

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0229.01 Jery Payne x2157

HOUSE BILL 14-1029

HOUSE SPONSORSHIP

Primavera, Kraft-Tharp, Lee, Mitsch Bush, Peniston, Tyler

SENATE SPONSORSHIP

Todd, Heath, Jones

House Committees

Transportation & Energy
Finance
Appropriations

Senate Committees

Transportation
Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING A RECODIFICATION OF THE LAWS GOVERNING RESERVED**
102 **PARKING FOR PERSONS WITH DISABILITIES, AND, IN CONNECTION**
103 **THEREWITH, MAKING AND REDUCING APPROPRIATIONS.**

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. The bill recodifies the disabled parking statutes to clarify that:

! The Colorado advisory council for persons with disabilities may implement an education program;

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 7, 2014

HOUSE
Amended 2nd Reading
April 4, 2014

- ! A person may get personalized license plates with an identifying figure;
- ! The department of revenue places a "C" on the registration of the parent of a child who is mobility-impaired and has a license plate granting reserved parking;
- ! If an entity transports mobility-impaired people, the entity must provide a driver's license or identification document of its executive director or chief executive officer;
- ! When a person uses a disabled placard, the placard must be visible through the windshield and hung on the rear-view mirror or placed on the dashboard;
- ! An applicant for a license plate or placard with the identifying figure must sign an affidavit that the person for whom it is issued is eligible;
- ! Reserved parking signs must conform to the requirements of the "Americans with Disabilities Act";
- ! The chief officer and the employee of a company that violates disabled parking law are each individually liable; and
- ! The prohibition against using reserved parking for commercial purposes does not apply when the owner of the business consents to the use.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-1-227, **amend** (1)

3 (a) as follows:

4 **42-1-227. Disabled parking education program.** (1) Subject to
 5 the availability of funds appropriated under section 42-1-226, the
 6 Colorado advisory council for persons with disabilities, created in section
 7 24-45.5-103, C.R.S.:

8 (a) May make grants or develop, IMPLEMENT, or deliver education
 9 programs for the purpose of providing peace officers, local governments,
 10 medical providers, drivers, and persons with disabilities with education
 11 concerning eligibility standards for RESERVED parking ~~privileges~~
 12 available to a person with a disability affecting mobility, appropriate use
 13 of the RESERVED parking, ~~privileges~~, the legal standards and violations

1 contained in sections 42-3-204 and 42-4-1208, and the advantages of
2 creating a volunteer enforcement program; and

3 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
4 **with amendments,** 42-3-204 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 (a) "DISABILITY" OR "DISABLED" MEANS A PHYSICAL IMPAIRMENT
9 THAT MEETS THE STANDARDS OF 23 CFR 1235.

10 (b) "EXTENDED" MEANS A CONDITION THAT IS NOT EXPECTED TO
11 CHANGE WITHIN THIRTY MONTHS AFTER THE ISSUANCE OF AN IDENTIFYING
12 FIGURE, GIVEN THE CURRENT STATE OF MEDICAL OR ADAPTIVE
13 TECHNOLOGY.

14 (c) "HOLDER" MEANS A PERSON WITH A DISABILITY WHO HAS
15 LAWFULLY OBTAINED AN IDENTIFYING PLATE OR PLACARD.

16 (d) "IDENTIFICATION NUMBER" MEANS THE NUMBER ON A
17 COLORADO DRIVER'S LICENSE, A COLORADO IDENTIFICATION DOCUMENT,
18 OR AN IDENTIFICATION DOCUMENT ISSUED BY THE UNITED STATES.

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

22 (f) "IDENTIFYING PLACARD" MEANS A PLACARD BEARING AN
23 IDENTIFYING FIGURE ISSUED UNDER THIS SECTION OR A SIMILAR PROVISION
24 IN ANOTHER STATE AND REFERS TO A NINETY-DAY, THREE-YEAR, OR
25 PERMANENT PLACARD.

26 (g) "IDENTIFYING PLATE" MEANS A LICENSE PLATE BEARING AN
27 IDENTIFYING FIGURE ISSUED UNDER THIS SECTION OR A SIMILAR PROVISION

1 IN ANOTHER STATE AND REFERS TO EITHER A THREE-YEAR OR PERMANENT
2 LICENSE PLATE.

3 (h) "PERMANENT" MEANS A CONDITION THAT IS NOT EXPECTED TO
4 CHANGE WITHIN A PERSON'S LIFETIME, GIVEN THE CURRENT STATE OF
5 MEDICAL OR ADAPTIVE TECHNOLOGY.

6 (i) "PROFESSIONAL" MEANS A PHYSICIAN LICENSED TO PRACTICE
7 MEDICINE OR PRACTICING MEDICINE UNDER SECTION 12-36-106 (3) (i),
8 C.R.S., A PHYSICIAN ASSISTANT LICENSED UNDER SECTION 12-36-107.4,
9 C.R.S., A PODIATRIST LICENSED UNDER ARTICLE 32 OF TITLE 12, C.R.S.,
10 AN ADVANCED PRACTICE NURSE REGISTERED UNDER SECTION 12-38-111.5,
11 C.R.S., OR A PHYSICIAN, PHYSICIAN ASSISTANT, PODIATRIST, OR
12 ADVANCED PRACTICE NURSE AUTHORIZED TO PRACTICE PROFESSIONALLY
13 BY ANOTHER STATE THAT SHARES A COMMON BORDER WITH COLORADO.
14 FOR THE PURPOSES OF ISSUANCE OF A NINETY-DAY PLACARD ONLY,
15 "PROFESSIONAL" INCLUDES A CHIROPRACTOR OR PHYSICAL THERAPIST.

16 (j) "RESERVED PARKING" MEANS A PARKING SPACE RESERVED FOR
17 A PERSON WITH A DISABILITY AS SET FORTH IN PARAGRAPH (a) OF THIS
18 SUBSECTION (1).

19 (k) "TEMPORARY" MEANS A CONDITION THAT IS EXPECTED TO LAST
20 LESS THAN THIRTY MONTHS AFTER THE ISSUANCE OF AN IDENTIFYING
21 PLATE OR PLACARD, GIVEN THE CURRENT STATE OF MEDICAL OR ADAPTIVE
22 TECHNOLOGY.

23 (2) **Administration by the department.** (a) **Records.** THE
24 DEPARTMENT SHALL MAINTAIN IN ITS RECORDS FOR AT LEAST THREE
25 YEARS:

26 (I) THE REGISTRATION INFORMATION USED TO ISSUE AN
27 IDENTIFYING PLATE OR PLACARD;

1 (II) ANY VIOLATIONS OF SECTION 42-4-1208 BY THE HOLDER OF AN
2 IDENTIFYING PLATE OR PLACARD; AND

3 (III) THE APPLICATION FOR AN IDENTIFYING PLATE OR PLACARD OR
4 AN ELECTRONIC OR DIGITAL REPRODUCTION OF THE APPLICATION.

5 (b) **Peace officers may access records.** UPON THE MONEYS BEING
6 AVAILABLE AND APPROPRIATED FROM THE DISABLED PARKING EDUCATION
7 AND ENFORCEMENT FUND CREATED IN SECTION 42-1-226, THE
8 DEPARTMENT SHALL PROVIDE IMMEDIATE ELECTRONIC ACCESS TO THE
9 RECORDS UNDER THIS SUBSECTION (2) TO A PEACE OFFICER WORKING
10 WITHIN THE COURSE AND SCOPE OF THE OFFICER'S OFFICIAL DUTIES.

11 (c) **Records confidential.** IDENTIFYING INFORMATION ABOUT THE
12 PERSON WITH THE DISABILITY FOR WHOM AN IDENTIFYING PLATE OR
13 PLACARD IS ISSUED IS STRICTLY CONFIDENTIAL AND ONLY AVAILABLE TO:

14 (I) A PEACE OFFICER, PARKING AUTHORITY, OR TOLLING
15 AUTHORITY ACTING WITHIN THE COURSE AND SCOPE OF THE OFFICIAL'S
16 DUTIES; OR

17 (II) PERSONNEL WITHIN THE DEPARTMENT FOR OFFICIAL BUSINESS
18 RELATED TO THE IDENTIFYING PLATE OR PLACARD.

19 (d) **Department to establish forms - rules.** THE DEPARTMENT, IN
20 CONSULTATION WITH THE COLORADO ADVISORY COUNCIL FOR PERSONS
21 WITH DISABILITIES, CREATED IN SECTION 24-45.5-103, C.R.S., SHALL
22 PROMULGATE A RULE CREATING A FORM THAT:

23 (I) IS SIGNED BY A PROFESSIONAL, UNDER PENALTY OF PERJURY,
24 TO AFFIRM THAT AN APPLICANT MEETS THE ELIGIBILITY REQUIREMENTS
25 FOR AN IDENTIFYING PLATE OR PLACARD AND SETTING OUT THE PENALTIES
26 FOR AUTHORIZING AN IDENTIFYING PLATE OR PLACARD WHEN AN
27 APPLICANT IS INELIGIBLE OR BEFORE VERIFYING THAT A PERSON HAS A

1 DISABILITY; AND

2 (II) CONTAINS A NOTICE OF THE ELIGIBILITY REQUIREMENTS TO
3 OBTAIN AN IDENTIFYING PLATE OR PLACARD.

4 (3) **Types of plates or placards.** (a) **Authorization.** THE
5 DEPARTMENT MAY ISSUE THE FOLLOWING REGISTRATION TYPE FOR
6 ISSUING DISABLED PLATES AND PLACARDS THAT NOTIFY THE PUBLIC THAT
7 THE VEHICLE TRANSPORTS A PERSON WHO MAY USE RESERVED PARKING:

8 (I) A NINETY-DAY IDENTIFYING PLACARD;

9 (II) A THREE-YEAR IDENTIFYING PLACARD;

10 (III) A PERMANENT IDENTIFYING PLACARD;

11 (IV) A THREE-YEAR IDENTIFYING PLATE;

12 (V) A PERMANENT IDENTIFYING PLATE;

13 (VI) A DISABLED VETERAN LICENSE PLATE WITH AN ADDITIONAL
14 IDENTIFYING FIGURE, AS DETERMINED BY THE DEPARTMENT, TO INDICATE
15 THAT THE OWNER OF THE VEHICLE IS AUTHORIZED TO MAKE USE OF
16 RESERVED PARKING FOR PERSONS WITH DISABILITIES.

17 (b) **Number of placards and license plates allowed.** (I) THE
18 DEPARTMENT MAY ISSUE TWO IDENTIFYING PLACARDS, TWO IDENTIFYING
19 PLATES, OR ONE PLATE AND ONE PLACARD TO AN ELIGIBLE INDIVIDUAL.

20 (II) THE DEPARTMENT MAY ISSUE A DISABLED VETERAN LICENSE
21 PLATE WITH AN ADDITIONAL IDENTIFYING FIGURE AND ONE PLACARD TO
22 AN INDIVIDUAL.

23 (III) THE DEPARTMENT MAY ISSUE ONE IDENTIFYING PLATE OR
24 PLACARD TO EACH PARENT OR GUARDIAN OF A CHILD WITH A DISABILITY
25 WHO IS UNDER SIXTEEN YEARS OF AGE, BUT THE DEPARTMENT SHALL NOT
26 ISSUE MORE THAN TWO IDENTIFYING PLACARDS, TWO IDENTIFYING PLATES,
27 OR ONE PLATE AND ONE PLACARD FOR THE CHILD.

1 (4) **Cost.** THE COST FOR ISSUANCE OF AN IDENTIFYING PLATE IS
2 THE SAME AS FOR A STANDARD PLATE. THERE IS NO FEE FOR AN
3 IDENTIFYING PLACARD.

4 (5) **Issuance of plate or placard - rules.** (a) **Department to**
5 **issue.** THE DEPARTMENT SHALL ISSUE AN IDENTIFYING PLATE OR PLACARD
6 TO AN APPLICANT THAT PAYS ANY REQUIRED FEES AND IS QUALIFIED FOR
7 THE PLATE OR PLACARD UNDER PARAGRAPH (h) OF THIS SUBSECTION (5).

8 (b) **Identification number on placard.** THE DEPARTMENT SHALL
9 PLACE THE LAST FOUR DIGITS OF THE HOLDER'S IDENTIFICATION NUMBER
10 ON THE FACE OF AN IDENTIFYING PLACARD. IF AN ENTITY THAT
11 TRANSPORTS PERSONS WITH DISABILITIES OBTAINS A PLACARD, THE
12 PLACARD SHALL BEAR THE TRUE NAME OF THE ENTITY PROVIDING THE
13 SERVICE RATHER THAN THE IDENTIFICATION NUMBER.

14 (c) **Expiration date on placard.** THE DEPARTMENT SHALL PLACE
15 THE EXPIRATION DATE ON AN IDENTIFYING PLACARD USING A DATE
16 SYSTEM THAT REMOVES A PORTION OF THE PLACARD TO INDICATE THE
17 EXPIRATION DATE. THE DEPARTMENT SHALL AFFIX TO AN IDENTIFYING
18 PLACARD A VALIDATING STICKER INDICATING THE EXPIRATION DATE.

19 (d) **Department to give notice of rights and responsibilities.**
20 WHEN A PERSON FILES AN APPLICATION FOR ISSUANCE OR RENEWAL OF AN
21 IDENTIFYING PLATE OR PLACARD UNDER THIS SECTION, THE DEPARTMENT
22 SHALL PROVIDE TO THE APPLICANT AN INFORMATIONAL PAMPHLET OR
23 OTHER INFORMATIONAL SOURCE THAT DESCRIBES RESERVED PARKING AND
24 THE RIGHTS AND RESPONSIBILITIES OF THE HOLDERS OF IDENTIFYING
25 PLATES OR PLACARDS. THE PAMPHLET OR OTHER INFORMATIONAL SOURCE
26 SHALL BE DEVELOPED BY THE DEPARTMENT IN CONSULTATION WITH THE
27 COLORADO ADVISORY COUNCIL FOR PERSONS WITH DISABILITIES, CREATED

1 IN SECTION 24-45.5-103, C.R.S.

2 (e) **Personalized and other specialty plates authorized.** AN
3 APPLICANT MAY APPLY FOR A PERSONALIZED IDENTIFYING PLATE. UPON
4 PAYMENT OF THE ADDITIONAL FEE REQUIRED BY SECTION 42-3-211 (6) (a)
5 FOR PERSONALIZED LICENSE PLATES, THE DEPARTMENT MAY ISSUE SUCH
6 PLATES IF THE APPLICANT COMPLIES WITH SECTION 42-3-211. IF AN
7 APPLICANT HAS EXISTING PERSONALIZED LICENSE PLATES FOR A MOTOR
8 VEHICLE, THE APPLICANT MAY TRANSFER THE COMBINATION OF LETTERS
9 OR NUMBERS TO A NEW SET OF IDENTIFYING PLATES FOR THE VEHICLE
10 UPON PAYMENT OF THE FEE IMPOSED BY SECTION 42-3-211 (6) AND UPON
11 TURNING IN THE EXISTING PLATES TO THE DEPARTMENT. A PERSON WHO
12 HAS OBTAINED PERSONALIZED IDENTIFYING PLATES UNDER THIS
13 PARAGRAPH (e) SHALL PAY THE ANNUAL FEE IMPOSED BY SECTION
14 42-3-211 (6) (b) FOR RENEWAL OF PERSONALIZED PLATES. THE FEES
15 UNDER THIS PARAGRAPH (e) ARE IN ADDITION TO ALL OTHER TAXES AND
16 FEES IMPOSED FOR PERSONALIZED IDENTIFYING PLATES.

17 (f) **Trusts may use.** A PERSON MAY USE AN IDENTIFYING PLATE OR
18 PLACARD ON A MOTOR VEHICLE THAT IS OWNED BY A TRUST CREATED FOR
19 THE BENEFIT OF AND IN THE NAME OF A PERSON WHO IS ELIGIBLE FOR
20 RESERVED PARKING.

21 (g) **Placards issued by other states.** AN IDENTIFYING
22 PLACARD ISSUED IN ANOTHER STATE OR COUNTRY IS NOT VALID FOR MORE
23 THAN NINETY DAYS AFTER THE HOLDER BECOMES A RESIDENT OF
24 COLORADO. A PERSON MUST SURRENDER ANY CURRENTLY HELD
25 IDENTIFYING PLACARD ISSUED IN ANOTHER STATE OR COUNTRY TO BE
26 ISSUED AN IDENTIFYING PLACARD IN COLORADO.

27 (h) **Requirements for issuance of identifying placards or**

1 **plates. (I)** TO QUALIFY FOR AN IDENTIFYING PLACARD OR PLATE, AN
2 INDIVIDUAL MUST SUBMIT:

3 (A) A WRITTEN STATEMENT, MADE BY A PROFESSIONAL ON A FORM
4 PUBLISHED BY THE DEPARTMENT, THAT THE PERSON HAS A PHYSICAL
5 IMPAIRMENT MEETING THE STANDARDS OF 23 CFR 1235 AND THAT THE
6 IMPAIRMENT IS EXPECTED TO BE TEMPORARY, LAST THIRTY MONTHS, OR
7 BE PERMANENT, AS THE CASE MAY BE;

8 (B) A SIGNED AFFIDAVIT AFFIRMING: KNOWLEDGE OF THE
9 ELIGIBILITY REQUIREMENTS; THAT THE PERSON TO WHOM THE PLACARD OR
10 PLATE IS ISSUED IS AND REMAINS ELIGIBLE TO USE THE PLACARD OR PLATE;
11 AND KNOWLEDGE OF THE PENALTIES FOR OBTAINING A PLATE OR PLACARD
12 WHEN INELIGIBLE; AND

13 (C) A COLORADO DRIVER'S LICENSE OR IDENTIFICATION
14 DOCUMENT, OR AN IDENTIFICATION DOCUMENT ISSUED BY THE UNITED
15 STATES GOVERNMENT, FOR THE PERSON WHO IS ENTITLED TO USE
16 RESERVED PARKING.

17 (II) TO QUALIFY FOR A **NINETY-DAY** IDENTIFYING PLACARD, A
18 RESIDENT OF ANOTHER STATE WHO BECOMES DISABLED WHILE IN THIS
19 STATE MUST SUBMIT A DRIVER'S LICENSE OR IDENTIFICATION DOCUMENT
20 ISSUED BY THE STATE OF RESIDENCE OR THE UNITED STATES
21 GOVERNMENT ALONG WITH THE DOCUMENTS REQUIRED BY
22 SUB-SUBPARAGRAPHS (A) AND (B) OF SUBPARAGRAPH (I) OF THIS
23 PARAGRAPH (h).

24 (III) A PLACARD ISSUED FOR A PERSON UNDER SIXTEEN YEARS OF
25 AGE MAY BEAR THE PARENT'S OR GUARDIAN'S IDENTIFICATION NUMBER IN
26 LIEU OF THE HOLDER'S NUMBER. IF THE PLACARD BEARS THE LAST FOUR
27 DIGITS OF A PARENT'S OR GUARDIAN'S IDENTIFICATION NUMBER, THE

1 DEPARTMENT SHALL ALSO PLACE THE LETTER "C" AS A DESIGNATOR ON
2 THE PLACARD.

3 (IV) A STATE AGENCY OR BUSINESS ENTITY THAT TRANSPORTS
4 PERSONS WITH DISABILITIES MAY OBTAIN A PERMANENT IDENTIFYING
5 PLATE OR PLACARD FOR RESERVED PARKING. TO QUALIFY FOR A
6 THREE-YEAR OR PERMANENT IDENTIFYING PLATE OR PLACARD, THE
7 AGENCY OR BUSINESS ENTITY MUST:

8 (A) SHOW THAT IT TRANSPORTS PERSONS WITH DISABILITIES;

9 (B) PROVIDE A DRIVER'S LICENSE OR IDENTIFICATION DOCUMENT
10 OF ITS CHIEF OPERATIONS OFFICER WITHIN COLORADO;

11 (C) PROVIDE ITS EMPLOYEE IDENTIFICATION NUMBER; AND

12 (D) PROVIDE ANY OTHER INFORMATION REQUIRED BY THE
13 DEPARTMENT BY RULE.

14 (i) **Requirements for identifying figure on disabled veteran**
15 **license plate.** TO QUALIFY FOR A DISABLED VETERAN LICENSE PLATE WITH
16 AN IDENTIFYING FIGURE, THE APPLICANT MUST QUALIFY FOR A
17 PERMANENT IDENTIFYING PLATE UNDER SUBPARAGRAPH (I) OF
18 PARAGRAPH (h) OF THIS SUBSECTION (5) AND MEET THE ELIGIBILITY
19 CRITERIA IN SECTION 42-3-213 (5) FOR A DISABLED VETERAN LICENSE
20 PLATE. A DISABLED VETERAN LICENSE PLATE WITH AN IDENTIFYING
21 FIGURE EXPIRES IN ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY
22 THE DEPARTMENT FOR PERIODIC REGISTRATION UNDER SECTION 42-3-102
23 (1) (a).

24 (6) **Expiration and renewal.** (a) **Ninety-day placards.** A
25 NINETY-DAY IDENTIFYING PLACARD EXPIRES ON THE LAST DAY OF THE
26 MONTH IN WHICH THE NINETIETH DAY AFTER ISSUANCE OCCURS. THE
27 HOLDER MAY APPLY FOR OR RENEW THE PLACARD BY MEETING THE

1 REQUIREMENTS OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION TO
2 QUALIFY FOR THE PLACARD.

3 (b) **Three-year placards.** A THREE-YEAR IDENTIFYING PLACARD
4 EXPIRES ON THE LAST DAY OF THE THIRTY-SIXTH FULL MONTH AFTER THE
5 DATE OF ISSUANCE OR RENEWAL. THE HOLDER MAY APPLY FOR OR RENEW
6 THE PLACARD BY MEETING THE REQUIREMENTS OF SUBPARAGRAPH (I) OF
7 PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION TO QUALIFY FOR THE
8 PLACARD.

9 (c) **Permanent placards.** (I) A PERMANENT IDENTIFYING
10 PLACARD EXPIRES ON THE LAST DAY OF THE THIRTY-SIXTH FULL MONTH
11 AFTER THE DATE OF ISSUANCE OR RENEWAL. THE HOLDER MAY RENEW THE
12 PLACARD BY SUBMITTING:

13 (A) A WRITTEN STATEMENT REQUIRED BY SUB-SUBPARAGRAPH (A)
14 OF SUBPARAGRAPH (I) OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS
15 SECTION TO QUALIFY FOR THE PLACARD BY MAIL OR A COLORADO
16 DRIVER'S LICENSE, A COLORADO IDENTIFICATION DOCUMENT, OR AN
17 IDENTIFICATION DOCUMENT ISSUED BY THE UNITED STATES IN PERSON IN
18 THE OFFICE OF THE DEPARTMENT;

19 (B) AN AFFIDAVIT, MADE UNDER PENALTY OF PERJURY, THAT THE
20 PERSON TO WHOM THE PLACARD IS ISSUED REMAINS ELIGIBLE TO USE THE
21 PLACARD;

22 (C) THE DATE OF BIRTH AND COLORADO DRIVER'S LICENSE OR
23 IDENTIFICATION CARD NUMBER OF THE PERSON WHO MAY USE RESERVED
24 PARKING; AND

25 (D) EVERY THIRD RENEWAL, A WRITTEN STATEMENT REQUIRED BY
26 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF PARAGRAPH (h) OF
27 SUBSECTION (5) OF THIS SECTION TO QUALIFY FOR THE PLACARD.

1 (II) IF THE HOLDER IS AN ENTITY, THE HOLDER MAY RENEW THE
2 PLACARD UPON RESUBMITTING AND UPDATING THE INFORMATION
3 NECESSARY TO BE ISSUED THE PLACARD UNDER SUBPARAGRAPH (IV) OF
4 PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION.

5 (d) **Three-year identifying plates.** (I) A THREE-YEAR
6 IDENTIFYING PLATE EXPIRES IN ACCORDANCE WITH THE SCHEDULE
7 ESTABLISHED BY THE DEPARTMENT FOR PERIODIC REGISTRATION UNDER
8 SECTION 42-3-102 (1) (a). ELIGIBILITY FOR A THREE-YEAR IDENTIFYING
9 PLATE EXPIRES ON THE LAST DAY OF THE THIRTY-SIXTH FULL MONTH
10 AFTER THE DATE OF ISSUANCE OR RENEWAL. THE HOLDER MAY RENEW THE
11 PLATE BY MEETING THE REQUIREMENTS OF SUBPARAGRAPH (I) OF
12 PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION TO QUALIFY FOR THE
13 PLATE.

14 (II) IF A THREE-YEAR IDENTIFYING PLATE IS ISSUED FOR A PERSON
15 UNDER SIXTEEN YEARS OF AGE USING A PARENT'S OR GUARDIAN'S
16 IDENTIFICATION DOCUMENT, THE DEPARTMENT SHALL PLACE A "C" ON THE
17 REGISTRATION CARD ISSUED UNDER SECTION 42-3-113 (2).

18 (e) **Permanent identifying plates.** (I) A PERMANENT
19 IDENTIFYING PLATE OR DISABLED VETERAN LICENSE PLATE EXPIRES IN
20 ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY THE DEPARTMENT
21 FOR PERIODIC REGISTRATION UNDER SECTION 42-3-102 (1) (a).
22 ELIGIBILITY FOR A PERMANENT IDENTIFYING PLATE OR IDENTIFYING
23 FIGURE FOR A DISABLED VETERAN LICENSE PLATE EXPIRES ON THE LAST
24 DAY OF THE THIRTY-SIXTH FULL MONTH AFTER THE DATE OF ISSUANCE OR
25 RENEWAL. THE HOLDER MAY RENEW THE PLATE BY SUBMITTING:

26 (A) A CURRENT VERIFICATION FORM AS REQUIRED BY
27 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF PARAGRAPH (h) OF

1 SUBSECTION (5) BY MAIL OR A COLORADO DRIVER'S LICENSE, COLORADO
2 IDENTIFICATION DOCUMENT, OR IDENTIFICATION DOCUMENT ISSUED BY
3 THE UNITED STATES IN PERSON IN THE OFFICE OF AN AUTHORIZED AGENT;

4 (B) AN AFFIDAVIT, MADE UNDER PENALTY OF PERJURY, THAT THE
5 PERSON TO WHOM THE PLATE IS ISSUED REMAINS ELIGIBLE TO USE THE
6 PLATE;

7 (C) THE DATE OF BIRTH AND COLORADO DRIVER'S LICENSE OR
8 IDENTIFICATION CARD NUMBER OF THE PERSON WHO MAY USE RESERVED
9 PARKING; AND

10 (D) EVERY THIRD RENEWAL, A WRITTEN STATEMENT REQUIRED BY
11 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF PARAGRAPH (h) OF
12 SUBSECTION (5) OF THIS SECTION TO QUALIFY FOR THE PLATE.

13 (II) IF THE PLATE IS ISSUED FOR A PERSON UNDER SIXTEEN YEARS
14 OF AGE USING A PARENT'S OR GUARDIAN'S IDENTIFICATION DOCUMENT,
15 THE DEPARTMENT SHALL PLACE A "C" ON THE REGISTRATION CARD ISSUED
16 UNDER SECTION 42-3-113 (2).

17 (III) IF THE HOLDER IS AN ENTITY, THE HOLDER MAY RENEW THE
18 PLATE UPON RESUBMITTING AND UPDATING THE INFORMATION NECESSARY
19 TO BE ISSUED THE PLATE UNDER SUBPARAGRAPH (IV) OF PARAGRAPH (h)
20 OF SUBSECTION (5) OF THIS SECTION.

21 (f) Placards issued before January 1, 2005. ANY IDENTIFYING
22 PLACARD ISSUED BEFORE JANUARY 1, 2005, EXPIRES ON THE EFFECTIVE
23 DATE OF THIS PARAGRAPH (f).

24 (7) **Violations - department may revoke.** (a) (I) UPON RECEIPT
25 OF A SWORN STATEMENT FROM A PEACE OFFICER OR AN AUTHORIZED
26 PARKING ENFORCEMENT OFFICIAL THAT A PERSON HAS IMPROPERLY USED
27 RESERVED PARKING IN VIOLATION OF SECTION 42-4-1208, AN IDENTIFYING

1 PLATE OR PLACARD MAY BE REVOKED BY THE DEPARTMENT. TO BE
2 ACCEPTED BY THE DEPARTMENT, THE PEACE OFFICER OR AUTHORIZED
3 PARKING ENFORCEMENT OFFICIAL MUST INCLUDE WITH THE STATEMENT
4 THE NAME OF THE PERSON WHO MISUSED THE IDENTIFYING PLATE OR
5 PLACARD AND EITHER THE IDENTIFYING PLATE OR PLACARD NUMBER OR
6 THE LAST FOUR DIGITS OF THE DRIVER'S LICENSE OR IDENTIFICATION
7 DOCUMENT NUMBER PRINTED ON THE PLACARD.

8 (II) THE REVOCATION IS EFFECTIVE FORTY-FIVE DAYS AFTER THE
9 DEPARTMENT RECEIVES THE SWORN STATEMENT UNLESS A HEARING IS
10 REQUESTED IN ACCORDANCE WITH PARAGRAPH (e) OF THIS SUBSECTION
11 (7).

12 (b) UPON RECEIPT OF A NOTICE THAT THE HOLDER OF AN
13 IDENTIFYING PLATE OR PLACARD WAS CONVICTED OF, OR PLED NOLO
14 CONTENDERE TO, A VIOLATION OF SECTION 42-4-1208, THE DEPARTMENT
15 SHALL REVOKE EACH IDENTIFYING PLACARD OR PLATE HELD BY THE
16 PERSON.

17 (c) **Revocation period.** (I) UPON A FIRST VIOLATION OF SECTION
18 42-4-1208, THE DEPARTMENT SHALL DENY REISSUANCE OF THE
19 IDENTIFYING PLATE OR PLACARD FOR TWELVE MONTHS AFTER THE DATE
20 OF REVOCATION.

21 (II) UPON A SECOND OR SUBSEQUENT VIOLATION OF SECTION
22 42-4-1208, THE DEPARTMENT SHALL DENY REISSUANCE OF THE
23 IDENTIFYING PLATE OR PLACARD FOR A PERIOD OF AT LEAST FIVE YEARS
24 AFTER THE DATE OF THE SECOND OR MOST RECENT SUBSEQUENT
25 REVOCATION.

26 (d) **Written notice of revocation.** THE DEPARTMENT SHALL
27 NOTIFY IN WRITING THE PERSON ISSUED THE IDENTIFYING PLATE OR

1 PLACARD OF THE REVOCATION. THE DEPARTMENT SHALL INCLUDE IN THE
2 NOTICE:

3 (I) A DEMAND FOR THE RETURN OF THE IDENTIFYING PLATE OR
4 PLACARD;

5 (II) A WARNING THAT CONTINUED USE OF THE IDENTIFYING PLATE
6 OR PLACARD BY ANY PERSON IS SUBJECT TO THE PENALTY SET FORTH IN
7 SECTION 42-4-1701; AND

8 (III) A STATEMENT THAT THE PERSON MAY APPEAL THE
9 REVOCATION BY FILING A WRITTEN REQUEST WITH THE DEPARTMENT
10 WITHIN THIRTY DAYS AFTER THE DEPARTMENT ISSUED THE NOTICE.

11 (e) **Request for hearing.** IF A PERSON REQUESTS A HEARING ON
12 THE REVOCATION OF AN IDENTIFYING PLATE OR PLACARD WITHIN THIRTY
13 DAYS AFTER THE DEPARTMENT ISSUED THE NOTICE, THE DEPARTMENT
14 SHALL HOLD A HEARING BEFORE REVOKING THE PLATE OR PLACARD. IF A
15 HEARING IS HELD AND THE HEARING OFFICER UPHOLDS THE REVOCATION,
16 THE REVOCATION TAKES EFFECT IMMEDIATELY.

17 (f) **Penalties.** (I) A PERSON WHO FAILS TO RETURN A REVOKED
18 IDENTIFYING PLACARD OR PLATE COMMITS A CLASS B TRAFFIC
19 INFRACTION.

20 (II) A PERSON WHO ATTEMPTS TO OBTAIN AN IDENTIFYING PLATE
21 OR PLACARD WHEN UNDER REVOCATION IN ACCORDANCE WITH THIS
22 SUBSECTION (7) IS SUBJECT TO THE PENALTIES IN SECTION 42-4-1701 (4)
23 (a) (VIII).

24 **SECTION 3.** In Colorado Revised Statutes, **repeal and reenact,**
25 **with amendments,** 42-4-1208 as follows:

26 **42-4-1208. Reserved parking for persons with disabilities -**
27 **applicability - rules. (1) Definitions.** AS USED IN THIS SECTION:

1 (a) "DISABILITY" OR "DISABLED" HAS THE SAME MEANING AS SET
2 FORTH IN SECTION 42-3-204.

3 (b) "HOLDER" MEANS A PERSON WITH A DISABILITY WHO HAS
4 LAWFULLY OBTAINED AN IDENTIFYING PLATE OR PLACARD.


5 (c) "IDENTIFYING FIGURE" HAS THE SAME MEANING AS SET FORTH
6 IN SECTION 42-3-204.

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

9 (e) "IDENTIFYING PLATE" HAS THE SAME MEANING AS SET FORTH
10 IN SECTION 42-3-204.

11 (f) "PROFESSIONAL" HAS THE SAME MEANING AS SET FORTH IN
12 SECTION 42-3-204.

13 (g) "RESERVED PARKING" MEANS A PARKING SPACE RESERVED FOR
14 A PERSON WITH A DISABILITY.

15 (2) **Use of plate or placard.** (a) A PERSON WITH A DISABILITY
16 MAY USE RESERVED PARKING ON PUBLIC PROPERTY OR PRIVATE PROPERTY
17  IF THE PERSON DISPLAYS AN IDENTIFYING PLATE OR PLACARD WHILE
18 USING RESERVED PARKING.

19 (b) WHEN AN IDENTIFYING PLACARD IS USED FOR RESERVED
20 PARKING, THE DRIVER OF THE PARKED MOTOR VEHICLE SHALL ENSURE
21 THAT THE FRONT OF THE IDENTIFYING PLACARD IS LEGIBLE AND VISIBLE
22 THROUGH THE WINDSHIELD WHEN VIEWED FROM OUTSIDE THE VEHICLE.
23 THE DRIVER SHALL HANG THE PLACARD FROM THE REAR-VIEW MIRROR
24 UNLESS A REAR-VIEW MIRROR IS NOT AVAILABLE OR THE INDIVIDUAL IS
25 PHYSICALLY UNABLE TO HANG THE PLACARD FROM THE REAR-VIEW
26 MIRROR. IF THE TAG IS NOT HUNG FROM THE REAR-VIEW MIRROR, THE
27 DRIVER SHALL DISPLAY IT ON THE DASHBOARD.

1 (c) A PERSON WITH A DISABILITY WHO IS A RESIDENT OF A STATE
2 OTHER THAN COLORADO MAY USE RESERVED PARKING IN COLORADO IF
3 THE MOTOR VEHICLE DISPLAYS AN IDENTIFYING PLATE OR PLACARD ISSUED
4 BY A STATE OTHER THAN COLORADO, AND IF:

5 (I) THE IDENTIFYING PLATE OR PLACARD IS CURRENTLY VALID IN
6 THE STATE OF ISSUANCE AND MEETS THE REQUIREMENTS OF 23 CFR 1235;
7 AND

8 (II) THE HOLDER HAS NOT BEEN A RESIDENT IN COLORADO FOR
9 MORE THAN NINETY DAYS.

10 (d) A MOTOR VEHICLE WITH AN IDENTIFYING PLATE OR A PLACARD
11 MAY BE PARKED IN PUBLIC PARKING AREAS ALONG PUBLIC STREETS OR IN
12 PRIVATE PARKING LOTS REGARDLESS OF ANY TIME LIMITATION IMPOSED
13 UPON PARKING IN THE AREA; EXCEPT THAT A JURISDICTION MAY
14 SPECIFICALLY LIMIT RESERVED PARKING ON ANY PUBLIC STREET TO NO
15 LESS THAN FOUR HOURS. TO LIMIT RESERVED PARKING, THE JURISDICTION
16 MUST CLEARLY POST THE APPROPRIATE TIME LIMITS IN THE AREA. THE
17 ABILITY TO PARK NOTWITHSTANDING PARKING LIMITATIONS DOES NOT
18 APPLY TO AREAS IN WHICH:

19 (I) STOPPING, STANDING, OR PARKING OF ALL VEHICLES IS
20 PROHIBITED;

21 (II) ONLY SPECIAL VEHICLES MAY BE PARKED; OR

22 (III) PARKING IS NOT ALLOWED DURING SPECIFIC PERIODS OF THE
23 DAY IN ORDER TO ACCOMMODATE HEAVY TRAFFIC.

24 (e) (I) THE OWNER OF PUBLIC OR PRIVATE PROPERTY MAY REQUEST
25 THE INSTALLATION OF OFFICIAL SIGNS OR PAVEMENT MARKINGS
26 IDENTIFYING RESERVED PARKING SPACES. THE REQUEST OPERATES AS A
27 WAIVER OF ANY OBJECTION THE OWNER MAY ASSERT CONCERNING

1 ENFORCEMENT OF THIS SECTION BY A PEACE OFFICER. AN OFFICER MAY
2 ENFORCE THIS SECTION ON PRIVATE PROPERTY NOTWITHSTANDING ANY
3 PROVISION OF LAW TO THE CONTRARY.

4 (II) (A) THE NUMBER AND PLACEMENT OF ACCESSIBLE PARKING
5 SPACES SHOULD MEET OR EXCEED SECTION 1106 OF CHAPTER 11 OF THE
6 2012 (SECOND PRINTING) VERSION OF THE INTERNATIONAL BUILDING
7 CODE, OR ANY SUCCEEDING STANDARD, PUBLISHED BY THE
8 INTERNATIONAL CODE COUNCIL.

9 (B) THE TECHNICAL STANDARDS FOR ACCESSIBLE PARKING SPACES
10 SHOULD MEET OR EXCEED SECTION 502 OF THE 2009 VERSION OF ANSI
11 A117.1, OR ANY SUCCEEDING STANDARD, PUBLISHED BY THE
12 INTERNATIONAL CODE COUNCIL.

13 (C) ACCESS AISLES SHOULD POST "WHEELCHAIR ACCESS AISLE
14 ABSOLUTELY NO PARKING" SIGN, WHICH BLOCKS NEITHER THE ACCESS
15 AISLE NOR ACCESSIBLE ROUTES.

16 (D) THE TECHNICAL STANDARDS FOR POST- OR WALL-MOUNTED
17 SIGNS INDICATING ACCESSIBLE PARKING SPACES AND VAN-ACCESSIBLE
18 PARKING SPACES SHOULD MEET OR EXCEED SECTION 2B.46 CONCERNING
19 PARKING, STANDING, AND STOPPING SIGNS AND SECTION 2B.47
20 CONCERNING DESIGN OF PARKING, STANDING, AND STOPPING OF THE 2009
21 VERSION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, OR
22 ANY SUCCEEDING STANDARD, PUBLISHED BY THE UNITED STATES FEDERAL
23 HIGHWAY ADMINISTRATION.

24 (III) THE OWNER OF REAL PROPERTY WITH MULTIPLE-FAMILY
25 DWELLINGS AFFIXED AND WITH RESERVED PARKING SHALL RETAIN THE
26 RESERVED PARKING AS COMMONLY OWNED FOR THE TENANTS, OWNERS,
27 OR VISITORS OF THE INDIVIDUAL UNITS WITHIN THE DWELLINGS. THIS

1 SUBPARAGRAPH (III) DOES NOT PROHIBIT THE SALE OF ALL COMMONLY
2 OWNED PROPERTY SO LONG AS THE RESERVED PARKING IS NOT SEVERED
3 FROM THE OTHER ELEMENTS.

4 (IV) A PERSON SHALL NOT IMPOSE RESTRICTIONS ON THE USE OF
5 DISABLED PARKING UNLESS SPECIFICALLY AUTHORIZED BY A STATUTE OF
6 COLORADO AND A RESOLUTION OF OR ORDINANCE OF A POLITICAL
7 SUBDIVISION OF COLORADO AND NOTICE OF THE RESTRICTION IS
8 PROMINENTLY POSTED BY A SIGN CLEARLY VISIBLE AT THE PARKING
9 SPACE.

10 (3) **Misuse of reserved parking.** (a) A PERSON WITHOUT A
11 DISABILITY SHALL NOT PARK IN A PARKING SPACE ON PUBLIC OR PRIVATE
12 PROPERTY THAT IS CLEARLY IDENTIFIED BY AN OFFICIAL SIGN OR BY
13 VISIBLE PAVEMENT MARKINGS AS BEING RESERVED PARKING OR AS BEING
14 A PASSENGER LOADING ZONE UNLESS:

15 (I) THE PERSON IS PARKING THE VEHICLE FOR THE DIRECT BENEFIT
16 OF A PERSON WITH A DISABILITY TO ENTER OR EXIT THE VEHICLE WHILE IT
17 IS PARKED IN THE RESERVED PARKING SPACE; AND

18 (II) AN IDENTIFYING PLATE OR PLACARD OBTAINED UNDER OR
19 AUTHORIZED BY SECTION 42-3-204 IS DISPLAYED IN OR ON THE VEHICLE
20 IF THE LICENSE PLATE OR PLACARD IS CURRENTLY VALID OR HAS EXPIRED
21 LESS THAN ONE MONTH BEFORE THE DAY THE PERSON USED THE RESERVED
22 PARKING.

23 (b) (I) A PERSON, AFTER USING A RESERVED PARKING SPACE THAT
24 HAS A TIME LIMIT, SHALL NOT SWITCH MOTOR VEHICLES OR MOVE THE
25 MOTOR VEHICLE TO ANOTHER RESERVED PARKING SPACE WITHIN ONE
26 HUNDRED YARDS OF THE ORIGINAL PARKING SPACE WITHIN THE SAME
27 EIGHT HOURS IN ORDER TO EXCEED THE TIME LIMIT.

1 (II) (A) PARKING IN A TIME-LIMITED RESERVED PARKING SPACE
2 FOR MORE THAN THREE HOURS FOR AT LEAST THREE DAYS A WEEK FOR AT
3 LEAST TWO WEEKS CREATES A REBUTTABLE PRESUMPTION THAT THE
4 PERSON IS VIOLATING THIS PARAGRAPH (b).

5 (B) THIS SUBPARAGRAPH (II) DOES NOT APPLY TO PRIVATELY
6 OWNED PARKING SPACES.

7 (c) A PERSON SHALL NOT USE RESERVED PARKING FOR A
8 COMMERCIAL PURPOSE UNLESS:

9 (I) THE PURPOSE RELATES TO TRANSACTING BUSINESS WITH A
10 BUSINESS THE RESERVED PARKING IS INTENDED TO SERVE; OR

11 (II) THE OWNER OF PRIVATE PROPERTY CONSENTS TO ALLOW THE
12 USE.

13 (d) (I) AN EMPLOYEE OF AN ENTITY SHALL NOT USE AN
14 IDENTIFYING PLACARD ISSUED TO THE ENTITY UNLESS THE EMPLOYEE IS
15 TRANSPORTING PERSONS WITH DISABILITIES.

16 (II) FOR A VIOLATION OF THIS PARAGRAPH (d), THE CHIEF
17 OPERATIONS OFFICER WITHIN COLORADO OF THE ENTITY TO WHOM THE
18 PLACARD OR PLATE WAS ISSUED AND THE OFFENDING EMPLOYEE ARE EACH
19 SUBJECT TO THE PENALTIES IN SECTION 42-4-1701 (4) (a) (I) (M).

20 (III) (A) IT IS AN AFFIRMATIVE DEFENSE TO A VIOLATION OF THIS
21 PARAGRAPH (d) FOR THE CHIEF OPERATIONS OFFICER WITHIN COLORADO
22 THAT THE ENTITY ENFORCES AN INTERNAL POLICY CONTROLLING ACCESS
23 TO AND USE OF IDENTIFYING PLACARDS ISSUED TO THE ENTITY.

24 (B) IF THE PLACARD USED IS EXPIRED BY OPERATION OF SECTION
25 42-3-204 (6) (f), IT IS AN AFFIRMATIVE DEFENSE TO A VIOLATION OF THIS
26 PARAGRAPH (d) THAT THE PERSON DID NOT KNOW THE PLACARD WAS
27 EXPIRED IF THE PERSON WHO USED THE PLACARD WAS THE PERSON TO

1 WHOM IT WAS ISSUED.

2 (e) (I) A PERSON WHO VIOLATES PARAGRAPH (a) OF THIS
3 SUBSECTION (3) IS SUBJECT TO THE PENALTIES IN SECTION 42-4-1701 (4)
4 (a) (VIII) AND (IX).

5 (II) A PERSON WHO VIOLATES PARAGRAPHS (b) TO (d) OF THIS
6 SUBSECTION (3) IS SUBJECT TO THE PENALTIES IN SECTION 42-4-1701 (4)
7 (a) (I) (M).

8 (4) **Blocking access.** (a) REGARDLESS OF WHETHER A PERSON
9 DISPLAYS AN IDENTIFYING PLATE OR PLACARD, A PERSON SHALL NOT PARK
10 A VEHICLE SO AS TO BLOCK REASONABLE ACCESS TO CURB RAMPS,
11 PASSENGER LOADING ZONES, OR ACCESSIBLE ROUTES, AS IDENTIFIED IN 28
12 CFR PART 36 APPENDIX A, THAT ARE CLEARLY IDENTIFIED UNLESS THE
13 PERSON IS ACTIVELY LOADING OR UNLOADING A PERSON WITH A
14 DISABILITY.

15 (b) A PERSON WHO VIOLATES THIS SUBSECTION (4) IS SUBJECT TO
16 THE PENALTIES IN SECTION 42-4-1701 (4) (a) (VIII)

17 (5) **Fraud and trafficking.** A PERSON IS SUBJECT TO THE
18 PENALTIES IN SECTION 42-4-1701 (4) (a) (X) IF THE PERSON:

19 (a) KNOWINGLY AND FRAUDULENTLY OBTAINS, POSSESSES, USES,
20 OR TRANSFERS AN IDENTIFYING PLACARD ISSUED TO A PERSON WITH A
21 DISABILITY;

22 (b) KNOWINGLY MAKES, POSSESSES, USES, ALTERS, OR TRANSFERS
23 WHAT PURPORTS TO BE, BUT IS NOT, AN IDENTIFYING PLACARD; OR

24 (c) KNOWINGLY CREATES OR USES A DEVICE INTENDED TO GIVE
25 THE IMPRESSION THAT IT IS AN IDENTIFYING PLACARD WHEN VIEWED FROM
26 OUTSIDE THE VEHICLE.

27 (6) **Enforcement of reserved parking.** (a) A PEACE OFFICER OR

1 AUTHORIZED AND UNIFORMED PARKING ENFORCEMENT OFFICIAL MAY
2 CHECK THE IDENTIFICATION OF A PERSON USING AN IDENTIFYING PLATE OR
3 PLACARD IN ORDER TO DETERMINE WHETHER THE USE IS AUTHORIZED.

4 (b) (I) A PEACE OFFICER OR AUTHORIZED AND UNIFORMED
5 PARKING ENFORCEMENT OFFICIAL MAY CONFISCATE AN IDENTIFYING
6 PLACARD THAT IS BEING USED IN VIOLATION OF THIS SECTION.

7 (II) THE PEACE OFFICER OR PARKING ENFORCEMENT OFFICIAL
8 SHALL SEND A CONFISCATED PLACARD TO THE DEPARTMENT UNLESS IT IS
9 BEING HELD AS EVIDENCE FOR PROSECUTION OF A VIOLATION OF THIS
10 SECTION. IF THE TAG IS BEING HELD AS EVIDENCE, THE PEACE OFFICER OR
11 PARKING ENFORCEMENT OFFICIAL SHALL NOTIFY THE DEPARTMENT OF THE
12 CONFISCATION AND PENDING CHARGES.

13 (III) THE DEPARTMENT SHALL HOLD A CONFISCATED PLACARD FOR
14 THIRTY DAYS AND MAY DISPOSE OF THE PLACARD AFTER THIRTY DAYS.
15 THE DEPARTMENT SHALL RELEASE THE PLACARD TO THE PERSON WITH A
16 DISABILITY TO WHOM IT WAS ISSUED WHEN THE PERSON SIGNS A
17 STATEMENT UNDER PENALTY OF PERJURY THAT HE OR SHE WAS UNAWARE
18 THAT THE VIOLATOR USED, OR INTENDED TO USE, THE PLACARD IN
19 VIOLATION OF THIS SECTION.

20 (c) A PEACE OFFICER AND THE DEPARTMENT MAY INVESTIGATE AN
21 ALLEGATION THAT A PERSON IS VIOLATING THIS SECTION.

22 (d) A PERSON WHO OBSERVES A VIOLATION OF THIS SECTION MAY
23 SUBMIT EVIDENCE, INCLUDING A SWORN STATEMENT, CONCERNING THE
24 VIOLATION TO ANY LAW ENFORCEMENT AGENCY.

25 (e) (I) A PEACE OFFICER MAY ISSUE A PENALTY ASSESSMENT
26 NOTICE FOR A VIOLATION OF PARAGRAPH (b), (c), OR (d) OF SUBSECTION
27 (3) OF THIS SECTION BY SENDING IT BY CERTIFIED MAIL TO THE

1 REGISTERED OWNER OF THE MOTOR VEHICLE. THE PEACE OFFICER SHALL
2 INCLUDE IN THE PENALTY ASSESSMENT NOTICE THE OFFENSE OR
3 INFRACTION, THE TIME AND PLACE WHERE IT OCCURRED, AND A
4 STATEMENT THAT THE PAYMENT OF THE PENALTY ASSESSMENT AND A
5 SURCHARGE IS DUE WITHIN TWENTY DAYS AFTER THE ISSUANCE OF THE
6 NOTICE. THE DEPARTMENT RECEIVES PAYMENT OF THE PENALTY
7 ASSESSMENT BY THE DUE DATE IF THE PAYMENT IS RECEIVED OR
8 POSTMARKED BY THE TWENTIETH DAY AFTER THE VEHICLE OWNER
9 RECEIVED THE PENALTY ASSESSMENT NOTICE.

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

18 (f) (I) THE ENTERING COURT SHALL SEND CERTIFICATION OF THE
19 ENTRY OF JUDGMENT FOR EACH VIOLATION OF PARAGRAPH (b), (c), OR (d)
20 OF SUBSECTION (3) OF THIS SECTION TO THE DEPARTMENT.

21 (II) UPON RECEIPT OF CERTIFICATION OF AN ENTRY OF JUDGMENT
22 FOR A VIOLATION OF PARAGRAPH (b), (c), OR (d) OF SUBSECTION (3) OF
23 THIS SECTION, THE DEPARTMENT SHALL NOT REGISTER THE PERSON'S
24 VEHICLE UNTIL ALL FINES IMPOSED FOR THE VIOLATIONS HAVE BEEN PAID.

25 (III) UPON RECEIPT OF CERTIFICATION OR INDEPENDENT
26 VERIFICATION OF AN ENTRY OF JUDGMENT, THE DEPARTMENT SHALL
27 REVOKE AN IDENTIFYING PLATE OR PLACARD AS PROVIDED IN SECTION

1 42-3-204 (7) (d).

2 (g) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION
3 TO THE CONTRARY, A HOLDER IS LIABLE FOR ANY PENALTY OR FINE AS SET
4 FORTH IN THIS SECTION OR SECTION 42-3-204 OR FOR ANY MISUSE OF AN
5 IDENTIFYING PLATE OR PLACARD, INCLUDING THE USE OF SUCH PLATE OR
6 PLACARD BY ANY PERSON OTHER THAN A HOLDER, UNLESS THE HOLDER
7 FURNISHES SUFFICIENT EVIDENCE THAT THE IDENTIFYING PLATE OR
8 PLACARD WAS, AT THE TIME OF THE VIOLATION, IN THE CARE, CUSTODY,
9 OR CONTROL OF ANOTHER PERSON WITHOUT THE HOLDER'S KNOWLEDGE
10 OR CONSENT.

11 (II) A HOLDER MAY AVOID THE LIABILITY DESCRIBED IN
12 SUBPARAGRAPH (I) OF THIS PARAGRAPH (g) IF, WITHIN A REASONABLE
13 TIME AFTER NOTIFICATION OF THE VIOLATION, THE HOLDER FURNISHES TO
14 THE PROSECUTORIAL DIVISION OF THE APPROPRIATE JURISDICTION THE
15 NAME AND ADDRESS OF THE PERSON WHO HAD THE CARE, CUSTODY, OR
16 CONTROL OF THE IDENTIFYING PLATE OR PLACARD AT THE TIME OF THE
17 VIOLATION OR THE HOLDER REPORTS THE LICENSE PLATE OR PLACARD
18 LOST OR STOLEN TO BOTH THE APPROPRIATE LOCAL LAW ENFORCEMENT
19 AGENCY AND THE DEPARTMENT.

20 (h) AN EMPLOYER SHALL NOT FORBID AN EMPLOYEE FROM
21 REPORTING VIOLATIONS OF THIS SECTION. A PERSON SHALL NOT INITIATE
22 OR ADMINISTER ANY DISCIPLINARY ACTION AGAINST AN EMPLOYEE
23 BECAUSE THE EMPLOYEE NOTIFIED THE AUTHORITIES OF A POSSIBLE
24 VIOLATION OF THIS SECTION IF THE EMPLOYEE HAS A GOOD-FAITH BELIEF
25 THAT A VIOLATION HAS OCCURRED.

26 (i) A LANDLORD SHALL NOT RETALIATE AGAINST A TENANT
27 BECAUSE THE TENANT NOTIFIED THE AUTHORITIES OF A POSSIBLE

1 VIOLATION OF THIS SECTION IF THE TENANT HAS A GOOD-FAITH BELIEF
2 THAT A VIOLATION HAS OCCURRED.

3 (j) IN ORDER TO STOP A VEHICLE FROM BLOCKING ACCESS OR
4 ILLEGALLY USING RESERVED PARKING, A PEACE OFFICER MAY ORDER A
5 VEHICLE THAT IS USED TO VIOLATE THIS SUBSECTION (4) TO BE TOWED TO
6 AN IMPOUND LOT OR A VEHICLE STORAGE LOCATION. THE PEACE OFFICER
7 SHALL VERIFY THAT THE VEHICLE HAS NOT BEEN STOLEN AND REPORT THE
8 FACT OF THE TOW TO THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH
9 SECTION 42-4-1804.

10

11 (k) THE STATE OR LOCAL AUTHORITY ISSUING A CITATION UNDER
12 THIS SECTION, OR UNDER ANY LOCAL ORDINANCE DEFINING A
13 SUBSTANTIALLY EQUIVALENT OFFENSE, SHALL TRANSFER ONE-HALF OF
14 THE FINE TO THE STATE TREASURER, WHO SHALL CREDIT THE FINE TO THE
15 DISABLED PARKING EDUCATION AND ENFORCEMENT FUND CREATED IN
16 SECTION 42-1-226.

17 (7) **Statewide concern.** (a) THE GENERAL ASSEMBLY FINDS THAT
18 ACCESS TO RESERVED PARKING BY PERSONS WITH DISABILITIES ENSURES
19 THAT THOSE PERSONS HAVE EQUAL ACCESS TO GOODS AND SERVICES
20 ESSENTIAL FOR DAILY LIFE.

21 (b) THE GENERAL ASSEMBLY DETERMINES THAT:

22 (I) RESERVED PARKING FOR PERSONS WITH DISABILITIES IS A
23 STATE-ADMINISTERED PROGRAM AND THAT IDENTIFYING LICENSE PLATES
24 AND PLACARDS ARE ISSUED UNDER STATE LAW;

25 (II) BECAUSE LOCAL REGULATIONS REGARDING RESERVED
26 PARKING FOR PERSONS WITH DISABILITIES VARY SIGNIFICANTLY ACROSS
27 JURISDICTIONS, THEY ARE INCONSISTENT AND CONFUSING FOR PERSONS

1 WITH DISABILITIES, MEDICAL PROFESSIONALS, PEACE OFFICERS, AND
2 MEMBERS OF THE GENERAL PUBLIC;

3 (III) MODERN LIFE REQUIRES TRAVEL ACROSS MULTIPLE LOCAL
4 JURISDICTIONS. INCONSISTENT LOCAL MARKING AND ENFORCEMENT OF
5 RESERVED PARKING FOR PERSONS WITH DISABILITIES CONFUSES PEOPLE,
6 WHICH PREVENTS THEM FROM FULLY OBEYING DISABLED PARKING
7 REGULATIONS;

8 (IV) A MESSAGE DISSEMINATED BY ONE POLITICAL SUBDIVISION OF
9 THE STATE USING MODERN COMMUNICATION METHODS WILL BE RECEIVED
10 BY INDIVIDUALS FROM MULTIPLE POLITICAL SUBDIVISIONS. ANY ATTEMPT
11 TO USE MODERN COMMUNICATION METHODS TO EDUCATE THE PUBLIC ON
12 LOCAL REGULATIONS GOVERNING RESERVED PARKING FOR PERSONS WITH
13 DISABILITIES WILL RESULT IN PUBLIC EXPOSURE TO MULTIPLE
14 INCONSISTENT, CONFUSING REGULATIONS, SO EDUCATION REQUIRES
15 UNIFORM REGULATION ACROSS THE STATE, AND A STATEWIDE EFFORT IS
16 NEEDED TO EDUCATE THE PUBLIC ABOUT DISABLED PARKING. THIS EFFORT
17 IS FUNDED BY FINES THAT ARE TYPICALLY ISSUED BY LOCAL AUTHORITIES.

18 (c) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT ACCESS
19 TO RESERVED PARKING BY PERSONS WITH DISABILITIES IS A MATTER OF
20 STATEWIDE CONCERN AND THAT THE PROVISIONS SET FORTH IN THIS
21 SECTION PREEMPT ANY ACTION CONTRARY TO THIS SECTION IF THE ACTION
22 IS ADOPTED BY A POLITICAL SUBDIVISION OF THE STATE.

23 **SECTION 4.** In Colorado Revised Statutes, 42-3-213, **amend** (1)
24 (a) introductory portion, (1) (b) (I), (1) (b) (II) (B), (1) (b) (IV), (1) (b)
25 (V), (1) (c), (1) (g), (5) (a), and (5) (b) as follows:

26 **42-3-213. License plates - military veterans - rules -**
27 **retirement.** (1) (a) The department shall issue one or more sets of **special**

1 license plates to the following persons who own a truck that does not
2 exceed sixteen thousand pounds empty weight, a passenger car, a
3 motorcycle, or a noncommercial or recreational vehicle:

4 (b) (I) Except as provided in subparagraph (II) of this paragraph
5 (b), the amount of taxes and fees for ~~special~~ license plates issued ~~pursuant~~
6 ~~to~~ UNDER this section ~~shall be~~ ARE the same as that specified for regular
7 motor vehicle registration plus an additional one-time issuance or
8 replacement fee. The additional one-time fee ~~shall be~~ IS twenty-five
9 dollars and shall be transmitted to the state treasurer, who shall credit ~~the~~
10 ~~same~~ IT to the highway users tax fund for allocation and expenditure as
11 specified in section 43-4-205 (5.5) (b), C.R.S.

12 (II) Notwithstanding subparagraph (I) of this paragraph (b):

13 (B) No fee shall be charged for one set of disabled veteran ~~special~~
14 license plates issued ~~pursuant to~~ UNDER subsection (5) of this section for
15 a passenger car, a truck, a motorcycle, or a noncommercial or recreational
16 vehicle.

17 (IV) One dollar of each additional fee collected from purchasers
18 of ~~special~~ license plates issued ~~pursuant to~~ UNDER subsections (4) and (5)
19 of this section shall be retained by the authorized agent, and one dollar
20 and fifteen cents of each ~~such~~ additional fee shall be credited to the
21 special purpose account established under section 42-1-211.

22 (V) One dollar of each additional fee collected from purchasers
23 of ~~special~~ license plates issued ~~pursuant to~~ UNDER subsection (8) of this
24 section shall be retained by the authorized agent.

25 (c) All applications for the ~~special~~ license plates described in this
26 section shall be made directly to the department and shall include such
27 information as the department may require.

1 (g) The department shall issue a ~~special~~ license plate authorized
2 ~~pursuant to~~ UNDER this section for a motor vehicle owned by a trust if:

3 (I) The trust is created for the benefit of a natural person who is
4 qualified to receive the ~~special~~ license plate under paragraph (a) of this
5 subsection (1); and

6 (II) The trust name includes a natural person who is qualified to
7 receive the ~~special~~ license plate under paragraph (a) of this subsection (1).

8 (5) **Disabled veterans.** (a) (I) The disabled veteran ~~special~~
9 license plate shall indicate that the owner of the motor vehicle to which
10 ~~such~~ THE license plate is attached is a disabled veteran of the United
11 States armed forces.

12 (II) In addition to the requirements of subparagraph (I) of this
13 paragraph (a), if the applicant demonstrates that he or she has a physical
14 impairment affecting mobility under the standards provided in section
15 42-3-204 (1), then ~~such special~~ THE license plate shall have an additional
16 identifying figure, as ~~determined by the department~~ DEFINED IN SECTION
17 42-3-204 (1) (c), to indicate that the ~~owner of the vehicle is authorized to~~
18 ~~make use of parking privileges for persons with disabilities~~ TO
19 TRANSPORT A PERSON WHO IS ELIGIBLE TO USE RESERVED PARKING UNDER
20 SECTION 42-4-1208.

21 (b) A natural person who has received an honorable discharge
22 from a branch of the armed services of the United States and meets the
23 requirements of section 42-3-304 (3) (a) may use a disabled veteran
24 ~~special~~ license plate. When applying for such a license plate, the applicant
25 shall submit proof of honorable discharge from an armed forces branch
26 of the United States.

27 **SECTION 5.** In Colorado Revised Statutes, 42-4-1701, **amend**

1 (4) (a) (I) (M); and **add** (4) (a) (VIII), (4) (a) (IX), and (4) (a) (X) as
2 follows:

3 **42-4-1701. Traffic offenses and infractions classified -**
4 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except
5 as provided in paragraph (c) of subsection (5) of this section, every
6 person who is convicted of, who admits liability for, or against whom a
7 judgment is entered for a violation of any provision of this title to which
8 paragraph (a) or (b) of subsection (5) of this section apply shall be fined
9 or penalized, and have a surcharge levied ~~thereon pursuant to~~ IN
10 ACCORDANCE WITH sections 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I),
11 C.R.S., in accordance with the penalty and surcharge schedule set forth
12 in sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no penalty
13 or surcharge is specified in the schedule, the penalty for class A and class
14 B traffic infractions shall be fifteen dollars, and the surcharge shall be
15 four dollars. These penalties and surcharges shall apply whether the
16 defendant acknowledges the defendant's guilt or liability in accordance
17 with the procedure set forth by paragraph (a) of subsection (5) of this
18 section or is found guilty by a court of competent jurisdiction or has
19 judgment entered against the defendant by a county court magistrate.
20 Penalties and surcharges for violating specific sections shall be as
21 follows:

22	Section Violated	Penalty	Surcharge
23	(M) Parking violations:		
24	42-4-1201	\$ 30.00	\$ 6.00
25	42-4-1202	30.00	6.00
26	42-4-1204	15.00	6.00
27	42-4-1205	15.00	6.00

1	42-4-1206	15.00	6.00
2	42-4-1207	15.00	6.00
3	42-4-1208 (9), (15), or (16) (3) (b), (3)		
4	(c), AND (3) (d)	150.00	32.00

5 (VIII) A PERSON WHO VIOLATES SECTION 42-3-204 (7) (f) (II) OR
6 SECTION 42-4-1208 (3) (a) OR (4) COMMITS A MISDEMEANOR AND, UPON
7 CONVICTION, SHALL BE PUNISHED BY A SURCHARGE OF THIRTY-TWO
8 DOLLARS UNDER SECTIONS 24-4.1-119 (1) (f) AND 24-4.2-104 (1) (b) (I),
9 C.R.S., AND:

10 (A) A FINE OF NOT LESS THAN THREE HUNDRED FIFTY DOLLARS
11 BUT NOT MORE THAN ONE THOUSAND DOLLARS FOR THE FIRST OFFENSE;

12 (B) A FINE OF NOT LESS THAN SIX HUNDRED DOLLARS BUT NOT
13 MORE THAN ONE THOUSAND DOLLARS FOR A SECOND OFFENSE; AND

14 (C) A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS BUT NOT
15 MORE THAN FIVE THOUSAND DOLLARS, IN ADDITION TO NOT MORE THAN
16 TEN HOURS OF COMMUNITY SERVICE, FOR A THIRD OR SUBSEQUENT
17 OFFENSE.

18 (IX) A PERSON WHO VIOLATES SECTION 42-4-1208 (3) BY PARKING
19 A VEHICLE OWNED BY A COMMERCIAL CARRIER IS GUILTY OF A
20 MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED BY THE
21 SURCHARGE AND A FINE OF UP TO TWICE THE PENALTY IMPOSED IN
22 SUBPARAGRAPH (VIII) OF THIS PARAGRAPH (a).

23 (X) (A) A PERSON WHO VIOLATES SECTION 42-4-1208 (5) OF THIS
24 SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR AND, UPON CONVICTION,
25 SHALL BE PUNISHED BY AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

26 (B) A PERSON WHO WILLFULLY RECEIVES REMUNERATION FOR
27 VIOLATING SECTION 42-3-1208 (5) IS GUILTY OF A CLASS 1 MISDEMEANOR

1 AND, UPON CONVICTION, SHALL BE PUNISHED BY TWICE THE CIVIL AND
2 CRIMINAL PENALTIES THAT WOULD BE IMPOSED UNDER SECTION
3 18-1.3-501, C.R.S.

4 **SECTION 6. Appropriation.** (1) In addition to any other
5 appropriation, there is hereby appropriated, to the department of revenue,
6 for the fiscal year beginning July 1, 2014, the sum of \$84,147, or so much
7 thereof as may be necessary, to be allocated for the implementation of this
8 act as follows:

9 (a) \$80,027, comprised of \$66,689 from general fund and \$13,338
10 from the license plate cash fund created in section 42-3-301 (1) (b),
11 Colorado Revised Statutes, for license plate ordering; and

12 (b) \$4,120 from the Colorado state titling and registration account
13 of the highway users tax fund created in section 42-1-211 (2), Colorado
14 Revised Statutes, for the purchase of computer center services.

15 (2) In addition to any other appropriation, there is hereby
16 appropriated to the governor - lieutenant governor - state planning and
17 budgeting, for the fiscal year beginning July 1, 2014, the sum of \$4,120,
18 or so much thereof as may be necessary, for allocation to the office of
19 information technology, for the provision of computer center services for
20 the department of revenue related to the implementation of this act. Said
21 sum is from reappropriated funds received from the department of
22 revenue out of the appropriation made in paragraph (b) of subsection (1)
23 of this section.

24 **SECTION 7. Appropriation - adjustments to 2014 long bill.**
25 For the implementation of this act, the general fund appropriation made
26 in the annual general appropriation act to the controlled maintenance trust
27 fund created in section 24-75-302.5 (2) (a), Colorado Revised Statutes,

1 for the fiscal year beginning July 1, 2014, is decreased by \$66,689.

2 **SECTION 8. Effective date - applicability.** This act takes effect
3 July 1, 2014, and applies to applications for identifying plates or placards
4 submitted and offenses committed on or after January 1, 2015.

5 **SECTION 9. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.