

CHAPTER 265

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 18-1285

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also SENATOR(S) Smallwood and Todd, Aguilar, Guzman, Court, Fenberg, Fields, Garcia, Jahn, Jones, Kerr, Martinez Humenik, Merrifield, Moreno, Neville T., Priola, Tate, Williams A., Zenzinger.

AN ACT

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

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

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

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

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

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

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

(I) FINE MOTOR CONTROL IN BOTH HANDS;

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

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42-4-1212. Pay parking access for persons with disabilities. (1) ~~Unless the method of remuneration is reasonably accessible to a person with a disability as defined in section 42-3-204, no~~ A person who owns, operates, or manages a parking space that requires remuneration shall NOT tow, boot, or otherwise take adverse action against ~~a person~~ AN INDIVIDUAL or motor vehicle parking in ~~such~~ THE space for failure to pay the remuneration if the motor vehicle bears a REMUNERATION-EXEMPT IDENTIFYING placard ~~or license plate bearing an identifying figure issued pursuant to section 42-3-204. or a similar law in another state that is valid under 23 CFR 1235.~~

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

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

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

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

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

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

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal. (4) (a) (VIII) A person who violates section 42-3-204

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

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

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

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

Approved: May 29, 2018