

## HB 1032: Concerning Civil Action Remedy Provisions or Civil Rights Violations of Persons with Disabilities

Sponsor: Representative Ortiz

➤ What the bill does:

- Cleans up the Colorado Anti Discrimination Act (CADA) by putting the public business disability discrimination prohibitions into Part 8 with the public entity disability discrimination provisions;
- Harmonizes the remedies for public accommodations and public entities; and,
- Restores the legislature's original intent that administrative exhaustion is not required before a person with a disability may file suit based on discrimination.

➤ Why it's needed:

Originally, Part 6 provided the basis for disability discrimination claims against public businesses in Section 602. This section provides that a person with a disability could either file suit or file an administrative complaint, but not both, and courts agreed with that interpretation. In fact, the language in Section 602 regarding remedies is still there.

However, when the CADA was amended in 2014 to expand protections for people with disabilities, a provision was inserted into Section 602 that led to some confusion about the remedies available to individuals with disabilities complaining of discrimination by public businesses, and to the extreme result of some courts requiring people with disabilities to exhaust administrative remedies before they are even allowed to file a lawsuit, which hadn't been required before.

This bill will not only address the administrative remedies issue that arose following the 2014 CADA amendments, but it also cleans up the CADA by putting the disability discrimination provisions together in Part 8.

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