

CHAPTER 206

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 99-079

BY SENATORS Owen, Blickensderfer, Congrove, Epps, Evans, Feeley, Hernandez, Martinez, Musgrave, Rupert, Tebedo, and Weddig;
also REPRESENTATIVES Witwer, Gagliardi, Hagedorn, Larson, Lawrence, Leyba, Mace, McKay, Morrison, Tochtrop, Webster, S. Williams, Windels, and Zimmerman.

AN ACT

CONCERNING PARKING PROVISIONS FOR PERSONS WITH PHYSICAL DISABILITIES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 42-3-112, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-3-112. Records of application and registration. (13) FOR PURPOSES OF ENFORCING DISABLED PARKING PRIVILEGES GRANTED PURSUANT TO SECTION 42-4-1208, THE DEPARTMENT, WHEN ISSUING A REGISTRATION CARD UNDER THIS SECTION, SHALL CLEARLY INDICATE ON THE CARD IF AN OWNER OF A VEHICLE IS A PERSON WITH A DISABILITY AS DEFINED IN SECTION 42-3-121. IF THE VEHICLE IS OWNED BY MORE THAN ONE PERSON AND THE REGISTRATION REFLECTS THAT JOINT OWNERSHIP, THE DEPARTMENT SHALL CLEARLY INDICATE ON THE REGISTRATION CARD WHICH OF THE OWNERS ARE PERSONS WITH DISABILITIES AND WHICH OF THE OWNERS ARE NOT.

SECTION 2. 42-3-121, Colorado Revised Statutes, is amended to read:

42-3-121. Parking privileges for persons with disabilities. (1) As used in this section:

(a) "LICENSE PLATE OR PLACARD" MEANS ANY LICENSE PLATE OR PLACARD ISSUED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(b) "Person with a disability" means a person so severely impaired that such

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

person is unable to move from place to place without the aid of a mechanical device or who has a physical impairment verified, in writing, by the director of the division of rehabilitation (WHICH HAS BEEN ADMINISTRATIVELY CREATED BY THE DEPARTMENT OF HUMAN SERVICES) or a physician licensed to practice medicine in this state OR PRACTICING MEDICINE PURSUANT TO SECTION 12-36-106 (3) (i), C.R.S., that such impairment limits substantially the person's ability to move from place to place. Before such a verification can be made, said director or physician shall certify to the division that the standards established by THE DIRECTOR OF THE MOTOR VEHICLE DIVISION, IN CONSULTATION WITH the director of the division of rehabilitation, for such a determination have been met.

(2) (a) A person with a disability may apply to the motor vehicle division of the department for:

(I) Distinguishing license plates to be supplied at the same cost as standard plates and to be displayed on a motor vehicle owned by such person as provided in section 42-3-123. Any plates issued by the motor vehicle division pursuant to this section shall be renewed once each year in a manner to be determined by the division. The issuance of a special license plate to a person with a disability pursuant to the provisions of this subparagraph (I) shall not preclude such person from obtaining an identifying placard pursuant to the provisions of subparagraph (II) of this paragraph (a). The verification requirements of subsection (1) of this section shall be met once every three years.

(II) An identifying placard to be prominently displayed on a motor vehicle used to transport such person. ANY PLACARD VALID FOR MORE THAN NINETY DAYS ISSUED BY THE MOTOR VEHICLE DIVISION PURSUANT TO THIS SECTION SHALL HAVE PRINTED ON THE PLACARD EITHER THE COLORADO DRIVER'S LICENSE NUMBER OR THE COLORADO IDENTIFICATION CARD NUMBER OF THE PERSON OR PERSONS WITH THE DISABILITY. SUCH IDENTIFYING NUMBER SHALL BE LEGIBLE TO ANY LAW ENFORCEMENT OFFICER OR AUTHORIZED PARKING ENFORCEMENT OFFICIAL WHEN VIEWED FROM OUTSIDE THE VEHICLE. Any placard issued by the motor vehicle division pursuant to this section shall be renewed every three years in a manner to be determined by the division. The verification requirements of subsection (1) of this section shall be met each time the placard is renewed.

(III) DISABLED VETERAN SPECIAL LICENSE PLATES WITH THE IDENTIFYING FEATURE FOR A PERSON WITH A PHYSICAL IMPAIRMENT AFFECTING MOBILITY, SO LONG AS THE DISABLED PERSON MEETS THE ELIGIBILITY CRITERIA SPECIFIED IN SECTION 42-3-115.5 (5).

(a.5) Notwithstanding the verification requirements of subparagraphs (I), ~~and~~ (II), AND (III) of paragraph (a) of this subsection (2), if a renewal applicant has a permanent disability that was verified in writing by a physician licensed to practice medicine in this state OR PRACTICING MEDICINE PURSUANT TO SECTION 12-36-106 (3) (i), C.R.S., and provided to the division with the original application for ~~special~~ A license ~~plates~~ PLATE or ~~an identifying~~ placard under this section, such applicant shall not be required to meet such verification requirement to renew such license plate or placard. If a person renews ~~the~~ SUCH license ~~plates~~ PLATE or ~~identifying~~ placard of and on behalf of a person with a permanent disability, the person renewing such license ~~plates~~ PLATE or placard shall sign an affidavit, under the penalty of perjury,

attesting to the fact that the person with a permanent disability is still in need of the ~~handicapped parking plate~~ LICENSE PLATE or placard and stating that such license plates and PLATE OR placard shall be surrendered to the motor vehicle division upon the death of the person with a permanent disability.

(b) Such license plate or placard shall be issued to such person upon presentation to the motor vehicle division of a written statement, verified by a physician licensed to practice medicine in this state OR PRACTICING MEDICINE PURSUANT TO SECTION 12-36-106 (3) (i), C.R.S., that such person is a person with a disability. The application for a ~~distinguishing~~ SUCH A license plate OR PLACARD shall be sent to the motor vehicle division each year.

(c) Such license plate or placard may be revoked by the motor vehicle division upon receipt of a sworn statement from a peace officer OR AN AUTHORIZED PARKING ENFORCEMENT OFFICIAL that the person with a disability has improperly used the privilege defined in section ~~42-4-1208 (2)~~ 42-4-1208. UPON A FIRST VIOLATION OF SECTION 42-4-1208, THE DEPARTMENT SHALL DENY ANY REISSUANCE OF SUCH LICENSE PLATE OR PLACARD FOR A PERIOD OF ONE YEAR FROM THE DATE OF REVOCATION. UPON A SECOND OR SUBSEQUENT VIOLATION OF SECTION 42-4-1208, THE DEPARTMENT SHALL DENY ANY REISSUANCE OF SUCH LICENSE PLATE OR PLACARD FOR A PERIOD OF AT LEAST FIVE YEARS FROM THE DATE OF THE SECOND OR EACH SUBSEQUENT REVOCATION. THE DEPARTMENT SHALL PROVIDE WRITTEN NOTIFICATION TO THE PERSON WITH A DISABILITY OF SUCH REVOCATION, WHICH NOTIFICATION SHALL CONTAIN A DEMAND FOR THE RETURN OF THE LICENSE PLATE OR PLACARD TO THE DEPARTMENT AND A WARNING THAT CONTINUED USE BY ANY PERSON SHALL BE SUBJECT TO THE PENALTY SET FORTH IN SECTION 42-4-1208 (11). THIS PARAGRAPH (c) SHALL TAKE EFFECT JULY 1, 2000, AND SHALL APPLY TO ANY VIOLATIONS OCCURRING ON OR AFTER JULY 1, 2000.

(d) The department shall establish a fee for ~~the placards~~ ANY PLACARD issued pursuant to paragraph (b) of this subsection (2). The fee established by the department shall not exceed the actual costs of issuing the placards, and the moneys collected by the department shall be transmitted to the state treasurer, who shall credit such moneys to the highway users tax fund.

(3) The department shall issue temporary distinguishing license permits and a temporary identifying placard to any person who is temporarily a person with a disability upon presentation to the motor vehicle division of a written statement, verified by a physician licensed to practice medicine in this state OR PRACTICING MEDICINE PURSUANT TO SECTION 12-36-106 (3) (i), C.R.S., that such person temporarily meets the definition of a person with a disability. Such permits and placard shall be valid for a period of ninety days from the date of issuance and may continually be renewed for additional ninety-day periods during the term of such disability upon resubmission of such written and verified statements. The provisions of this section including provisions regarding the privileges granted to persons with disabilities, revocation of license plates or placards, and display of license plates and placards shall apply in the case of temporary license permits and temporary placards issued under this subsection (3). FURTHER, THE REQUIREMENT THAT THE PLACARD INCLUDE A PRINTED IDENTIFICATION NUMBER AS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION SHALL APPLY TO BOTH TEMPORARY LICENSE PERMITS AND TEMPORARY PLACARDS ISSUED UNDER THIS

SUBSECTION (3). TEMPORARY LICENSE PERMITS AND TEMPORARY PLACARDS ISSUED BY STATES OTHER THAN COLORADO SHALL BE VALID SO LONG AS THEY ARE CURRENTLY VALID IN THE STATE OF ISSUANCE AND VALID PURSUANT TO 23 C.F.R. PART 1235.

(4) UPON THE FILING OF AN APPLICATION FOR ISSUANCE OR RENEWAL OF A LICENSE PLATE OR PLACARD UNDER THIS SECTION, THE DEPARTMENT SHALL MAKE AVAILABLE TO THE APPLICANT AN INFORMATIONAL PAMPHLET OR OTHER INFORMATIONAL SOURCE DEVELOPED BY THE DEPARTMENT THAT DESCRIBES THE RIGHTS AND RESPONSIBILITIES OF THE HOLDERS OF SUCH LICENSE PLATES OR PLACARDS AND THE PARKING PRIVILEGES SET FORTH IN SECTION 42-4-1208.

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

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

(a) "LICENSE PLATE OR PLACARD" MEANS A LICENSE PLATE OR PLACARD ISSUED PURSUANT TO SECTION 42-3-121 (2).

(b) "Person with a disability" has the meaning provided for such term in section 42-3-121 (1). ~~and includes any person who has qualified for and obtained disabled veteran special license plates with the identifying feature for a person with a physical impairment affecting mobility under section 42-3-115.5 (5) (a) (H).~~

(2) In a jurisdiction recognizing the privilege defined by this subsection (2), a vehicle with ~~distinguishing~~ A license plates ~~an identifying placard, or disabled veteran special license plates with the identifying feature for a person with a physical impairment affecting mobility under section 42-3-115.5 (5) (a) (H)~~ PLATE OR A PLACARD OBTAINED PURSUANT TO SECTION 42-3-121 OR AS OTHERWISE AUTHORIZED BY SUBSECTION (4) OF THIS SECTION may be parked in public parking areas along public streets regardless of any time limitation imposed upon parking in such area; except that A JURISDICTION SHALL NOT LIMIT SUCH A PRIVILEGE TO PARK ON ANY PUBLIC STREET TO LESS THAN FOUR HOURS. THE RESPECTIVE JURISDICTION SHALL CLEARLY POST THE APPROPRIATE TIME LIMITS IN SUCH AREA. Such privilege need not apply to zones in which:

(a) Stopping, standing, or parking of all vehicles is prohibited;

(b) Only special vehicles may be parked;

(c) Parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

(3) (a) A person with a disability may park in a parking space identified as being reserved for use by persons with disabilities whether on public property or private property available for public use. ~~A placard or license plate issued to a person with a disability or disabled veteran special license plates with the identifying feature under section 42-3-115.5 (5) (a) (H)~~ A LICENSE PLATE OR PLACARD OBTAINED PURSUANT TO SECTION 42-3-121 OR AS OTHERWISE AUTHORIZED BY SUBSECTION (4) OF THIS SECTION shall be displayed AT ALL TIMES on the vehicle while parked in such

space.

(b) The owner of private property available for public use may request the installation of official signs identifying parking spaces reserved for use by persons with disabilities. Such a request shall be a waiver of any objection the owner may assert concerning enforcement of this section by peace officers of any political subdivision of this state, and such officers are hereby authorized and empowered to so enforce this section, provisions of law to the contrary notwithstanding.

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

(4) Persons with disabilities from states other than Colorado shall be allowed to use parking spaces for persons with disabilities in Colorado so long as such persons have valid license plates or placards from their home state ~~including special license plates issued to disabled veterans containing the identifying feature under section 42-3-115.5 (5) (a) (H)~~ THAT ARE ALSO VALID PURSUANT TO 23 C.F.R. PART 1235.

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

(a) Such person is parking the vehicle for the DIRECT benefit of a person with a disability TO ENTER OR EXIT THE VEHICLE WHILE IT IS PARKED IN THE SPACE RESERVED FOR USE BY PERSONS WITH DISABILITIES; and

(b) A LICENSE PLATE OR PLACARD OBTAINED PURSUANT TO SECTION 42-3-121 OR AS OTHERWISE AUTHORIZED BY SUBSECTION (4) OF THIS SECTION IS DISPLAYED IN SUCH VEHICLE.

(6) Any person who is not a person with a disability and who exercises the privilege defined in subsection (2) of this section or who violates the provisions of subsection (5) OR SUBSECTION (10) of this section commits a class B traffic infraction AND SHALL RECEIVE THE MAXIMUM FINE THEREUNDER. ANY PERSON WHO VIOLATES THIS SUBSECTION (6) BY PARKING A VEHICLE OWNED BY A COMMERCIAL CARRIER, AS DEFINED IN SECTION 42-1-102 (17), SHALL BE SUBJECT TO A FINE OF UP TO TWICE THE MAXIMUM PENALTY IDENTIFIED FOR A CLASS B TRAFFIC INFRACTION IN SECTION 42-4-1701 (3) (a) (I).

(7) Any person who is not a person with a disability and who uses a license plate or placard issued to a person with a disability pursuant to section 42-3-121 (2) or ~~uses a disabled veteran special license plate issued pursuant to section 42-3-115.5 (5) (a) (H)~~ PURSUANT TO SECTION 42-3-121 in order to receive the benefits or privileges available to a person with a disability under this section commits a class B traffic infraction AND SHALL BE SUBJECT TO A FINE OF UP TO TWICE THE MAXIMUM PENALTY IDENTIFIED FOR A CLASS B TRAFFIC INFRACTION IN SECTION 42-4-1701 (3) (a) (I).

(8) Any law enforcement officer or authorized AND UNIFORMED parking enforcement official may check the identification of any person using a license plate

or placard for persons with disabilities in order to determine whether such use is authorized.

(9) Any state agency or division thereof ~~which~~ THAT transports persons with disabilities may obtain a placard for persons with disabilities in the same manner provided in this section for any other person. In the event that such a placard is used by any employee of such state agency or division when not transporting persons with disabilities, the executive director of such agency AND THE OFFENDING EMPLOYEE shall be subject to a fine of ~~fifty~~ ONE HUNDRED dollars. THE PROVISIONS OF THIS SUBSECTION (9) SHALL APPLY TO ANY CORPORATION OR INDEPENDENT CONTRACTOR AS DETERMINED BY RULE OF THE DEPARTMENT TO BE ELIGIBLE TO TRANSPORT PERSONS WITH DISABILITIES; EXCEPT THAT THE CHIEF EXECUTIVE OFFICER OR AN EQUIVALENT OF THE CORPORATION OR INDEPENDENT CONTRACTOR AND THE OFFENDING EMPLOYEE SHALL BE SUBJECT TO THE FINE.

(10) IT IS UNLAWFUL FOR ANY PERSON TO PARK A VEHICLE SO AS TO BLOCK REASONABLE ACCESS TO CURB RAMPS OR PASSENGER LOADING ZONES, AS IDENTIFIED IN 28 C.F.R. PART 36 (APPENDIX A), THAT ARE CLEARLY IDENTIFIED AND ARE ADJACENT TO A PARKING SPACE RESERVED FOR USE BY PERSONS WITH DISABILITIES UNLESS SUCH PERSON IS LOADING OR UNLOADING A PERSON WITH A DISABILITY.

(11) ANY PERSON WHO KNOWINGLY AND FRAUDULENTLY OBTAINS, POSSESSES, USES, OR TRANSFERS A PLACARD ISSUED TO A PERSON WITH A DISABILITY PURSUANT TO SECTION 42-3-121 OR KNOWINGLY MAKES, POSSESSES, USES, OR TRANSFERS WHAT PURPORTS TO BE, BUT IS NOT, A PLACARD ISSUED TO A PERSON WITH A DISABILITY PURSUANT TO SECTION 42-3-121 IS GUILTY OF A MISDEMEANOR AND IS SUBJECT TO THE CRIMINAL AND CIVIL PENALTIES PROVIDED UNDER SECTION 42-6-139 (3) AND (4). ANY PERSON WHO KNOWINGLY AND WILLFULLY RECEIVES REMUNERATION FOR COMMITTING A MISDEMEANOR PURSUANT TO THIS SUBSECTION (11) SHALL BE SUBJECT TO TWICE THE CIVIL AND CRIMINAL FINE THAT WOULD OTHERWISE BE IMPOSED.

(12) (a) CERTIFICATION OF THE ENTRY OF JUDGMENT FOR EACH VIOLATION OF SUBSECTION (6), (7), OR (11) OF THIS SECTION SHALL BE SENT BY THE ENTERING COURT TO THE DEPARTMENT.

(b) UPON RECEIPT OF CERTIFICATION OF A FIRST OR SECOND ENTRY OF JUDGMENT FOR A VIOLATION OF SUBSECTION (6), (7), OR (11) OF THIS SECTION OR UPON INDEPENDENT VERIFICATION OF SUCH A VIOLATION BY THE DEPARTMENT, THE DEPARTMENT SHALL NOTIFY THE PERSON WITH A DISABILITY TO WHOM THE LICENSE PLATE OR PLACARD WAS ISSUED THAT SUCH LICENSE PLATE OR PLACARD WILL BE REVOKED AS PROVIDED IN SECTION 42-3-121 (2) (c) UPON CERTIFICATION OR INDEPENDENT VERIFICATION OF THE THIRD SUCH ENTRY OF JUDGMENT.

(c) UPON RECEIPT OF CERTIFICATION OF A THIRD ENTRY OF JUDGMENT FOR A VIOLATION OF SUBSECTION (6), (7), OR (11) OF THIS SECTION BY ANY PERSON, THE DEPARTMENT SHALL WITHHOLD THAT PERSON'S VEHICLE REGISTRATION UNTIL SUCH TIME AS ANY FINES IMPOSED FOR THE VIOLATIONS HAVE BEEN PAID.

(d) UPON RECEIPT OF CERTIFICATION OR INDEPENDENT VERIFICATION OF SUCH THIRD ENTRY OF JUDGMENT, THE DEPARTMENT SHALL REVOKE SAID LICENSE PLATE OR PLACARD AS PROVIDED IN SECTION 42-3-121 (2) (c).

(e) THIS SUBSECTION (12) SHALL TAKE EFFECT JULY 1, 2000, AND SHALL APPLY TO ANY VIOLATIONS OCCURRING ON OR AFTER JULY 1, 2000.

(13) (a) FOR PURPOSES OF THIS SUBSECTION (13), "HOLDER" MEANS A PERSON WITH A DISABILITY AS DEFINED IN SECTION 42-3-121 (1) (b) WHO HAS LAWFULLY OBTAINED A LICENSE PLATE OR PLACARD ISSUED PURSUANT TO SECTION 42-3-121 (2) OR AS OTHERWISE AUTHORIZED BY SUBSECTION (4) OF THIS SECTION.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, A HOLDER IS LIABLE FOR ANY PENALTY OR FINE AS SET FORTH IN THIS SECTION OR SECTION 42-3-121 OR FOR ANY MISUSE OF A DISABLED LICENSE PLATE OR PLACARD, INCLUDING THE USE OF SUCH PLATE OR PLACARD BY ANY PERSON OTHER THAN A HOLDER, UNLESS THE HOLDER CAN FURNISH SUFFICIENT EVIDENCE THAT THE LICENSE PLATE OR PLACARD WAS, AT THE TIME OF THE VIOLATION, IN THE CARE, CUSTODY, OR CONTROL OF ANOTHER PERSON WITHOUT THE HOLDER'S KNOWLEDGE OR CONSENT.

(c) A HOLDER MAY AVOID THE LIABILITY DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (13) IF, WITHIN A REASONABLE TIME AFTER NOTIFICATION OF THE VIOLATION, THE HOLDER FURNISHES TO THE PROSECUTORIAL DIVISION OF THE APPROPRIATE JURISDICTION THE NAME AND ADDRESS OF THE PERSON WHO HAD THE CARE, CUSTODY, OR CONTROL OF SUCH LICENSE PLATE OR PLACARD AT THE TIME OF THE VIOLATION OR THE HOLDER REPORTS SAID LICENSE PLATE OR PLACARD LOST OR STOLEN TO BOTH THE APPROPRIATE LOCAL LAW ENFORCEMENT AGENCY AND THE DEPARTMENT.

SECTION 4. 42-4-1701 (4) (a) (I) (M), Colorado Revised Statutes, is amended to read:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule. (4) (a) (I) Except as provided in paragraph (c) of subsection (5) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title to which the provisions of paragraph (a) or (b) of subsection (5) of this section apply shall be fined or penalized, and have a surcharge levied thereon pursuant to section 24-4.2-104 (1) (b) (I), C.R.S., in accordance with the penalty and surcharge schedule set forth in sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions shall be fifteen dollars, and the surcharge shall be two dollars. These penalties and surcharges shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant by a county court magistrate. Penalties and surcharges for violating specific sections shall be as follows:

Section Violated	Penalty	Surcharge
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(M) **Parking violations:**

42-4-1201	\$ 15.00	\$ 2.00
42-4-1202	15.00	2.00
42-4-1204	15.00	2.00
42-4-1205	15.00	2.00
42-4-1206	15.00	2.00
42-4-1207	15.00	2.00
42-4-1208 (6) or (9)	50.00 100.00	6.00 12.00

SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the distributive data processing fund not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 1999, the sum of one hundred forty-two thousand eight hundred dollars (\$142,800), or so much thereof as may be necessary, for the implementation of this act.

SECTION 6. Effective date - applicability. This act shall take effect July 1, 1999, and sections 2 to 4 of this act shall apply to violations committed on or after said date.

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

Approved: May 20, 1999