

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 21, 2024
Date

Committee on Transportation, Housing & Local Government.

After consideration on the merits, the Committee recommends the following:

HB24-1161 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 3, strike lines 2 through 27.

2 Strike page 4.

3 Page 5, strike lines 1 through 8 and substitute:

4 "SECTION 2. In Colorado Revised Statutes, 24-38.5-401, **amend**
5 (6)(b)(II) as follows:

6 **24-38.5-401. Energy code board - appointment - creation -**
7 **duties - definitions - repeal.** (6) (b) The model low energy and carbon
8 code developed by the energy code board must apply to commercial and
9 residential buildings and must:

10 (II) Include the model electric ready and solar ready code
11 language developed for adoption by the energy code board pursuant to
12 subsection (5) of this section, and modified as the energy code board
13 deems appropriate, INCLUDING ACCESSIBILITY REQUIREMENTS FOR EV
14 CAPABLE, EV READY, AND EV SUPPLY EQUIPMENT INSTALLED PARKING
15 SPACES THAT TAKE INTO CONSIDERATION DESIGN RECOMMENDATIONS FOR
16 ACCESSIBLE ELECTRIC VEHICLE CHARGING STATIONS PUBLISHED BY THE
17 UNITED STATES ACCESS BOARD AND ANY APPLICABLE REGULATIONS
18 ISSUED BY THE FEDERAL DEPARTMENT OF JUSTICE OR DEPARTMENT OF
19 TRANSPORTATION IMPLEMENTING THE FEDERAL "AMERICANS WITH
20 DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED;

21 **SECTION 3.** In Colorado Revised Statutes, 30-28-212, **add** (4)
22 as follows:

23 **30-28-212. Charging station restriction rules prohibited -**
24 **accessible charging stations - definitions.** (4) (a) FOR AN ELECTRIC
25 VEHICLE CHARGING STATION CONSTRUCTED OR ALTERED ON OR AFTER

1 JANUARY 1, 2025, AN ELECTRIC VEHICLE CHARGING STATION MUST:
2 (I) INCORPORATE ACCESSIBLE DESIGN RECOMMENDATIONS
3 PUBLISHED BY THE ACCESS BOARD, OR ITS SUCCESSOR ORGANIZATION,
4 REGARDLESS OF WHETHER A FEDERAL AGENCY PROMULGATED RULES
5 INCORPORATING THE RECOMMENDATIONS AND ANY APPLICABLE
6 REGULATIONS ISSUED BY THE FEDERAL DEPARTMENT OF JUSTICE OR
7 DEPARTMENT OF TRANSPORTATION IMPLEMENTING THE FEDERAL
8 "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET
9 SEQ., AS AMENDED, OR COMPLY TO THE MAXIMUM EXTENT FEASIBLE IF
10 FULL COMPLIANCE WOULD CAUSE AN UNDUE BURDEN; AND
11 (II) PROVIDE AT LEAST FIVE PERCENT ACCESSIBLE VEHICLE
12 CHARGING SPACES OF THE TOTAL NUMBER OF VEHICLE CHARGING SPACES,
13 BUT NOT FEWER THAN ONE ACCESSIBLE VEHICLE CHARGING SPACE UNTIL
14 THE ACCESS BOARD PUBLISHES PROPORTIONAL REQUIREMENTS,
15 REGARDLESS OF WHETHER A FEDERAL AGENCY PROMULGATED RULES
16 INCORPORATING THE PROPORTIONAL REQUIREMENTS. WHEN THE ACCESS
17 BOARD PUBLISHES PROPORTIONAL REQUIREMENTS, AN ELECTRIC VEHICLE
18 CHARGING STATION MUST COMPLY WITH THE REQUIREMENTS PUBLISHED
19 BY THE ACCESS BOARD.
20 (b) AS USED IN THIS SUBSECTION (4):
21 (I) "ACCESS BOARD" MEANS THE UNITED STATES ACCESS BOARD.
22 (II) "ELECTRIC VEHICLE CHARGER" MEANS A DEVICE WITH ONE OR
23 MORE CHARGING PORTS AND CONNECTORS FOR CHARGING ELECTRIC
24 VEHICLES.
25 (III) "ELECTRIC VEHICLE CHARGING STATION" OR "CHARGING
26 STATION" MEANS A COMMON LOCATION WITH ONE OR MORE ELECTRIC
27 VEHICLE CHARGERS.
28 (IV) "VEHICLE CHARGING SPACE" MEANS A SPACE TO PARK AN
29 ELECTRIC VEHICLE FOR CHARGING.
30 **SECTION 4.** In Colorado Revised Statutes, 31-23-315, **add** (2.5)
31 as follows:
32 **31-23-315. Parking and electric vehicle charging stations -**
33 **legislative declaration - conflict of law - definitions.** (2.5) (a) FOR AN
34 ELECTRIC VEHICLE CHARGING STATION CONSTRUCTED OR ALTERED ON OR
35 AFTER JANUARY 1, 2025, AN ELECTRIC VEHICLE CHARGING STATION MUST:
36 (I) INCORPORATE ACCESSIBLE DESIGN RECOMMENDATIONS
37 PUBLISHED BY THE ACCESS BOARD, OR ITS SUCCESSOR ORGANIZATION,
38 REGARDLESS OF WHETHER A FEDERAL AGENCY PROMULGATED RULES
39 INCORPORATING THE RECOMMENDATIONS AND ANY APPLICABLE
40 REGULATIONS ISSUED BY THE FEDERAL DEPARTMENT OF JUSTICE OR
41 DEPARTMENT OF TRANSPORTATION IMPLEMENTING THE "AMERICANS WITH
42 DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED,
43 OR COMPLY TO THE MAXIMUM EXTENT FEASIBLE IF FULL COMPLIANCE

1 WOULD CAUSE AN UNDUE BURDEN; AND
2 (II) PROVIDE AT LEAST FIVE PERCENT ACCESSIBLE VEHICLE
3 CHARGING SPACES OF THE TOTAL NUMBER OF VEHICLE CHARGING SPACES,
4 BUT NOT FEWER THAN ONE ACCESSIBLE VEHICLE CHARGING SPACE UNTIL
5 THE ACCESS BOARD PUBLISHES PROPORTIONAL REQUIREMENTS,
6 REGARDLESS OF WHETHER A FEDERAL AGENCY PROMULGATED RULES
7 INCORPORATING THE PROPORTIONAL REQUIREMENTS. WHEN THE ACCESS
8 BOARD PUBLISHES PROPORTIONAL REQUIREMENTS, AN ELECTRIC VEHICLE
9 CHARGING STATION MUST COMPLY WITH THE REQUIREMENTS PUBLISHED
10 BY THE ACCESS BOARD.

11 (b) AS USED IN THIS SUBSECTION (2.5):

12 (I) "ACCESS BOARD" MEANS THE UNITED STATES ACCESS BOARD.

13 (II) "ELECTRIC VEHICLE CHARGER" MEANS A DEVICE WITH ONE OR
14 MORE CHARGING PORTS AND CONNECTORS FOR CHARGING ELECTRIC
15 VEHICLES.

16 (III) "ELECTRIC VEHICLE CHARGING STATION" OR "CHARGING
17 STATION" MEANS A COMMON LOCATION WITH ONE OR MORE ELECTRIC
18 VEHICLE CHARGERS.

19 (IV) "VEHICLE CHARGING SPACE" MEANS A SPACE TO PARK AN
20 ELECTRIC VEHICLE FOR CHARGING."

21 Renumber succeeding sections accordingly.

22 Page 5, strike line 10 and substitute "(4)(a) and (6)(c); and **add** (4)(a.5)
23 and (4)(c) as follows:".

24 Page 5, line 12, strike "(a.5) A PERSON SHALL NOT" and substitute
25 "(a) Regardless of whether a person displays an identifying plate or
26 placard, a person shall not park a vehicle so as to block reasonable access
27 to curb ramps, passenger loading zones, ACCESS AISLES, or accessible
28 routes, as THOSE TERMS ARE DEFINED IN THE 2010 ADA STANDARDS FOR
29 ACCESSIBLE DESIGN identified in 28 CFR **part** 36 appendix A, that are
30 clearly identified unless the person is actively loading or unloading a
31 person with a disability.

32 (a.5) A PERSON SHALL NOT".

33 Page 5, line 13, strike "PARKING BY ANY MEANS," and substitute
34 "PARKING, CURB RAMPS, ACCESS AISLES, OR ACCESSIBLE ROUTES BY ANY
35 MEANS."

36 Page 5, strike lines 14 and 15 and substitute:

37 "(c) AN ENTITY WHOSE PROPERTY OBSTRUCTS ACCESS TO

1 RESERVED PARKING, CURB RAMPS, ACCESS AISLES, AND ACCESSIBLE
2 ROUTES IS SUBJECT TO THE MONETARY PENALTIES IN SECTION 42-4-1701
3 (4)(a)(VIII)(A) TO (4)(a)(VIII)(C).".

4 Page 5, line 16, strike "officer" and substitute "officer, A PARKING
5 ENFORCEMENT OFFICER,".

6 Page 5, line 18, strike "THAT, IF" and substitute "THAT", and after
7 "OFFICER" insert "OR PARKING ENFORCEMENT OFFICER WHO".

8 Page 5, line 19, strike "SECTION, THE PEACE OFFICER" and substitute
9 "SECTION".

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