

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0797.01 Jennifer Berman x3286

HOUSE BILL 22-1139

HOUSE SPONSORSHIP

Geitner,

SENATE SPONSORSHIP

(None),

House Committees

Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROHIBITING A UNIT OWNERS' ASSOCIATION OF A
102 COMMON INTEREST COMMUNITY FROM REGULATING THE USE OF
103 A PUBLIC RIGHT-OF-WAY.

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 prohibits a common interest community's unit owners' association from regulating the use of a public right-of-way.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 38-33.3-106.5,
3 **repeal** (1)(d); and **add** (1)(d.5) as follows:

4 **38-33.3-106.5. Prohibitions contrary to public policy -**
5 **patriotic, political, or religious expression - public rights-of-way - fire**
6 **prevention - renewable energy generation devices - affordable**
7 **housing - drought prevention measures - child care - definitions.**

8 (1) Notwithstanding any provision in the declaration, bylaws, or rules
9 and regulations of the association to the contrary, an association shall not
10 prohibit any of the following:

11 ~~(d) The parking of a motor vehicle by the occupant of a unit on a~~
12 ~~street, driveway, or guest parking area in the common interest community~~
13 ~~if the vehicle is required to be available at designated periods at such~~
14 ~~occupant's residence as a condition of the occupant's employment and all~~
15 ~~of the following criteria are met:~~

16 ~~(I) The vehicle has a gross vehicle weight rating of ten thousand~~
17 ~~pounds or less;~~

18 ~~(II) The occupant is a bona fide member of a volunteer fire~~
19 ~~department or is employed by a primary provider of emergency fire~~
20 ~~fighting, law enforcement, ambulance, or emergency medical services;~~

21 ~~(III) The vehicle bears an official emblem or other visible~~
22 ~~designation of the emergency service provider; and~~

23 ~~(IV) Parking of the vehicle can be accomplished without~~
24 ~~obstructing emergency access or interfering with the reasonable needs of~~
25 ~~other unit owners or occupants to use streets, driveways, and guest~~
26 ~~parking spaces within the common interest community.~~

27 (d.5) (I) THE USE OF A PUBLIC RIGHT-OF-WAY IN ACCORDANCE

1 WITH A LOCAL GOVERNMENT'S ORDINANCE, RESOLUTION, RULE, OR
2 CHARTER PROVISION REGARDING USE OF THE PUBLIC RIGHT-OF-WAY.
3 ADDITIONALLY, THE ASSOCIATION SHALL NOT REQUIRE THAT A PUBLIC
4 RIGHT-OF-WAY BE USED IN A CERTAIN MANNER.

5 (II) AS USED IN THIS SUBSECTION (1)(d.5) "LOCAL GOVERNMENT"
6 MEANS A STATUTORY OR HOME RULE COUNTY, MUNICIPALITY, OR CITY
7 AND COUNTY.

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