

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 16-0831.01 Jason Gelender x4330

HOUSE BILL 16-1273

HOUSE SPONSORSHIP

Arndt,

SENATE SPONSORSHIP

(None),

House Committees

Transportation & Energy
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING LIMITED AUTHORITY FOR THE DEPARTMENT OF**
102 **TRANSPORTATION TO ENFORCE PARKING FINES FOR VIOLATIONS**
103 **OF RULE GOVERNING PARKING AT DEPARTMENT PARKING**
104 **FACILITIES.**

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://www.leg.state.co.us/billsummaries>.)

The department of transportation (CDOT) is authorized to charge fees for parking at a park-n-ride lot or any other CDOT parking facility for more than 24 hours or in a reserved parking space. CDOT must post

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

HOUSE
Amended 2nd Reading
April 15, 2016

notice of fees, and any associated parking prohibitions or penalties for parking violations, at any facility where it charges fees and may not require an individual to provide personal information in order to park unless the individual wishes to use reserved parking or automatic payment services. Parking fees are payable in advance.

CDOT may set aside up to 15% of the spaces at a CDOT parking facility for reserved parking and may establish rules that prohibit an individual from parking at a CDOT parking facility if the individual is not using mass transit that is accessible from the facility. CDOT may impose a daily penalty if a motor vehicle is parked at a CDOT parking facility and the individual who parked it either failed to pay a parking fee or parked in violation of a CDOT rule. Any motor vehicle for which a penalty is assessed and which is left unattended at a CDOT parking facility for more than 4 days is considered a motor vehicle abandoned on public property for purposes of existing laws that address the removal, storage, and disposal of such motor vehicles.

For enforcement purposes, CDOT may inspect any motor vehicle registration electronic database that includes the name and address of any registered motor vehicle owner. Local governments and CDOT must consult with each other before the establishment of zoning, other authorization by a governmental body, or contracts required for privately owned or managed parking facilities intended for users of mass transit that is accessible from a CDOT parking facility.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 43-1-123 as
3 follows:

4 **43-1-123. Limited authority to charge fees for parking -**
5 **reserved parking spaces - penalties - definitions.** (1) (a) THE
6 DEPARTMENT MAY ENFORCE PARKING FINES AT A DEPARTMENT PARKING
7 FACILITY FOR A MOTOR VEHICLE LEFT IN A SHORT-TERM PARKING SPOT AT
8 THE FACILITY FOR MORE THAN TWENTY-FOUR HOURS. THE DEPARTMENT
9 SHALL NOT PROHIBIT PARKING AT A FACILITY PURSUANT TO SUBSECTION
10 (2) OF THIS SECTION, OR ENFORCE A PENALTY PURSUANT TO SUBSECTION
11 (4) OF THIS SECTION, WHICH FOR PURPOSES OF THIS PARAGRAPH (b)
12 INCLUDES TREATING A MOTOR VEHICLE AS ABANDONED, UNTIL IT HAS

1 POSTED SIGNS WARNING OF THE PROHIBITION OR PENALTY AT ALL
2 ENTRANCES AND EXITS TO THE FACILITY FOR AT LEAST NINETY DAYS. THE
3 WARNING SIGNS SHALL REMAIN IN PLACE AS LONG AS THE PROHIBITION OR
4 PENALTY IS IN EFFECT AT THE FACILITY.

5 [REDACTED]
6 (2) THE DEPARTMENT SHALL PROMULGATE REASONABLE RULES,
7 IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., FOR THE
8 ADMINISTRATION AND ENFORCEMENT OF THIS SECTION.

9 (3)(a) IF A MOTOR VEHICLE IS PARKED AT A DEPARTMENT PARKING
10 FACILITY AND THE INDIVIDUAL WHO PARKS THE MOTOR VEHICLE [REDACTED]
11 VIOLATES A RULE ADOPTED BY THE DEPARTMENT PURSUANT TO
12 SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT MAY IMPOSE A
13 PENALTY ON THE OWNER OF THE VEHICLE FOR EACH DAY THAT THE
14 VEHICLE IS PARKED AT THE FACILITY. THE PENALTY IS A WARNING FOR THE
15 FIRST OFFENSE, TWENTY DOLLARS FOR THE SECOND OFFENSE, FIFTY
16 DOLLARS FOR THE THIRD OFFENSE, AND ONE HUNDRED DOLLARS FOR ALL
17 SUBSEQUENT OFFENSES. THE DEPARTMENT SHALL GIVE WRITTEN NOTICE
18 TO THE OWNER OF THE PENALTY AND SHALL NOTIFY THE OWNER THAT HE
19 OR SHE MAY, WITHIN FOURTEEN DAYS OF THE NOTICE FROM THE
20 DEPARTMENT, REQUEST A HEARING TO DISPUTE THE PENALTY. [REDACTED]

21 (b) ANY MOTOR VEHICLE FOR WHICH A PENALTY IS ASSESSED
22 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) AND WHICH IS LEFT
23 UNATTENDED IN A SHORT-TERM PARKING SPACE AT A DEPARTMENT
24 PARKING FACILITY FOR MORE THAN FOUR DAYS IS AN ABANDONED MOTOR
25 VEHICLE SUBJECT TO THE PROVISIONS OF PART 18 OF ARTICLE 4 OF TITLE
26 42, C.R.S.

27 [REDACTED]

1 (4) THE DEPARTMENT OF REVENUE SHALL ALLOW, ON AN
2 AS-NEEDED BASIS, INSPECTION OF RECORDS AS SET FORTH IN SECTION
3 24-72-204 (7) (b) (I), C.R.S.

4 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
5 REQUIRES, "DEPARTMENT PARKING FACILITY" OR "FACILITY" MEANS A
6 PARK-N-RIDE LOT OR ANY OTHER PARKING LOT OR STRUCTURE OWNED OR
7 LEASED AND OPERATED BY THE DEPARTMENT.

8 (6) LOCAL GOVERNMENTS AND THE DEPARTMENT SHALL CONSULT
9 WITH EACH OTHER BEFORE THE ESTABLISHMENT OF ZONING, OTHER
10 AUTHORIZATION BY A GOVERNMENTAL BODY, OR CONTRACTS REQUIRED
11 FOR PRIVATELY OWNED OR MANAGED PARKING FACILITIES INTENDED FOR
12 USERS OF MASS TRANSIT THAT ARE ACCESSIBLE FROM A DEPARTMENT
13 PARKING FACILITY.

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