

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

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**

State, Veterans, & Military Affairs  
Appropriations

**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.

SENATE  
3rd Reading Unamended  
April 30, 2018

SENATE  
2nd Reading Unamended  
April 27, 2018

HOUSE  
Amended 3rd Reading  
April 16, 2018

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.

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

2 **SECTION 1. Short title.** The short title of this act is "The Chris  
3 Hinds Act".

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

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

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

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

15 (I) FINE MOTOR CONTROL IN BOTH HANDS;

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

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

21 (3) **Types of plates or placards. (a) Authorization.** The  
22 department may issue the following registration type for issuing disabled  
23 plates and placards that notify the public that the vehicle transports a

1 person who may use reserved parking:

2 (II.5) A THREE-YEAR REMUNERATION-EXEMPT IDENTIFYING  
3 PLACARD;

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

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

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

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

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

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

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

1 (C) A COLORADO DRIVER'S LICENSE OR IDENTIFICATION  
2 DOCUMENT, OR AN IDENTIFICATION DOCUMENT ISSUED BY THE UNITED  
3 STATES GOVERNMENT, FOR THE INDIVIDUAL WHO IS ENTITLED TO USE A  
4 REMUNERATION-EXEMPT IDENTIFYING PLACARD.

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

7 **42-4-1208. Reserved parking for persons with disabilities -**  
8 **applicability - rules.** (1) **Definitions.** As used in this section:

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

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

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

21 **SECTION 4.** In Colorado Revised Statutes, **amend** 42-4-1212 as  
22 follows:

23 **42-4-1212. Pay parking access for persons with disabilities.**

24 (1) ~~Unless the method of remuneration is reasonably accessible to a~~  
25 ~~person with a disability as defined in section 42-3-204, no~~ A person who  
26 owns, operates, or manages a parking space that requires remuneration  
27 shall NOT tow, boot, or otherwise take adverse action against a person AN

1 INDIVIDUAL or motor vehicle parking in ~~such~~ THE space for failure to pay  
2 the remuneration if the motor vehicle bears a REMUNERATION-EXEMPT  
3 IDENTIFYING placard ~~or license plate bearing an identifying figure~~ issued  
4 pursuant to section 42-3-204. ~~or a similar law in another state that is valid~~  
5 ~~under 23 CFR 1235.~~

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

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

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

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

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

25 **SECTION 5.** In Colorado Revised Statutes, 42-4-1701, **amend**  
26 (4)(a)(VIII) introductory portion as follows:

27 **42-4-1701. Traffic offenses and infractions classified -**

1 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (VIII) A  
2 person who violates section 42-3-204 (7)(f)(II) or section 42-4-1208  
3 (3)(a), **(3)(a.5)**, or (4) commits a misdemeanor and, upon conviction, shall  
4 be punished by a surcharge of thirty-two dollars under sections  
5 24-4.1-119 (1)(f) and 24-4.2-104 (1)(b)(I), ~~C.R.S.~~, and:

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

11 **SECTION 7. Act subject to petition - effective date -**  
12 **applicability.** (1) This act takes effect January 1, 2019; except that, if a  
13 referendum petition is filed pursuant to section 1 (3) of article V of the  
14 state constitution against this act or an item, section, or part of this act  
15 within the ninety-day period after final adjournment of the general  
16 assembly, then the act, item, section, or part will not take effect unless  
17 approved by the people at the general election to be held in November  
18 2018 and, in such case, will take effect on January 1, 2019, or on the date  
19 of the official declaration of the vote thereon by the governor, whichever  
20 is later.

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