

## HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Ortiz

1 Amend the Judiciary Committee Report, dated March 14, 2023, strike  
2 lines 1 through 5 and substitute:

3 "Amend printed bill, strike everything below the enacting clause and  
4 substitute:

5 "SECTION 1. In Colorado Revised Statutes, 24-34-306, **amend**  
6 (14) as follows:

7 **24-34-306. Charge - complaint - hearing - procedure -**  
8 **exhaustion of administrative remedies.** (14) No person may file a civil  
9 action in a district court in this state based on an alleged discriminatory  
10 or unfair practice prohibited by ~~parts 4 to 7~~ PARTS 4, 5, AND 7 of this  
11 ~~article~~ ARTICLE 34 AND EXCLUDING PART 6 OF THIS ARTICLE 34 AND  
12 SECTION 24-34-505.6 without first exhausting the proceedings and  
13 remedies available to ~~him~~ THE PERSON under this part 3 unless ~~he~~ THE  
14 PERSON shows, in an action filed in the appropriate district court, by clear  
15 and convincing evidence, his ill health which is of such a nature that  
16 pursuing administrative remedies would not provide timely and  
17 reasonable relief and would cause irreparable harm. THIS SUBSECTION  
18 (14) DOES NOT APPLY TO CIVIL ACTIONS FILED IN DISTRICT COURT BASED  
19 ON ALLEGED DISCRIMINATORY OR UNFAIR PRACTICES PROHIBITED BY  
20 EITHER PART 6 OF THIS ARTICLE 34 OR SECTION 24-34-505.6.

21 **SECTION 2.** In Colorado Revised Statutes, 24-34-802, **amend**  
22 (1)(b) and (2)(a) introductory portion; and **repeal** (2)(a)(I) as follows:

23 **24-34-802. Violations - penalties - immunity.** (1) (b) An  
24 individual with a disability, as defined in section 24-34-301 (5.6), must  
25 not, by reason of the individual's disability, be excluded from  
26 participation in or be denied the benefits of services, programs, or  
27 activities provided by a PLACE OF PUBLIC ACCOMMODATION, AS DEFINED  
28 IN SECTION 24-34-601 (1), A public entity, as defined in section  
29 24-34-301, or a state agency, as defined in section 24-37.5-102, or be  
30 subjected to discrimination by any such PLACE OF PUBLIC  
31 ACCOMMODATION, public entity, or state agency.

32 (2) (a) An individual with a disability, as defined in section  
33 24-34-301 (5.6), who is subject to a violation of subsection (1) of this  
34 section or of section 24-34-502, 24-34-502.2, 24-34-601, or 24-34-803  
35 based on the individual's disability may bring a civil suit in a court of  
36 competent jurisdiction and, except as provided in section 24-85-103, is  
37 entitled to ~~any of~~ A COURT ORDER REQUIRING COMPLIANCE WITH THE  
38 PROVISIONS OF THE APPLICABLE SECTION AND EITHER OF the following

1 remedies:

2 (I) ~~A court order requiring compliance with the provisions of the~~  
3 ~~applicable section;~~

4 **SECTION 3. Safety clause.** The general assembly hereby finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, or safety."."

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