

SENATE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chairman of Committee

April 21, 2014  
Date

Committee on Judiciary.

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

SB14-118 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:  
3 "SECTION 1. In Colorado Revised Statutes, **amend** 24-34-301  
4 as follows:  
5 **24-34-301. Definitions.** As used in parts 3 to 7 8 of this article,  
6 unless the context otherwise requires:  
7 (1) "Age" means a chronological age of at least forty years.  
8 (1.1) "AGENCY" OR "STATE AGENCY" MEANS ANY BOARD, BUREAU,  
9 COMMISSION, DEPARTMENT, INSTITUTION, DIVISION, SECTION, OR OFFICER  
10 OF THE STATE, EXCEPT THOSE IN THE LEGISLATIVE BRANCH OR JUDICIAL  
11 BRANCH AND EXCEPT THE ADJUTANT GENERAL OF THE NATIONAL GUARD,  
12 WHOSE POWERS AND DUTIES ARE SET FORTH IN SECTION 28-3-106, C.R.S.  
13 (1.2) "AGGRIEVED PERSON" OR "AGGRIEVED PARTY" MEANS A  
14 PERSON OR PARTY WHO CLAIMS TO HAVE BEEN INJURED BY A  
15 DISCRIMINATORY HOUSING OR EMPLOYMENT PRACTICE OR BELIEVES THAT  
16 HE OR SHE WILL BE INJURED BY A DISCRIMINATORY HOUSING OR  
17 EMPLOYMENT PRACTICE THAT IS ABOUT TO OCCUR.  
18 (1.5) "Commission" means the Colorado civil rights commission  
19 created by IN section 24-34-303.  
20 (1.6) "Commissioner" means a member of the Colorado civil  
21 rights commission.  
22 (2) "Director" means the director of the Colorado civil rights  
23 division, which office is created by IN section 24-34-302.  
24 (2.5) (a) "Disability" ~~means a physical impairment which~~  
25 ~~substantially limits one or more of a person's major life activities and~~  
26 ~~includes a record of such an impairment and being regarded as having~~

1 ~~such an impairment~~ HAS THE SAME MEANING AS SET FORTH IN THE  
2 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
3 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING  
4 REGULATIONS.

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

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

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

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

17 (4) (Deleted by amendment, L. 93, p. 1655, § 59, effective July 1,  
18 1993.)

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

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

32 (4.5) "Marital status" means a relationship or a spousal status of  
33 ~~a person~~ AN INDIVIDUAL, including but not limited to being single,  
34 cohabitating, engaged, widowed, married, in a civil union, or legally  
35 separated, or a relationship or a spousal status of ~~a person~~ AN INDIVIDUAL  
36 who has had or is in the process of having a marriage or civil union  
37 dissolved or declared invalid.

38 (5) (a) "Person" means one or more individuals, limited liability  
39 companies, partnerships, associations, corporations, legal representatives,  
40 trustees, receivers, OWNERS, LESSEES, PROPRIETORS, MANAGERS,  
41 EMPLOYEES, AGENTS OF ANY PERSON, or the state of Colorado and all OF  
42 ITS political subdivisions and agencies. ~~thereof.~~

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

9 (5.3) "PLACE OF PUBLIC ACCOMMODATION" OR "PUBLIC  
10 ACCOMMODATION" HAS THE SAME MEANING AS SET FORTH IN TITLE III OF  
11 THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C.  
12 SEC. 12181 (7), AND ITS IMPLEMENTING REGULATIONS.

13 (5.4) "PUBLIC ENTITY" HAS THE SAME MEANING AS SET FORTH IN  
14 TITLE II OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990",  
15 42 U.S.C. SEC. 12131, AND ITS IMPLEMENTING REGULATIONS.

16 (5.5) "PUBLIC TRANSPORTATION SERVICE" MEANS A COMMON  
17 CARRIER OF PASSENGERS OR ANY OTHER MEANS OF PUBLIC CONVEYANCE  
18 OR MODES OF TRANSPORTATION, INCLUDING BUT NOT LIMITED TO  
19 AIRPLANES, MOTOR VEHICLES, RAILROAD TRAINS, MOTOR BUSES,  
20 STREETCARS, BOATS, OR TAXIS.

21 (5.6) "QUALIFIED INDIVIDUAL WITH A DISABILITY" OR "INDIVIDUAL  
22 WITH A DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE  
23 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
24 12131, AND ITS RELATED AMENDMENTS AND IMPLEMENTING  
25 REGULATIONS.

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

29 (6.5) "SERVICE ANIMAL" HAS THE SAME MEANING AS SET FORTH IN  
30 THE IMPLEMENTING REGULATIONS OF TITLE II AND TITLE III OF THE  
31 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
32 12101 ET SEQ.

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

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

38 **SECTION 2.** In Colorado Revised Statutes, 24-34-302, **amend**  
39 (2) as follows:

40 **24-34-302. Civil rights division - director - powers and duties.**

41 (2) The director shall appoint such investigators and other personnel as  
42 may be necessary to carry out the functions and duties of the division. The

1 director and the staff of the division shall receive, investigate, and make  
2 determinations on charges alleging unfair or discriminatory practices in  
3 violation of parts 4 to 7 of this article AND SECTION 24-34-805.

4 **SECTION 3.** In Colorado Revised Statutes, 24-34-401, **amend**  
5 the introductory portion; and **repeal** (7.5) as follows:

6 **24-34-401. Definitions.** As used in this part 4, unless OTHERWISE  
7 DEFINED IN SECTION 24-34-301 OR UNLESS the context otherwise requires:

8 (7.5) ~~"Sexual orientation" means a person's orientation toward~~  
9 ~~heterosexuality, homosexuality, bisexuality, or transgender status or an~~  
10 ~~employer's perception thereof.~~

11 **SECTION 4.** In Colorado Revised Statutes, 24-34-501, **amend**  
12 the introductory portion; and **repeal** (1), (1.5), (2), and (3) as follows:

13 **24-34-501. Definitions.** As used in this part 5, unless OTHERWISE  
14 DEFINED IN SECTION 24-34-301 OR UNLESS the context otherwise requires:

15 (1) ~~"Aggrieved person" means any person who claims to have~~  
16 ~~been injured by a discriminatory housing practice or believes that he will~~  
17 ~~be injured by a discriminatory housing practice that is about to occur.~~

18 (1.5) ~~"Discriminate" includes both segregate and separate.~~

19 (2) ~~"Housing" means any building, structure, vacant land, or part~~  
20 ~~thereof offered for sale, lease, rent, or transfer of ownership; except that~~  
21 ~~"housing" does not include any room offered for rent or lease in a~~  
22 ~~single-family dwelling maintained and occupied in part by the owner or~~  
23 ~~lessee of said dwelling as his household.~~

24 (3) ~~"Person" has the meaning ascribed to such term in section~~  
25 ~~24-34-301 (5) and includes any owner, lessee, proprietor, manager,~~  
26 ~~employee, or any agent of a person; but, for purposes of this part 5,~~  
27 ~~"person" does not include any private club not open to the public, which~~  
28 ~~as an incident to its primary purpose or purposes provides lodgings that~~  
29 ~~it owns or operates for other than a commercial purpose unless such club~~  
30 ~~has the purpose of promoting discrimination in the matter of housing~~  
31 ~~against any person because of disability, race, creed, color, religion, sex,~~  
32 ~~sexual orientation, marital status, familial status, national origin, or~~  
33 ~~ancestry.~~

34 **SECTION 5.** In Colorado Revised Statutes, 24-34-502, **add** (1)  
35 (k) as follows:

36 **24-34-502. Unfair housing practices prohibited.** (1) It shall be  
37 an unfair housing practice and unlawful and hereby prohibited:

38 (k) FOR ANY PERSON TO VIOLATE THE PROVISIONS OF SECTION  
39 24-34-805.

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

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

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

8           **24-34-601. Discrimination in places of public accommodation**  
9 **- definition.** (2) (a) It is a discriminatory practice and unlawful for a  
10 person, directly or indirectly, to refuse, withhold from, or deny to an  
11 individual or a group, because of disability, race, creed, color, sex, sexual  
12 orientation, marital status, national origin, or ancestry, the full and equal  
13 enjoyment of the goods, services, facilities, privileges, advantages, or  
14 accommodations of a place of public accommodation or, directly or  
15 indirectly, to publish, circulate, issue, display, post, or mail any written,  
16 electronic, or printed communication, notice, or advertisement that  
17 indicates that the full and equal enjoyment of the goods, services,  
18 facilities, privileges, advantages, or accommodations of a place of public  
19 accommodation will be refused, withheld from, or denied an individual  
20 or that an individual's patronage or presence at a place of public  
21 accommodation is unwelcome, objectionable, unacceptable, or  
22 undesirable because of disability, race, creed, color, sex, sexual  
23 orientation, marital status, national origin, or ancestry.

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

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

29           **24-34-602. Penalty and civil liability.** (1) (a) Any person who  
30 violates section 24-34-601 shall be fined not less than fifty dollars nor  
31 more than five hundred dollars for each violation. A person aggrieved by  
32 the violation of section 24-34-601 shall bring an action in any court of  
33 competent jurisdiction in the county where the violation occurred. Upon  
34 finding a violation, the court shall order the defendant to pay the fine to  
35 the aggrieved party.

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

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

1           **24-34-703. Places of public accommodation - definition.** A  
2 place of public accommodation ~~resort, or amusement, within the meaning~~  
3 ~~of this part 7, shall be deemed to include any inn, tavern, or hotel;~~  
4 ~~whether conducted for the entertainment, housing, or lodging of transient~~  
5 ~~guests or for the benefit, use, or accommodation of those seeking health,~~  
6 ~~recreation, or rest, and any restaurant, eating house, public conveyance on~~  
7 ~~land or water, bathhouse, barber shop, theater, and music hall~~ HAS THE  
8 SAME MEANING AS SET FORTH IN SECTION 24-34-301.

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

11           **24-34-801. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
12 DECLARES THAT IT IS THE POLICY OF THE STATE:

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

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

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

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

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

39           **24-34-802. Violations - penalties.** (1) IT IS A DISCRIMINATORY  
40 PRACTICE AND UNLAWFUL FOR ANY PERSON TO DISCRIMINATE AGAINST  
41 ANY INDIVIDUAL OR GROUP BECAUSE SUCH PERSON OR GROUP HAS

1 OPPOSED ANY PRACTICE MADE A DISCRIMINATORY PRACTICE BASED ON  
2 DISABILITY PURSUANT TO PART 5, 6, OR 8 OF THIS ARTICLE, OR BECAUSE  
3 SUCH PERSON OR GROUP HAS MADE A CHARGE, TESTIFIED, ASSISTED, OR  
4 PARTICIPATED IN ANY MANNER IN AN INVESTIGATION, PROCEEDING, OR  
5 HEARING CONDUCTED PURSUANT TO PART 5, 6, OR 8 OF THIS ARTICLE.

6 (2) A QUALIFIED INDIVIDUAL WITH A DISABILITY, AS DEFINED IN  
7 SECTION 24-34-301 (5.6), WHO IS SUBJECT TO A VIOLATION OF SUBSECTION  
8 (1) OF THIS SECTION OR OF SECTION 24-34-502, 24-34-601, OR 24-34-805  
9 BASED ON HIS OR HER DISABILITY MAY BRING A CIVIL SUIT IN A COURT OF  
10 COMPETENT JURISDICTION AND IS ENTITLED TO THE FOLLOWING REMEDIES:

11 (a) A COURT ORDER REQUIRING COMPLIANCE WITH THE  
12 PROVISIONS OF THE APPLICABLE SECTION; OR

13 (b) THE RECOVERY OF ACTUAL MONETARY DAMAGES OR A  
14 STATUTORY FINE NOT TO EXCEED THREE THOUSAND FIVE HUNDRED  
15 DOLLARS.

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

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

21 **24-34-803. Rights of individuals with service animals.** (1) A  
22 QUALIFIED INDIVIDUAL WITH A DISABILITY HAS THE RIGHT TO BE  
23 ACCOMPANIED BY A SERVICE ANIMAL INDIVIDUALLY TRAINED FOR THAT  
24 INDIVIDUAL WITHOUT BEING REQUIRED TO PAY AN EXTRA CHARGE FOR THE  
25 SERVICE ANIMAL IN OR ON THE FOLLOWING PLACES OR DURING THE  
26 FOLLOWING ACTIVITIES AND SUBJECT TO THE CONDITIONS AND  
27 LIMITATIONS ESTABLISHED BY LAW AND APPLICABLE ALIKE TO ALL  
28 INDIVIDUALS:

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

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

33 (c) ANY PUBLIC TRANSPORTATION SERVICE; OR

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

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

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

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

3 (c) ANY PUBLIC TRANSPORTATION SERVICE; OR

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

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

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

26 (4) THE OWNER OR INDIVIDUAL WITH A DISABILITY WHO HAS  
27 CONTROL OR CUSTODY OF A SERVICE ANIMAL OR THE TRAINER OF A  
28 SERVICE ANIMAL IS LIABLE FOR ANY DAMAGE TO PERSONS, PREMISES, OR  
29 FACILITIES, INCLUDING PLACES OF HOUSING, PLACES OF PUBLIC  
30 ACCOMMODATION, AND PLACES OF EMPLOYMENT, CAUSED BY THAT  
31 INDIVIDUAL'S SERVICE ANIMAL OR SERVICE ANIMAL IN TRAINING. THE  
32 INDIVIDUAL WHO HAS CONTROL OR CUSTODY OF A SERVICE ANIMAL OR A  
33 SERVICE ANIMAL IN TRAINING IS SUBJECT TO THE PROVISIONS OF SECTION  
34 18-9-204.5, C.R.S.

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

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



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

3           **24-34-804. Service animals - violations - penalties.** (1) It is  
4 unlawful for any person, firm, corporation, or agent of any person, firm,  
5 or corporation to:

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

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

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

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

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

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

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

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

40           **SECTION 14.** In Colorado Revised Statutes, **repeal** 24-34-502.2.

41           **SECTION 15.** In Colorado Revised Statutes, **add** 24-34-805 as  
42 follows:

1           **24-34-805. Unfair or discriminatory housing practices against**  
2 **individuals with disabilities prohibited - definitions. [Similar to**  
3 **former 24-34-502.2.]** (1) IT IS AN UNFAIR OR DISCRIMINATORY HOUSING  
4 PRACTICE AND UNLAWFUL AND PROHIBITED:  
5           (a) FOR ANY PERSON TO DISCRIMINATE IN THE SALE OR RENTAL OF,  
6 OR TO OTHERWISE MAKE UNAVAILABLE OR DENY, A DWELLING TO ANY  
7 BUYER OR RENTER BECAUSE OF A DISABILITY OF THE BUYER OR RENTER,  
8 OR OF ANY INDIVIDUAL WHO WILL RESIDE IN THE DWELLING AFTER IT IS  
9 SOLD, RENTED, OR MADE AVAILABLE, OR OF ANY INDIVIDUAL ASSOCIATED  
10 WITH THE BUYER OR RENTER;  
11           (b) FOR ANY PERSON TO DISCRIMINATE AGAINST ANOTHER PERSON  
12 IN THE TERMS, CONDITIONS, OR PRIVILEGES OF SALE OR RENTAL OF A  
13 DWELLING OR IN THE PROVISION OF SERVICES OR FACILITIES IN  
14 CONNECTION WITH THE DWELLING BECAUSE OF THE INDIVIDUAL'S  
15 DISABILITY OR OF ANY INDIVIDUAL RESIDING IN OR INTENDING TO RESIDE  
16 IN THAT DWELLING AFTER IT IS SO SOLD, RENTED, OR MADE AVAILABLE, OR  
17 OF ANY INDIVIDUAL ASSOCIATED WITH THAT INDIVIDUAL; OR  
18           (c) ANY CONDUCT DETERMINED TO BE DISCRIMINATORY BASED ON  
19 DISABILITY PURSUANT TO PART 5 OF THIS ARTICLE 34.  
20           (2) COMPLIANCE WITH THE APPROPRIATE REQUIREMENTS OF THE  
21 AMERICAN NATIONAL STANDARD FOR BUILDINGS AND FACILITIES  
22 PROVIDING ACCESSIBILITY AND USABILITY FOR INDIVIDUALS WITH  
23 PHYSICAL DISABILITIES, COMMONLY REFERRED TO AS ANSI A117.1,  
24 SUFFICES TO SATISFY THE REQUIREMENTS OF SUBPARAGRAPH (III) OF  
25 PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION.  
26           (3) FOR PURPOSES OF THIS SECTION:  
27           (a) "COVERED MULTIFAMILY DWELLINGS" MEANS:  
28           (I) BUILDINGS CONSISTING OF FOUR OR MORE UNITS IF SUCH  
29 BUILDINGS HAVE ONE OR MORE ELEVATORS; AND  
30           (II) GROUND FLOOR UNITS IN OTHER BUILDINGS CONSISTING OF  
31 FOUR OR MORE UNITS.  
32           (b) "DISCRIMINATION" INCLUDES, BUT IS NOT LIMITED TO:  
33           (I) A REFUSAL TO PERMIT, AT THE EXPENSE OF THE INDIVIDUAL  
34 WITH A DISABILITY, REASONABLE MODIFICATIONS OF EXISTING PREMISES  
35 OCCUPIED OR TO BE OCCUPIED BY THE INDIVIDUAL IF THE MODIFICATIONS  
36 ARE NECESSARY TO AFFORD THE INDIVIDUAL FULL ENJOYMENT OF THE  
37 PREMISES; EXCEPT THAT, IN THE CASE OF A RENTAL, THE LANDLORD MAY,  
38 WHERE IT IS REASONABLE TO DO SO, CONDITION PERMISSION FOR A  
39 MODIFICATION ON THE RENTER AGREEING TO RESTORE THE INTERIOR OF  
40 THE PREMISES TO THE CONDITION THAT EXISTED BEFORE THE  
41 MODIFICATION, REASONABLE WEAR AND TEAR EXCEPTED;

1 (II) A REFUSAL TO MAKE REASONABLE ACCOMMODATIONS IN  
2 RULES, POLICIES, PRACTICES, OR SERVICES WHEN SUCH ACCOMMODATIONS  
3 MAY BE NECESSARY TO AFFORD THE INDIVIDUAL WITH A DISABILITY  
4 EQUAL OPPORTUNITY TO USE AND ENJOY A DWELLING; AND

5 (III) IN CONNECTION WITH THE DESIGN AND CONSTRUCTION OF  
6 COVERED MULTIFAMILY DWELLINGS FOR FIRST OCCUPANCY AFTER THE  
7 DATE THAT IS THIRTY MONTHS AFTER THE DATE OF ENACTMENT OF THE  
8 FEDERAL "FAIR HOUSING AMENDMENTS ACT OF 1988", A FAILURE TO  
9 DESIGN AND CONSTRUCT THOSE DWELLINGS IN SUCH A MANNER THAT THE  
10 PUBLIC USE AND COMMON USE PORTIONS OF SUCH DWELLINGS ARE  
11 READILY ACCESSIBLE TO AND USABLE BY INDIVIDUALS WITH DISABILITIES.  
12 AT LEAST ONE BUILDING ENTRANCE MUST BE ON AN ACCESSIBLE ROUTE  
13 UNLESS IT IS IMPRACTICAL TO DO SO BECAUSE OF THE TERRAIN OR THE  
14 UNUSUAL CHARACTERISTICS OF THE SITE. ALL DOORS DESIGNED TO ALLOW  
15 PASSAGE INTO AND WITHIN ALL PREMISES WITHIN THE DWELLINGS MUST  
16 BE SUFFICIENTLY WIDE TO ALLOW PASSAGE BY INDIVIDUALS WITH  
17 DISABILITIES IN WHEELCHAIRS, AND ALL PREMISES WITHIN THE DWELLINGS  
18 MUST CONTAIN THE FOLLOWING FEATURES OF ADAPTIVE DESIGN:

- 19 (A) ACCESSIBLE ROUTES INTO AND THROUGH THE DWELLINGS;
- 20 (B) LIGHT SWITCHES, ELECTRICAL OUTLETS, THERMOSTATS, AND  
21 OTHER ENVIRONMENTAL CONTROLS IN ACCESSIBLE LOCATIONS;
- 22 (C) REINFORCEMENTS IN BATHROOM WALLS TO ALLOW LATER  
23 INSTALLATION OF GRAB BARS; AND
- 24 (D) USABLE KITCHENS AND BATHROOMS SUCH THAT AN  
25 INDIVIDUAL IN A WHEELCHAIR CAN MANEUVER ABOUT THE SPACE.

26 **SECTION 16.** In Colorado Revised Statutes, 18-13-107, **amend**  
27 (1) and (3) as follows:

28 **18-13-107. Interference with persons with disabilities.** (1) ~~No~~  
29 ~~person, except one wholly or partially blind, or wholly or partially deaf,~~  
30 ~~or both wholly or partially blind and wholly or partially deaf, shall carry,~~  
31 ~~hold, or use upon any street, highway, sidewalk, or any other public place~~  
32 ~~a cane or walking stick which is white or white tipped with red or metallic~~  
33 ~~in color or a leash blaze orange in color on any dog accompanying such~~  
34 ~~person~~ A PERSON SHALL NOT FALSELY IMPERSONATE AN INDIVIDUAL WITH  
35 A DISABILITY, AS THAT TERM IS DEFINED IN SECTION 24-34-301 (5.6),  
36 C.R.S.

37 (3) ~~No person shall beat, harass, intimidate, entice, distract, or~~  
38 ~~otherwise interfere with any dog on a blaze orange leash or accompanying~~  
39 ~~a person carrying a white or white tipped with red or metallic colored~~  
40 ~~cane or walking stick or any assistance dog, as defined in section~~  
41 ~~24-34-803 (7), C.R.S., accompanying a person when that dog is being~~

1 ~~controlled by or wearing a harness normally used for dogs accompanying~~  
2 ~~or leading persons with disabilities~~ A PERSON SHALL NOT KNOWINGLY  
3 DENY AN INDIVIDUAL WITH A DISABILITY, AS DEFINED IN SECTION  
4 24-34-301 (5.6), C.R.S., ANY RIGHT OR PRIVILEGE PROTECTED IN SECTION  
5 24-34-502, 24-34-601, 24-34-802 (1), 24-34-803, OR 24-34-805, C.R.S.

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

8 **10-16-413.5. Return to home - legislative declaration.** (1) The  
9 general assembly hereby finds that:

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

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

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

23 **SECTION 18.** In Colorado Revised Statutes, 12-9-107, **amend**  
24 (27) as follows:

25 **12-9-107. Persons permitted to conduct games of chance -**  
26 **premises - equipment - expenses - rules.** (27) ~~No~~ AN operator shall NOT  
27 reserve or allow to be reserved any bingo cards for use by players except  
28 braille cards or other cards for use by legally blind players. A PERSON  
29 WHO IS legally blind ~~players~~ may use ~~their~~ HIS OR HER personal braille  
30 cards when a licensed organization does not provide such cards. A  
31 licensed organization has the right to inspect and to reject any personal  
32 braille card. A PERSON WHO IS legally blind or ~~disabled person~~ AN  
33 INDIVIDUAL WITH A DISABILITY may use a braille card or hard card in  
34 place of a purchased disposable paper bingo card.

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

37 **13-71-105. Qualifications for juror service.** (2) A prospective  
38 trial or grand juror shall be disqualified, based on the following grounds:

39 (d) Sole responsibility for the daily care of a ~~permanently disabled~~  
40 ~~person~~ AN INDIVIDUAL WITH A PERMANENT DISABILITY living in the same  
41 household to the extent that the performance of juror service would cause

1 a substantial risk of injury to the health of the ~~disabled person~~ INDIVIDUAL  
2 WITH A DISABILITY. Jurors who are regularly employed at a location other  
3 than their households may not be disqualified for this reason. Any person  
4 claiming this disqualification shall, if the jury commissioner requests it,  
5 submit a letter from a licensed physician, licensed advanced practice  
6 nurse, or authorized Christian science practitioner stating the name,  
7 address, and age of the ~~disabled person~~ INDIVIDUAL WITH A DISABILITY,  
8 the nature of care provided by the prospective juror, and an opinion that  
9 the performance of juror service would cause a substantial risk of injury  
10 to the ~~disabled person~~ INDIVIDUAL WITH A DISABILITY.

11 **SECTION 20.** In Colorado Revised Statutes, **amend** 15-16-307  
12 as follows:

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

30 **SECTION 21.** In Colorado Revised Statutes, 23-71-122, **amend**  
31 (1) introductory portion and (1) (s) as follows:

32 **23-71-122. Junior college board of trustees - specific powers**  
33 **- rules - definitions.** (1) In addition to any other power granted by law  
34 to a board of trustees of a junior college district, each board ~~shall have~~  
35 HAS the power to:

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

1           **SECTION 22.** In Colorado Revised Statutes, 25.5-5-202, **amend**  
2 (1) (c) (I) and (1) (c) (II) as follows:

3           **25.5-5-202. Basic services for the categorically needy - optional**  
4 **services - repeal.** (1) Subject to the provisions of subsection (2) of this  
5 section, the following are services for which federal financial  
6 participation is available and which Colorado has selected to provide as  
7 optional services under the medical assistance program:

8           (c) Home- and community-based services, as specified in article  
9 6 of this title, which include:

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

13           (II) Home- and community-based services for ~~developmentally~~  
14 ~~disabled~~ persons WITH DEVELOPMENTAL DISABILITIES, as specified in part  
15 4 of article 6 of this title;

16           **SECTION 23.** In Colorado Revised Statutes, **amend** 31-10-1514  
17 as follows:

18           **31-10-1514. Revealing how elector voted.** Any election official,  
19 watcher, or person who assists a ~~disabled person~~ AN INDIVIDUAL WITH A  
20 DISABILITY in voting AND who reveals how a ~~voter has~~ THE INDIVIDUAL  
21 WITH A DISABILITY voted commits a misdemeanor and, upon conviction  
22 thereof, shall be punished as provided in section 31-10-1504.

23           **SECTION 24.** In Colorado Revised Statutes, 31-30.5-702,  
24 **amend** (1) as follows:

25           **31-30.5-702. Police officers' old hire pension plans -**  
26 **municipalities under one hundred thousand in population.** (1) If any  
27 AN old hire member of any police department in a municipality having a  
28 population of less than one hundred thousand, while in the performance  
29 of the member's duty or by reason of service in such department, becomes  
30 physically or mentally disabled and such disability is deemed to be of a  
31 temporary nature, ~~said~~ THE board of trustees shall retire ~~such disabled~~  
32 ~~person~~ THE INDIVIDUAL WITH A DISABILITY and shall authorize the  
33 payment to such ~~person~~ INDIVIDUAL, monthly, of an amount from the  
34 pension fund equal to the monthly compensation paid any such member  
35 as salary at the date of such disability, not to exceed a period of one year.  
36 For the purpose of determining the physical or mental disability of any  
37 such member, the board of trustees may personally examine the member  
38 or may appoint one or more physicians or surgeons to make an  
39 examination of the member and report their findings to the board, which  
40 report may be taken into consideration in determining whether ~~said~~ THE  
41 member is ~~physically or mentally disabled~~ HAS A PHYSICAL OR MENTAL  
42 DISABILITY.

1           **SECTION 25.** In Colorado Revised Statutes, 33-14.5-101,  
2 **amend** (3) (e) as follows:

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

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

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

12           **SECTION 26.** In Colorado Revised Statutes, 39-3-112, **amend**  
13 (1) (a.5) as follows:

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

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

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

29           **40-9-109. Transportation of service animals accompanying**  
30 **individuals with disabilities.** When a ~~totally or partially blind, totally or~~  
31 ~~partially deaf, or physically disabled person~~ AN INDIVIDUAL WITH A  
32 DISABILITY is accompanied by a ~~dog which serves as an assistance dog~~ A  
33 SERVICE ANIMAL or which is being trained by a ~~qualified trainer as an~~  
34 ~~assistance dog~~ AS A SERVICE ANIMAL, as defined in section ~~24-34-803 (7)~~  
35 ~~24-34-301, C.R.S., for such disabled person~~ INDIVIDUAL WITH A  
36 DISABILITY, neither the ~~disabled person nor the dog~~ INDIVIDUAL WITH A  
37 DISABILITY NOR THE SERVICE ANIMAL shall be denied the facilities of any  
38 common carrier, nor shall ~~such disabled person~~ THE INDIVIDUAL WITH A  
39 DISABILITY be denied the immediate custody of the ~~dog~~ SERVICE ANIMAL  
40 while riding upon a common carrier. The provisions of this section ~~shall~~  
41 also apply to ~~any qualified~~ A trainer ~~who is training a dog~~ OF A SERVICE  
42 ANIMAL, AS DEFINED IN SECTION 24-34-301, C.R.S., for use by a ~~totally or~~

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

12 **SECTION 28.** In Colorado Revised Statutes, 42-4-808, **amend**  
13 (1) as follows:

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

28 **SECTION 29. Act subject to petition - effective date.** This act  
29 takes effect at 12:01 a.m. on the day following the expiration of the  
30 ninety-day period after final adjournment of the general assembly (August  
31 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a  
32 referendum petition is filed pursuant to section 1 (3) of article V of the  
33 state constitution against this act or an item, section, or part of this act  
34 within such period, then the act, item, section, or part will not take effect  
35 unless approved by the people at the general election to be held in  
36 November 2014 and, in such case, will take effect on the date of the  
37 official declaration of the vote thereon by the governor."

\*\* \*\*\* \*\* \*\*\* \*\*