

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0381.01 Jane Ritter x4342

SENATE BILL -

SENATE SPONSORSHIP

Steadman,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING IMPROVING PROTECTIONS FOR INDIVIDUALS WITH
102 DISABILITIES.

Bill Summary

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

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

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

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

The bill makes conforming amendments.

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

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

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

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

7 (1.1) "AGENCY" OR "STATE AGENCY" MEANS ANY BOARD, BUREAU,
8 COMMISSION, DEPARTMENT, INSTITUTION, DIVISION, SECTION, OR OFFICER
9 OF THE STATE, EXCEPT THOSE IN THE LEGISLATIVE BRANCH OR JUDICIAL
10 BRANCH AND EXCEPT THE ADJUTANT GENERAL OF THE NATIONAL GUARD,
11 WHOSE POWERS AND DUTIES ARE SET FORTH IN SECTION 28-3-106, C.R.S.

12 (1.2) "AGGRIEVED PERSON" OR "AGGRIEVED PARTY" MEANS A
13 PERSON OR PARTY WHO CLAIMS TO HAVE BEEN INJURED BY A
14 DISCRIMINATORY HOUSING OR EMPLOYMENT PRACTICE OR BELIEVES THAT
15 HE OR SHE WILL BE INJURED BY A DISCRIMINATORY HOUSING OR
16 EMPLOYMENT PRACTICE THAT IS ABOUT TO OCCUR.

17 (1.5) "Commission" means the Colorado civil rights commission
18 created ~~by~~ IN section 24-34-303.

19 (1.6) "Commissioner" means a member of the Colorado civil
20 rights commission.

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

23 (2.5) (a) "Disability" ~~means a physical impairment which~~

1 ~~substantially limits one or more of a person's major life activities and~~
2 ~~includes a record of such an impairment and being regarded as having~~
3 ~~such an impairment~~ HAS THE SAME MEANING AS SET FORTH IN THE
4 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
5 1201 ET SEQ., AND ITS IMPLEMENTING REGULATIONS.

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

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

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

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

18 (4) (Deleted by amendment, L. 93, p. 1655, § 59, effective July 1,
19 1993.)

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

26 (4.2) "HOUSING ACCOMMODATIONS" MEANS ANY REAL PROPERTY
27 OR PORTION THEREOF THAT IS USED OR OCCUPIED, OR INTENDED,

1 ARRANGED, OR DESIGNED TO BE USED OR OCCUPIED, AS THE HOME,
2 RESIDENCE, OR SLEEPING PLACE OF ONE OR MORE PERSONS BUT DOES NOT
3 INCLUDE ANY SINGLE FAMILY RESIDENCE, THE OCCUPANTS OF WHICH
4 RENT, LEASE, OR FURNISH FOR COMPENSATION NOT MORE THAN ONE ROOM
5 IN THAT RESIDENCE.

6 (4.5) "Marital status" means a relationship or a spousal status of
7 ~~a person~~ AN INDIVIDUAL, including but not limited to being single,
8 cohabitating, engaged, widowed, married, in a civil union, or legally
9 separated, or a relationship or a spousal status of ~~a person~~ AN INDIVIDUAL
10 who has had or is in the process of having a marriage or civil union
11 dissolved or declared invalid.

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

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

25 (5.3) "PUBLIC ACCOMMODATION" OR "PLACE OF PUBLIC
26 ACCOMMODATION" HAS THE SAME MEANING AS SET FORTH IN TITLE III OF
27 THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C.

1 SEC. 12181 (7), AND ITS IMPLEMENTING REGULATIONS.

2 (5.4) "PUBLIC ENTITY" HAS THE SAME MEANING AS SET FORTH IN
3 TITLE II OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990",
4 42 U.S.C. SEC. 12131, AND ITS IMPLEMENTING REGULATIONS.

5 (5.5) "PUBLIC TRANSPORTATION SERVICE" MEANS A COMMON
6 CARRIER OF PASSENGERS OR ANY OTHER MEANS OF PUBLIC CONVEYANCE
7 OR MODES OF TRANSPORTATION, INCLUDING BUT NOT LIMITED TO
8 AIRPLANES, MOTOR VEHICLES, RAILROAD TRAINS, MOTOR BUSES,
9 STREETCARS, BOATS, OR TAXIS.

10 (5.6) "QUALIFIED INDIVIDUAL WITH A DISABILITY" OR "INDIVIDUAL
11 WITH A DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE
12 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
13 12131, AND ITS IMPLEMENTING REGULATIONS.

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

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

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

22 **24-34-401. Definitions.** As used in this part 4, unless OTHERWISE
23 DEFINED IN SECTION 24-34-301 OR UNLESS the context otherwise requires:

24 (7.5) ~~"Sexual orientation" means a person's orientation toward~~
25 ~~heterosexuality, homosexuality, bisexuality, or transgender status or an~~
26 ~~employer's perception thereof.~~

27 **SECTION 3.** In Colorado Revised Statutes, 24-34-501, **amend**

1 the introductory portion; and **repeal** (1), (1.5), (2), and (3) as follows:

2 **24-34-501. Definitions.** As used in this part 5, unless OTHERWISE
3 DEFINED IN SECTION 24-34-301 OR UNLESS the context otherwise requires:

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

7 (1.5) ~~"Discriminate" includes both segregate and separate.~~

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

13 (3) ~~"Person" has the meaning ascribed to such term in section
14 24-34-301 (5) and includes any owner, lessee, proprietor, manager,
15 employee, or any agent of a person; but, for purposes of this part 5,
16 "person" does not include any private club not open to the public, which
17 as an incident to its primary purpose or purposes provides lodgings that
18 it owns or operates for other than a commercial purpose unless such club
19 has the purpose of promoting discrimination in the matter of housing
20 against any person because of disability, race, creed, color, religion, sex,
21 sexual orientation, marital status, familial status, national origin, or
22 ancestry.~~

23 **SECTION 4.** In Colorado Revised Statutes, 24-34-601, **amend**
24 (1) as follows:

25 **24-34-601. Discrimination in places of public accommodation**
26 **- definition.** (1) As used in this part 6, "PUBLIC ACCOMMODATION" OR
27 "place of public accommodation" ~~means any place of business engaged~~

1 ~~in any sales to the public and any place offering services, facilities,~~
2 ~~privileges, advantages, or accommodations to the public, including but~~
3 ~~not limited to any business offering wholesale or retail sales to the public;~~
4 ~~any place to eat, drink, sleep, or rest, or any combination thereof; any~~
5 ~~sporting or recreational area and facility; any public transportation~~
6 ~~facility; a barber shop, bathhouse, swimming pool, bath, steam or~~
7 ~~massage parlor, gymnasium, or other establishment conducted to serve~~
8 ~~the health, appearance, or physical condition of a person; a campsite or~~
9 ~~trailer camp; a dispensary, clinic, hospital, convalescent home, or other~~
10 ~~institution for the sick, ailing, aged, or infirm; a mortuary, undertaking~~
11 ~~parlor, or cemetery; an educational institution; or any public building,~~
12 ~~park, arena, theater, hall, auditorium, museum, library, exhibit, or public~~
13 ~~facility of any kind whether indoor or outdoor. "Place of public~~
14 ~~accommodation" shall not include a church, synagogue, mosque, or other~~
15 ~~place that is principally used for religious purposes~~ HAS THE SAME
16 MEANING AS SET FORTH IN SECTION 24-34-301 (5.3).

17 **SECTION 5.** In Colorado Revised Statutes, **amend** 24-34-703 as
18 follows:

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

27 **SECTION 6.** In Colorado Revised Statutes, 24-34-502, **add** (1.5)

1 as follows:

2 **24-34-502. Unfair housing practices prohibited.** (1.5) A
3 VIOLATION OF SECTION 24-34-805 BASED ON A PERSON'S DISABILITY IS AN
4 UNFAIR AND DISCRIMINATORY HOUSING PRACTICE AND IS PROHIBITED, AND
5 THE VIOLATOR IS SUBJECT TO THE PROVISIONS OF SECTION 24-34-802.

6 **SECTION 7.** In Colorado Revised Statutes, **repeal** 24-34-502.2.

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

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

17 (2) Repealed.

18 (3) The relief provided by this section is an alternative to that
19 authorized by section 24-34-306 (9), and a person who seeks redress
20 under this section ~~is not permitted to~~ MAY NOT seek relief from the
21 commission.

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

25 (5) WITH RESPECT TO CLAIMS BROUGHT ON THE BASIS OF
26 DISABILITY DISCRIMINATION, AN AWARD PROVIDED PURSUANT TO THIS
27 SECTION MUST BE CONSTRUED CONSISTENTLY WITH A CLAIM BROUGHT

1 PURSUANT TO THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF
2 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND ITS IMPLEMENTING
3 REGULATIONS.

4 **SECTION 9.** In Colorado Revised Statutes, **repeal** 24-34-801.

5 **SECTION 10.** In Colorado Revised Statutes, **add** 24-34-801.5 as
6 follows:

7 **24-34-801.5. Nondiscrimination by public entity against an**
8 **individual with a disability.** (1) A QUALIFIED INDIVIDUAL WITH A
9 DISABILITY SHALL NOT BE EXCLUDED, BY REASON OF HIS OR HER
10 DISABILITY, FROM PARTICIPATION IN OR BE DENIED THE BENEFITS OF THE
11 SERVICES, PROGRAMS, OR ACTIVITIES OF A PUBLIC ENTITY OR BE SUBJECT
12 TO DISCRIMINATION BY ANY SUCH ENTITY.

13 (2) SECTION 24-34-601 (2.5) APPLIES TO THIS SECTION.

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

16 **24-34-802. Violations - penalties.** (1) A QUALIFIED INDIVIDUAL
17 WITH A DISABILITY, AS DEFINED IN SECTION 24-34-301 (5.6), WHO IS
18 SUBJECT TO A VIOLATION OF SECTION 24-34-502, 24-34-602, 24-34-801.5,
19 OR 24-34-805 MAY BRING A CIVIL SUIT IN A COURT OF COMPETENT
20 JURISDICTION AND IS ENTITLED TO THE FOLLOWING REMEDIES:

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

23 (b) THE RECOVERY OF ACTUAL MONETARY DAMAGES OR A
24 STATUTORY FINE OF THREE THOUSAND FIVE HUNDRED DOLLARS.

25 (2) AN AWARD OF ATTORNEY FEES AND COSTS PURSUANT TO
26 SECTION 24-34-505.6 (6) (b) APPLIES TO CLAIMS BROUGHT PURSUANT TO
27 SECTION 24-34-801.5.

1 (3) AN AWARD PROVIDED PURSUANT TO THIS SECTION MUST BE
2 CONSTRUED CONSISTENTLY WITH A CLAIM BROUGHT PURSUANT TO THE
3 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
4 12101 ET SEQ., AND ITS IMPLEMENTING REGULATIONS.

5 **SECTION 12.** In Colorado Revised Statutes, **amend** 24-34-803
6 as follows:

7 **24-34-803. Rights of individuals with service animals.** (1) A
8 ~~person~~ QUALIFIED INDIVIDUAL with a disability ~~including but not limited~~
9 ~~to a blind, visually impaired, deaf, hard of hearing, or otherwise~~
10 ~~physically disabled person~~, has the right to be accompanied by ~~an~~
11 ~~assistance dog specially~~ A SERVICE ANIMAL INDIVIDUALLY trained for that
12 ~~person~~ INDIVIDUAL without being required to pay an extra charge for the
13 ~~assistance dog~~ SERVICE ANIMAL in or on the following places OR DURING
14 THE FOLLOWING ACTIVITIES and subject to the conditions and limitations
15 established by law and applicable alike to all ~~persons~~ INDIVIDUALS:

16 (a) ~~Public streets, highways, walkways, public buildings, public~~
17 ~~facilities and services, and other public places~~ ANY PLACE OF
18 EMPLOYMENT, HOUSING, OR PUBLIC ACCOMMODATION;

19 (b) ~~Any place of public accommodation or on public~~
20 ~~transportation services; and~~ ANY PROGRAMS, SERVICES, OR ACTIVITIES
21 CONDUCTED BY A PUBLIC ENTITY;

22 (c) ~~Any housing accommodation offered for rent, lease, or other~~
23 ~~compensation in the state.~~ ANY PUBLIC TRANSPORTATION SERVICE; OR

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

25 (2) A trainer of ~~an assistance dog~~ A SERVICE ANIMAL has the right
26 to be accompanied by ~~an assistance dog~~ THE SERVICE ANIMAL that the
27 trainer is in the process of training without being required to pay an extra

1 charge for the ~~assistance dog~~ SERVICE ANIMAL in or on the following
2 places OR DURING THE FOLLOWING ACTIVITIES:

3 (a) ~~Public streets, highways, walkways, public buildings, public~~
4 ~~facilities and services, and other public places; and~~ ANY PLACE OF
5 EMPLOYMENT, HOUSING, OR PUBLIC ACCOMMODATION;

6 (b) ~~Any place of public accommodation or on public~~
7 ~~transportation services.~~ ANY PROGRAMS, SERVICES, OR ACTIVITIES
8 CONDUCTED BY A PUBLIC ENTITY;

9 (c) ANY PUBLIC TRANSPORTATION SERVICE; OR

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

11 (3) (a) An employer ~~shall not refuse to permit~~ SHALL ALLOW an
12 employee with a disability who is accompanied by ~~an assistance dog~~ A
13 SERVICE ANIMAL to keep the employee's ~~assistance dog~~ SERVICE ANIMAL
14 with the employee at all times in the place of employment. An employer
15 shall not fail or refuse to hire or discharge any ~~person~~ INDIVIDUAL with a
16 disability, or otherwise discriminate against any ~~person~~ INDIVIDUAL with
17 a disability, with respect to compensation, terms, conditions, or privileges
18 of employment because that ~~person~~ INDIVIDUAL with a disability is
19 accompanied by ~~an assistance dog specially~~ A SERVICE ANIMAL
20 INDIVIDUALLY trained for that ~~person~~ INDIVIDUAL.

21 (b) An employer shall make reasonable accommodation to make
22 the workplace accessible for an otherwise qualified ~~person~~ INDIVIDUAL
23 with a disability who is an applicant or employee and who is accompanied
24 by ~~an assistance dog specially~~ A SERVICE ANIMAL INDIVIDUALLY trained
25 for that ~~person~~ INDIVIDUAL unless the employer can show that the
26 accommodation would impose an undue hardship on the employer's
27 business. For purposes of this paragraph (b), "undue hardship" means an

1 action requiring significant difficulty or expense.

2 (4) (a) ~~The owner or the person having control or custody of an~~
3 ~~assistance dog or an assistance dog in training~~ INDIVIDUAL WITH A
4 DISABILITY WHO HAS CONTROL OR CUSTODY OF A SERVICE ANIMAL OR THE
5 TRAINER OF A SERVICE ANIMAL is liable for any damage to persons,
6 premises, or facilities, including places of housing, PLACES OF PUBLIC
7 accommodation, and places of employment, caused by that ~~person's~~
8 ~~assistance dog or assistance dog~~ INDIVIDUAL'S SERVICE ANIMAL OR
9 SERVICE ANIMAL in training. The ~~person having~~ INDIVIDUAL WHO HAS
10 control or custody of ~~an assistance dog or an assistance dog~~ A SERVICE
11 ANIMAL OR A SERVICE ANIMAL in training ~~shall be~~ IS subject to the
12 provisions of section 18-9-204.5, C.R.S.

13 (b) A PERSON WHO CAUSES HARM TO A SERVICE ANIMAL OR A
14 SERVICE ANIMAL IN TRAINING SHALL BE LIABLE TO THE LEGAL OWNER OF
15 THE SERVICE ANIMAL OR SERVICE ANIMAL IN TRAINING FOR TREBLE THE
16 AMOUNT OF ACTUAL DAMAGES.

17 (c) THE LEGAL OWNER OF AN ANIMAL THAT CAUSES HARM TO A
18 SERVICE ANIMAL OR A SERVICE ANIMAL IN TRAINING SHALL BE LIABLE TO
19 THE LEGAL OWNER OF THE SERVICE ANIMAL OR SERVICE ANIMAL IN
20 TRAINING FOR TREBLE THE AMOUNT OF ACTUAL DAMAGES.

21 (5) ~~A person~~ AN INDIVIDUAL with a disability WHO OWNS A
22 SERVICE ANIMAL is exempt from any state or local licensing fees or
23 charges that might otherwise apply in connection with owning ~~an~~
24 ~~assistance dog~~ AN ANIMAL.

25 (6) The mere presence of ~~an assistance dog~~ A SERVICE ANIMAL in
26 a place of public accommodation ~~shall~~ IS not ~~be~~ grounds for any violation
27 of a sanitary standard, rule, or regulation promulgated pursuant to section

1 25-4-1604, C.R.S.

2 (7) As used in this section, unless OTHERWISE DEFINED IN SECTION
3 24-34-301 OR UNLESS the context otherwise requires:

4 (a) ~~"Assistance dog" means a dog that has been or is being trained~~
5 ~~as a guide dog, hearing dog, or service dog. Such terms are further~~
6 ~~defined as follows:~~

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

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

11 (HH) ~~"Service dog" means a dog that has been or is being specially~~
12 ~~trained to aid a particular physically disabled person with a physical~~
13 ~~disability other than sight or hearing impairment.~~

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

17 (c) ~~"Employer" has the same meaning as set forth in the federal~~
18 ~~"Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12111 (5), as~~
19 ~~amended.~~

20 (d) ~~"Housing accommodations" means any real property or portion~~
21 ~~thereof that is used or occupied, or intended, arranged, or designed to be~~
22 ~~used or occupied, as the home, residence, or sleeping place of one or~~
23 ~~more persons but does not include any single family residence, the~~
24 ~~occupants of which rent, lease, or furnish for compensation not more than~~
25 ~~one room in that residence~~ HAS THE SAME MEANING AS SET FORTH IN
26 SECTION 24-34-301 (4.2).

27 (e) ~~"Places "PLACE of public accommodation" means the~~

1 following categories of private entities:

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

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

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

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

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

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

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

23 ~~(VIII) Terminals, depots, or other stations used for specified~~
24 ~~purposes;~~

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

27 ~~(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 OR "PUBLIC~~
13 ~~ACCOMMODATION" HAS THE SAME MEANING AS SET FORTH IN SECTION~~
14 ~~24-34-301 (5.3).~~

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

19 ~~(f.5) "SERVICE ANIMAL" HAS THE SAME MEANING AS SET FORTH IN~~
20 ~~THE IMPLEMENTING REGULATIONS OF TITLE II AND TITLE III OF THE~~
21 ~~FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.~~
22 ~~12101 ET SEQ.~~

23 ~~(g) "Trainer of an assistance dog A SERVICE ANIMAL" means a~~
24 ~~person who is qualified to train dogs to serve as assistance dogs~~
25 ~~INDIVIDUALLY TRAINS A SERVICE ANIMAL.~~

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

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

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

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

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

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

18 (3) (a) ~~Any~~ A person who violates any provision of subsection (1)
19 of this section ~~shall be~~ IS liable to the ~~person~~ QUALIFIED INDIVIDUAL with
20 a disability WHO IS ACCOMPANIED BY A SERVICE ANIMAL OR A trainer OF
21 A SERVICE ANIMAL whose rights were affected for actual damages for
22 economic loss, to be recovered in a civil action in a court in the county
23 where the infringement of rights occurred or where the defendant resides.

24 **SECTION 14.** In Colorado Revised Statutes, **add** 24-34-805 as
25 follows:

26 **24-34-805. Unfair or discriminatory housing practices against**
27 **individuals with disabilities prohibited - definitions.** [Similar to

1 **former 24-34-502.2.]** (1) IT IS AN UNFAIR OR DISCRIMINATORY HOUSING
2 PRACTICE AND UNLAWFUL AND PROHIBITED:

3 (a) FOR ANY PERSON TO DISCRIMINATE IN THE SALE OR RENTAL OF,
4 OR TO OTHERWISE MAKE UNAVAILABLE OR DENY, A DWELLING TO ANY
5 BUYER OR RENTER BECAUSE OF A DISABILITY OF THE BUYER OR RENTER,
6 OR OF ANY INDIVIDUAL WHO WILL RESIDE IN THE DWELLING AFTER IT IS
7 SOLD, RENTED, OR MADE AVAILABLE, OR OF ANY INDIVIDUAL ASSOCIATED
8 WITH THE BUYER OR RENTER;

9 (b) FOR ANY PERSON TO DISCRIMINATE AGAINST ANOTHER PERSON
10 IN THE TERMS, CONDITIONS, OR PRIVILEGES OF SALE OR RENTAL OF A
11 DWELLING OR IN THE PROVISION OF SERVICES OR FACILITIES IN
12 CONNECTION WITH THE DWELLING BECAUSE OF THE INDIVIDUAL'S
13 DISABILITY OR OF ANY INDIVIDUAL RESIDING IN OR INTENDING TO RESIDE
14 IN THAT DWELLING AFTER IT IS SO SOLD, RENTED, OR MADE AVAILABLE, OR
15 OF ANY INDIVIDUAL ASSOCIATED WITH THAT INDIVIDUAL.

16 (2) COMPLIANCE WITH THE APPROPRIATE REQUIREMENTS OF THE
17 AMERICAN NATIONAL STANDARD FOR BUILDINGS AND FACILITIES
18 PROVIDING ACCESSIBILITY AND USABILITY FOR INDIVIDUALS WITH
19 PHYSICAL DISABILITIES (COMMONLY CITED AS ANSIA 117.1) SUFFICES TO
20 SATISFY THE REQUIREMENTS OF SUBPARAGRAPH (III) OF PARAGRAPH (b)
21 OF SUBSECTION (3) OF THIS SECTION.

22 (3) FOR PURPOSES OF THIS SECTION:

23 (a) "COVERED MULTIFAMILY DWELLINGS" MEANS:

24 (I) BUILDINGS CONSISTING OF FOUR OR MORE UNITS IF SUCH
25 BUILDINGS HAVE ONE OR MORE ELEVATORS; AND

26 (II) GROUND FLOOR UNITS IN OTHER BUILDINGS CONSISTING OF
27 FOUR OR MORE UNITS.

1 (b) "DISCRIMINATION" INCLUDES, BUT IS NOT LIMITED TO:

2 (I) A REFUSAL TO PERMIT, AT THE EXPENSE OF THE INDIVIDUAL
3 WITH A DISABILITY, REASONABLE MODIFICATIONS OF EXISTING PREMISES
4 OCCUPIED OR TO BE OCCUPIED BY THE INDIVIDUAL IF THE MODIFICATIONS
5 ARE NECESSARY TO AFFORD THE INDIVIDUAL FULL ENJOYMENT OF THE
6 PREMISES; EXCEPT THAT, IN THE CASE OF A RENTAL, THE LANDLORD MAY,
7 WHERE IT IS REASONABLE TO DO SO, CONDITION PERMISSION FOR A
8 MODIFICATION ON THE RENTER AGREEING TO RESTORE THE INTERIOR OF
9 THE PREMISES TO THE CONDITION THAT EXISTED BEFORE THE
10 MODIFICATION, REASONABLE WEAR AND TEAR EXCEPTED;

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

15 (III) IN CONNECTION WITH THE DESIGN AND CONSTRUCTION OF
16 COVERED MULTIFAMILY DWELLINGS FOR FIRST OCCUPANCY AFTER THE
17 DATE THAT IS THIRTY MONTHS AFTER THE DATE OF ENACTMENT OF THE
18 FEDERAL "FAIR HOUSING AMENDMENTS ACT OF 1988", A FAILURE TO
19 DESIGN AND CONSTRUCT THOSE DWELLINGS IN SUCH A MANNER THAT THE
20 PUBLIC USE AND COMMON USE PORTIONS OF SUCH DWELLINGS ARE
21 READILY ACCESSIBLE TO AND USABLE BY INDIVIDUALS WITH DISABILITIES.
22 AT LEAST ONE BUILDING ENTRANCE MUST BE ON AN ACCESSIBLE ROUTE
23 UNLESS IT IS IMPRACTICAL TO DO SO BECAUSE OF THE TERRAIN OR THE
24 UNUSUAL CHARACTERISTICS OF THE SITE. ALL DOORS DESIGNED TO ALLOW
25 PASSAGE INTO AND WITHIN ALL PREMISES WITHIN THE DWELLINGS MUST
26 BE SUFFICIENTLY WIDE TO ALLOW PASSAGE BY INDIVIDUALS WITH
27 DISABILITIES IN WHEELCHAIRS, AND ALL PREMISES WITHIN THE DWELLINGS

1 MUST CONTAIN THE FOLLOWING FEATURES OF ADAPTIVE DESIGN:

2 (A) ACCESSIBLE ROUTES INTO AND THROUGH THE DWELLINGS;

3 (B) LIGHT SWITCHES, ELECTRICAL OUTLETS, THERMOSTATS, AND
4 OTHER ENVIRONMENTAL CONTROLS IN ACCESSIBLE LOCATIONS;

5 (C) REINFORCEMENTS IN BATHROOM WALLS TO ALLOW LATER
6 INSTALLATION OF GRAB BARS; AND

7 (D) USABLE KITCHENS AND BATHROOMS SUCH THAT AN
8 INDIVIDUAL IN A WHEELCHAIR CAN MANEUVER ABOUT THE SPACE.

9 **SECTION 15.** In Colorado Revised Statutes, 18-13-107, **amend**
10 (1) and (3) as follows:

11 **18-13-107. Interference with persons with disabilities.** (1) ~~No~~
12 ~~person, except one wholly or partially blind, or wholly or partially deaf,~~
13 ~~or both wholly or partially blind and wholly or partially deaf, shall carry,~~
14 ~~hold, or use upon any street, highway, sidewalk, or any other public place~~
15 ~~a cane or walking stick which is white or white tipped with red or metallic~~
16 ~~in color or a leash blaze orange in color on any dog accompanying such~~
17 ~~person~~ A PERSON SHALL NOT FALSELY IMPERSONATE AN INDIVIDUAL WITH
18 A DISABILITY, AS THAT TERM IS DEFINED IN SECTION 24-34-301 (5.6),
19 C.R.S.

20 (3) ~~No person shall beat, harass, intimidate, entice, distract, or~~
21 ~~otherwise interfere with any dog on a blaze orange leash or accompanying~~
22 ~~a person carrying a white or white tipped with red or metallic colored~~
23 ~~cane or walking stick or any assistance dog, as defined in section~~
24 ~~24-34-803 (7), C.R.S., accompanying a person when that dog is being~~
25 ~~controlled by or wearing a harness normally used for dogs accompanying~~
26 ~~or leading persons with disabilities~~ A PERSON SHALL NOT KNOWINGLY
27 DENY AN INDIVIDUAL WITH A DISABILITY, AS DEFINED IN SECTION

1 24-34-301 (5.6), C.R.S., ANY RIGHT OR PRIVILEGE PROTECTED IN SECTION
2 24-34-502, 24-34-601, 24-34-801.5, 24-34-803, OR 24-34-805, C.R.S.

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

5 **10-16-413.5. Return to home - legislative declaration.** (1) The
6 general assembly hereby finds that:

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

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

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

20 **SECTION 17.** In Colorado Revised Statutes, 12-9-107, **amend**
21 (27) as follows:

22 **12-9-107. Persons permitted to conduct games of chance -**
23 **premises - equipment - expenses - rules.** (27) ~~No~~ AN operator shall NOT
24 reserve or allow to be reserved any bingo cards for use by players except
25 braille cards or other cards for use by legally blind players. A PERSON
26 WHO IS legally blind ~~players~~ may use ~~their~~ HIS OR HER personal braille
27 cards when a licensed organization does not provide such cards. A

1 licensed organization has the right to inspect and to reject any personal
2 braille card. A PERSON WHO IS legally blind or ~~disabled person~~ AN
3 INDIVIDUAL WITH A DISABILITY may use a braille card or hard card in
4 place of a purchased disposable paper bingo card.

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

7 **13-71-105. Qualifications for juror service.** (2) A prospective
8 trial or grand juror shall be disqualified, based on the following grounds:

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

22 **SECTION 19.** In Colorado Revised Statutes, **amend** 15-16-307
23 as follows:

24 **15-16-307. Limitations on proceedings against trustees after**
25 **final account.** Unless previously barred by adjudication, consent, or
26 limitation, any claim against a trustee for breach of trust is barred as to
27 any beneficiary who has received a final account or other statement fully

1 disclosing the matter and showing termination of the trust relationship
2 between the trustee and the beneficiary unless a proceeding to assert the
3 claim is commenced within six months after receipt of the final account
4 or statement. In any event and notwithstanding lack of full disclosure, an
5 action for breach of trust against a trustee who has issued a final account
6 or statement received by the beneficiary and has informed the beneficiary
7 of the location and availability of records for his OR HER examination
8 ~~shall~~ MUST be brought within the time period prescribed in section
9 13-80-101, C.R.S. A beneficiary is deemed to have received a final
10 account or statement if, being an adult, it is received by him OR HER
11 personally or if, being a minor or ~~disabled person~~ AN INDIVIDUAL WITH A
12 DISABILITY, it is received by his OR HER representative as described in
13 section 15-10-403.

14 **SECTION 20.** In Colorado Revised Statutes, 23-71-122, **amend**
15 (1) introductory portion and (1) (s) as follows:

16 **23-71-122. Junior college board of trustees - specific powers**
17 **- rules - definitions.** (1) In addition to any other power granted by law
18 to a board of trustees of a junior college district, each board ~~shall have~~
19 HAS the power to:

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

26 **SECTION 21.** In Colorado Revised Statutes, 25.5-5-202, **amend**
27 (1) (c) (I) and (1) (c) (II) as follows:

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

6 (c) Home- and community-based services, as specified in article
7 6 of this title, which include:

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

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

14 **SECTION 22.** In Colorado Revised Statutes, **amend** 31-10-1514
15 as follows:

16 **31-10-1514. Revealing how elector voted.** Any election official,
17 watcher, or person who assists a ~~disabled person~~ AN INDIVIDUAL WITH A
18 DISABILITY in voting AND who reveals how a voter has THE INDIVIDUAL
19 WITH A DISABILITY voted commits a misdemeanor and, upon conviction
20 thereof, shall be punished as provided in section 31-10-1504.

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

23 **31-30.5-702. Police officers' old hire pension plans -**
24 **municipalities under one hundred thousand in population.** (1) If any
25 AN old hire member of any police department in a municipality having a
26 population of less than one hundred thousand, while in the performance
27 of the member's duty or by reason of service in such department, becomes

1 physically or mentally disabled and such disability is deemed to be of a
2 temporary nature, ~~said~~ THE board of trustees shall retire ~~such disabled~~
3 ~~person~~ THE INDIVIDUAL WITH A DISABILITY and shall authorize the
4 payment to such ~~person~~ INDIVIDUAL, monthly, of an amount from the
5 pension fund equal to the monthly compensation paid any such member
6 as salary at the date of such disability, not to exceed a period of one year.
7 For the purpose of determining the physical or mental disability of any
8 such member, the board of trustees may personally examine the member
9 or may appoint one or more physicians or surgeons to make an
10 examination of the member and report their findings to the board, which
11 report may be taken into consideration in determining whether ~~said~~ THE
12 member is ~~physically or mentally disabled~~ HAS A PHYSICAL OR MENTAL
13 DISABILITY.

14 **SECTION 24.** In Colorado Revised Statutes, 33-14.5-101,
15 **amend** (3) (e) as follows:

16 **33-14.5-101. Definitions.** As used in this article, unless the
17 context otherwise requires:

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

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

25 **SECTION 25.** In Colorado Revised Statutes, 39-3-112, **amend**
26 (1) (a.5) as follows:

27 **39-3-112. Definitions - residential property - orphanage -**

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

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

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

15 **40-9-109. Transportation of service animals accompanying**
16 **individuals with disabilities.** When a ~~totally or partially blind, totally or~~
17 ~~partially deaf, or physically disabled person~~ AN INDIVIDUAL WITH A
18 DISABILITY is accompanied by a dog which serves as ~~an assistance dog~~ A
19 SERVICE ANIMAL or which is being trained ~~by a qualified trainer as an~~
20 ~~assistance dog~~ AS A SERVICE ANIMAL, as defined in section 24-34-803, (7),
21 C.R.S., for such ~~disabled person~~ INDIVIDUAL WITH A DISABILITY, neither
22 the ~~disabled person nor the dog~~ INDIVIDUAL WITH A DISABILITY NOR THE
23 SERVICE ANIMAL shall be denied the facilities of any common carrier, nor
24 shall ~~such disabled person~~ THE INDIVIDUAL WITH A DISABILITY be denied
25 the immediate custody of the ~~dog~~ SERVICE ANIMAL while riding upon a
26 common carrier. The provisions of this section ~~shall~~ also apply to any
27 ~~qualified trainer~~ PERSON who is INDIVIDUALLY training a ~~dog~~ SERVICE

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

12 **SECTION 27.** 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, is assisted by ~~an assistance dog~~ A SERVICE ANIMAL, as
24 defined in section 24-34-803, ~~(7)~~, C.R.S., is being assisted by another
25 person, is in a wheelchair, or is walking with an obvious physical
26 impairment. Any person who violates any provision of this section
27 commits a class A traffic offense.

1 **SECTION 28. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2014 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.