

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 18-0945.01 Yelana Love x2295

HOUSE BILL 18-1285

HOUSE SPONSORSHIP

Pabon, Danielson, Garnett, Singer, Arndt, Hooton, Landgraf

SENATE SPONSORSHIP

Smallwood and Todd, Aguilar, Guzman, Court

House Committees

Transportation & Energy
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PARKING FOR PEOPLE WITH CERTAIN DISABILITIES, AND,**
102 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates a remuneration-exempt identifying placard that exempts an individual with a disability from paying for parking if the disability limits the individual's:

- ! Fine motor control in both hands;
- ! Ability to reach a height of 42 inches from the ground due to lack of finger, hand, or upper extremity strength or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
April 13, 2018

- mobility; or
- ! Ability to reach or access a parking meter due to the use of a wheelchair or other ambulatory device.

The bill repeals existing authority for a person with a disability to park without paying.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-3-204, **amend**
3 (3)(b)(I) and (3)(b)(III); and **add** (1)(i.5), (1)(i.7), (3)(a)(II.5), and
4 (5)(h)(I.5) as follows:

5 **42-3-204. Reserved parking for persons with disabilities -**
6 **applicability - definitions - rules. (1) Definitions.** As used in this
7 section:

8 (i.5) "REMUNERATION-EXEMPT IDENTIFYING PLACARD" MEANS AN
9 IDENTIFYING PLACARD ISSUED UNDER THIS SECTION THAT EXEMPTS THE
10 HOLDER FROM PAYING REMUNERATION AT PARKING DEVICES.

11 (i.7) "REMUNERATION-EXEMPT QUALIFYING DISABILITY" MEANS
12 A DISABILITY THAT LIMITS AN INDIVIDUAL'S:

13 (I) FINE MOTOR CONTROL IN BOTH HANDS;

14 (II) ABILITY TO REACH A HEIGHT OF FORTY-TWO INCHES FROM THE
15 GROUND DUE TO LACK OF STRENGTH OR MOBILITY IN THE INDIVIDUAL'S
16 FINGER, HAND, OR UPPER EXTREMITY; OR

17 (III) ABILITY TO REACH OR ACCESS A PARKING METER DUE TO THE
18 USE OF A WHEELCHAIR OR OTHER AMBULATORY DEVICE.

19 (3) **Types of plates or placards. (a) Authorization.** The
20 department may issue the following registration type for issuing disabled
21 plates and placards that notify the public that the vehicle transports a
22 person who may use reserved parking:

23 (II.5) A THREE-YEAR REMUNERATION-EXEMPT IDENTIFYING

1 PLACARD;

2 (b) **Number of placards and license plates allowed.**

3 (I) (A) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(I)(B) OF THIS
4 SECTION, the department may issue two identifying placards, two
5 identifying plates, or one plate and one placard to an eligible individual.

6 (B) THE DEPARTMENT MAY ISSUE ONE REMUNERATION-EXEMPT
7 IDENTIFYING PLACARD TO AN ELIGIBLE INDIVIDUAL.

8 (III) The department may issue one identifying plate or placard to
9 each parent or guardian of a child with a disability who is under sixteen
10 years of age, but the department shall not issue more than two identifying
11 placards, two identifying plates, or one plate and one placard for the
12 child. THIS SUBSECTION (3)(b)(III) DOES NOT APPLY TO A
13 REMUNERATION-EXEMPT IDENTIFYING PLACARD.

14 (5) **Issuance of plate or placard - rules. (h) Requirements for**
15 **issuance of identifying placards or plates. (I.5) TO QUALIFY FOR A**
16 **REMUNERATION-EXEMPT IDENTIFYING PLACARD, AN INDIVIDUAL MUST**
17 **SUBMIT:**

18 (A) A WRITTEN STATEMENT, MADE BY A PROFESSIONAL ON A FORM
19 PUBLISHED BY THE DEPARTMENT, THAT THE INDIVIDUAL HAS A
20 REMUNERATION-EXEMPT QUALIFYING DISABILITY;

21 (B) A SIGNED AFFIDAVIT AFFIRMING: KNOWLEDGE OF THE
22 ELIGIBILITY REQUIREMENTS; THAT THE INDIVIDUAL TO WHOM THE
23 PLACARD IS ISSUED IS AND REMAINS ELIGIBLE TO USE THE PLACARD; AND
24 KNOWLEDGE OF THE PENALTIES FOR OBTAINING A PLACARD WHEN
25 INELIGIBLE; AND

26 (C) A COLORADO DRIVER'S LICENSE OR IDENTIFICATION
27 DOCUMENT, OR AN IDENTIFICATION DOCUMENT ISSUED BY THE UNITED

1 STATES GOVERNMENT, FOR THE INDIVIDUAL WHO IS ENTITLED TO USE A
2 REMUNERATION-EXEMPT IDENTIFYING PLACARD.

3 **SECTION 2.** In Colorado Revised Statutes, 42-4-1208, **amend**
4 (3)(e)(I); and **add** (1)(f.5) and (3)(a.5) as follows:

5 **42-4-1208. Reserved parking for persons with disabilities -**
6 **applicability - rules.** (1) **Definitions.** As used in this section:

7 (f.5) "REMUNERATION-EXEMPT IDENTIFYING PLACARD" HAS THE
8 SAME MEANING AS SET FORTH IN SECTION 42-3-204.

9 (3) **Misuse of reserved parking.** (a.5) A PERSON SHALL NOT,
10 WHILE PARKED IN A PARKING SPACE THAT REQUIRES REMUNERATION,
11 DISPLAY A REMUNERATION-EXEMPT IDENTIFYING PLACARD THAT IS NOT
12 ISSUED TO THE PERSON. A PERSON WHO POSSESSES A
13 REMUNERATION-EXEMPT IDENTIFYING PLACARD SHALL NOT ALLOW
14 ANOTHER PERSON TO USE THE PLACARD TO PARK IN A PARKING SPACE
15 THAT REQUIRES REMUNERATION.

16 (e) (I) A person who violates ~~paragraph (a) of this subsection (3)~~
17 ~~SUBSECTION (3)(a) OR (3)(a.5) OF THIS SECTION~~ is subject to the penalties
18 in section 42-4-1701 (4)(a)(VIII) and ~~(IX)~~ (4)(a)(IX).

19 **SECTION 3.** In Colorado Revised Statutes, **amend** 42-4-1212 as
20 follows:

21 **42-4-1212. Pay parking access for persons with disabilities.**

22 (1) ~~Unless the method of remuneration is reasonably accessible to a~~
23 ~~person with a disability as defined in section 42-3-204, no~~ A person who
24 owns, operates, or manages a parking space that requires remuneration
25 shall NOT tow, boot, or otherwise take adverse action against ~~a person~~ AN
26 INDIVIDUAL or motor vehicle parking in ~~such~~ THE space for failure to pay
27 the remuneration if the motor vehicle bears a REMUNERATION-EXEMPT

1 IDENTIFYING placard or license plate bearing an identifying figure issued
2 pursuant to section 42-3-204. or a similar law in another state that is valid
3 under 23 CFR 1235.

4 (2) Notwithstanding any statute, resolution, or ordinance of the
5 state of Colorado, or a political subdivision thereof OF COLORADO, OR A
6 GOVERNING BOARD OF A STATE INSTITUTION OF HIGHER EDUCATION,
7 parking in a space without paying the required remuneration shall not be
8 deemed IS NOT a violation of such THE statute, resolution, or ordinance if
9 THE CONDITIONS SPECIFIED IN SUBSECTION (1) OF THIS SECTION ARE MET.

10 (a) The motor vehicle bears a placard or license plate bearing the
11 identifying figure issued pursuant to section 42-3-204 or a similar law in
12 another state that is valid under 23 CFR 1235; and

13 (b) The method of remuneration is not reasonably accessible to a
14 person with a disability as defined in section 42-3-204.

15 (3) A law OR PARKING enforcement agency shall withdraw any
16 penalty assessment notice or summons and complaint that is deemed not
17 to be a violation under subsection (2) of this section WITHIN FIVE
18 BUSINESS DAYS AFTER BEING SHOWN PROOF THAT THE INDIVIDUAL CITED
19 HAS A VALID REMUNERATION-EXEMPT IDENTIFYING PLACARD.

20 (4) For the purposes of this section, "reasonably accessible" means
21 meeting the standards of 28 CFR 36 (appendix A) or substantially similar
22 standards.

23 **SECTION 4.** In Colorado Revised Statutes, 42-4-1701, **amend**
24 (4)(a)(VIII) introductory portion as follows:

25 **42-4-1701. Traffic offenses and infractions classified -**
26 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (VIII) A
27 person who violates section 42-3-204 (7)(f)(II) or section 42-4-1208

1 (3)(a), ~~(3)(a.5)~~, or (4) commits a misdemeanor and, upon conviction, shall
2 be punished by a surcharge of thirty-two dollars under sections
3 24-4.1-119 (1)(f) and 24-4.2-104 (1)(b)(I), ~~C.R.S.~~, and:

4 **SECTION 5. Appropriation.** For the 2018-19 state fiscal year,
5 \$9,870 is appropriated to the department of revenue for use by the
6 division of motor vehicles. This appropriation is from the general fund.
7 To implement this act, the division may use this appropriation for license
8 plate ordering.

9 **SECTION 6. Act subject to petition - effective date -**
10 **applicability.** (1) This act takes effect January 1, 2019; except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within the ninety-day period after final adjournment of the general
14 assembly, then the act, item, section, or part will not take effect unless
15 approved by the people at the general election to be held in November
16 2018 and, in such case, will take effect on January 1, 2019, or on the date
17 of the official declaration of the vote thereon by the governor, whichever
18 is later.

19 (2) This act applies to conduct occurring on or after the applicable
20 effective date of this act.