

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

REVISED

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

LLS NO. 18-0945.01 Yelana Love x2295

HOUSE BILL 18-1285

HOUSE SPONSORSHIP

Pabon, Danielson, Garnett, Singer, Arndt, Hooton, Landgraf

SENATE SPONSORSHIP

Smallwood and Todd, Aguilar, Guzman, Court

House Committees

Transportation & Energy
Appropriations

Senate Committees

State, Veterans, & Military Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING PARKING FOR PEOPLE WITH CERTAIN DISABILITIES, AND,**
102 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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 creates a remuneration-exempt identifying placard that exempts an individual with a disability from paying for parking if the disability limits the individual's:

- ! Fine motor control in both hands;
- ! Ability to reach a height of 42 inches from the ground due to lack of finger, hand, or upper extremity strength or

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
2nd Reading Unamended
April 27, 2018

HOUSE
Amended 3rd Reading
April 16, 2018

HOUSE
Amended 2nd Reading
April 13, 2018

- mobility; or
- ! Ability to reach or access a parking meter due to the use of a wheelchair or other ambulatory device.

The bill repeals existing authority for a person with a disability to park without paying.

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

2 **SECTION 1. Short title.** The short title of this act is "The Chris
3 Hinds Act".

4 **SECTION 2.** In Colorado Revised Statutes, 42-3-204, **amend**
5 (3)(b)(I) and (3)(b)(III); and **add** (1)(i.5), (1)(i.7), (3)(a)(II.5), and
6 (5)(h)(I.5) as follows:

7 **42-3-204. Reserved parking for persons with disabilities -**
8 **applicability - definitions - rules. (1) Definitions.** As used in this
9 section:

10 (i.5) "REMUNERATION-EXEMPT IDENTIFYING PLACARD" MEANS AN
11 IDENTIFYING PLACARD ISSUED UNDER THIS SECTION THAT EXEMPTS THE
12 HOLDER FROM PAYING REMUNERATION AT PARKING DEVICES.

13 (i.7) "REMUNERATION-EXEMPT QUALIFYING DISABILITY" MEANS
14 A DISABILITY THAT LIMITS AN INDIVIDUAL'S:

15 (I) FINE MOTOR CONTROL IN BOTH HANDS;

16 (II) ABILITY TO REACH A HEIGHT OF FORTY-EIGHT INCHES FROM
17 THE GROUND DUE TO LACK OF STRENGTH OR MOBILITY IN THE
18 INDIVIDUAL'S FINGER, HAND, OR UPPER EXTREMITY; OR

19 (III) ABILITY TO REACH OR ACCESS A PARKING METER DUE TO THE
20 USE OF A WHEELCHAIR OR OTHER AMBULATORY DEVICE.

21 (3) **Types of plates or placards. (a) Authorization.** The
22 department may issue the following registration type for issuing disabled
23 plates and placards that notify the public that the vehicle transports a

1 person who may use reserved parking:

2 (II.5) A THREE-YEAR REMUNERATION-EXEMPT IDENTIFYING
3 PLACARD;

4 (b) **Number of placards and license plates allowed.**

5 (I) (A) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(I)(B) OF THIS
6 SECTION, the department may issue two identifying placards, two
7 identifying plates, or one plate and one placard to an eligible individual.

8 (B) THE DEPARTMENT MAY ISSUE ONE REMUNERATION-EXEMPT
9 IDENTIFYING PLACARD TO AN ELIGIBLE INDIVIDUAL.

10 (III) The department may issue one identifying plate or placard to
11 each parent or guardian of a child with a disability who is under sixteen
12 years of age, but the department shall not issue more than two identifying
13 placards, two identifying plates, or one plate and one placard for the
14 child. THIS SUBSECTION (3)(b)(III) DOES NOT APPLY TO A
15 REMUNERATION-EXEMPT IDENTIFYING PLACARD.

16 (5) **Issuance of plate or placard - rules. (h) Requirements for**
17 **issuance of identifying placards or plates. (I.5) TO QUALIFY FOR A**
18 **REMUNERATION-EXEMPT IDENTIFYING PLACARD, AN INDIVIDUAL MUST**
19 **SUBMIT:**

20 (A) A WRITTEN STATEMENT, MADE BY A PROFESSIONAL ON A FORM
21 PUBLISHED BY THE DEPARTMENT, THAT THE INDIVIDUAL HAS A
22 REMUNERATION-EXEMPT QUALIFYING DISABILITY;

23 (B) A SIGNED AFFIDAVIT AFFIRMING: KNOWLEDGE OF THE
24 ELIGIBILITY REQUIREMENTS; THAT THE INDIVIDUAL TO WHOM THE
25 PLACARD IS ISSUED IS AND REMAINS ELIGIBLE TO USE THE PLACARD; AND
26 KNOWLEDGE OF THE PENALTIES FOR OBTAINING A PLACARD WHEN
27 INELIGIBLE; AND

1 (C) A COLORADO DRIVER'S LICENSE OR IDENTIFICATION
2 DOCUMENT, OR AN IDENTIFICATION DOCUMENT ISSUED BY THE UNITED
3 STATES GOVERNMENT, FOR THE INDIVIDUAL WHO IS ENTITLED TO USE A
4 REMUNERATION-EXEMPT IDENTIFYING PLACARD.

5 **SECTION 3.** In Colorado Revised Statutes, 42-4-1208, **amend**
6 (3)(e)(I); and **add** (1)(f.5) and (3)(a.5) as follows:

7 **42-4-1208. Reserved parking for persons with disabilities -**
8 **applicability - rules.** (1) **Definitions.** As used in this section:

9 (f.5) "REMUNERATION-EXEMPT IDENTIFYING PLACARD" HAS THE
10 SAME MEANING AS SET FORTH IN SECTION 42-3-204.

11 (3) **Misuse of reserved parking.** (a.5) A PERSON SHALL NOT,
12 WHILE PARKED IN A PARKING SPACE THAT REQUIRES REMUNERATION,
13 DISPLAY A REMUNERATION-EXEMPT IDENTIFYING PLACARD THAT IS NOT
14 ISSUED TO THE PERSON. A PERSON WHO POSSESSES A
15 REMUNERATION-EXEMPT IDENTIFYING PLACARD SHALL NOT ALLOW
16 ANOTHER PERSON TO USE THE PLACARD TO PARK IN A PARKING SPACE
17 THAT REQUIRES REMUNERATION.

18 (e) (I) A person who violates ~~paragraph (a) of this subsection (3)~~
19 ~~SUBSECTION (3)(a) OR (3)(a.5) OF THIS SECTION~~ is subject to the penalties
20 in section 42-4-1701 (4)(a)(VIII) and ~~(IX)~~ (4)(a)(IX).

21 **SECTION 4.** In Colorado Revised Statutes, **amend** 42-4-1212 as
22 follows:

23 **42-4-1212. Pay parking access for persons with disabilities.**

24 (1) ~~Unless the method of remuneration is reasonably accessible to a~~
25 ~~person with a disability as defined in section 42-3-204, no~~ A person who
26 owns, operates, or manages a parking space that requires remuneration
27 shall NOT tow, boot, or otherwise take adverse action against a person AN

1 INDIVIDUAL or motor vehicle parking in ~~such~~ THE space for failure to pay
2 the remuneration if the motor vehicle bears a REMUNERATION-EXEMPT
3 IDENTIFYING placard ~~or license plate bearing an identifying figure~~ issued
4 pursuant to section 42-3-204. ~~or a similar law in another state that is valid~~
5 ~~under 23 CFR 1235.~~

6 (2) Notwithstanding any statute, resolution, or ordinance of the
7 state of Colorado, ~~or a political subdivision thereof~~ OF COLORADO, OR A
8 GOVERNING BOARD OF A STATE INSTITUTION OF HIGHER EDUCATION,
9 parking in a space without paying the required remuneration ~~shall not be~~
10 ~~deemed~~ IS NOT a violation of ~~such~~ THE statute, resolution, or ordinance if
11 THE CONDITIONS SPECIFIED IN SUBSECTION (1) OF THIS SECTION ARE MET.

12 (a) ~~The motor vehicle bears a placard or license plate bearing the~~
13 ~~identifying figure issued pursuant to section 42-3-204 or a similar law in~~
14 ~~another state that is valid under 23 CFR 1235; and~~

15 (b) ~~The method of remuneration is not reasonably accessible to a~~
16 ~~person with a disability as defined in section 42-3-204.~~

17 (3) A law OR PARKING enforcement agency shall withdraw any
18 penalty assessment notice or summons and complaint that is deemed not
19 to be a violation under subsection (2) of this section WITHIN FIVE
20 BUSINESS DAYS AFTER BEING SHOWN PROOF THAT THE INDIVIDUAL CITED
21 HAS A VALID REMUNERATION-EXEMPT IDENTIFYING PLACARD.

22 (4) ~~For the purposes of this section, "reasonably accessible" means~~
23 ~~meeting the standards of 28 CFR 36 (appendix A) or substantially similar~~
24 ~~standards.~~

25 **SECTION 5.** In Colorado Revised Statutes, 42-4-1701, **amend**
26 (4)(a)(VIII) introductory portion as follows:

27 **42-4-1701. Traffic offenses and infractions classified -**

1 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (VIII) A
2 person who violates section 42-3-204 (7)(f)(II) or section 42-4-1208
3 (3)(a), **(3)(a.5)**, or (4) commits a misdemeanor and, upon conviction, shall
4 be punished by a surcharge of thirty-two dollars under sections
5 24-4.1-119 (1)(f) and 24-4.2-104 (1)(b)(I), ~~C.R.S.~~, and:

6 **SECTION 6. Appropriation.** For the 2018-19 state fiscal year,
7 \$9,870 is appropriated to the department of revenue for use by the
8 division of motor vehicles. This appropriation is from the general fund.
9 To implement this act, the division may use this appropriation for license
10 plate ordering.

11 **SECTION 7. Act subject to petition - effective date -**
12 **applicability.** (1) This act takes effect January 1, 2019; except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within the ninety-day period after final adjournment of the general
16 assembly, then the act, item, section, or part will not take effect unless
17 approved by the people at the general election to be held in November
18 2018 and, in such case, will take effect on January 1, 2019, or on the date
19 of the official declaration of the vote thereon by the governor, whichever
20 is later.

21 (2) This act applies to conduct occurring on or after the applicable
22 effective date of this act.