

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Zokaie

- 1 Amend printed bill, page 3, strike lines 20 through 27.
- 2 Page 4, strike lines 1 through 3.
- 3 Renumber succeeding sections accordingly.
- 4 Page 4, line 13, strike "BY PART 7 OF THIS ARTICLE 34,".
- 5 Page 4, lines 17 and 18, strike "6 OR PART 7 OF THIS ARTICLE 34." and
- 6 substitute "6.".
- 7 Page 4, line 21, strike "**liability - definition.**" and substitute "**liability.**".
- 8 Page 4, line 24, strike "**24-34-802 (1)(a),**".
- 9 Page 5, line 2, strike "24-34-802 (1)(a),".
- 10 Page 5, line 10, after "FINE" insert "PAYABLE TO EACH PLAINTIFF".
- 11 Page 5, line 20, strike "FIFTY PERCENT" and substitute "FIFTY-PERCENT"
- 12 and strike "AMOUNT OF" and substitute "STATUTORY CAP SET FORTH IN
- 13 SUBSECTION (1)(c)(I) OF THIS SECTION ON".
- 14 Page 6, before line 25 insert:
- 15 "SECTION 4. In Colorado Revised Statutes, **amend** 24-34-707
- 16 as follows:
- 17 **24-34-707. Relief authorized - definition.** (1) In addition to the
- 18 relief authorized by section 24-34-306 (9), the commission may order a
- 19 respondent who has been found to have violated any of the provisions of
- 20 this part 7 to rehire, reinstate, and provide back pay to any employee or
- 21 agent discriminated against because of ~~his~~ THEIR obedience to this part 7;
- 22 to make reports as to the manner of compliance with the order of the
- 23 commission; and to take affirmative action, including the posting of
- 24 notices setting forth the substantive rights of the public under this part 7.
- 25 (2) (a) A PERSON AGGRIEVED BY THE VIOLATION OF SECTION
- 26 24-34-701 MAY BRING AN ACTION IN ANY COURT OF COMPETENT
- 27 JURISDICTION. UPON FINDING A VIOLATION OF SECTION 24-34-701, THE
- 28 PLAINTIFF IS ENTITLED TO A COURT ORDER REQUIRING COMPLIANCE WITH
- 29 SECTION 24-34-701, ATTORNEY'S FEES AND COSTS, AND EITHER:
- 30 (I) RECOVERY OF ACTUAL MONETARY DAMAGES AND, EXCEPT AS

1 OTHERWISE PROVIDED IN SUBSECTION (2)(b) OF THIS SECTION, DAMAGES
2 FOR NONECONOMIC LOSS OR INJURY, AS DEFINED IN SECTION 13-21-102.5
3 (2)(b); OR
4 (II) A STATUTORY FINE PAYABLE TO EACH PLAINTIFF OF FIVE
5 THOUSAND DOLLARS PER VIOLATION PER PLAINTIFF.
6 (b) (I) RECOVERY OF DAMAGES FOR NONECONOMIC LOSS OR
7 INJURY IN ACCORDANCE WITH SUBSECTION (2)(a)(I) OF THIS SECTION IS
8 LIMITED TO AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS.
9 (II) (A) A DEFENDANT THAT IS A SMALL BUSINESS IS ENTITLED TO
10 A FIFTY-PERCENT REDUCTION OF THE STATUTORY CAP SET FORTH IN
11 SUBSECTION (2)(b)(I) OF THIS SECTION ON NONECONOMIC LOSS OR INJURY
12 DAMAGES AWARDED IN ACCORDANCE WITH SUBSECTION (2)(a)(I) OF THIS
13 SECTION IF THE DEFENDANT CORRECTS THE VIOLATION WITHIN THIRTY
14 DAYS AFTER THE COMPLAINT IS FILED; EXCEPT THAT A DEFENDANT THAT
15 IS A SMALL BUSINESS AND KNOWINGLY, INTENTIONALLY, OR RECKLESSLY
16 MADE OR CAUSED TO BE MADE THE VIOLATION IS NOT ENTITLED TO A
17 REDUCTION PURSUANT TO THIS SUBSECTION (2)(b)(II)(A).
18 (B) AS USED IN THIS SUBSECTION (2)(b)(II), "SMALL BUSINESS"
19 MEANS AN EMPLOYER WITH TWENTY-FIVE OR FEWER EMPLOYEES THAT
20 GENERATES NO MORE THAN THREE MILLION FIVE HUNDRED DOLLARS IN
21 ANNUAL GROSS INCOME.
22 (III) NOTHING IN THIS SUBSECTION (2)(b) REDUCES ACTUAL
23 MONETARY DAMAGES AWARDED IN ACCORDANCE WITH SUBSECTION
24 (2)(a)(I) OF THIS SECTION.
25 (c) FOR ANY SUIT BROUGHT PURSUANT TO THIS SECTION THAT
26 RELATES TO DISCRIMINATION ON THE BASIS OF DISABILITY, THE COURT
27 SHALL APPLY THE SAME STANDARDS AND DEFENSES THAT ARE AVAILABLE
28 UNDER THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42
29 U.S.C. SEC. 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND
30 IMPLEMENTING REGULATIONS.
31 (d) THE RELIEF PROVIDED BY THIS SUBSECTION (2) IS AN
32 ALTERNATIVE TO THAT AUTHORIZED BY SECTION 24-34-306 (9) AND AN
33 ALTERNATIVE TO THE RELIEF SET FORTH IN SUBSECTION (1) OF THIS
34 SECTION, AND A PERSON WHO SEEKS REDRESS UNDER THIS SUBSECTION (2)
35 IS NOT PERMITTED TO SEEK RELIEF FROM THE COMMISSION."

36 Renumber succeeding sections accordingly.

37 Page 7, strike line 3 and substitute "section or of section 24-34-502 OR
38 24-34-502.2 ~~24-34-601, or 24-34-803~~".

39 Page 7, line 6, strike "~~either of~~" and substitute "either of".

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