

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

**REENGROSSED**

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

LLS NO. 10-0193.02 Jery Payne

**HOUSE BILL 10-1019**

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**HOUSE SPONSORSHIP**

**Frangas**, Fischer, McFadyen, Merrifield, Primavera, Tyler

**SENATE SPONSORSHIP**

**Williams**, Gibbs, Romer

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**House Committees**

Transportation & Energy  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING PARKING PRIVILEGES FOR PEOPLE WITH DISABILITIES,**  
102 **AND MAKING AN APPROPRIATION THEREFOR.**

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**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>.)*

**Transportation Legislation Review Committee. Section 1** of the bill changes the laws governing enforcement of the reserved parking program for the disabled in the following ways:

- ! Authorizes a peace officer to confiscate a placard that is being misused;

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  
3rd Reading Unamended  
April 26, 2010

HOUSE  
Amended 2nd Reading  
April 23, 2010

- ! Prohibits creating a device that mimics a placard;
- ! Prohibits retaliation against an employee for notifying the authorities of a violation of a possible reserved parking violation;
- ! Authorizes a peace officer or property owner to remove a vehicle that is violating the reserved parking provisions;
- ! Prohibits moving a vehicle to avoid time limits on reserved parking spaces;
- ! Prohibits using reserved parking for commercial purposes unrelated to transacting business with the person the space is intended to serve.

In the use of a parking space such as a parking lot or parking meter, **section 2** prohibits taking adverse action against a person with a disability if the method of payment is not reasonably accessible.

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

2 **SECTION 1.** Part 2 of article 1 of title 42, Colorado Revised  
 3 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW  
 4 SECTIONS to read:

5 **42-1-224. Disabled parking education and enforcement fund**  
 6 **- created.** THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
 7 DISABLED PARKING EDUCATION AND ENFORCEMENT FUND, WHICH  
 8 CONSISTS OF MONEYS COLLECTED PURSUANT TO THIS SECTION AND  
 9 SECTION 42-4-1208 (6) AND (7). THE GENERAL ASSEMBLY SHALL  
 10 APPROPRIATE THE MONEYS IN THE FUND FOR THE PURPOSES SPECIFIED IN  
 11 SECTIONS 42-1-225, 42-3-204, AND 42-4-1208. UNEXPENDED AND  
 12 UNENCUMBERED MONEYS IN THE FUND AT THE END OF A FISCAL YEAR  
 13 SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR  
 14 TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND. THE  
 15 DEPARTMENT MAY ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE  
 16 OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. ALL PRIVATE  
 17 AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS

1 SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT  
2 THE MONEYS TO THE FUND.

3 **42-1-225. Disabled parking education program.** (1) SUBJECT  
4 TO THE AVAILABILITY OF FUNDS APPROPRIATED UNDER SECTION 42-1-224,  
5 THE COLORADO ADVISORY COUNCIL FOR PERSONS WITH DISABILITIES,  
6 CREATED IN SECTION 24-45.5-103, C.R.S.:

7 (a) MAY MAKE GRANTS OR DEVELOP OR DELIVER EDUCATION  
8 PROGRAMS FOR THE PURPOSE OF PROVIDING PEACE OFFICERS, LOCAL  
9 GOVERNMENTS, MEDICAL PROVIDERS, DRIVERS, AND PERSONS WITH  
10 DISABILITIES WITH EDUCATION CONCERNING ELIGIBILITY STANDARDS FOR  
11 PARKING PRIVILEGES AVAILABLE TO A PERSON WITH A DISABILITY  
12 AFFECTING MOBILITY, APPROPRIATE USE OF THE PARKING PRIVILEGES, THE  
13 LEGAL STANDARDS AND VIOLATIONS CONTAINED IN SECTIONS 42-3-204  
14 AND 42-4-1208, AND THE ADVANTAGES OF CREATING A VOLUNTEER  
15 ENFORCEMENT PROGRAM; AND

16 (b) SHALL CREATE OR MAKE AVAILABLE A TRAINING PROGRAM TO  
17 ASSIST PROFESSIONALS IN UNDERSTANDING THE STANDARDS THAT NEED  
18 TO BE MET TO OBTAIN AN IDENTIFYING LICENSE PLATE OR PLACARD.

19 **SECTION 2.** 42-3-204, Colorado Revised Statutes, is amended  
20 to read:

21 **42-3-204. Parking privileges for persons with disabilities -**  
22 **applicability - rules - repeal.** (1) As used in this section:

23 (a) ~~"License plate or placard" means any license plate or placard~~  
24 ~~issued pursuant to subsection (2) of this section "DISABILITY" OR~~  
25 ~~"DISABLED" MEANS A PHYSICAL IMPAIRMENT THAT MEETS THE STANDARDS~~  
26 ~~OF 23 CFR 1235, WHICH IMPAIRMENT IS VERIFIED, IN WRITING, BY A~~  
27 ~~PROFESSIONAL. TO BE VALID, THE VERIFYING PROFESSIONAL SHALL~~

1 CERTIFY TO THE DEPARTMENT THAT THE PERSON MEETS THE STANDARDS  
2 ON FORMS PUBLISHED BY THE DEPARTMENT.

3 (b) ~~"Person with a disability" means either of the following:~~  
4 ~~"EXTENDED" MEANS A CONDITION THAT IS NOT EXPECTED TO CHANGE~~  
5 ~~WITHIN THIRTY MONTHS AFTER THE ISSUANCE OF AN IDENTIFYING FIGURE,~~  
6 ~~GIVEN THE CURRENT STATE OF MEDICAL OR ADAPTIVE TECHNOLOGY.~~

7 ~~(I) A person so severely impaired that such person is unable to~~  
8 ~~move from place to place without the aid of a mechanical device; or~~

9 ~~(II) A person who has a physical impairment that substantially~~  
10 ~~limits the person's ability to move from place to place, which impairment~~  
11 ~~is verified, in writing, by a physician licensed to practice medicine or~~  
12 ~~practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S., a~~  
13 ~~podiatrist licensed under article 32 of title 12, C.R.S., or an advanced~~  
14 ~~practice nurse registered pursuant to section 12-38-111.5, C.R.S. To be~~  
15 ~~valid, such verification by the director, physician, podiatrist, or advanced~~  
16 ~~practice nurse shall certify to the department of revenue that the person~~  
17 ~~meets the standards established by the executive director of the~~  
18 ~~department of revenue.~~

19 (c) "IDENTIFYING FIGURE" MEANS A FIGURE THAT PROVIDES  
20 NOTICE THAT A PERSON IS AUTHORIZED TO USE A RESERVED PARKING  
21 SPACE.

22 (d) "IDENTIFYING LICENSE PLATE" MEANS A LICENSE PLATE  
23 BEARING AN IDENTIFYING FIGURE.

24 (e) "IDENTIFYING PLACARD" MEANS A PLACARD BEARING AN  
25 IDENTIFYING FIGURE.

26 (f) "PERMANENT" MEANS A CONDITION THAT IS NOT EXPECTED TO  
27 CHANGE WITHIN A PERSON'S LIFETIME, GIVEN THE CURRENT STATE OF

1 MEDICAL OR ADAPTIVE TECHNOLOGY.

2 (g) "PROFESSIONAL" MEANS A PHYSICIAN LICENSED TO PRACTICE  
3 MEDICINE OR PRACTICING MEDICINE PURSUANT TO SECTION 12-36-106 (3)  
4 (i), C.R.S., A PODIATRIST LICENSED UNDER ARTICLE 32 OF TITLE 12,  
5 C.R.S., OR AN ADVANCED PRACTICE NURSE REGISTERED PURSUANT TO  
6 SECTION 12-38-111.5, C.R.S.

7 (h) "RESERVED PARKING SPACE" MEANS A PARKING SPACE  
8 RESERVED FOR A PERSON WITH A DISABILITY.

9 (2) (a) A person with a disability may apply to the department for:

10 (I) ~~Distinguishing~~ AN IDENTIFYING license plates PLATE to be  
11 supplied at the same cost as A standard plates PLATE and to be displayed  
12 as provided in section 42-3-202 on a motor vehicle owned by such person  
13 or that is owned by a trust created for the benefit of and the name of  
14 which includes the name of such person, SUBJECT TO THE FOLLOWING:

15 (A) ~~Any plates issued by the department pursuant to this section~~  
16 AN IDENTIFYING LICENSE PLATE shall be renewed once each year in a  
17 manner to be determined by the department.

18 (B) The issuance of a ~~special~~ AN IDENTIFYING license plate to a  
19 person with a disability ~~pursuant to this subparagraph (F)~~ shall not  
20 preclude such person from obtaining an identifying placard. ~~pursuant to~~  
21 ~~subparagraph (H) of this paragraph (a).~~

22 (C) The verification requirements of PARAGRAPH (a) OF  
23 subsection (1) of this section shall be met once every three years.

24 (II) An identifying placard to be prominently displayed on a motor  
25 vehicle used to transport such person, SUBJECT TO THE FOLLOWING:

26 (A) THE DEPARTMENT SHALL NOT ISSUE A PERMANENT OR  
27 EXTENDED IDENTIFYING PLACARD UNLESS THE APPLICANT PROVIDES A

1 DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED PURSUANT TO ARTICLE  
2 2 OF THIS TITLE, OR A FEDERALLY ISSUED IDENTIFICATION CARD; EXCEPT  
3 THAT A PARENT OR GUARDIAN OF A DISABLED PERSON UNDER SIXTEEN  
4 YEARS OF AGE MAY PROVIDE THE PARENT'S OR GUARDIAN'S DRIVER'S  
5 LICENSE OR IDENTIFICATION CARD IN LIEU OF THE DISABLED MINOR, AND  
6 A BUSINESS ENTITY THAT TRANSPORTS DISABLED PEOPLE FOR HIRE MAY  
7 PROVIDE AN EMPLOYEE IDENTIFICATION NUMBER AND SUCH OTHER  
8 INFORMATION AS REQUIRED BY THE DEPARTMENT.

9 (B) ~~Any~~ AN IDENTIFYING placard valid for more than ninety days  
10 issued by the department pursuant to this section shall have printed on the  
11 placard a number assigned to the placard that corresponds to identifying  
12 information of the person or persons with the disability THE LAST FOUR  
13 DIGITS OF THE HOLDER'S IDENTIFICATION NUMBER PRINTED ON ITS FACE;  
14 EXCEPT THAT A PLACARD ISSUED FOR A PERSON UNDER SIXTEEN YEARS OF  
15 AGE MAY BEAR THE PARENT'S OR GUARDIAN'S IDENTIFICATION NUMBER IF  
16 THE PARENT OR GUARDIAN PROVIDED THE IDENTIFICATION REQUIRED BY  
17 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), AND, IF AN ENTITY  
18 THAT TRANSPORTS DISABLED PEOPLE FOR HIRE OBTAINS A PLACARD, THE  
19 PLACARD SHALL BEAR THE TRUE NAME OF THE ENTITY PROVIDING SUCH  
20 SERVICE. IF THE PLACARD BEARS THE LAST FOUR DIGITS OF THE PARENT'S  
21 OR GUARDIAN'S IDENTIFICATION NUMBER, THE PLACARD SHALL ALSO BEAR  
22 THE LETTER "C" AS A DESIGNATOR.

23 (C) Identifying information about the person ~~or persons~~ with the  
24 disability shall be strictly confidential and only available to law  
25 enforcement or to personnel within the department for official business  
26 related to ~~such~~ THE IDENTIFYING placard.

27 (D) ~~Such assigned number~~ WHEN IN USE, THE IDENTIFYING

1 PLACARD'S FACE shall be legible AND VISIBLE to any law enforcement  
2 officer or authorized parking enforcement official when viewed from  
3 outside the vehicle.

4 (E) A HOLDER OF AN IDENTIFYING placard issued by the  
5 ~~department pursuant to this section shall be renewed~~ SHALL RENEW THE  
6 PLACARD every three years in a manner to be determined by the  
7 department, INCLUDING RENEWAL BY MAIL.

8 (F) The HOLDER OF AN IDENTIFYING PLACARD SHALL MEET THE  
9 verification requirements of PARAGRAPH (a) OF subsection (1) of this  
10 section ~~shall be met~~ each time the placard is renewed.

11 (G) THE DEPARTMENT SHALL PLACE AN EXPIRATION DATE ON AN  
12 IDENTIFYING PLACARD USING A DATE SYSTEM THAT REMOVES A PORTION  
13 OF THE PLACARD TO INDICATE THE EXPIRATION DATE. THE DEPARTMENT  
14 SHALL AFFIX A VALIDATING STICKER INDICATING THE EXPIRATION DATE TO  
15 THE PLACARD.

16 (H) SUB-SUBPARAGRAPH (G) OF THIS SUBPARAGRAPH (II) DOES  
17 NOT REQUIRE THE DEPARTMENT TO ISSUE IDENTIFYING PLACARDS IN  
18 COMPLIANCE WITH THIS SECTION WHILE IT CONTINUES TO HAVE THE  
19 PLACARDS PURCHASED BEFORE JANUARY 1, 2011, IN STOCK. THIS  
20 SUB-SUBPARAGRAPH (H) IS REPEALED EFFECTIVE JULY 1, 2011.

21 (III) Disabled veteran special license plates with the identifying  
22 ~~feature~~ FIGURE for a person with a physical impairment affecting  
23 mobility, so long as the disabled person meets the eligibility criteria  
24 specified in section 42-3-213 (5).

25 (b) ~~Notwithstanding the verification requirements of~~  
26 ~~subparagraphs (I), (II), and (III) of paragraph (a) of this subsection (2), if~~  
27 ~~a renewal applicant has a permanent disability that was verified in writing~~

1 by a physician licensed to practice medicine in this state or practicing  
2 medicine pursuant to section 12-36-106 (3) (i), C.R.S., or an advanced  
3 practice nurse registered pursuant to section 12-38-111.5, C.R.S., and  
4 provided to the department with the original application for a license plate  
5 or placard under this section, such applicant shall not be required to meet  
6 such verification requirement to renew such license plate or placard. If  
7 a person renews such license plate or placard of and on behalf of a person  
8 with a permanent disability, the person renewing such license plate or  
9 placard shall sign an affidavit, under the penalty of perjury, attesting to  
10 the fact that the person with a permanent disability is still in need of the  
11 license plate or placard and stating that such license plate or placard shall  
12 be surrendered to the department upon the death of the person with a  
13 permanent disability.

14 (c) ~~Such~~ AN IDENTIFYING license plate or placard shall be issued  
15 to ~~such~~ A person upon presentation to the department of a written  
16 statement, verified by a physician licensed to practice medicine in this  
17 state or practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S.,  
18 or an advanced practice nurse registered pursuant to section 12-38-111.5,  
19 C.R.S. PROFESSIONAL, that such person is a person with HAS a disability.  
20 The application for ~~such a~~ AN IDENTIFYING license plate or placard shall  
21 be sent to the department ~~each year~~ EVERY THREE YEARS; except that a  
22 person who has been issued a disabled veteran special license plate shall  
23 not send an application to the department every year.

24 (d) (I) ~~Such~~ (I) AN IDENTIFYING license plate or placard may be  
25 revoked by the department upon receipt of a sworn statement from a  
26 peace officer or an authorized parking enforcement official that the  
27 person with a disability has improperly used the privilege defined in



1 section 42-4-1208. Upon a first violation of section 42-4-1208, the  
2 department shall deny reissuance of such license plate or placard for a  
3 period of one year following the date of revocation. Upon a second or  
4 subsequent violation of section 42-4-1208, the department shall deny  
5 reissuance of such license plate or placard for a period of at least five  
6 years after the date of the second or each subsequent revocation. The  
7 department shall provide written notification to the person with a  
8 disability of such revocation, which notification shall contain a demand  
9 for the return of the license plate or placard to the department and a  
10 warning that continued use by any person shall be subject to the penalty  
11 set forth in section 42-4-1208 (11).

12 (II) THE DEPARTMENT MAY HOLD HEARINGS TO REVOKE AN  
13 IDENTIFYING LICENSE PLATE OR PLACARD.

14 (III) A PERSON WHO FAILS TO RETURN A REVOKED IDENTIFYING  
15 PLACARD OR LICENSE PLATE OR WHO ATTEMPTS TO OBTAIN AN  
16 IDENTIFYING LICENSE PLATE OR PLACARD WHEN UNDER REVOCATION  
17 PURSUANT TO THIS PARAGRAPH (d) COMMITS A CLASS B TRAFFIC  
18 INFRACTION.

19 (e) Repealed.

20 (3) (a) The department shall issue ~~temporary distinguishing~~  
21 ~~license permits and~~ a temporary identifying placard to a person who is  
22 temporarily disabled upon presentation of a written statement, verified by  
23 a ~~physician licensed to practice medicine or practicing medicine pursuant~~  
24 ~~to section 12-36-106 (3) (i), C.R.S., a podiatric physician licensed under~~  
25 ~~article 32 of title 12, C.R.S., or an advanced practice nurse registered~~  
26 ~~pursuant to section 12-38-111.5, C.R.S.~~ PROFESSIONAL, that such person  
27 temporarily meets the definition of a person with a disability.

1           (b) The department shall issue ~~such permits and placards~~ A  
2           TEMPORARY IDENTIFYING PLACARD to a qualifying person who is a  
3           resident of another state and who becomes disabled while in this state.  
4           ~~THE DEPARTMENT SHALL NOT ISSUE THE PLACARD UNLESS THE APPLICANT~~  
5           ~~PROVIDES A DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED PURSUANT~~  
6           ~~TO ARTICLE 2 OF THIS TITLE OR ISSUED BY ANOTHER STATE OR A~~  
7           ~~FEDERALLY ISSUED IDENTIFICATION CARD. THE DEPARTMENT SHALL PRINT~~  
8           ~~THE LAST FOUR DIGITS OF THE DRIVER'S LICENSE NUMBER OR~~  
9           ~~IDENTIFICATION CARD NUMBER ON THE FACE OF THE PLACARD.~~

10           (c) ~~Such permits and~~ A TEMPORARY IDENTIFYING placard shall be  
11           ~~IS valid for a period of~~ UNTIL THE LAST DAY OF THE MONTH FALLING  
12           ~~ninety days after the date of issuance and may continually be renewed for~~  
13           ~~additional ninety-day periods during the term of such disability upon~~  
14           ~~resubmission of such written and verified statements.~~

15           (d) ~~The provisions of this section concerning the privileges~~  
16           ~~granted to persons with disabilities shall apply to temporary license~~  
17           ~~permits and temporary IDENTIFYING placards issued under this subsection~~  
18           (3). ~~Further, the requirement that the placard include a printed~~  
19           ~~identification number as set forth in subparagraph (H) of paragraph (a) of~~  
20           ~~subsection (2) of this section shall apply to both temporary license~~  
21           ~~permits and temporary placards issued under this subsection (3).~~

22           (e) ~~The verification by a physician licensed to practice medicine~~  
23           ~~or practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S., a~~  
24           ~~podiatrist licensed under article 32 of title 12, C.R.S., or an advanced~~  
25           ~~practice nurse registered pursuant to section 12-38-111.5, C.R.S., shall be~~  
26           ~~carried in the vehicle transporting the person or persons with a disability~~  
27           ~~to whom the temporary license permit or placard has been issued and~~

1 ~~shall be presented to any law enforcement officer upon request.~~  
2 Temporary license permits and temporary placards issued by states other  
3 than Colorado ~~shall be~~ ARE valid so long as they are currently valid in the  
4 state of issuance and valid pursuant to 23 CFR 1235.

5 (f) (I) A TEMPORARY IDENTIFYING PLACARD SHALL HAVE THE LAST  
6 FOUR DIGITS OF THE PERSON'S IDENTIFICATION NUMBER PRINTED ON THE  
7 PLACARD'S FACE. THE DEPARTMENT SHALL PLACE AN EXPIRATION DATE  
8 ON AN IDENTIFYING PLACARD USING A DATE SYSTEM THAT REMOVES A  
9 PORTION OF THE PLACARD TO INDICATE THE EXPIRATION DATE. THE  
10 DEPARTMENT SHALL AFFIX A VALIDATING STICKER INDICATING THE  
11 EXPIRATION DATE TO THE PLACARD.

12 (II) THIS PARAGRAPH (f) DOES NOT REQUIRE THE DEPARTMENT TO  
13 ISSUE IDENTIFYING PLACARDS IN COMPLIANCE WITH THIS SECTION WHILE  
14 IT CONTINUES TO HAVE THE TEMPORARY PLACARDS PURCHASED BEFORE  
15 JANUARY 1, 2011, IN STOCK. THIS SUBPARAGRAPH (II) IS REPEALED  
16 EFFECTIVE JULY 1, 2011.

17 (4) Upon the filing of an application for issuance or renewal of a  
18 AN IDENTIFYING license plate or placard under this section, the department  
19 shall make available to the applicant an informational pamphlet or other  
20 informational source developed by the department IN CONSULTATION  
21 WITH THE COLORADO ADVISORY COUNCIL FOR PERSONS WITH  
22 DISABILITIES, CREATED IN SECTION 24-45.5-103, C.R.S., that describes the  
23 rights and responsibilities of the holders of such license plates or placards  
24 and the parking privileges set forth in section 42-4-1208.

25 (5) (a) AN APPLICATION FOR AN IDENTIFYING LICENSE PLATE OR  
26 PLACARD SHALL CONTAIN A NOTICE OF ELIGIBILITY REQUIREMENTS AND  
27 PENALTIES FOR OBTAINING SUCH LICENSE PLATE OR PLACARD WHEN NOT

1 ELIGIBLE. THE APPLICANT SHALL SIGN THE NOTICE AFFIRMING  
2 KNOWLEDGE OF THE INFORMATION CONTAINED THEREIN.

3 (b) THE DEPARTMENT, IN CONSULTATION WITH THE COLORADO  
4 ADVISORY COUNCIL FOR PERSONS WITH DISABILITIES, CREATED IN SECTION  
5 24-45.5-103, C.R.S., SHALL PROMULGATE A RULE CREATING A FORM THAT  
6 IS SIGNED BY A PROFESSIONAL, UNDER PENALTY OF PERJURY, AFFIRMING  
7 KNOWLEDGE OF THE CONTENTS OF THE NOTICE CREATED IN PARAGRAPH  
8 (a) OF THIS SUBSECTION (5) BEFORE VERIFYING THAT A PERSON HAS A  
9 DISABILITY. THE FORM SHALL CONTAIN A NOTICE OF THE ELIGIBILITY  
10 REQUIREMENT TO OBTAIN AN IDENTIFYING LICENSE PLATE OR PLACARD.

11 (6) ANY PERSON RENEWING AN IDENTIFYING LICENSE PLATE OR  
12 PLACARD SHALL AFFIRM UNDER PENALTY OF PERJURY THAT THE PERSON  
13 TO WHOM THE LICENSE PLATE OR PLACARD IS ISSUED REMAINS ELIGIBLE TO  
14 USE THE LICENSE PLATE. THE PERSON RENEWING THE PLATE OR PLACARD  
15 SHALL INCLUDE WITH THE RENEWAL THE PERSON'S NAME AND A COPY OF  
16 THE PERSON'S DRIVER'S LICENSE OR IDENTIFICATION CARD AND THE  
17 DRIVER'S LICENSE OR IDENTIFICATION CARD, IF APPLICABLE, OF THE  
18 DISABLED PERSON.

19 (7) (a) THE DEPARTMENT SHALL MAINTAIN IN ITS RECORDS FOR  
20 THREE YEARS THE REGISTRATION INFORMATION USED TO ISSUE AN  
21 IDENTIFYING LICENSE PLATE OR PLACARD, ANY VIOLATIONS OF SECTION  
22 42-4-1208 BY THE HOLDER, AND THE APPLICATION OR AN ELECTRONIC OR  
23 DIGITAL REPRODUCTION OF THE APPLICATION.

24 (b) UPON THE FUNDS BEING AVAILABLE AND APPROPRIATED FROM  
25 THE DISABLED PARKING EDUCATION AND ENFORCEMENT FUND CREATED  
26 IN SECTION 42-1-224, THE DEPARTMENT SHALL PROVIDE IMMEDIATE  
27 ELECTRONIC ACCESS TO THE RECORDS MAINTAINED PURSUANT TO

1 PARAGRAPH (a) OF THIS SUBSECTION (8) TO A PEACE OFFICER WORKING  
2 WITHIN THE COURSE AND SCOPE OF THE OFFICER'S OFFICIAL DUTIES.

3 (8) AN IDENTIFYING PLACARD ISSUED IN ANOTHER STATE OR  
4 COUNTRY IS NOT VALID FOR MORE THAN NINETY DAYS AFTER THE HOLDER  
5 BECOMES A RESIDENT OF COLORADO. A PERSON WHO APPLIES FOR AN  
6 IDENTIFYING PLACARD IN COLORADO SHALL SURRENDER ANY CURRENTLY  
7 HELD IDENTIFYING PLACARD ISSUED IN ANOTHER STATE OR COUNTRY.

8 SECTION 3. 42-4-1208, Colorado Revised Statutes, is amended  
9 to read:

10 **42-4-1208. Parking privileges for persons with disabilities -**  
11 **applicability -rules.** (1) As used in this section:

12 (a) ~~"License plate or placard" means a license plate or placard~~  
13 ~~issued pursuant to section 42-3-204 (2) "DISABILITY" OR "DISABLED"~~  
14 MEANS A PHYSICAL IMPAIRMENT THAT MEETS THE STANDARDS OF 23 CFR  
15 1235, WHICH IMPAIRMENT IS VERIFIED, IN WRITING, BY A PROFESSIONAL.  
16 TO BE VALID, THE VERIFYING PROFESSIONAL SHALL CERTIFY TO THE  
17 DEPARTMENT THAT THE PERSON MEETS THE STANDARDS ESTABLISHED BY  
18 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

19 (b) ~~"Person with a disability" has the meaning provided for such~~  
20 ~~term in section 42-3-204(1) "IDENTIFYING FIGURE" MEANS A FIGURE THAT~~  
21 PROVIDES NOTICE THAT A PERSON IS AUTHORIZED TO USE A RESERVED  
22 PARKING SPACE.

23 (c) "IDENTIFYING LICENSE PLATE" MEANS A LICENSE PLATE  
24 BEARING AN IDENTIFYING FIGURE.

25 (d) "IDENTIFYING PLACARD" MEANS A PLACARD BEARING AN  
26 IDENTIFYING FIGURE.

27 (e) "PROFESSIONAL" MEANS A PHYSICIAN LICENSED TO PRACTICE

1 MEDICINE OR PRACTICING MEDICINE PURSUANT TO SECTION 12-36-106 (3)  
2 (i), C.R.S., A PODIATRIST LICENSED UNDER ARTICLE 32 OF TITLE 12,  
3 C.R.S., OR AN ADVANCED PRACTICE NURSE REGISTERED PURSUANT TO  
4 SECTION 12-38-111.5, C.R.S.

5 (f) "RESERVED PARKING SPACE" MEANS A PARKING SPACE  
6 RESERVED FOR A PERSON WITH A DISABILITY.

7 (2) In a jurisdiction recognizing the privilege defined by this  
8 subsection (2), a vehicle with a AN IDENTIFYING license plate or a placard  
9 obtained pursuant to section 42-3-204 or as otherwise authorized by  
10 subsection (4) of this section may be parked in public parking areas along  
11 public streets regardless of any time limitation imposed upon parking in  
12 such area; except that a jurisdiction shall not limit such a privilege to park  
13 on any public street to less than four hours. The respective jurisdiction  
14 shall clearly post the appropriate time limits in such area. Such privilege  
15 need not apply to zones in which:

- 16 (a) Stopping, standing, or parking of all vehicles is prohibited;
- 17 (b) Only special vehicles may be parked;
- 18 (c) Parking is not allowed during specific periods of the day in  
19 order to accommodate heavy traffic.

20 (3) (a) A person with a disability may park in a parking space  
21 identified as being reserved for use by persons with disabilities whether  
22 on public property or private property available for public use. A AN  
23 IDENTIFYING license plate or placard obtained pursuant to section  
24 42-3-204 or as otherwise authorized by subsection (4) of this section shall  
25 be displayed IN ACCORDANCE WITH 23 CFR 1235 at all times on the  
26 vehicle while parked in such space.

27 (b) The owner of private property available for public use may

1 request the installation of official signs identifying RESERVED parking  
2 spaces. reserved for use by persons with disabilities. Such a request shall  
3 be a waiver of any objection the owner may assert concerning  
4 enforcement of this section by peace officers of any political subdivision  
5 of this state, and such THE officers are hereby authorized and empowered  
6 to so enforce this section, provisions of law to the contrary  
7 notwithstanding. NO PERSON SHALL IMPOSE RESTRICTIONS ON THE USE OF  
8 DISABLED PARKING UNLESS SPECIFICALLY AUTHORIZED BY A STATUTE,  
9 RESOLUTION, OR ORDINANCE OF THE STATE OF COLORADO OR A POLITICAL  
10 SUBDIVISION THEREOF AND NOTICE OF THE RESTRICTION IS PROMINENTLY  
11 POSTED BY A SIGN CLEARLY VISIBLE AT THE PARKING SPACE.

12 (c) Each parking space reserved for use by persons with  
13 disabilities whether on public property or private property shall be marked  
14 with an official upright sign, which sign may be stationary or portable,  
15 identifying such parking space as reserved for use by persons with  
16 disabilities.

17 (4) Persons with disabilities from states other than Colorado shall  
18 be allowed to use parking spaces for persons with disabilities in Colorado  
19 so long as such persons have valid license plates or placards from their  
20 home state that are also valid pursuant to 23 CFR part 1235.

21 (5) It is unlawful for any person other than a person with a  
22 disability to park in a parking space on public or private property that is  
23 clearly identified by an official sign as being reserved for use by persons  
24 with disabilities unless:

25 (a) Such person is parking the vehicle for the direct benefit of a  
26 person with a disability to enter or exit the vehicle while it is parked in the  
27 RESERVED PARKING space; reserved for use by persons with disabilities;

1 and

2 (b) ~~A~~ AN IDENTIFYING license plate or placard obtained pursuant  
3 to section 42-3-204 or as otherwise authorized by subsection (4) of this  
4 section is displayed in such vehicle.

5 (6) (a) ~~Any~~ A person who is ~~not a person with~~ DOES NOT HAVE a  
6 disability and who exercises the privilege defined in subsection (2) of this  
7 section or who violates ~~the provisions of~~ subsection (5) or ~~subsection~~ (10)  
8 of this section commits a class B traffic infraction ~~and shall receive the~~  
9 ~~maximum fine thereunder~~ PUNISHABLE BY A SURCHARGE OF THIRTY-TWO  
10 DOLLARS PURSUANT TO SECTIONS 24-4.1-119 (1) (f) AND 24-4.2-104 (1)  
11 (b) (I), C.R.S., AND A MINIMUM FINE OF THREE HUNDRED FIFTY DOLLARS,  
12 NOT TO EXCEED ONE THOUSAND DOLLARS, FOR THE FIRST OFFENSE AND A  
13 MINIMUM FINE OF SIX HUNDRED DOLLARS, NOT TO EXCEED ONE THOUSAND  
14 DOLLARS, FOR A SECOND OFFENSE. A PERSON WHO VIOLATES THIS  
15 SUBSECTION (6) THREE OR MORE TIMES COMMITS A MISDEMEANOR  
16 PUNISHABLE BY A MINIMUM FINE OF ONE THOUSAND DOLLARS, NOT TO  
17 EXCEED FIVE THOUSAND DOLLARS, AND NOT MORE THAN TEN HOURS OF  
18 COMMUNITY SERVICE. THE STATE OR LOCAL AUTHORITY ISSUING A  
19 CITATION UNDER THIS SUBSECTION (a) OR ANY LOCAL ORDINANCE OF A  
20 SUBSTANTIALLY EQUIVALENT OFFENSE SHALL TRANSFER ONE-HALF OF THE  
21 FINE TO THE STATE TREASURER, WHO SHALL CREDIT THE FINE TO THE  
22 DISABLED PARKING EDUCATION AND ENFORCEMENT FUND CREATED IN  
23 SECTION 42-1-224.

24 (b) ~~Any~~ A person who violates this subsection (6) by parking a  
25 vehicle owned by a commercial carrier, as defined in section 42-1-102  
26 (17), shall be subject to a fine of up to twice the ~~maximum penalty~~  
27 ~~identified for a class B traffic infraction in section 42-4-1701 (3) (a) (I)~~



1 PENALTY IMPOSED IN PARAGRAPH (a) OF THIS SUBSECTION (6).

2 (7) ~~Any~~ A person who is ~~not a person with~~ DOES NOT HAVE a  
3 disability and who uses ~~a~~ AN IDENTIFYING license plate or placard issued  
4 pursuant to section ~~42-3-204~~ in order to receive the benefits or privileges  
5 available to a person with a disability under this section commits a ~~class~~  
6 ~~B~~ traffic infraction and shall be subject to a fine of up to twice the  
7 maximum penalty identified for a ~~class B~~ traffic infraction in section  
8 ~~42-4-1701 (3) (a) (F)~~ MISDEMEANOR PUNISHABLE BY A SURCHARGE OF  
9 THIRTY-TWO DOLLARS PURSUANT TO SECTIONS 24-4.1-119 (1) (f) AND  
10 24-4.2-104 (1) (b) (I), C.R.S., AND A MINIMUM FINE OF THREE HUNDRED  
11 FIFTY DOLLARS, NOT TO EXCEED ONE THOUSAND DOLLARS, FOR THE FIRST  
12 OFFENSE AND A MINIMUM FINE OF SIX HUNDRED DOLLARS, NOT TO EXCEED  
13 ONE THOUSAND DOLLARS, FOR A SECOND OFFENSE. A PERSON WHO  
14 VIOLATES THIS SUBSECTION (7) THREE OR MORE TIMES COMMITS A  
15 MISDEMEANOR PUNISHABLE BY A MINIMUM FINE OF ONE THOUSAND  
16 DOLLARS, NOT TO EXCEED FIVE THOUSAND DOLLARS, AND NOT MORE THAN  
17 TEN HOURS OF COMMUNITY SERVICE. THE STATE OR LOCAL AUTHORITY  
18 ISSUING A CITATION UNDER THIS SECTION (7) OR ANY LOCAL ORDINANCE  
19 OF A SUBSTANTIALLY EQUIVALENT OFFENSE SHALL TRANSFER ONE-HALF  
20 OF THE FINE TO THE STATE TREASURER, WHO SHALL CREDIT THE FINE TO  
21 THE DISABLED PARKING EDUCATION AND ENFORCEMENT FUND CREATED  
22 IN SECTION 42-1-224.

23 (8) (a) ~~Any law enforcement~~ A PEACE officer or authorized and  
24 uniformed parking enforcement official may check the identification of  
25 any person using ~~a~~ AN IDENTIFYING license plate or placard ~~for persons~~  
26 ~~with disabilities~~ in order to determine whether such use is authorized.

27 (b) A PEACE OFFICER OR AUTHORIZED AND UNIFORMED PARKING

1 ENFORCEMENT OFFICIAL MAY CONFISCATE AN IDENTIFYING PLACARD THAT  
2 IS BEING USED IN VIOLATION OF THIS SECTION. THE PEACE OFFICER SHALL  
3 TRANSMIT THE PLACARD TO THE DEPARTMENT UNLESS IT IS BEING HELD  
4 FOR PROSECUTION OF A VIOLATION OF THIS SECTION. THE DEPARTMENT  
5 SHALL HOLD A CONFISCATED PLACARD FOR THIRTY DAYS AND MAY  
6 DISPOSE OF THE PLACARD AFTER THIRTY DAYS. UPON THE PERSON WITH  
7 A DISABILITY SIGNING A STATEMENT UNDER PENALTY OF PERJURY THAT HE  
8 OR SHE WAS UNAWARE THAT THE VIOLATOR USED, OR INTENDED TO USE,  
9 THE PLACARD IN VIOLATION OF THIS SECTION, THE DEPARTMENT SHALL  
10 RELEASE THE PLACARD TO THE PERSON WITH A DISABILITY TO WHOM IT  
11 WAS ISSUED.

12 (c) A PEACE OFFICER MAY INVESTIGATE AN ALLEGATION THAT A  
13 PERSON IS VIOLATING THIS SECTION.

14 (9) Any state agency or division thereof that transports persons  
15 with disabilities may obtain a AN IDENTIFYING placard for persons with  
16 disabilities in the same manner provided in this section for any other  
17 person. ~~In the event that such a~~ IF AN IDENTIFYING placard is used by any  
18 employee of such state agency or division when not transporting persons  
19 with disabilities, the executive director of such agency and the offending  
20 employee shall be subject to a fine of one hundred FIFTY dollars. ~~The~~  
21 ~~provisions of~~ This subsection (9) ~~shall apply~~ APPLIES to any corporation  
22 or independent contractor as determined by rule of the department to be  
23 eligible to transport persons with disabilities; except that the chief  
24 executive officer or an equivalent of the corporation or independent  
25 contractor and the offending employee ~~shall be~~ ARE subject to the fine.

26 (10) REGARDLESS OF WHETHER THE PERSON DISPLAYS AN  
27 IDENTIFYING LICENSE PLATE OR PLACARD, it is unlawful for any person to

1 park a vehicle so as to block reasonable access to curb ramps, or  
2 passenger loading zones, OR ACCESSIBLE ROUTES, as identified in 28 CFR  
3 part 36 (appendix A), that are clearly identified and are adjacent to a  
4 parking space reserved for use by persons with disabilities unless such  
5 person is loading or unloading a person with a disability.

6 (11) (a) Any A person who knowingly and fraudulently obtains,  
7 possesses, uses, or transfers a AN IDENTIFYING placard issued to a person  
8 with a disability; pursuant to section 42-3-204 or WHO knowingly makes,  
9 possesses, uses, or transfers what purports to be, but is not, a AN  
10 IDENTIFYING placard; issued to a person with a disability pursuant to  
11 section 42-3-204 OR WHO KNOWINGLY CREATES OR USES A DEVICE  
12 INTENDED TO GIVE THE IMPRESSION THAT IT IS AN IDENTIFYING PLACARD  
13 WHEN VIEWED FROM OUTSIDE THE VEHICLE is guilty of a misdemeanor and  
14 is subject to the criminal and civil penalties provided under section  
15 42-6-139 (3) and (4).

16 (b) Any A person who knowingly and willfully receives  
17 remuneration for committing a misdemeanor pursuant to this subsection  
18 (11) shall be IS subject to twice the civil and criminal fine PENALTIES that  
19 would otherwise be imposed.

20 (12) (a) Certification of the entry of judgment for each violation  
21 of subsection (6), (7), or (11) of this section shall be sent by the entering  
22 court to the department.

23 (b) Upon receipt of certification of a first or second entry of  
24 judgment for a violation of subsection (6), (7), or (11) of this section or  
25 upon independent verification of such a violation by the department, the  
26 department shall notify the person with a disability to whom the license  
27 plate or placard was issued that such license plate or placard will be

1 ~~revoked as provided in section 42-3-204 (2) (d) upon certification or~~  
2 ~~independent verification of the third such entry of judgment.~~

3 (c) Upon receipt of certification of ~~a third~~ AN entry of judgment  
4 for a violation of subsection (6), (7), or (11) of this section by any person,  
5 the department shall withhold that person's vehicle registration until such  
6 time as any fines imposed for the violations have been paid.

7 (d) Upon receipt of certification or independent verification of  
8 ~~such third~~ AN entry of judgment, the department shall revoke ~~said~~ AN  
9 IDENTIFYING license plate or placard as provided in section 42-3-204 (2)  
10 (d).

11 (e) ~~This subsection (12) shall take effect July 1, 2000, and shall~~  
12 ~~apply to any violations occurring on or after July 1, 2000.~~

13 (13) (a) For purposes of this subsection (13), "holder" means a  
14 person with a disability as defined in section 42-3-204 ~~(1) (b)~~ who has  
15 lawfully obtained ~~a~~ AN IDENTIFYING license plate or placard issued  
16 pursuant to section 42-3-204 (2) or as otherwise authorized by subsection  
17 (4) of this section.

18 (b) Notwithstanding any other provision of this section to the  
19 contrary, a holder is liable for any penalty or fine as set forth in this  
20 section or section 42-3-204 or for any misuse of ~~a disabled~~ AN  
21 IDENTIFYING license plate or placard, including the use of such plate or  
22 placard by any person other than a holder, unless the holder can furnish  
23 sufficient evidence that the license plate or placard was, at the time of the  
24 violation, in the care, custody, or control of another person without the  
25 holder's knowledge or consent.

26 (c) A holder may avoid the liability described in paragraph (b) of  
27 this subsection (13) if, within a reasonable time after notification of the

1 violation, the holder furnishes to the prosecutorial division of the  
2 appropriate jurisdiction the name and address of the person who had the  
3 care, custody, or control of such THE IDENTIFYING license plate or placard  
4 at the time of the violation or the holder reports said license plate or  
5 placard lost or stolen to both the appropriate local law enforcement  
6 agency and the department.

7 (14) (a) A PERSON WHO OBSERVES A VIOLATION OF THIS SECTION  
8 MAY SUBMIT EVIDENCE, ALONG WITH A SWORN STATEMENT OF A  
9 VIOLATION OF THIS SECTION, TO ANY LAW ENFORCEMENT AGENCY.

10 (b) NO EMPLOYER SHALL FORBID AN EMPLOYEE FROM REPORTING  
11 VIOLATIONS OF THIS SECTION. NO PERSON SHALL INITIATE OR ADMINISTER  
12 ANY DISCIPLINARY ACTION AGAINST AN EMPLOYEE ON ACCOUNT OF THE  
13 EMPLOYEE NOTIFYING THE AUTHORITIES OF A POSSIBLE VIOLATION OF THIS  
14 SECTION IF THE EMPLOYEE HAS A GOOD FAITH BELIEF THAT A VIOLATION  
15 HAS OCCURRED.

16 (c) NO LANDLORD SHALL RETALIATE AGAINST A TENANT ON  
17 ACCOUNT OF THE TENANT NOTIFYING THE AUTHORITIES OF A POSSIBLE  
18 VIOLATION OF THIS SECTION IF THE TENANT HAS A GOOD FAITH BELIEF  
19 THAT A VIOLATION HAS OCCURRED.

20 (15) (a) NO PERSON, AFTER USING A RESERVED PARKING SPACE  
21 THAT HAS A TIME LIMIT, SHALL SWITCH MOTOR VEHICLES OR MOVE THE  
22 MOTOR VEHICLE TO ANOTHER RESERVED PARKING SPACE WITHIN ONE  
23 HUNDRED YARDS OF THE ORIGINAL PARKING SPACE WITHIN THE SAME  
24 EIGHT HOURS IN ORDER TO EXCEED THE TIME LIMIT.

25 (b) PARKING IN A TIME-LIMITED RESERVED PARKING SPACE FOR  
26 MORE THAN THREE HOURS FOR AT LEAST THREE DAYS A WEEK FOR AT  
27 LEAST TWO WEEKS SHALL CREATE A REBUTTABLE PRESUMPTION THAT THE

1 PERSON IS VIOLATING THIS SUBSECTION (15).

2 (c) THIS SUBSECTION (15) DOES NOT APPLY TO PRIVATELY OWNED  
3 PARKING LOTS.

4 (d) A PERSON WHO VIOLATES THIS SUBSECTION (15) COMMITS A  
5 CLASS B TRAFFIC INFRACTION. UPON CONVICTION OR THE PLEA OF GUILTY  
6 OR NOLO CONTENDERE FOR A VIOLATION OF THIS SUBSECTION (16), THE  
7 COURT SHALL SEND A CERTIFICATION OF THE ENTRY OF JUDGMENT TO THE  
8 DEPARTMENT. UPON RECEIVING A CERTIFICATION OF ENTRY OF  
9 JUDGEMENT OR INDEPENDENT VERIFICATION, THE DEPARTMENT SHALL  
10 REVOKE THE IDENTIFYING LICENSE PLATE OR PLACARD OF A PERSON WHO  
11 VIOLATES THIS SUBSECTION (15) A SECOND OR SUBSEQUENT TIME  
12 PURSUANT TO SECTION 42-3-204 (2).

13 (16) (a) NO PERSON SHALL USE PARKING PRIVILEGES OBTAINED BY  
14 AN IDENTIFYING LICENSE PLATE OR PLACARD FOR A COMMERCIAL PURPOSE  
15 UNLESS THE PURPOSE RELATES TO TRANSACTING BUSINESS WITH A  
16 BUSINESS THE RESERVED PARKING SPACE IS INTENDED TO SERVE.

17 (b) A PERSON WHO VIOLATES THIS SUBSECTION (16) COMMITS A  
18 CLASS B TRAFFIC INFRACTION. UPON CONVICTION OR THE PLEA OF GUILTY  
19 OR NOLO CONTENDERE FOR A VIOLATION OF THIS SUBSECTION (16), THE  
20 COURT SHALL SEND A CERTIFICATION OF THE ENTRY OF JUDGMENT TO THE  
21 DEPARTMENT. UPON RECEIVING A CERTIFICATION OF ENTRY OF JUDGMENT  
22 OR INDEPENDENT VERIFICATION, THE DEPARTMENT SHALL REVOKE THE  
23 IDENTIFYING LICENSE PLATE OR PLACARD OF A PERSON WHO VIOLATES  
24 THIS SUBSECTION (16) A SECOND OR SUBSEQUENT TIME PURSUANT TO  
25 SECTION 42-3-204 (2).

26 (17) (a) A PEACE OFFICER MAY ISSUE A PENALTY ASSESSMENT  
27 NOTICE FOR A VIOLATION OF SUBSECTION (9), (15), OR (16) OF THIS

1 SECTION BY SENDING IT BY CERTIFIED MAIL TO THE REGISTERED OWNER OF  
2 THE MOTOR VEHICLE. THE PEACE OFFICER SHALL INCLUDE IN THE  
3 PENALTY ASSESSMENT NOTICE THE OFFENSE OR INFRACTION, THE TIME  
4 AND PLACE WHERE IT OCCURRED, AND A STATEMENT THAT THE PAYMENT  
5 OF THE PENALTY ASSESSMENT AND SURCHARGE IS DUE WITHIN TWENTY  
6 DAYS FROM THE ISSUANCE OF THE NOTICE. RECEIPT OF THE PAYMENT OF  
7 THE PENALTY ASSESSMENT POSTMARKED BY THE TWENTIETH DAY AFTER  
8 THE RECEIPT OF THE PENALTY ASSESSMENT NOTICE BY THE DEFENDANT IS  
9 RECEIPT ON OR BEFORE THE DATE THE PAYMENT WAS DUE.

10 (b) IF THE PENALTY ASSESSMENT AND SURCHARGE ARE NOT PAID  
11 WITHIN THE TWENTY DAYS FROM THE DATE OF MAILING OF THE NOTICE,  
12 THE PEACE OFFICER WHO ISSUED THE ORIGINAL PENALTY ASSESSMENT  
13 NOTICE SHALL FILE A COMPLAINT WITH A COURT HAVING JURISDICTION  
14 AND ISSUE AND SERVE UPON THE REGISTERED OWNER OF THE VEHICLE A  
15 SUMMONS TO APPEAR IN COURT AT THE TIME AND PLACE SPECIFIED  
16 THEREIN.

17 **SECTION 4.** Part 12 of article 4 of title 42, Colorado Revised  
18 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
19 read:

20 **42-4-1212. Pay parking access for disabled.** (1) UNLESS THE  
21 METHOD OF REMUNERATION IS REASONABLY ACCESSIBLE TO A PERSON  
22 WITH A DISABILITY AS DEFINED IN SECTION 42-3-204, NO PERSON WHO  
23 OWNS, OPERATES, OR MANAGES A PARKING SPACE THAT REQUIRES  
24 REMUNERATION SHALL TOW, BOOT, OR OTHERWISE TAKE ADVERSE ACTION  
25 AGAINST A PERSON OR MOTOR VEHICLE PARKING IN SUCH SPACE FOR  
26 FAILURE TO PAY THE REMUNERATION IF THE MOTOR VEHICLE BEARS A  
27 PLACARD OR LICENSE PLATE BEARING AN IDENTIFYING FIGURE ISSUED

1 PURSUANT TO SECTION 42-3-204 OR A SIMILAR LAW IN ANOTHER STATE  
2 THAT IS VALID UNDER 23 CFR 1235.

3 (2) NOTWITHSTANDING ANY STATUTE, RESOLUTION, OR  
4 ORDINANCE OF THE STATE OF COLORADO OR A POLITICAL SUBDIVISION  
5 THEREOF, PARKING IN A SPACE WITHOUT PAYING THE REQUIRED  
6 REMUNERATION SHALL NOT BE DEEMED A VIOLATION OF SUCH STATUTE,  
7 RESOLUTION, OR ORDINANCE IF:

8 (a) THE MOTOR VEHICLE BEARS A PLACARD OR LICENSE PLATE  
9 BEARING THE IDENTIFYING FIGURE ISSUED PURSUANT TO SECTION 42-3-204  
10 OR A SIMILAR LAW IN ANOTHER STATE THAT IS VALID UNDER 23 CFR 1235;  
11 AND

12 (b) THE METHOD OF REMUNERATION IS NOT REASONABLY  
13 ACCESSIBLE TO A PERSON WITH A DISABILITY AS DEFINED IN SECTION  
14 42-3-204.

15 (3) A LAW ENFORCEMENT AGENCY SHALL WITHDRAW ANY  
16 PENALTY ASSESSMENT NOTICE OR SUMMONS AND COMPLAINT THAT IS  
17 DEEMED NOT TO BE A VIOLATION UNDER SUBSECTION (2) OF THIS SECTION.

18 (4) FOR THE PURPOSES OF THIS SECTION, "REASONABLY  
19 ACCESSIBLE" MEANS MEETING THE STANDARDS OF 28 CFR 36 (APPENDIX  
20 A) OR SUBSTANTIALLY SIMILAR STANDARDS.

21 **SECTION 5.** The introductory portion to 42-4-1701 (4) (a) (I)  
22 and 42-4-1701 (4) (a) (I) (M), Colorado Revised Statutes, are amended  
23 to read:

24 **42-4-1701. Traffic offenses and infractions classified -**  
25 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except  
26 as provided in paragraph (c) of subsection (5) of this section, every  
27 person who is convicted of, who admits liability for, or against whom a



1 judgment is entered for a violation of any provision of this title to which  
 2 ~~the provisions of~~ paragraph (a) or (b) of subsection (5) of this section  
 3 apply shall be fined or penalized, and have a surcharge levied thereon  
 4 pursuant to sections 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S.,  
 5 in accordance with the penalty and surcharge schedule set forth in  
 6 sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no penalty or  
 7 surcharge is specified in the schedule, the penalty for class A and class B  
 8 traffic infractions shall be fifteen dollars, and the surcharge shall be four  
 9 dollars. These penalties and surcharges shall apply whether the defendant  
 10 acknowledges the defendant's guilt or liability in accordance with the  
 11 procedure set forth by paragraph (a) of subsection (5) of this section or is  
 12 found guilty by a court of competent jurisdiction or has judgment entered  
 13 against the defendant by a county court magistrate. Penalties and  
 14 surcharges for violating specific sections shall be as follows:

15	Section Violated	Penalty	Surcharge
16	<b>(M) Parking violations:</b>		
17	42-4-1201	\$ 30.00	\$ 6.00
18	42-4-1202	30.00	6.00
19	42-4-1204	15.00	6.00
20	42-4-1205	15.00	6.00
21	42-4-1206	15.00	6.00
22	42-4-1207	15.00	6.00
23	42-4-1208 <del>(6)</del> or (9), (15), OR (16)	<del>100.00</del> 150.00	32.00

24 **SECTION 6.** 24-72-204 (3) (a) (XII), Colorado Revised Statutes,  
 25 is amended to read:

26 **24-72-204. Allowance or denial of inspection - grounds -**  
 27 **procedure - appeal - definitions.** (3) (a) The custodian shall deny the

1 right of inspection of the following records, unless otherwise provided by  
2 law; except that any of the following records, other than letters of  
3 reference concerning employment, licensing, or issuance of permits, shall  
4 be available to the person in interest under this subsection (3):

5 (XII) Any record indicating that a person has obtained  
6 ~~distinguishing~~ AN IDENTIFYING license ~~plates~~ PLATE or ~~an identifying~~  
7 placard for persons with disabilities under section 42-3-204, C.R.S., or  
8 any other motor vehicle record that would reveal the presence of a  
9 disability;

10 **SECTION 7.** 42-3-213 (5) (a) (II), Colorado Revised Statutes, is  
11 amended to read:

12 **42-3-213. Special plates - military veterans - rules - retirement.**  
13 (5) **Disabled veterans.** (a) (II) In addition to THE requirements of  
14 subparagraph (I) of this paragraph (a), if the applicant demonstrates that  
15 he or she has a physical impairment affecting mobility under the  
16 standards provided in section 42-3-204 (1), then such special license plate  
17 shall have an additional identifying ~~feature~~ FIGURE, as determined by the  
18 department, to indicate that the owner of the vehicle is authorized to make  
19 use of parking privileges for persons with disabilities.

20 **SECTION 8. Appropriation.** (1) In addition to any other  
21 appropriation, there is hereby appropriated, out of any moneys in the  
22 disabled parking education and enforcement fund created in section  
23 42-1-224, Colorado Revised Statutes, not otherwise appropriated, to the  
24 governor - lieutenant governor - state planning and budgeting, for  
25 allocation to the office of the governor, other programs and grants, for the  
26 Colorado advisory council for persons with disabilities, for the fiscal year  
27 beginning July 1, 2010, the sum of \$28,307 cash funds and 0.5 FTE, or

1 so much thereof as may be necessary, for the implementation of this act.

2 In addition to any other appropriation, there is hereby appropriated,  
3 to the department of revenue, for the fiscal year beginning July 1, 2010,  
4 the sum of sixty-three thousand forty-nine dollars (\$63,049) and 0.6 FTE,  
5 or so much thereof as may be necessary, for the implementation of this  
6 act. Of said sum, eight thousand six hundred twenty-one dollars (\$8,621)  
7 shall be from the general fund, and fifty-four thousand four hundred  
8 twenty-eight dollars (\$54,428) shall be from cash funds from the  
9 Colorado state titling and registration account of the highway users tax  
10 fund created in section 42-1-211 (2), Colorado Revised Statutes.

11 **SECTION 9. Act subject to petition - specified effective date**

12 **- applicability.** (1) This act shall take effect January 1, 2011; except  
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
14 of the state constitution against this act or an item, section, or part of this  
15 act within the ninety-day period after final adjournment of the general  
16 assembly, then the act, item, section, or part shall not take effect unless  
17 approved by the people at the general election to be held in November  
18 2010 and shall take effect on January 1, 2011, or on the date of the  
19 official declaration of the vote thereon by the governor, whichever is  
20 later.

21 (2) The provisions of this act shall apply to offenses committed  
22 and applications submitted on or after the applicable effective date of this  
23 act.