

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 25-0502.01 Megan McCall x4215

HOUSE BILL 25-1239

HOUSE SPONSORSHIP

Zokaie,

SENATE SPONSORSHIP

Daugherty and Weissman, Roberts

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATION OF REMEDY PROVISIONS IN THE**
102 **COLORADO ANTI-DISCRIMINATION ACT, AND, IN CONNECTION**
103 **THEREWITH, REORGANIZING AND EXPANDING THE PROVISIONS**
104 **FOR DAMAGES IN A CIVIL ACTION FOR CERTAIN**
105 **DISCRIMINATORY OR UNFAIR PRACTICES AND MAKING AN**
106 **APPROPRIATION.**

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://leg.colorado.gov>.)

The bill consolidates damages provisions for individuals with

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

disabilities who experience an unfair housing practice, discrimination in places of public accommodation, or a violation of their civil rights with the general protections under the Colorado anti-discrimination act (CADA) for all protected classes. With the consolidation of these provisions, the allowable remedies under CADA include a court order requiring compliance with the applicable section of CADA, actual monetary damages, attorney fees and costs, damages for noneconomic loss or injury, and a statutory fine of \$5,000 per aggrieved party and per violation. An award of damages for noneconomic loss or injury is capped at \$50,000, and if a defendant is a small business, it is entitled to a 50% reduction of a noneconomic loss or injury award if it corrects the violation within 30 days of the complaint being filed and did not knowingly or intentionally make or cause to be made the violation.

The bill also extends the deadline for filing a charge with the Colorado civil rights commission alleging discrimination in places of public accommodation or discriminatory advertising from 60 days to one year after the alleged discriminatory act occurred.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Coloradans with disabilities continue to face discrimination in places of public accommodation, including by publication of discriminatory advertising related to those places;

(b) The inability of individuals with disabilities to recover compensatory damages in a civil action for certain discriminatory and unfair practices diminishes the reality of the harm done by such discriminatory acts and robs the individuals with disabilities of the opportunity to be made truly whole;

(c) Particularly in light of a recent United States Supreme Court decision concluding that emotional distress damages could not be implied under the federal spending clause anti-discrimination statutes, it is necessary to protect the rights of Coloradans with disabilities by expressly

1 and unambiguously making compensatory damages, including for
2 pecuniary and nonpecuniary losses, available as a remedy in a civil action
3 for certain discriminatory and unfair practices; and

4 (d) In an effort to protect all Coloradans from acts of
5 discrimination and ensure equal access to justice to those who are
6 discriminated against, the general assembly finds that it is necessary to
7 merge the remedy sections of the Colorado anti-discrimination act.

8 **SECTION 2.** In Colorado Revised Statutes, 24-34-508, **amend**
9 (2); and **add** (3) as follows:

10 **24-34-508. Relief authorized.** (2) In addition to the relief
11 authorized by the provisions of subsection (1) of this section, an
12 individual with a disability who has suffered an unfair housing practice
13 based on his or her disability is entitled to the relief set forth in ~~section~~
14 ~~24-34-802~~ SECTION 24-34-602.

15 (3) AN INDIVIDUAL WITH A DISABILITY WHO IS SUBJECT TO A
16 VIOLATION OF SECTION 24-34-502 OR 24-34-502.2 BASED ON THE
17 INDIVIDUAL'S DISABILITY IS ENTITLED TO THE RELIEF SET FORTH IN
18 SECTION 24-34-602.

19 **SECTION 3.** In Colorado Revised Statutes, 24-34-601, **amend**
20 (2.5); and **repeal** (2)(b) as follows:

21 **24-34-601. Discrimination in places of public accommodation**
22 **- definition.** (2) (b) ~~A claim brought pursuant to paragraph (a) of this~~
23 ~~subsection (2) that is based on disability is covered by the provisions of~~
24 ~~section 24-34-802.~~

25 (2.5) It is a discriminatory practice and unlawful for any person
26 to discriminate against any individual or group because such person or
27 group has opposed any practice made a discriminatory practice by this

1 part 6, BY PART 7 OF THIS ARTICLE 34, BECAUSE SUCH PERSON OR GROUP
2 HAS REQUESTED REASONABLE ACCOMMODATIONS ON THE BASIS OF A
3 PERSON'S DISABILITY, or because such person or group has made a charge,
4 testified, assisted, or participated in any manner in an investigation,
5 proceeding, or hearing conducted pursuant to this part 6 OR PART 7 OF
6 THIS ARTICLE 34.

7 **SECTION 4.** In Colorado Revised Statutes, 24-34-602, **amend**
8 (1); and **add** (4) as follows:

9 **24-34-602. Penalty and civil liability - definition.** (1) (a) ~~Any~~
10 ~~person who violates section 24-34-601 shall be fined three thousand five~~
11 ~~hundred dollars for each violation.~~ A person aggrieved by the violation
12 of section 24-34-601, ~~24-34-802 (1)(a), 24-34-802 (1)(b), OR 24-34-803~~
13 may bring an action in any court of competent jurisdiction. ~~in the county~~
14 ~~where the violation occurred.~~ Upon finding a violation ~~the court shall~~
15 ~~order the defendant to pay the fine to the aggrieved party and to comply~~
16 ~~with the provisions of section 24-34-601~~ OF SECTION 24-34-601,
17 24-34-802 (1)(a), 24-34-802 (1)(b), OR 24-34-803, THE PLAINTIFF IS
18 ENTITLED TO A COURT ORDER REQUIRING COMPLIANCE WITH THE
19 PROVISIONS OF THE APPLICABLE SECTION, ATTORNEY'S FEES AND COSTS,
20 AND EITHER:

21 (I) RECOVERY OF ACTUAL MONETARY DAMAGES AND, EXCEPT AS
22 OTHERWISE PROVIDED IN SUBSECTION (1)(c) OF THIS SECTION, DAMAGES
23 FOR NONECONOMIC LOSS OR INJURY, AS DEFINED IN SECTION 13-21-102.5
24 (2)(b); OR

25 (II) A STATUTORY FINE OF FIVE THOUSAND DOLLARS PER
26 VIOLATION PER PLAINTIFF.

27 (b) ~~Notwithstanding the provisions of paragraph (a) of this~~

1 ~~subsection (1), a person who violates the provisions of section 24-34-601~~
2 ~~based on a disability shall be subject to the provisions of section~~
3 ~~24-34-802.~~

4 (c) (I) RECOVERY OF DAMAGES FOR NONECONOMIC LOSS OR
5 INJURY IN ACCORDANCE WITH SUBSECTION (1)(a)(I) OF THIS SECTION IS
6 LIMITED TO AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS.

7 (II) (A) A DEFENDANT [REDACTED] IS ENTITLED TO A FIFTY PERCENT
8 REDUCTION OF THE AMOUNT OF NONECONOMIC LOSS OR INJURY DAMAGES
9 AWARDED IN ACCORDANCE WITH SUBSECTION (1)(a)(I) OF THIS SECTION
10 IF THE DEFENDANT CORRECTS THE VIOLATION WITHIN THIRTY DAYS AFTER
11 THE COMPLAINT IS FILED; EXCEPT THAT A DEFENDANT THAT KNOWINGLY,
12 INTENTIONALLY, OR RECKLESSLY MADE OR CAUSED TO BE MADE THE
13 VIOLATION IS NOT ENTITLED TO A REDUCTION PURSUANT TO THIS
14 SUBSECTION (1)(c)(II).

15 [REDACTED]
16 (B) NOTWITHSTANDING THE PERIOD SET FORTH IN SUBSECTION
17 (1)(c)(II)(A) OF THIS SECTION, A DEFENDANT THAT IS NOT ABLE TO FULLY
18 CORRECT THE VIOLATION WITHIN THE THIRTY-DAY PERIOD SET FORTH IN
19 SUBSECTION (1)(c)(II)(A) OF THIS SECTION MAY BE ALLOWED ADDITIONAL
20 TIME IN THIRTY-DAY INCREMENTS NOT TO EXCEED A TOTAL OF ONE
21 HUNDRED TWENTY DAYS, INCLUDING THE INITIAL THIRTY-DAY PERIOD SET
22 FORTH IN SUBSECTION (1)(c)(II)(A) OF THIS SECTION, IF THE DEFENDANT
23 SHOWS GOOD FAITH EFFORT TO CORRECT THE VIOLATION. IF THE
24 DEFENDANT HAS NOT FULLY CORRECTED THE VIOLATION WITHIN ONE
25 HUNDRED TWENTY DAYS, THE DEFENDANT IS NOT ENTITLED TO THE
26 REDUCTION SET FORTH IN SUBSECTION (1)(c)(II)(A) OF THIS SECTION.

27 (III) NOTHING IN THIS SUBSECTION (1)(c) REDUCES ACTUAL

1 MONETARY DAMAGES AWARDED IN ACCORDANCE WITH SUBSECTION
2 (1)(a)(I) OF THIS SECTION.

3 (4) FOR ANY SUIT BROUGHT PURSUANT TO THIS SECTION THAT
4 RELATES TO DISCRIMINATION ON THE BASIS OF DISABILITY, THE COURT
5 SHALL APPLY THE SAME STANDARDS AND DEFENSES THAT ARE AVAILABLE
6 UNDER THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42
7 U.S.C. SEC. 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND
8 IMPLEMENTING REGULATIONS.

9 
10 **SECTION 5.** In Colorado Revised Statutes, 24-34-802, **amend**
11 (2)(a) introductory portion; and **repeal** (2)(c), (2)(d), and (4) as follows:

12 **24-34-802. Violations - penalties - immunity - repeal.**

13 (2) (a) An individual with a disability, as defined in section 24-34-301,
14 who is subject to a violation of ~~subsection (1)~~ SUBSECTION (1)(c) of this
15 section ~~or of section 24-34-502, 24-34-502.2, 24-34-601, or 24-34-803~~
16 based on the individual's disability may bring a civil suit in a court of
17 competent jurisdiction and is entitled to a court order requiring
18 compliance with the provisions of the applicable section and ~~either of the~~
19 following remedies:

20 (c) ~~For a claim brought pursuant to subsection (2)(a) of this~~
21 ~~section for a construction-related accessibility violation, the violation~~
22 ~~must be considered a single incident and not as separate violations for~~
23 ~~each day the construction-related accessibility violation exists.~~

24 (d) ~~(f) A small business defendant is entitled to a fifty percent~~
25 ~~reduction in a statutory fine assessed pursuant to subsection (2)(a)(III) of~~
26 ~~this section if it corrects the accessibility violation within thirty days after~~
27 ~~the filing of the complaint. The fifty percent reduction in a statutory fine~~

1 ~~does not apply, however, if the defendant knowingly or intentionally~~
2 ~~made or caused to have made the access barrier that caused the~~
3 ~~accessibility violation.~~

4 ~~(II) For purposes of this subsection (2)(d), "small business" means~~
5 ~~an employer with twenty-five or fewer employees and no more than three~~
6 ~~million five hundred thousand dollars in annual gross income.~~

7 ~~(III) Nothing in this subsection (2)(d) may be interpreted to result~~
8 ~~in a reduction in actual monetary damages awarded pursuant to~~
9 ~~subsection (2)(a)(II) of this section.~~

10 ~~(4) A court that hears civil suits pursuant to this section shall~~
11 ~~apply the same standards and defenses that are available under the federal~~
12 ~~"Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq.,~~
13 ~~and its related amendments and implementing regulations.~~

14 **SECTION 6.** In Colorado Revised Statutes, 24-34-804, **amend**
15 ~~(3)(a)(I) as follows:~~

16 **24-34-804. Service animals - violations - penalties.**

17 ~~(3) (a) (I) Except as provided for in subparagraphs (II) and (III) of this~~
18 ~~paragraph (a), SUBSECTIONS (3)(a)(II) AND (3)(a)(III) OF THIS SECTION, a~~
19 ~~person who violates any provision of subsection (1) of this section is~~
20 ~~liable to the qualified individual with a disability who is accompanied by~~
21 ~~a service animal or a trainer of a service animal whose rights were~~
22 ~~affected for the penalties provided in section 24-34-802 SECTION~~
23 ~~24-34-602.~~

24 **SECTION 7.** In Colorado Revised Statutes, 24-34-806, **amend**
25 ~~(4)(a) as follows:~~

26 **24-34-806. Testing accommodations for Coloradans with**
27 ~~disabilities - right of action - legislative declaration - definitions.~~

1 (4) An individual adversely affected or aggrieved by a testing entity's
2 decision regarding the individual's request for a testing accommodation
3 pursuant to this section may bring a civil action against the testing entity
4 in a court of competent jurisdiction for a willful violation of this section
5 and is entitled to the following remedies:

6 (a) The relief set forth in ~~section 24-34-802 (2)~~ SECTION
7 24-34-602; and

8 **SECTION 8.** In Colorado Revised Statutes, 1-1-116, **amend** (3)
9 as follows:

10 **1-1-116. Access to precinct caucus - party assembly.** (3) The
11 failure of any political party to make a reasonable effort to comply with
12 the requirements of this section constitutes discrimination on the basis of
13 disability in violation of ~~section 24-34-802~~ SECTION 24-34-602. Any
14 person who is subjected to a violation of this section is entitled to seek all
15 relief provided in ~~section 24-34-802~~ SECTION 24-34-602.

16 **SECTION 9. Appropriation.** For the 2025-26 state fiscal year,
17 \$100,305 is appropriated to the department of law. This appropriation is
18 from the legal services cash fund created in section 24-31-108 (4), C.R.S.,
19 from revenue received from the department of personnel that is
20 continuously appropriated to the department of personnel from the risk
21 management fund created in section 24-30-1510 (1)(a), C.R.S. The
22 appropriation to the department of law is based on an assumption that the
23 department of law will require an additional 0.4 FTE. To implement this
24 act, the department of law may use this appropriation to provide legal
25 services for the department of personnel.

26 **SECTION 10. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V
3 of the state constitution against this act or an item, section, or part of this
4 act within such period, then the act, item, section, or part will not take
5 effect unless approved by the people at the general election to be held in
6 November 2026 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.