

## CHAPTER 159

---

**GOVERNMENT - STATE**

---

**SENATE BILL 93-189**

BY SENATORS Wham, Mendez, Martinez, and Traylor;  
also REPRESENTATIVES Dyer, DeGette, Foster, and R. Hernandez.

**AN ACT**

**CONCERNING AN ENLARGEMENT OF THE ONE-HUNDRED-EIGHTY-DAY TIME LIMIT FOR PROCESSING  
CIVIL RIGHTS CHARGES FILED WITH THE COLORADO CIVIL RIGHTS COMMISSION.**

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

**SECTION 1.** 24-34-306 (11), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended, and the said 24-34-306 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**24-34-306. Charge - complaint - hearing - procedure - exhaustion of administrative remedies.** (11) If written notice that a formal hearing will be held is not served within ~~one hundred eighty~~ TWO HUNDRED SEVENTY days after the filing of the charge, IF THE COMPLAINANT HAS REQUESTED AND RECEIVED A NOTICE OF RIGHT TO SUE PURSUANT TO SUBSECTION (15) OF THIS SECTION, or if the hearing is not commenced within the one-hundred-twenty-day period prescribed by subsection (4) of this section, the jurisdiction of the commission over the complaint shall cease, and the complainant may seek the relief authorized under this part 3 and parts 4 to 7 of this article against the respondent by filing a civil action in the district court for the district in which the alleged discriminatory or unfair practice occurred. Such action must be filed within ninety days of the date upon which the jurisdiction of the commission ceased, and if not so filed, it shall be barred and the district court shall have no jurisdiction to hear such action. If any party requests the extension of any time period prescribed by this subsection (11), such extension may be granted for good cause by the commission, a commissioner, or the administrative law judge, as the case may be, but the total period of all such extensions to either the respondent or the complainant shall not exceed ninety days each, and, in the case of multiple parties, the total period of all extensions shall not exceed one hundred eighty days.

(15) THE CHARGING PARTY IN ANY ACTION MAY REQUEST A WRITTEN NOTICE OF

---

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

RIGHT TO SUE AT ANY TIME PRIOR TO SERVICE OF A NOTICE AND COMPLAINT PURSUANT TO SUBSECTION (4) OF THIS SECTION. ANY REQUEST FOR NOTICE OF RIGHT TO SUE SHALL BE IN WRITING. A CLAIMANT'S REQUEST FOR NOTICE OF RIGHT TO SUE MADE AFTER THE EXPIRATION OF ONE HUNDRED EIGHTY DAYS FOLLOWING THE FILING OF THE CHARGE SHALL BE GRANTED PROMPTLY. IF A CLAIMANT MAKES A REQUEST FOR A NOTICE OF RIGHT TO SUE PRIOR TO THE EXPIRATION OF ONE HUNDRED EIGHTY DAYS FOLLOWING THE FILING OF THE CHARGE, SAID REQUEST SHALL BE GRANTED UPON A DETERMINATION BY THE COMMISSION, A COMMISSIONER, OR THE ADMINISTRATIVE LAW JUDGE THAT THE INVESTIGATION OF THE CHARGE WILL NOT BE COMPLETED WITHIN ONE HUNDRED EIGHTY DAYS FOLLOWING THE FILING OF THE CHARGE. A NOTICE OF RIGHT TO SUE SHALL CONSTITUTE FINAL AGENCY ACTION AND EXHAUSTION OF ADMINISTRATIVE REMEDIES AND PROCEEDINGS PURSUANT TO THIS PART 3.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 29, 1993