

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 22-0843.01 Pierce Lively x2059

HOUSE BILL 22-1253

HOUSE SPONSORSHIP

Ortiz, Bacon, Benavidez, Bernett, Bird, Boesenecker, Caraveo, Cutter, Duran, Exum, Froelich, Gonzales-Gutierrez, Gray, Hooton, Jodeh, Lindsay, McCormick, McLachlan, Michaelson Jenet, Ricks, Sirota, Snyder, Sullivan, Titone, Valdez D., Weissman, Woodrow, Young

SENATE SPONSORSHIP

Danielson,

House Committees

Transportation & Local Government

Senate Committees

Transportation & Energy

A BILL FOR AN ACT

101 **CONCERNING THE PROVISION OF ADAPTIVE EQUIPMENT IN RENTAL**
102 **MOTOR VEHICLES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill provides a lessee, including a person with a disability, the right to request adaptive equipment in rental motor vehicles. The bill also:

- Requires lessors to provide lessees the option to request the installation of adaptive equipment during online, telephone, or in-person reservations;
- Requires lessors of motor vehicles to display certain

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

SENATE
Amended 2nd Reading
April 18, 2022

HOUSE
3rd Reading Unamended
March 29, 2022

HOUSE
Amended 2nd Reading
March 25, 2022

- information in any reservation or reservation confirmation that includes a request for adaptive equipment;
- Prohibits lessors of motor vehicles from restricting how a person with a disability may request a rental motor vehicle with adaptive equipment; and
- Beginning July 1, 2025, provides a civil remedy for lessees who are subject to a violation of the requirements of the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 6-1-207 as
3 follows:

4 **6-1-207. Adaptive equipment in rental motor vehicles -**
5 **requirements - failure to comply - definitions.** (1) (a) THE GENERAL
6 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

7 (I) THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990",
8 42 U.S.C. SEC. 12182 (a) STATES THAT "[N]O INDIVIDUAL SHALL BE
9 DISCRIMINATED AGAINST ON THE BASIS OF DISABILITY IN THE FULL AND
10 EQUAL ENJOYMENT OF THE GOODS, SERVICES, FACILITIES, PRIVILEGES,
11 ADVANTAGES, OR ACCOMMODATIONS OF ANY PLACE OF PUBLIC
12 ACCOMMODATION";

13 (II) FOR THE PURPOSES OF 42 U.S.C. SEC. 12182 (a),
14 DISCRIMINATION INCLUDES "A FAILURE TO MAKE REASONABLE
15 MODIFICATIONS IN POLICIES, PRACTICES, OR PROCEDURES, WHEN SUCH
16 MODIFICATIONS ARE NECESSARY TO AFFORD SUCH GOODS, SERVICES,
17 FACILITIES, PRIVILEGES, ADVANTAGES, OR ACCOMMODATIONS TO
18 INDIVIDUALS WITH DISABILITIES," UNLESS THE ACCOMMODATION WOULD
19 WORK A FUNDAMENTAL ALTERATION OF THOSE SERVICES AND FACILITIES;

20 (III) THE UNITED STATES DEPARTMENT OF JUSTICE HAS FOUND AT
21 LEAST ONE RENTAL CAR AGENCY TO BE A PUBLIC ACCOMMODATION UNDER

1 THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C.
2 SEC. 12182 (a);

3 (IV) CERTAIN ADAPTIVE EQUIPMENT CAN BE NECESSARY FOR
4 PERSONS WITH A DISABILITY TO DRIVE AN AUTOMOBILE; AND

5 (V) THE PROVISION OF SUCH ADAPTATIVE EQUIPMENT IS
6 REASONABLE AND NOT A FUNDAMENTAL ALTERATION OF THE SERVICES
7 PROVIDED BY A RENTAL CAR AGENCY.

8 (b) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY IN
9 ENACTING THIS SECTION TO PREVENT DISCRIMINATION AGAINST PERSONS
10 WITH A DISABILITY BY REQUIRING THAT SUCH PERSONS HAVE THE ABILITY
11 TO MAKE ONLINE RESERVATIONS FOR AUTOMOBILES WITH ADAPTIVE
12 EQUIPMENT WITH RENTAL CAR AGENCIES THAT RENT AT LEAST SOME
13 MOTOR VEHICLES WITH A GROSS WEIGHT OF LESS THAN FOUR THOUSAND
14 POUNDS.

15 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
16 REQUIRES:

17 (a) "ADAPTIVE EQUIPMENT" MEANS HAND CONTROLS, LEFT FOOT
18 ACCELERATORS, SPINNER KNOBS, AND PEDAL EXTENDERS.

19 (b) "LESSEE" MEANS ANY PERSON OR ORGANIZATION OBTAINING,
20 OR ATTEMPTING TO OBTAIN, THE USE OF A RENTAL MOTOR VEHICLE FROM
21 A LESSOR UNDER THE TERMS OF A RENTAL AGREEMENT.

22 (c) "LESSOR" MEANS ANY PERSON OR ORGANIZATION IN THE
23 BUSINESS OF PROVIDING RENTAL MOTOR VEHICLES OF WHICH SOME HAVE
24 A GROSS WEIGHT OF LESS THAN FOUR THOUSAND POUNDS TO THE PUBLIC,
25 EXCLUDING A PERSON OR ORGANIZATION THAT IS IN THE BUSINESS OF
26 OPERATING AN ONLINE PLATFORM TO CONNECT THIRD-PARTY VEHICLE
27 OWNERS WITH THIRD-PARTY VEHICLE DRIVERS TO ENABLE PEER-TO-PEER

1 CAR SHARING, AS DEFINED IN SECTION 6-1-1202 (2), WITHIN COLORADO.

2 (d) "PERSON WITH A DISABILITY" MEANS A PERSON WHO IS
3 CONSIDERED TO HAVE A DISABILITY, AS THAT TERM IS DEFINED IN 42
4 U.S.C. SEC. 12102.

5 (e) "REMOTE LOCATION" MEANS A LOCATION OF THE LESSOR'S
6 BUSINESS THAT IS MORE THAN A TWO HOUR DRIVE FROM THE DENVER
7 INTERNATIONAL AIRPORT.

8 (f) "SMALL BUSINESS" MEANS A LESSOR THAT OWNS NO MORE
9 THAN FIFTY MOTOR VEHICLES.

10 (3) LESSORS SHALL PROVIDE AN OPTION FOR LESSEES TO REQUEST
11 THE INSTALLATION OF ADAPTIVE EQUIPMENT WHILE MAKING RENTAL
12 MOTOR VEHICLE RESERVATIONS ON THE LESSOR'S WEBSITE AND DURING
13 IN-PERSON RESERVATIONS.

14 (4) (a) LESSORS SHALL CONSPICUOUSLY INCORPORATE INTO ANY
15 RESERVATION OR RESERVATION CONFIRMATION THAT INCLUDES A
16 REQUEST FOR ADAPTIVE EQUIPMENT:

17 (I) A LIST OF THE ADAPTIVE EQUIPMENT REQUESTED BY THE
18 LESSEE;

19 (II) ACKNOWLEDGMENT BY THE LESSOR THAT IT WILL PROVIDE
20 THE ADAPTIVE EQUIPMENT REQUESTED BY THE LESSEE; AND

21 (III) THE DATE AND TIME THAT THE LESSOR WILL PROVIDE THE
22 LESSEE WITH A RENTAL MOTOR VEHICLE WITH ADAPTIVE EQUIPMENT
23 INSTALLED AND READY FOR USE.

24 (5) (a) A LESSOR MUST FULFILL A RESERVATION MADE BY A
25 LESSEE FOR THE PROVISION OF A MOTOR VEHICLE WITH ADAPTIVE
26 EQUIPMENT WITHIN FORTY-EIGHT HOURS OF THE LESSOR RECEIVING THE
27 RESERVATION, UNLESS THE LESSEE REQUESTS THAT THE LESSOR PROVIDE

1 THE MOTOR VEHICLE AT THE LESSOR'S BUSINESS LOCATION AT THE
2 DENVER INTERNATIONAL AIRPORT OR AT A REMOTE LOCATION OF THE
3 LESSOR'S BUSINESS.

4 (b) A LESSOR MUST FULFILL A RESERVATION MADE BY A LESSEE
5 FOR THE PROVISION OF A MOTOR VEHICLE WITH ADAPTIVE EQUIPMENT AT
6 THE LESSOR'S BUSINESS LOCATION AT THE DENVER INTERNATIONAL
7 AIRPORT WITHIN EIGHT WORKING HOURS AFTER THE LESSOR RECEIVES THE
8 RESERVATION AND AN EMPLOYEE TRAINED IN THE INSTALLATION OF
9 ADAPTIVE EQUIPMENT IS ON DUTY AT THE LESSOR'S BUSINESS LOCATION
10 AT THE DENVER INTERNATIONAL AIRPORT.

11 (c) A LESSOR MUST FULFILL A RESERVATION BY A LESSEE FOR THE
12 PROVISION OF A MOTOR VEHICLE WITH ADAPTIVE EQUIPMENT AT A REMOTE
13 LOCATION OF THE LESSOR'S BUSINESS WITHIN SEVENTY-TWO HOURS OF THE
14 LESSOR RECEIVING THE RESERVATION.

15 (d) THE REQUIREMENTS OF THIS SUBSECTION (5) DO NOT APPLY IN
16 THE CASE OF AN OCCURRENCE OF AN EVENT BEYOND THE LESSOR'S
17 REASONABLE CONTROL, INCLUDING SEVERE WEATHER, ACTS OF GOD, ACTS
18 OF TERRORISM.

19 (6) A LESSEE WHO IS SUBJECT TO A VIOLATION OF THIS SECTION BY
20 A SMALL BUSINESS OCCURRING ON OR AFER JULY 1, 2026, OR BY A LESSOR
21 THAT IS NOT A SMALL BUSINESS OCCURRING ON OR AFTER JULY 1, 2025,
22 MAY BRING A CIVIL SUIT IN A COURT OF COMPETENT JURISDICTION AND IS
23 ENTITLED TO ANY OF THE FOLLOWING REMEDIES:

24 (a) A STATUTORY FINE OF TWO THOUSAND FIVE HUNDRED
25 DOLLARS, PAYABLE TO EACH PLAINTIFF FOR EACH VIOLATION;

26 (b) THE RECOVERY OF ACTUAL MONETARY DAMAGES;

27 (c) AN AWARD OF ATTORNEY FEES AND COSTS TO A LESSEE WHO

1 PREVAILS UNDER THIS SECTION (5);

2 (d) A COURT ORDER REQUIRING COMPLIANCE WITH THE
3 APPLICABLE PROVISIONS OF THIS SECTION; AND

4 (e) ANY OTHER EQUITABLE RELIEF DEEMED APPROPRIATE BY A
5 COURT OF COMPETENT JURISDICTION.

6 (7) NOTHING IN THIS SECTION LIMITS THE RIGHTS OF PERSONS WITH
7 A DISABILITY PROVIDED UNDER STATE OR FEDERAL LAW RELATED TO
8 DISCRIMINATION.

9 **SECTION 2. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2022 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.