten to interfere with any of the rights ~~of persons with~~  
16 ~~disabilities or trainers secured in section 24-34-803~~ SECURED IN SECTION  
17 24-34-803 FOR A PERSON WITH A DISABILITY OR A TRAINER OF AN  
18 ASSISTANCE ANIMAL;

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

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

24 (e) DISCRIMINATE AGAINST AN INDIVIDUAL OR A GROUP BECAUSE  
25 THAT INDIVIDUAL OR GROUP HAS OPPOSED A PRACTICE MADE A  
26 DISCRIMINATORY PRACTICE BY THIS PART 8 OR BECAUSE THE INDIVIDUAL  
27 OR GROUP HAS MADE A CHARGE, TESTIFIED, ASSISTED, OR PARTICIPATED



1 IN ANY MANNER IN AN INVESTIGATION, PROCEEDING, OR HEARING  
2 CONDUCTED PURSUANT TO THIS PART 8.

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

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

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

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

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

22 PART 10  
23 DISCRIMINATION BY PUBLIC ENTITIES  
24 AND STATE AGENCIES

25 **24-34-1001. Definitions.** (1) AS USED IN THIS PART 10, UNLESS  
26 THE CONTEXT OTHERWISE REQUIRES, A TERM NOT DEFINED IN THIS PART  
27 10 SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 24-34-301.

1           (2) AS USED IN THIS PART 10, "QUALIFIED PERSON WITH A  
2           DISABILITY" MEANS A PERSON WITH A DISABILITY WHO MEETS THE  
3           ESSENTIAL ELIGIBILITY REQUIREMENTS OF A PUBLIC ENTITY TO RECEIVE  
4           ITS SERVICES OR PARTICIPATE IN ITS PROGRAMS OR ACTIVITIES, WITH OR  
5           WITHOUT REASONABLE MODIFICATIONS TO RULES, POLICIES, OR  
6           PRACTICES; REMOVAL OF ARCHITECTURAL, COMMUNICATION, OR  
7           TRANSPORTATION BARRIERS; OR PROVISION OF AUXILIARY AIDS AND  
8           SERVICES.

9           **24-34-1002. Prohibition against discrimination by public**  
10          **entities.** (1) A QUALIFIED PERSON WITH A DISABILITY SHALL NOT BE  
11          EXCLUDED FROM PARTICIPATION IN OR DENIED THE BENEFITS OF THE  
12          SERVICES, PROGRAMS, OR ACTIVITIES OF A PUBLIC ENTITY, OR BE  
13          SUBJECTED TO DISCRIMINATION BY A PUBLIC ENTITY, BY REASON OF THE  
14          PERSON'S DISABILITY.

15          (2) DISCRIMINATION BY REASON OF DISABILITY INCLUDES, BUT IS  
16          NOT LIMITED TO, AN ACTION THAT WOULD CONSTITUTE A VIOLATION OF  
17          TITLE II OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990",  
18          42 U.S.C. SEC. 12131 ET SEQ., AND ITS IMPLEMENTING REGULATIONS,  
19          INCLUDING BUT NOT LIMITED TO:

20                 (a) DESIGNING AND CONSTRUCTING A NEW BUILDING OR FACILITY  
21                 THAT IS NOT READILY ACCESSIBLE TO AND USABLE BY PERSONS WITH  
22                 DISABILITIES;

23                 (b) FAILING TO MAKE ALTERATIONS TO AN EXISTING BUILDING OR  
24                 FACILITY THAT WOULD MAKE IT READILY ACCESSIBLE AND USABLE BY  
25                 PERSONS WITH DISABILITIES;

26                 (c) MAKING ALTERATIONS TO AN EXISTING BUILDING OR FACILITY  
27                 THAT CAUSE THE ALTERED BUILDING OR FACILITY TO CEASE BEING

1 READILY ACCESSIBLE AND USABLE BY PERSONS WITH DISABILITIES;  
2 (d) FAILING TO MAKE REASONABLE MODIFICATIONS TO POLICIES,  
3 PRACTICES, AND PROCEDURES WHEN THOSE MODIFICATIONS ARE  
4 NECESSARY TO ALLOW PERSONS WITH DISABILITIES AN EQUAL  
5 OPPORTUNITY TO ENJOY AND USE THE PUBLIC ENTITY'S PROGRAMS,  
6 SERVICES, AND ACTIVITIES; AND

7 (e) FAILING TO MAKE REASONABLE ACCOMMODATIONS FOR A  
8 PERSON'S DISABILITY WHEN THE ACCOMMODATION IS NECESSARY TO  
9 ALLOW THE PERSON WITH A DISABILITY AN EQUAL OPPORTUNITY TO ENJOY  
10 AND USE THE PUBLIC ENTITY'S PROGRAMS, SERVICES, AND ACTIVITIES.

11 (3) IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR A  
12 PERSON OR PUBLIC ENTITY TO DISCRIMINATE AGAINST A PERSON OR GROUP  
13 BECAUSE THE PERSON OR GROUP HAS OPPOSED A PRACTICE THAT IS MADE  
14 A DISCRIMINATORY PRACTICE BY THIS PART 10 OR BECAUSE THE 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 **24-34-1003. Discrimination by public entities - remedies -**  
19 **penalties.** (1) A PERSON WHO HAS BEEN SUBJECTED TO A  
20 DISCRIMINATORY ACT PROHIBITED BY SECTION 24-34-1002 MAY BRING A  
21 CIVIL SUIT IN A COURT OF COMPETENT JURISDICTION AND MAY OBTAIN A  
22 COURT ORDER FOR COMPLIANCE WITH THIS PART 10. A PERSON WHO  
23 BRINGS SUIT PURSUANT TO THIS SECTION IS ENTITLED TO THE RECOVERY  
24 OF ACTUAL DAMAGES OR STATUTORY DAMAGES OF FOUR THOUSAND  
25 DOLLARS, WHICHEVER IS GREATER, FOR EACH VIOLATION. A PERSON WHO  
26 IS THE PREVAILING PARTY IN A LAWSUIT UNDER THIS SECTION IS ENTITLED  
27 TO RECOVER REASONABLE ATTORNEY FEES AND COSTS PURSUANT TO THE

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

3 (2) A PERSON WHO DENIES THE RIGHTS OF A PERSON WITH A  
4 DISABILITY PROTECTED BY THIS PART 10 COMMITS A CLASS 3  
5 MISDEMEANOR AND SHALL BE SENTENCED IN ACCORDANCE WITH SECTION  
6 18-1.3-501 (1) (a), C.R.S.

7 **24-34-1004. Discrimination by state agencies - requirements**  
8 **for compliance.** (1) A STATE AGENCY IS REQUIRED TO COMPLY WITH ALL  
9 APPLICABLE DISCRIMINATION POLICIES, INCLUDING BUT NOT LIMITED TO  
10 FEDERAL, STATE, AND LOCAL LAWS, AND ANY RULES PROMULGATED BY  
11 THE AGENCY.

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

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

17 (a) INJUNCTIVE RELIEF IN THE FORM OF A COURT ORDER REQUIRING  
18 COMPLIANCE WITH THIS SECTION AND SPECIFYING THE FORM OF  
19 COMPLIANCE;

20 (b) ACTUAL DAMAGES OR STATUTORY DAMAGES OF FOUR  
21 THOUSAND DOLLARS, WHICHEVER IS GREATER, FOR EACH VIOLATION OF  
22 THIS SECTION; AND

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

27 (4) IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR A

1 PERSON OR AGENCY TO DISCRIMINATE AGAINST A PERSON OR GROUP  
2 BECAUSE THAT PERSON OR GROUP HAS OPPOSED A PRACTICE THAT IS MADE  
3 A DISCRIMINATORY PRACTICE BY THIS PART 10 OR BECAUSE THAT PERSON  
4 OR GROUP HAS MADE A CHARGE, TESTIFIED, ASSISTED, OR PARTICIPATED  
5 IN ANY MANNER IN AN INVESTIGATION, PROCEEDING, OR HEARING  
6 CONDUCTED PURSUANT TO THIS PART 10.

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

9 **25.5-4-107. Retaliation definition.** (3) A PERSON OR ENTITY  
10 WHO VIOLATES THIS SECTION SHALL BE HELD LIABLE TO THE PERSON  
11 AGGRIEVED IN A COURT OF COMPETENT JURISDICTION FOR INJUNCTIVE  
12 RELIEF AND FOR ACTUAL DAMAGES OR STATUTORY DAMAGES IN THE  
13 AMOUNT OF FOUR THOUSAND DOLLARS, WHICHEVER IS GREATER, FOR  
14 EACH VIOLATION. THE COURT MAY AWARD REASONABLE ATTORNEY FEES  
15 AND COSTS TO THE PREVAILING PARTY PURSUANT TO THE "PREVAILING  
16 PARTY" STANDARDS UNDER THE FEDERAL "AMERICANS WITH DISABILITIES  
17 ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ.

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

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