

Colorado

SUMMARY

The following statutes comprise Colorado's pertinent service animal laws. These statutes provide criminal (Class 3 misdemeanor) penalties for discriminating against a disabled individual accompanied by a service animal. These laws also provide graduated criminal penalties for interfering with, injuring, or killing a service animal. It is also a Class 1 petty offense offense to misrepresent an untrained dog as a service animal. Colorado also has strict regulations concerning the provision of emotional support animal verifications by licensed professionals.

1. Date last checked: December 2020

West's Colorado Revised Statutes Annotated. Title 12. Professions and Occupations. Health Care Professions and Occupations. Article 255. Nurses.

§ 12-255-133. Licensee duties relating to assistance animals--definitions

(1) A licensee who is approached by a patient seeking an assistance animal as a reasonable accommodation in housing shall either:

a. Make a written finding regarding whether the patient has a disability and, if a disability is found, a separate written finding regarding whether the need for the animal is related to that disability; or

b. Make a written finding that there is insufficient information available to make a finding regarding disability or the disability-related need for the animal.

(2) This section does not:

a. Change any laws or procedures related to a service animal under Title II and Title III of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., as amended;

**b. Affect in any way the right of pet ownership in public housing established in 42 U.S.C. sec. 1437z-3, as amended;
or**

c. Limit the means by which a person with a disability may demonstrate, pursuant to state or federal law, that the person has a disability or that the person has a disability-related need for an assistance animal.

(3) A licensee shall not make a determination related to subsection (1) of this section unless the licensee:

- a. Has met with the patient in person;**
- b. Is sufficiently familiar with the patient and the disability; and**
- c. Is legally and professionally qualified to make the determination.**

(4) For purposes of this section:

(a) "Assistance animal" means an animal that qualifies as a reasonable accommodation under the federal "Fair Housing Act", 42 U.S.C. sec. 3601 et seq., as amended, or section 504 of the federal "Rehabilitation Act of 1973", 29 "Disability" has the same meaning as set forth in the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., and its related amendments and implementing regulations and includes a handicap as that term is defined in the federal "Fair Housing Act", 42 U.S.C. sec. 3601 et seq., as amended, and 24 CFR 100.201.

a. "Service animal" has the same meaning as set forth in the implementing regulations of Title II and Title III of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., as amended.

Credits

Relocated and amended by Laws 2019, Ch. 136, § 1, eff. Oct. 1, 2019

**Title 12. Professions and Occupations. Health Care
Professions and Occupations. Article 240. Medical Practice
§ 12-240-144. Licensee duties relating to assistance animals--definitions**

(1) A licensee who is approached by a patient seeking an assistance animal as a reasonable accommodation in housing shall either:

a. Make a written finding regarding whether the patient has a disability and, if a disability is found, a separate written finding regarding whether the need for the animal is related to that disability; or

b. Make a written finding that there is insufficient information available to make a finding regarding disability or the disability-related need for the animal.

(2) This section does not:

a. Change any laws or procedures related to a service animal under Title II and Title III of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., as amended;

b. Affect in any way the right of pet ownership in public housing established in 42 U.S.C. sec. 1437z-3, as amended; or

c. Limit the means by which a person with a disability may demonstrate, pursuant to state or federal law, that the person has a disability or that the person has a disability-related need for an assistance animal.

(3) A licensee shall not make a determination related to subsection (1) of this section unless the licensee:

a. Has met with the patient in person or by telemedicine;

b. Is sufficiently familiar with the patient and the disability; and

c. Is legally and professionally qualified to make the determination.

(4) For purposes of this section:

a. "Assistance animal" means an animal that qualifies as a reasonable accommodation under the federal "Fair Housing Act", 42 U.S.C. sec. 3601 et seq., as amended, or section 504 of the federal "Rehabilitation Act of 1973", 29 U.S.C. sec. 794, as amended.

b. "Disability" has the same meaning as set forth in the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., and its related amendments and implementing regulations and includes a handicap as that term is defined in the federal "Fair Housing Act", 42 U.S.C. sec. 3601 et seq., as amended, and 24 CFR 100.201.

c. "Service animal" has the same meaning as set forth in the implementing regulations of Title **II** and Title **III** of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., as amended.

Credits

Relocated and amended by Laws 2019, Ch. 136, § 1, eff. Oct. 1, 2019.

**Title 12. Professions and Occupations. Health Care
Professions and Occupations. Article 245. Mental Health.
Part 2. General Provisions.
§ 12-245-229. Licensee duties relating to assistance animals--definitions**

(1) A licensee who is approached by a patient seeking an assistance animal as a reasonable accommodation in housing shall either:

a. Make a written finding regarding whether the patient has a disability and, if a disability is found, a separate written finding regarding whether the need for the animal is related to that disability; or

b. Make a written finding that there is insufficient information available to make a finding regarding disability or the disability-related need for the animal.

(2) This section does not:

a. Change any laws or procedures related to a service animal under Title II and Title III of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., as amended;

b. Affect in any way the right of pet ownership in public housing established in 42 U.S.C. sec. 1437z-3, as amended; or

c. Limit the means by which a person with a disability may demonstrate, pursuant to state or federal law, that the person has a disability or that the person has a disability-related need for an assistance animal.

(3) A licensee shall not make a determination related to subsection (1) of this section unless the licensee:

a. Has met with the patient in person;

b. Is sufficiently familiar with the patient and the disability; and

c. Is legally and professionally qualified to make the determination.

(4) For purposes of this section:

a. "Assistance animal" means an animal that qualifies as a reasonable accommodation under the federal "Fair Housing Act", 42 U.S.C. sec. 3601 et seq., as amended, or section 504 of the federal "Rehabilitation Act of 1973", 29 U.S.C. sec. 794, as amended.

b. "Disability" has the same meaning as set forth in the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., and its related amendments and implementing regulations and includes a handicap as that term is defined in the federal "Fair Housing Act", 42 U.S.C. sec. 3601 et seq., as amended, and 24 CFR 100.201.

c. "Service animal" has the same meaning as set forth in the implementing regulations of Title II and Title III of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., as amended.

Credits

Relocated and amended by Laws 2019, Ch. 136, § 1, eff. Oct. 1, 2019

West's Colorado Revised Statutes Annotated. Title 18. Criminal Code. Article 13. Miscellaneous Offenses.
§ 18-13-107. Interference with persons with disabilities

1. A person shall not falsely impersonate an individual with a disability, as that term is defined in section 24-34-301(5.6), C.R.S.

2. Repealed by Laws 1982, S.B.31, § 4.

(3) A person shall not knowingly deny an individual with a disability, as defined in section 24-34-301(5.6), C.R.S., any right or privilege protected in section 24-34-502, 24-34-502.2, 24-34-601, 24-34-802(1), or 24-34-803, C.R.S.

(4) Violation of the provisions of subsection (1) of this section is a class 1 petty offense. Violation of the provisions of subsection (3) of this section is a class 3 misdemeanor.

Credits

Amended by Laws 1982, S.B.31, §§ 2, 4; Laws 1993, S.B.93-242, § 22, eff. July 1, 1993; Laws 1995, S.B.95-29, § 4; Laws 2014, Ch. 250, § 14, eff. Aug. 6, 2014.

§ 18-13-107.3. Intentional misrepresentation of entitlement to an assistance animal--penalty--definitions

(1) A person commits intentional misrepresentation of entitlement to an assistance animal if:

a. The person intentionally misrepresents entitlement to an animal in his or her possession as an assistance animal for the purpose of obtaining any of the rights or privileges set forth in state or federal law for an individual with a disability as a reasonable accommodation in housing;

b. The person was previously given a written or verbal warning regarding the fact that it is illegal to intentionally misrepresent entitlement to an assistance animal; and

c. The person knows that:

I. The animal is not an assistance animal with regard to that person; or

II. The person does not have a disability.

(2) A person who violates subsection (1) of this section commits a class 2 petty offense and, upon conviction, shall be punished as follows:

a. For a first offense, a fine of twenty-five dollars;

b. For a second offense, a fine of not less than fifty dollars but not more than two hundred dollars; and

(c) For a third or subsequent offense, a fine of not less than one hundred dollars but not more than five hundred dollars.

(3)(a) A defendant may petition the district court of the district in which any conviction records pertaining to the defendant's first conviction for intentional misrepresentation of entitlement to an assistance animal, as described in subsection (1) of this section, are located for the sealing of the conviction records, except for basic identifying information.

(b) If a petition is filed pursuant to paragraph (a) of this subsection (3) for the sealing of a record of conviction for intentional misrepresentation of entitlement to an assistance animal, the court shall order the record sealed if the following criteria are met:

I. The petition is filed;

II. The filing fee is paid or the defendant has filed a motion to file without payment with a supporting financial affidavit and the court has granted the motion;

III. The defendant's first conviction for intentional misrepresentation of entitlement to an assistance animal was at least three years prior to the date of the filing of the petition; and

IV. The defendant has not had a subsequent conviction for intentional misrepresentation of entitlement to an assistance animal.

(c) An order entered pursuant to this subsection (3) must be directed to each custodian who may have custody of any part of the conviction records that are the subject of the order. Whenever a court enters an order sealing conviction records pursuant to this subsection (3), the defendant shall provide the Colorado bureau of investigation and each custodian of the conviction records with a copy of the order and shall pay to the bureau any costs related to the sealing of his or her criminal conviction records that are in the custody of the bureau unless the court has granted the motion specified in subparagraph (II) of paragraph (b) of this subsection (3). Thereafter, the defendant may request and the court may grant an order sealing the civil case in which the conviction records were sealed.

4. A written finding made pursuant to section 12-240-144 (1)(a), 12-245-229 (1)(a), or 12-255-133 (1)(a) is an affirmative defense to the offense established by this section. The lack of such a finding is not proof of the offense established by this section, and nothing in this section or in section 12-240-144, 12-245-229, or 12-255-133 limits the means by which a person with a disability may demonstrate, pursuant to state or federal law, that the person has a disability or that the person has a disability-related need for an assistance animal.

5. As used in this section, unless the context otherwise requires:

"Assistance animal" means an animal that qualifies as a reasonable accommodation under the federal "Fair Housing Act", 42 U.S.C. sec. 3601 et seq., as amended or section 504 of the federal "Rehabilitation Act of 1973", 29 U.S.C. sec. 794, as amended.

a. "Disability" has the same meaning as set forth in the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., and its related amendments and implementing regulations and includes a handicap as that term is defined in the federal "Fair Housing Act", 42 U.S.C. sec. 3601 et seq., as amended, and 24 CFR 100.201.

b. "Service animal" has the same meaning as set forth in the implementing regulations of Title II and Title III of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq.

C. "State and federal law" includes section 24-34-803, C.R.S., the federal laws specified in paragraph (a) of this subsection (5), and rules and regulations implementing those laws.

Credits

Added by Laws 2016, Ch. 309, § 5, eff. Jan. 1, 2017. Amended by Laws 2019, Ch. 136, § 99, elf. Oct. 1, 2019.

§ 18-13-107.7. Intentional misrepresentation of a service animal for a person with a disability—penalty—sealing of conviction records—definitions

(1) A person commits intentional misrepresentation of a service animal if:

a. The person intentionally misrepresents an animal in his or her possession as his or her service animal or service-animal-in-training for the purpose of obtaining any of the rights or privileges set forth in section 24-34-803, C.R.S.;

b. The person was previously given a written or verbal warning regarding the fact that it is illegal to intentionally misrepresent a service animal;

c. The person knows that the animal in question is not a service animal or service-animal-in-training.

(2) A person who violates subsection (1) of this section commits a class 2 petty offense and, upon conviction, shall be punished as follows:

a. For a first offense, a fine of twenty-five dollars;

b. For a second offense, a fine of not less than fifty dollars but not more than two hundred dollars; and

c. For a third or subsequent offense, a fine of not less than one hundred dollars but not more than five hundred dollars.

(3)(a) A defendant may petition the district court of the district in which any conviction records pertaining to the defendant's first conviction for intentional misrepresentation of a service animal, as described in subsection

(1) of this section, are located for the sealing of the conviction records, except for basic identifying information.

(b) If a petition is filed pursuant to paragraph (a) of this subsection (3) for the sealing of a record of conviction for intentional misrepresentation of a service animal, the court shall order the record sealed if the following criteria are met:

I. The petition is filed;

II. The filing fee is paid or the defendant has filed a motion to file without payment with a supporting financial affidavit and the court has granted the motion;

III. The defendant's first conviction for intentional misrepresentation of a service animal was at least three years prior to the date of the filing of the petition; and

IV. The defendant has not had a subsequent conviction for intentional misrepresentation of a service animal.

(c) An order entered pursuant to this subsection (3) must be directed to each custodian who may have custody of any part of the conviction records that are the subject of the order. Whenever a court enters an order sealing conviction records pursuant to this subsection (3), the defendant shall provide the Colorado bureau of investigation and each custodian of the conviction records with a copy of the order and shall pay to the bureau any costs related to the sealing of his or her criminal conviction records that are in the custody of the bureau unless the court has granted the motion specified in subparagraph (II) of paragraph (b) of this subsection (3). Thereafter, the defendant may request and the court may grant an order sealing the civil case in which the conviction records were sealed.

(4) As used in this section, unless the context otherwise requires:

a. "Disability" has the same meaning as set forth in the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., and its related amendments and implementing regulations.

b. "Qualified individual with a disability" has the same meaning as set forth in the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., and its related amendments and implementing regulations.

C. "Service animal" has the same meaning as set forth in the implementing regulations of Title II and Title III of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq.

d. "Service-animal-in-training" means a dog or miniature horse that is being individually trained to do work or perform tasks for the benefit of a qualified individual with a disability.

e. "Trainer of a service animal" means a person who is individually training a service animal to do work or perform tasks for the benefit of a qualified individual with a disability.

Credits

Added by Laws 2016, Ch. 309, § 5, eff. Jan. 1, 2017.

**West's Colorado Revised Statutes Annotated. Title 18.
Criminal Code. Article 1.3. Sentencing in Criminal Cases.
Part 6. Restitution
§ 18-1.3-602. Definitions**

As used in this part 6, unless the context otherwise requires:

1. "Collections investigator" means a person employed by the judicial department whose primary responsibility is to administer, enforce, and collect on court orders or judgments entered with respect to fines, fees, restitution, or any other accounts receivable of the court, judicial district, or judicial department.

2. "Conviction" means a verdict of guilty by a judge or jury or a plea of guilty or nolo contendere that is accepted by the court for a felony, misdemeanor, petty offense, or traffic misdemeanor offense, or adjudication for an offense that would constitute a criminal offense if committed by an adult. "Conviction" also includes having received a deferred judgment and sentence or deferred adjudication; except that a person shall not be deemed to have been convicted if the person has successfully completed a deferred sentence or deferred adjudication.

(2.3) "Money advanced by a governmental agency for a service animal" means costs incurred by a peace officer, law enforcement agency, fire department, fire protection district, or governmental search and rescue agency for the veterinary treatment and disposal of a service animal that was harmed while aiding in official duties and for the training of an animal to become a service animal to replace a service animal that was harmed while aiding in official duties, as applicable.

(2.5) Repealed by Laws 2004, Ch. 255, § 27, eff. May 21, 2004.

(3)(a) "Restitution" means any pecuniary loss suffered by a victim and includes but is not limited to all out-of-pocket expenses, interest, loss of use of money, anticipated future expenses, rewards paid by victims, money advanced by law enforcement agencies, money advanced by a governmental agency

for a service animal, adjustment expenses, and other losses or injuries proximately caused by an offender's conduct and that can be reasonably calculated and recompensed in money. "Restitution" does not include damages for physical or mental pain and suffering, loss of consortium, loss of enjoyment of life, loss of future earnings, or punitive damages.

(a.5) "Restitution" includes, for a person convicted of assault in the first, second, or third degree, as described in section 18-3-202, 18-3-203, or 18-3-204, all or any portion of the financial obligations of medical tests performed on and treatment prescribed for a victim, peace officer, firefighter, emergency medical care provider, or emergency medical service provider.

(b) "Restitution" may also include extraordinary direct public and all private investigative costs. (c)(1) "Restitution" shall also include all costs incurred by a government agency or private entity to:

A. Remove, clean up, or remediate a place used to manufacture or attempt to manufacture a controlled substance or which contains a controlled substance or which contains chemicals, supplies, or equipment used or intended to be used in the manufacturing of a controlled substance;

B. Store, preserve, or test evidence of a controlled substance violation; or

C. Sell and provide for the care of and provision for an animal disposed of under the animal cruelty laws in accordance with part 2 of article 9 of this title or article 42 of title 35, C.R.S.

(II) Costs under this paragraph (c) shall include, but are not limited to, overtime wages for peace officers or other government employees, the operating expenses for any equipment utilized, and the costs of any property designed for one-time use, such as protective clothing.

(d) "Restitution" shall also include costs incurred by a governmental agency or insurer that provides medical benefits, health benefits, or nonmedical support services directly related to a medical or health condition to a victim for losses or injuries proximately caused by an offender's conduct, including but not limited to costs incurred by medicaid and other care programs for indigent persons.

(3.5) "Service animal" means any animal, the services of which are used to aid the performance of official duties by a peace officer, law enforcement agency, fire department, fire protection district, or governmental search and rescue agency.

(4)(a) "Victim" means any person aggrieved by the conduct of an offender **and includes but is not limited to the following:**

(I) Any person against whom any felony, misdemeanor, petty, or traffic misdemeanor offense has been perpetrated or attempted;

II. Any person harmed by an offender's criminal conduct in the course of a scheme, conspiracy, or pattern of criminal activity;

III. Any person who has suffered losses because of a contractual relationship with, including but not limited to an insurer, or because of liability under section 14-6-110, C.R.S., for a person described in subparagraph (I) or (II) of this paragraph (a);

IV. Any victim compensation board that has paid a victim compensation claim;

V. If any person described in subparagraph (I) or (II) of this paragraph (a) is deceased or incapacitated, the person's spouse, parent, legal guardian, natural or adopted child, child living with the victim, sibling, grandparent, significant other, as defined in section 24-4.1302(4), C.R.S., or other lawful representative;

VI. Any person who had to expend resources for the purposes described in paragraphs (b), (c), and (d) of subsection (3) of this section.

b. "Victim" shall not include a person who is accountable for the crime or a crime arising from the same conduct, criminal episode, or plan as defined under the law of this state or of the United States.

C. Any "victim" under the age of eighteen is considered incapacitated, unless that person is legally emancipated or the court orders otherwise.

d. It is the intent of the general assembly that this definition of the term "victim" shall apply to this part 6 and shall not be applied to any other provision of the laws of the state of Colorado that refers to the term "victim".

e. Notwithstanding any other provision of this section, "victim" includes a person less than eighteen years of age who has been trafficked by an offender, as described in section 18-3-503 or 18-3-504.

Credits

Relocated and amended by Laws 2002, Ch. 318, § 2, eff Oct. 1, 2002. Amended by Laws 2003, Ch. 151, § 2, eff. Sept. 1, 2003; Laws 2004, Ch. 255, § 27, eff. May 21, 2004; Laws 2005, Ch. 46, § 1, eff. July 1, 2005; Laws 2005, Ch. 321, §§ 1, 2, eff. July 1, 2005; Laws 2006, Ch. 195, § 4, eff. Aug. 7, 2006; Laws 2012, Ch. 174, § 8, eff. Aug. 8, 2012; **Laws 2013, Ch. 272, § 7, elf. July 1, 2013;** **Laws 2014, Ch. 282, § 16, eff. July 1, 2014;** **Laws 2016, Ch. 304, § 2, eff July 1, 2016.**

<https://www.animallaw.info/statute/co-assistance-animals-colorado-assistance-animalguide-dog-laws> 13/23

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Title 24. Government--State Principal Departments. Article 34. Department of Regulatory Agencies. Part 3. Colorado Civil Rights Division--Commission--Procedures § 24-34-301. Definitions

As used in parts 3 to 8 of this article 34, unless the context otherwise requires:

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

(1.1) "Agency" or "state agency" means any board, bureau, commission, department, institution, division, section, or officer of the state.

(1.5) "Commission" means the Colorado civil rights commission created in section 24-34-303. (1.6) "Commissioner" means a member of the Colorado civil rights commission.

2. "Director" means the director of the Colorado civil rights division, which office is created in section 24-34-302.

(2.5) "Disability" has the same meaning as set forth in the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., and its related amendments and implementing regulations.

3. "Division" means the Colorado civil rights division, created in section 24-34-302.

4. Deleted by Laws 1993, S. B.93-242, § 59, eff. July 1, 1993.

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

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

(4.5) "Marital status" means a relationship or a spousal status of an individual, including but not limited to being single, cohabitating, engaged, widowed, married, in a civil union, or legally separated, or a relationship or a spousal status of an individual who has had or is in the process of having a marriage or civil union dissolved or declared invalid.

(5)(a) "Person" means one or more individuals, limited liability companies, partnerships, associations, corporations, legal representatives, trustees, receivers, or the state of Colorado and all of its political subdivisions and agencies.

(b) For the purposes of part 5 of this article, "person" does not include any private club not open to the public, which as an incident to its primary purpose or purposes provides lodgings that it owns or operates for other than a commercial purpose, unless such club has the purpose of promoting discrimination in the matter of housing against any person because of disability, race, creed, color, religion, sex, sexual orientation, marital status, familial status, national origin, or ancestry.

(5.1) "Place of public accommodation" or "public accommodation" has the same meaning as set forth in Title III of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12181(7), and its related amendments and implementing regulations.

(5.3) "Protective hairstyle" includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps.

(5.4) "Public entity" has the same meaning as set forth in Title II of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12131, and its related amendments and implementing regulations.

(5.5) "Public transportation service" means a common carrier of passengers or any other means of public conveyance or modes of transportation, including but not limited to airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats, or taxis.

(5.6) "Qualified individual with a disability" or "individual with a disability" has the same meaning as set forth in the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12131, and its related amendments and implementing regulations.

(5.8) "Race" includes hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race.

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

(6.5) "Service animal" has the same meaning as set forth in the implementing regulations of Title II and Title III of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq.

7. "Sexual orientation" means an individual's orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another individual's perception thereof.

8. "Trainer of a service animal" means a person who individually trains a service animal.

Credits

Repealed and reenacted by Laws 1979, H.B.1355, § 3. Amended by Laws 1986, S.B.23, §§ 1, 2; Laws 1989, S.B.13, § 1; Laws 1990, S.B.90-74, § 13, eff. April 18, 1990; Laws 1992, H.B.92-1315, § 1, eff. July 1, 1992; Laws 1993, S.B.93-242, § 59, eff. July 1, 1993; Laws 2008, Ch. 341, § 2, eff. May 29, 2008;

Laws 2013, Ch. 49, § 26, eff. May 1, 2013; Laws 2013, Ch. 168, § 3, eff. Aug. 7, 2013; Laws 2014, Ch. 250, § 1, eff. Aug. 6, 2014; Laws 2020, Ch. 8 (H.B. 20-1048), § 10, eff. Sept. 14, 2020.

§ 24-34-309. Public education--service and assistance animals--form used in housing

(1) The division is authorized to educate the public about the definitions of assistance and service animals, as those terms are defined in sections 18-13-

107.3 and 18-13-107.7, and the rights that accompany people with disabilities who use those animals. The division may:

a. Use its website to include information on how a person with a disability can complain about discrimination encountered in places of public accommodation and housing;

b. Create and publicize public service announcements about the definitions of assistance and service animals and links to the division's website;

c. Create and publicize uniform signage for all places of public accommodation to display to inform the public of the rules surrounding service and assistance animals;

d. Create and publicize one or more forms that landlords, qualified individuals with a disability, and health care providers may use in making a determination contemplated by section 12-240144, 12-245-229, or 12-255-133; and

e. Establish an education program for law enforcement officers in Colorado about service and assistance animals and how to provide effective communication to people with disabilities when making inquiries under applicable law.

(2) If a landlord requires a tenant to provide documentation in connection with the tenant's assistance animal, as that term is defined in section 18-13-107.3, C.R.S., the landlord shall provide the tenant with the form specified in paragraph (d) of subsection (1) of this section if the division has posted the form on its website. The tenant need not use the form.

Credits

Added by Laws 2016, Ch. 309, § 6, eff. Jan. 1, 2017. Amended by Laws 2019, Ch. 136, § 131, eff. Oct. 1, 2019.

Title 24. Government—State. Principal Departments.
Article 34. Department of Regulatory Agencies. Part 8.
Persons with Disabilities--Civil Rights
§ 24-34-801. Legislative declaration

(1) The general assembly declares that it is the policy of the state:

a. To encourage and enable individuals who are visually or hearing impaired or individuals with a disability to participate fully in social, employment, and educational opportunities, as well as other activities in our state on the same terms and conditions as individuals without a disability;

b. That individuals who are visually or hearing impaired or individuals with a disability have the same rights as individuals without a disability to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places;

c. That individuals who are visually or hearing impaired or individuals with a disability are entitled to full and equal housing accommodations, facilities, and privileges of all common carriers, airplanes, motor vehicles, trains, motor buses, streetcars, boats, or any other public conveyances or modes of transportation, hotels, motels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, including restaurants and grocery stores; and

d. That individuals who are visually or hearing impaired or individuals with a disability must not be excluded, by reason of his or her disability, from participation in or be denied the benefits of the services, programs, or activities of any public entity or be subject to discrimination by any public entity.

(2) Repealed by Laws 1995, S.B.95-29, § 1.

Credits

Repealed and reenacted by Laws 1979, H.B.1355, § 3. Amended by Laws 1986, S.B.68, § 1; Laws 1989, H.B.1207, § 1; Laws 1993, S.B.93-242, § 68, eff. July 1, 1993; Laws 1995, S.B.95-29, § 1; Laws 2014, Ch. 250, § 10, eff. Aug. 6, 2014.

§ 24-34-802. Violation--penalty

(1) It is a discriminatory practice and unlawful for any person to discriminate against any individual or group because such person or group has opposed any practice made a discriminatory practice based on disability pursuant to part 5, 6, or 8 of this article, or because such person or group has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted pursuant to part 5, 6, or 8 of this article.

(2)(a) A qualified individual with a disability, as defined in section 24-34-301(5.6), who is subject to a violation of subsection (1) of this section or of section 24-34-502, 24-34-502.2, 24-34-601, or 24-34-

803 based on his or her disability may bring a civil suit in a court of competent jurisdiction and is entitled to any of the following remedies:

I. A court order requiring compliance with the provisions of the applicable section;

II. The recovery of actual monetary damages; or

III. A statutory fine not to exceed three thousand five hundred dollars.

(b) For a claim brought pursuant to paragraph (a) of this subsection (2) for a construction-related accessibility violation, the violation must be considered a single incident and not as separate violations for each day the construction-related accessibility violation exists.

(c)(I) A small business defendant is entitled to a fifty percent reduction in a statutory fine assessed pursuant to subparagraph (III) of paragraph (a) of this subsection (2) if it corrects the accessibility violation within thirty days after the filing of the complaint. The fifty percent reduction in a statutory fine does not apply, however, if the defendant knowingly or intentionally made or caused to have made the access barrier that caused the accessibility violation.

(I I) For purposes of this paragraph (c), "small business" means an employer with twenty-five or fewer employees and no more than three million five hundred thousand dollars in annual gross income.

(III) Nothing in this paragraph (c) may be interpreted to result in a reduction in actual monetary damages awarded pursuant to subparagraph (II) of paragraph (a) of this subsection (2).

3. An award of attorney fees and costs pursuant to section 24-34-505.6(6)(b) applies to claims brought pursuant to this section.

4. A court that hears civil suits pursuant to this section shall apply the same standards and defenses that are available under the federal "Americans with

Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., and its related amendments and implementing regulations.

Credits

Repealed and reenacted by Laws 1979, H.B.1355, § 3. Amended by Laws 1995, S.B.95-29, § 2. Repealed and reenacted by Laws 2014, Ch. 250, § 11, eff. Aug. 6, 2014.

§ 24-34-803. Rights of persons with assistance dogs

(1) A qualified individual with a disability has the right to be accompanied by a service animal individually trained for that individual without being required to pay an extra charge for the service animal in or on the following places or during the following activities and subject to the conditions and limitations established by law and applicable alike to all individuals:

- a. Any place of employment, housing, or public accommodation;
- b. Any programs, services, or activities conducted by a public entity;
- c. Any public transportation service; or
- d. Any other place open to the public.

(2) A trainer of a service animal, or an individual with a disability accompanied by an animal that is being trained to be a service animal, has the right to be accompanied by the service animal in training without being required to pay an extra charge for the service animal in training in or on the following places or during the following activities:

- a. Any place of employment, housing, or public accommodation;
- b. Any programs, services, or activities conducted by a public entity;
- c. Any public transportation service; or
- d. Any other place open to the public.

(3)(a) An employer shall allow an employee with a disability who is accompanied by a service animal to keep the employee's service animal with the employee at all

times in the place of employment. An employer shall not fail or refuse to hire or discharge any individual with a disability, or otherwise discriminate against any individual with a disability, with respect to compensation, terms, conditions, or privileges of employment because that individual with a disability is accompanied by a service animal individually trained for that individual.

(b) An employer shall make reasonable accommodation to make the workplace accessible for an otherwise qualified individual with a disability who is an applicant or employee and who is accompanied by a service animal individually trained for that individual unless the employer can show that the accommodation would impose an undue hardship on the employer's business. For purposes of this paragraph (b), "undue hardship" and "reasonable accommodation" have the same meaning as set forth in Title I of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec 12101 et seq., and its related amendments and implementing regulations.

(4) The owner or individual with a disability who has control or custody of a service animal or the trainer of a service animal is liable for any damage to persons, premises, or facilities, including places of housing, places of public accommodation, and places of employment, caused by that individual's **service animal or service animal in training. The individual who has control or custody of a service animal or a service animal in training is subject to the provisions of section 18-9-204.5, C.R.S.**

5. An individual with a disability who owns a service animal is exempt from any state or local licensing fees or charges that might otherwise apply in connection with owning a similar animal.

6. The mere presence of a service animal in a place of public accommodation is not grounds for any violation of a sanitary standard, rule, or regulation promulgated pursuant to section 25-4-1604, C.R.S.

Credits

Added by Laws 1995, S.B.95-29, § 3. Amended by Laws 2013, Ch. 316, § 62, eff. Aug. 7, 2013. Repealed and reenacted by Laws 2014, Ch. 250, § 12, eff. Aug. 6, 2014.

§ 24-34-804. Violations--penalties

(1) It is unlawful for any person, firm, corporation, or agent of any person, firm, or corporation to:

a. Withhold, deny, deprive, or attempt to withhold, deny, or deprive a qualified individual with a disability who is accompanied by a service animal or a trainer of a service animal of any of the rights or privileges secured in section 24-34-803;

b. Threaten to interfere with any of the rights of a qualified individual with a disability who is accompanied by a service animal or a trainer of a service animal secured in section 24-34-803;

C. Punish or attempt to punish a qualified individual with a disability who is accompanied by a service animal or a trainer of a service animal for exercising or attempting to exercise any right or privilege secured by section 24-34-803; or

d. Interfere with, injure, or harm, or cause another dog to interfere with, injure, or harm, a service animal.

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

(3)(a)(I) Except as provided for in subparagraphs (II) and (III) of this paragraph (a), a person who violates any provision of subsection (1) of this section is liable to the qualified individual with a disability who is accompanied by a service animal or a trainer of a service animal whose rights were affected for the penalties provided in section 24-34-802.

(II) A person who willfully or wantonly causes harm to a service animal or a service animal in training is liable to the legal owner of the service animal or service animal in training for treble

the amount of actual damages.

(III) The legal owner of an animal that is willfully or wantonly allowed to cause harm to a service animal or a service animal in training is liable to the legal owner of the service animal or service animal in training for treble the amount of actual damages.

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

C. An animal care or control agency is exempt from the provisions of this subsection (3) if, after a good faith effort, the agency is unaware that the animal is a service animal.

(4) Nothing in this section is intended to interfere with remedies or relief that any person might be entitled to pursuant to parts 3 to 7 of this article.

Credits

Added by Laws 1995, S.B.95-29, § 3. Amended by Laws 2002, Ch. 318, § 254, eff. Oct. 1, 2002; Laws 2014, Ch. 250, § 13, eff. Aug. 6, 2014.

Title 40. Utilities. Public Utilities. General and Administrative. Article 9. Carriers Generally
§ 40-9-109. Transportation of service animals accompanying individuals with disabilities

When an individual with a disability is accompanied by a service animal or an animal that is being trained as a service animal, as defined in section 24-34-301, C.R.S., for such individual with a disability, neither the individual with a disability nor the service animal shall be denied the facilities of any common carrier, nor shall the individual with a disability be denied the immediate custody of the service animal while riding upon a common carrier. The provisions of this section also apply to a trainer of a service animal, as defined in section 24-34-301, C.R.S., for use by a qualified individual with a disability, unless the service animal presents an imminent danger to the public health or safety. The individual with a disability or the trainer of the service animal shall be liable for any damage done to the premises or facilities of the common carrier by the service animal. An animal being individually trained for the purpose of aiding an individual with a disability shall be visibly and prominently identified as a service animal in training.

Credits

Amended by Laws 1986, S.B.68, § 2, eff. March 20, 1986; Laws 1989, H.B.1207, § 2, eff. April 19, 1989;

Laws 2001, Ch. 317, § 62, eff. June 5, 2001; Laws 2014, Ch. 250, § 25, eff. Aug. 6, 2014.

Title 42. Vehicles and Traffic. Regulation of Vehicles and Traffic. Article 4. Regulation of Vehicles and Traffic. Part 8. Pedestrians.

§ 42-4-808. Drivers and pedestrians, other than persons in wheelchairs, to yield to persons with disabilities.

1. Any pedestrian, other than a person in a wheelchair, or any driver of a vehicle who approaches an individual who has an obviously apparent disability shall immediately come to a full stop and take such precautions before proceeding as are necessary to avoid an accident or injury to said individual. A disability shall be deemed to be obviously apparent if, by way of example and without limitation, the individual is using a mobility device, is assisted by a service animal, as defined in section 24-34-301, C.R.S., is being assisted by another person, or is walking with an obvious physical impairment. Any person who violates any provision of this section commits a class A traffic offense.

2. The department has no authority to assess any points under section 42-2-127 to any pedestrian who is convicted of a violation of subsection (1) of this section.

Credits

Added by Laws 1994, S.B.94-1, § 1, eff. Jan. 1, 1995. Amended by Laws 1995, S.B.95-29, § 5; Laws 2014, Ch. 250, § 26, eff. Aug. 6, 2014.