

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0381.01 Jane Ritter x4342

SENATE BILL 14-118

SENATE SPONSORSHIP

Steadman,

HOUSE SPONSORSHIP

Melton,

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 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING
6 REGULATIONS.

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

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

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

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

19 (4) (Deleted by amendment, L. 93, p. 1655, § 59, effective July 1,
20 1993.)

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

27 (4.2) "HOUSING ACCOMMODATIONS" MEANS ANY REAL PROPERTY

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

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

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

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

26 (5.3) "PLACE OF PUBLIC ACCOMMODATION" OR "PUBLIC
27 ACCOMMODATION" HAS THE SAME MEANING AS SET FORTH IN TITLE III OF

1 THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C.
2 SEC. 12181 (7), AND ITS IMPLEMENTING REGULATIONS.

3 (5.4) "PUBLIC ENTITY" HAS THE SAME MEANING AS SET FORTH IN
4 TITLE II OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990",
5 42 U.S.C. SEC. 12131, AND ITS IMPLEMENTING REGULATIONS.

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

11 (5.6) "QUALIFIED INDIVIDUAL WITH A DISABILITY" OR "INDIVIDUAL
12 WITH A DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE
13 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
14 12131, AND ITS RELATED AMENDMENTS AND IMPLEMENTING
15 REGULATIONS.

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

19 (6.5) "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 (7) "Sexual orientation" means ~~a person's~~ AN INDIVIDUAL'S
24 orientation toward heterosexuality, homosexuality, bisexuality, or
25 transgender status or another ~~person's~~ INDIVIDUAL'S perception thereof.

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

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

3 **24-34-302. Civil rights division - director - powers and duties.**

4 (2) The director shall appoint such investigators and other personnel as
5 may be necessary to carry out the functions and duties of the division. The
6 director and the staff of the division shall receive, investigate, and make
7 determinations on charges alleging unfair or discriminatory practices in
8 violation of parts 4 to 7 of this article AND SECTION 24-34-805.

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

11 **24-34-401. Definitions.** As used in this part 4, unless OTHERWISE
12 DEFINED IN SECTION 24-34-301 OR UNLESS the context otherwise requires:

13 (7.5) "Sexual orientation" means a person's orientation toward
14 heterosexuality, homosexuality, bisexuality, or transgender status or an
15 employer's perception thereof.

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

18 **24-34-501. Definitions.** As used in this part 5, unless OTHERWISE
19 DEFINED IN SECTION 24-34-301 OR UNLESS the context otherwise requires:

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

23 (1.5) "Discriminate" includes both segregate and separate.

24 (2) "Housing" means any building, structure, vacant land, or part
25 thereof offered for sale, lease, rent, or transfer of ownership; except that
26 "housing" does not include any room offered for rent or lease in a
27 single-family dwelling maintained and occupied in part by the owner or

1 lessee of said dwelling as his household.

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

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

14 24-34-502. Unfair housing practices prohibited. (1) It shall be
15 an unfair housing practice and unlawful and hereby prohibited:

16 (k) FOR ANY PERSON TO VIOLATE THE PROVISIONS OF SECTION
17 24-34-805.

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

20 24-34-508. Relief authorized. (2) IN ADDITION TO THE RELIEF
21 AUTHORIZED BY THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, AN
22 INDIVIDUAL WITH A DISABILITY WHO HAS SUFFERED AN UNFAIR HOUSING
23 PRACTICE BASED ON HIS OR HER DISABILITY IS ENTITLED TO THE RELIEF SET
24 FORTH IN SECTION 24-34-802.

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

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

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

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

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

21 **24-34-602. Penalty and civil liability.** (1) (a) Any person who
22 violates section 24-34-601 shall be fined not less than fifty dollars nor
23 more than five hundred dollars for each violation. A person aggrieved by
24 the violation of section 24-34-601 shall bring an action in any court of
25 competent jurisdiction in the county where the violation occurred. Upon
26 finding a violation, the court shall order the defendant to pay the fine to
27 the aggrieved party.

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

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

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

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

17 **24-34-801. Legislative declaration.** (1) THE GENERAL ASSEMBLY
18 DECLARES THAT IT IS THE POLICY OF THE STATE:

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

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

1 FACILITIES, AND OTHER PUBLIC PLACES;

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

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

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

18 **24-34-802. Violations - penalties. (1) IT IS A DISCRIMINATORY**
19 **PRACTICE AND UNLAWFUL FOR ANY PERSON TO DISCRIMINATE AGAINST**
20 **ANY INDIVIDUAL OR GROUP BECAUSE SUCH PERSON OR GROUP HAS**
21 **OPPOSED ANY PRACTICE MADE A DISCRIMINATORY PRACTICE BASED ON**
22 **DISABILITY PURSUANT TO PART 5, 6, OR 8 OF THIS ARTICLE, OR BECAUSE**
23 **SUCH PERSON OR GROUP HAS MADE A CHARGE, TESTIFIED, ASSISTED, OR**
24 **PARTICIPATED IN ANY MANNER IN AN INVESTIGATION, PROCEEDING, OR**
25 **HEARING CONDUCTED PURSUANT TO PART 5, 6, OR 8 OF THIS ARTICLE.**

26 **(2) A QUALIFIED INDIVIDUAL WITH A DISABILITY, AS DEFINED IN**
27 **SECTION 24-34-301 (5.6), WHO IS SUBJECT TO A VIOLATION OF SUBSECTION**

1 (1) OF THIS SECTION OR OF SECTION 24-34-502, 24-34-601, OR 24-34-805
2 BASED ON HIS OR HER DISABILITY MAY BRING A CIVIL SUIT IN A COURT OF
3 COMPETENT JURISDICTION AND IS ENTITLED TO THE FOLLOWING REMEDIES:

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

6 (b) THE RECOVERY OF ACTUAL MONETARY DAMAGES OR A
7 STATUTORY FINE NOT TO EXCEED THREE THOUSAND FIVE HUNDRED
8 DOLLARS.

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

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

14 **24-34-803. Rights of individuals with service animals. (1) A**
15 **QUALIFIED INDIVIDUAL WITH A DISABILITY HAS THE RIGHT TO BE**
16 **ACCOMPANIED BY A SERVICE ANIMAL INDIVIDUALLY TRAINED FOR THAT**
17 **INDIVIDUAL WITHOUT BEING REQUIRED TO PAY AN EXTRA CHARGE FOR THE**
18 **SERVICE ANIMAL IN OR ON THE FOLLOWING PLACES OR DURING THE**
19 **FOLLOWING ACTIVITIES AND SUBJECT TO THE CONDITIONS AND**
20 **LIMITATIONS ESTABLISHED BY LAW AND APPLICABLE ALIKE TO ALL**
21 **INDIVIDUALS:**

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

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

26 (c) ANY PUBLIC TRANSPORTATION SERVICE; OR

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

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

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

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

11 (c) ANY PUBLIC TRANSPORTATION SERVICE; OR

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

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

23 (b) AN EMPLOYER SHALL MAKE REASONABLE ACCOMMODATION TO
24 MAKE THE WORKPLACE ACCESSIBLE FOR AN OTHERWISE QUALIFIED
25 INDIVIDUAL WITH A DISABILITY WHO IS AN APPLICANT OR EMPLOYEE AND
26 WHO IS ACCOMPANIED BY A SERVICE ANIMAL INDIVIDUALLY TRAINED FOR
27 THAT INDIVIDUAL UNLESS THE EMPLOYER CAN SHOW THAT THE

1 ACCOMMODATION WOULD IMPOSE AN UNDUE HARDSHIP ON THE
2 EMPLOYER'S BUSINESS. FOR PURPOSES OF THIS PARAGRAPH (b), "UNDUE
3 HARDSHIP" AND "REASONABLE ACCOMMODATION" HAVE THE SAME
4 MEANING AS SET FORTH IN TITLE I OF THE FEDERAL "AMERICANS WITH
5 DISABILITIES ACT OF 1990", 42 U.S.C. SEC 12101 ET SEQ., AND ITS
6 IMPLEMENTING REGULATIONS.

7 (4) THE OWNER OR INDIVIDUAL WITH A DISABILITY WHO HAS
8 CONTROL OR CUSTODY OF A SERVICE ANIMAL OR THE TRAINER OF A
9 SERVICE ANIMAL IS LIABLE FOR ANY DAMAGE TO PERSONS, PREMISES, OR
10 FACILITIES, INCLUDING PLACES OF HOUSING, PLACES OF PUBLIC
11 ACCOMMODATION, AND PLACES OF EMPLOYMENT, CAUSED BY THAT
12 INDIVIDUAL'S SERVICE ANIMAL OR SERVICE ANIMAL IN TRAINING. THE
13 INDIVIDUAL WHO HAS CONTROL OR CUSTODY OF A SERVICE ANIMAL OR A
14 SERVICE ANIMAL IN TRAINING IS SUBJECT TO THE PROVISIONS OF SECTION
15 18-9-204.5, C.R.S.

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

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

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

26 **24-34-804. Service animals - violations - penalties.** (1) It is
27 **unlawful for any person, firm, corporation, or agent of any person, firm,**

1 or corporation to:

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

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

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

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

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

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

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

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

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

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

12 **24-34-805. Unfair or discriminatory housing practices against**
13 **individuals with disabilities prohibited - definitions. [Similar to**
14 **former 24-34-502.2.] (1) IT IS AN UNFAIR OR DISCRIMINATORY HOUSING**
15 **PRACTICE AND UNLAWFUL AND PROHIBITED:**

16 (a) FOR ANY PERSON TO DISCRIMINATE IN THE SALE OR RENTAL OF,
17 OR TO OTHERWISE MAKE UNAVAILABLE OR DENY, A DWELLING TO ANY
18 BUYER OR RENTER BECAUSE OF A DISABILITY OF THE BUYER OR RENTER,
19 OR OF ANY INDIVIDUAL WHO WILL RESIDE IN THE DWELLING AFTER IT IS
20 SOLD, RENTED, OR MADE AVAILABLE, OR OF ANY INDIVIDUAL ASSOCIATED
21 WITH THE BUYER OR RENTER;

22 (b) FOR ANY PERSON TO DISCRIMINATE AGAINST ANOTHER PERSON
23 IN THE TERMS, CONDITIONS, OR PRIVILEGES OF SALE OR RENTAL OF A
24 DWELLING OR IN THE PROVISION OF SERVICES OR FACILITIES IN
25 CONNECTION WITH THE DWELLING BECAUSE OF THE INDIVIDUAL'S
26 DISABILITY OR OF ANY INDIVIDUAL RESIDING IN OR INTENDING TO RESIDE
27 IN THAT DWELLING AFTER IT IS SO SOLD, RENTED, OR MADE AVAILABLE, OR

1 OF ANY INDIVIDUAL ASSOCIATED WITH THAT INDIVIDUAL; OR
2 (c) ANY CONDUCT DETERMINED TO BE DISCRIMINATORY BASED ON
3 DISABILITY PURSUANT TO PART 5 OF THIS ARTICLE 34.
4 (2) COMPLIANCE WITH THE APPROPRIATE REQUIREMENTS OF THE
5 AMERICAN NATIONAL STANDARD FOR BUILDINGS AND FACILITIES
6 PROVIDING ACCESSIBILITY AND USABILITY FOR INDIVIDUALS WITH
7 PHYSICAL DISABILITIES, COMMONLY REFERRED TO AS ANSI A117.1,
8 SUFFICES TO SATISFY THE REQUIREMENTS OF SUBPARAGRAPH (III) OF
9 PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION.
10 (3) FOR PURPOSES OF THIS SECTION:
11 (a) "COVERED MULTIFAMILY DWELLINGS" MEANS:
12 (I) BUILDINGS CONSISTING OF FOUR OR MORE UNITS IF SUCH
13 BUILDINGS HAVE ONE OR MORE ELEVATORS; AND
14 (II) GROUND FLOOR UNITS IN OTHER BUILDINGS CONSISTING OF
15 FOUR OR MORE UNITS.
16 (b) "DISCRIMINATION" INCLUDES, BUT IS NOT LIMITED TO:
17 (I) A REFUSAL TO PERMIT, AT THE EXPENSE OF THE INDIVIDUAL
18 WITH A DISABILITY, REASONABLE MODIFICATIONS OF EXISTING PREMISES
19 OCCUPIED OR TO BE OCCUPIED BY THE INDIVIDUAL IF THE MODIFICATIONS
20 ARE NECESSARY TO AFFORD THE INDIVIDUAL FULL ENJOYMENT OF THE
21 PREMISES; EXCEPT THAT, IN THE CASE OF A RENTAL, THE LANDLORD MAY,
22 WHERE IT IS REASONABLE TO DO SO, CONDITION PERMISSION FOR A
23 MODIFICATION ON THE RENTER AGREEING TO RESTORE THE INTERIOR OF
24 THE PREMISES TO THE CONDITION THAT EXISTED BEFORE THE
25 MODIFICATION, REASONABLE WEAR AND TEAR EXCEPTED;
26 (II) A REFUSAL TO MAKE REASONABLE ACCOMMODATIONS IN
27 RULES, POLICIES, PRACTICES, OR SERVICES WHEN SUCH ACCOMMODATIONS

1 MAY BE NECESSARY TO AFFORD THE INDIVIDUAL WITH A DISABILITY
2 EQUAL OPPORTUNITY TO USE AND ENJOY A DWELLING; AND

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

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

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

26 **18-13-107. Interference with persons with disabilities. (1) No**
27 **person, except one wholly or partially blind, or wholly or partially deaf,**

1 or both wholly or partially blind and wholly or partially deaf, shall carry,
2 hold, or use upon any street, highway, sidewalk, or any other public place
3 a cane or walking stick which is white or white tipped with red or metallic
4 in color or a leash blaze orange in color on any dog accompanying such
5 person A PERSON SHALL NOT FALSELY IMPERSONATE AN INDIVIDUAL WITH
6 A DISABILITY, AS THAT TERM IS DEFINED IN SECTION 24-34-301 (5.6),
7 C.R.S.

8 (3) No person shall beat, harass, intimidate, entice, distract, or
9 otherwise interfere with any dog on a blaze orange leash or accompanying
10 a person carrying a white or white tipped with red or metallic colored
11 cane or walking stick or any assistance dog, as defined in section
12 24-34-803 (7), C.R.S., accompanying a person when that dog is being
13 controlled by or wearing a harness normally used for dogs accompanying
14 or leading persons with disabilities A PERSON SHALL NOT KNOWINGLY
15 DENY AN INDIVIDUAL WITH A DISABILITY, AS DEFINED IN SECTION
16 24-34-301 (5.6), C.R.S., ANY RIGHT OR PRIVILEGE PROTECTED IN SECTION
17 24-34-502, 24-34-601, 24-34-802 (1), 24-34-803, OR 24-34-805, C.R.S.

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

20 10-16-413.5. Return to home - legislative declaration. (1) The
21 general assembly hereby finds that:

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

26 (d) Requiring an elderly INDIVIDUAL or disabled person AN
27 INDIVIDUAL WITH A DISABILITY to move into an unfamiliar environment

1 can be traumatic and have an adverse effect on the person's psychological,
2 social, and physical well-being;

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

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

10 **12-9-107. Persons permitted to conduct games of chance -**
11 **premises - equipment - expenses - rules.** (27) ~~No~~ AN operator shall NOT
12 reserve or allow to be reserved any bingo cards for use by players except
13 braille cards or other cards for use by legally blind players. A PERSON
14 WHO IS legally blind ~~players~~ may use ~~their~~ HIS OR HER personal braille
15 cards when a licensed organization does not provide such cards. A
16 licensed organization has the right to inspect and to reject any personal
17 braille card. A PERSON WHO IS legally blind or ~~disabled person~~ AN
18 INDIVIDUAL WITH A DISABILITY may use a braille card or hard card in
19 place of a purchased disposable paper bingo card.

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

22 **13-71-105. Qualifications for juror service.** (2) A prospective
23 trial or grand juror shall be disqualified, based on the following grounds:

24 (d) Sole responsibility for the daily care of a ~~permanently disabled~~
25 ~~person~~ AN INDIVIDUAL WITH A PERMANENT DISABILITY living in the same
26 household to the extent that the performance of juror service would cause
27 a substantial risk of injury to the health of the ~~disabled person~~ INDIVIDUAL

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

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

12 **15-16-307. Limitations on proceedings against trustees after**
13 **final account.** Unless previously barred by adjudication, consent, or
14 limitation, any claim against a trustee for breach of trust is barred as to
15 any beneficiary who has received a final account or other statement fully
16 disclosing the matter and showing termination of the trust relationship
17 between the trustee and the beneficiary unless a proceeding to assert the
18 claim is commenced within six months after receipt of the final account
19 or statement. In any event and notwithstanding lack of full disclosure, an
20 action for breach of trust against a trustee who has issued a final account
21 or statement received by the beneficiary and has informed the beneficiary
22 of the location and availability of records for his OR HER examination
23 shall MUST be brought within the time period prescribed in section
24 13-80-101, C.R.S. A beneficiary is deemed to have received a final
25 account or statement if, being an adult, it is received by him OR HER
26 personally or if, being a minor or ~~disabled person~~ AN INDIVIDUAL WITH A
27 DISABILITY, it is received by his OR HER representative as described in

1 section 15-10-403.

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

4 **23-71-122. Junior college board of trustees - specific powers**
5 **- rules - definitions.** (1) In addition to any other power granted by law
6 to a board of trustees of a junior college district, each board shall have
7 HAS the power to:

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

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

16 **25.5-5-202. Basic services for the categorically needy - optional**
17 **services - repeal.** (1) Subject to the provisions of subsection (2) of this
18 section, the following are services for which federal financial
19 participation is available and which Colorado has selected to provide as
20 optional services under the medical assistance program:

21 (c) Home- and community-based services, as specified in article
22 6 of this title, which include:

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

26 (II) Home- and community-based services for ~~developmentally~~
27 disabled persons WITH DEVELOPMENTAL DISABILITIES, as specified in part

1 4 of article 6 of this title;

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

4 **31-10-1514. Revealing how elector voted.** Any election official,
5 watcher, or person who assists a ~~disabled person~~ AN INDIVIDUAL WITH A
6 DISABILITY in voting AND who reveals how a voter has THE INDIVIDUAL
7 WITH A DISABILITY voted commits a misdemeanor and, upon conviction
8 thereof, shall be punished as provided in section 31-10-1504.

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

11 **31-30.5-702. Police officers' old hire pension plans -**
12 **municipalities under one hundred thousand in population.** (1) ~~If any~~
13 AN old hire member of any police department in a municipality having a
14 population of less than one hundred thousand, while in the performance
15 of the member's duty or by reason of service in such department, becomes
16 physically or mentally disabled and such disability is deemed to be of a
17 temporary nature, ~~said~~ THE board of trustees shall retire ~~such disabled~~
18 ~~person~~ THE INDIVIDUAL WITH A DISABILITY and shall authorize the
19 payment to such ~~person~~ INDIVIDUAL, monthly, of an amount from the
20 pension fund equal to the monthly compensation paid any such member
21 as salary at the date of such disability, not to exceed a period of one year.
22 For the purpose of determining the physical or mental disability of any
23 such member, the board of trustees may personally examine the member
24 or may appoint one or more physicians or surgeons to make an
25 examination of the member and report their findings to the board, which
26 report may be taken into consideration in determining whether ~~said~~ THE
27 member is ~~physically or mentally disabled~~ HAS A PHYSICAL OR MENTAL

1 DISABILITY.

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

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

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

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

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

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

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

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

3 **40-9-109. Transportation of service animals accompanying**
4 **individuals with disabilities.** When a totally or partially blind, totally or
5 partially deaf, or physically disabled person AN INDIVIDUAL WITH A
6 DISABILITY is accompanied by a dog which serves as an assistance dog A
7 SERVICE ANIMAL or which is being trained by a qualified trainer as an
8 assistance dog AS A SERVICE ANIMAL, as defined in section 24-34-803 (7)
9 24-34-301, C.R.S., for such disabled person INDIVIDUAL WITH A
10 DISABILITY, neither the disabled person nor the dog INDIVIDUAL WITH A
11 DISABILITY NOR THE SERVICE ANIMAL shall be denied the facilities of any
12 common carrier, nor shall such disabled person THE INDIVIDUAL WITH A
13 DISABILITY be denied the immediate custody of the dog SERVICE ANIMAL
14 while riding upon a common carrier. The provisions of this section shall
15 also apply to any qualified A trainer who is training a dog OF A SERVICE
16 ANIMAL, AS DEFINED IN SECTION 24-34-301, C.R.S., for use by a totally or
17 partially blind, totally or partially deaf, or physically disabled person
18 QUALIFIED INDIVIDUAL WITH A DISABILITY, unless the dog SERVICE
19 ANIMAL presents an imminent danger to the public health or safety. Such
20 disabled person or any qualified trainer who is training a dog for use by
21 a disabled person THE INDIVIDUAL WITH A DISABILITY OR THE TRAINER OF
22 THE SERVICE ANIMAL shall be liable for any damage done to the premises
23 or facilities of the common carrier by such dog. Any dog THE SERVICE
24 ANIMAL. AN ANIMAL being INDIVIDUALLY trained for the purpose of
25 aiding a disabled person AN INDIVIDUAL WITH A DISABILITY shall be
26 visibly and prominently identified as an assistance dog A SERVICE ANIMAL
27 in training.

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

3 **42-4-808. Drivers and pedestrians, other than persons in**
4 **wheelchairs, to yield to individuals with disabilities.** (1) Any
5 pedestrian, other than a person in a wheelchair, or any driver of a vehicle
6 who approaches a person AN INDIVIDUAL who has an obviously apparent
7 disability of blindness, deafness, or mobility impairment shall
8 immediately come to a full stop and take such precautions before
9 proceeding as are necessary to avoid an accident or injury to said person
10 INDIVIDUAL. A disability shall be deemed to be obviously apparent if, by
11 way of example and without limitation, the person INDIVIDUAL is using
12 a cane or crutches MOBILITY DEVICE, is assisted by an assistance dog A
13 SERVICE ANIMAL, as defined in section 24-34-803 (7) 24-34-301, C.R.S.,
14 is being assisted by another person, is in a wheelchair, or is walking with
15 an obvious physical impairment. Any person who violates any provision
16 of this section commits a class A traffic offense.

17 **SECTION 29. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2014 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.