

CHAPTER 256

GOVERNMENT - SPECIAL DISTRICTS

SENATE BILL 07-088

BY SENATOR(S) Veiga, and Williams;
also REPRESENTATIVE(S) Rice, Borodkin, Labuda, May M., and Todd.

AN ACT

CONCERNING THE MANAGEMENT OF PARKING AT A REGIONAL TRANSPORTATION DISTRICT PARKING FACILITY.

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

SECTION 1. 32-9-119.9, Colorado Revised Statutes, is amended to read:

32-9-119.9. Limited authority to charge fees for parking - reserved parking spaces - penalties - definitions. (1) (a) ~~The district may charge a parking fee to the owner of a motor vehicle who parks the vehicle or allows the vehicle to be parked at a park-n-ride lot or any other parking lot or structure owned or leased by the district if the average usage rate of such parking facility is more than fifty percent of capacity and if the vehicle is~~ AT A DISTRICT PARKING FACILITY FOR:

(I) A MOTOR VEHICLE registered at an address outside the district; ~~or~~

(II) A MOTOR VEHICLE left in the DISTRICT parking facility for more than twenty-four hours; OR

(III) RESERVED PARKING.

(b) The district shall not charge a parking fee at ~~any~~ A DISTRICT parking facility pursuant to this subsection (1), PROHIBIT PARKING PURSUANT TO SUBSECTION (1.5) OF THIS SECTION, OR ENFORCE A PENALTY PURSUANT TO SUBSECTION (4) OF THIS SECTION, WHICH FOR PURPOSES OF THIS PARAGRAPH (b) INCLUDES TREATING A MOTOR VEHICLE AS ABANDONED, until it has posted signs warning of ~~the~~ SUCH parking fee, ~~to be imposed pursuant to this subsection (1)~~ PROHIBITION, OR PENALTY at all entrances and exits to the parking facility for at least ~~six months~~ NINETY DAYS. The warning signs shall remain in place so long as the ~~district charges a parking fee,~~

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

PROHIBITION, OR PENALTY IS IN EFFECT at the ~~parking~~ facility.

(c) The district shall be prohibited from requiring an individual to give any type of personal information, including, but not limited to, any motor vehicle registration or driver's license information in furtherance of the administration and enforcement of the parking fee imposed pursuant to this subsection (1); ~~but an individual may elect to provide such information to the district to prove that he or she is a resident of the district~~ EXCEPT THAT THE DISTRICT MAY REQUIRE AN INDIVIDUAL TO PROVIDE SUCH PERSONAL INFORMATION IN ORDER TO USE RESERVED PARKING OR AUTOMATIC PAYMENT SERVICES OFFERED BY THE DISTRICT.

(d) Except as otherwise provided by this ~~subsection (1)~~ SECTION, the district shall not charge a person any type of fee, regardless of what it may be called, to park at a ~~park-n-ride lot or any other parking lot or structure owned, leased, or used by the district~~ PARKING FACILITY.

(e) ALL PARKING FEES ESTABLISHED IN THIS SUBSECTION (1) SHALL BE PAYABLE IN ADVANCE. PAYMENT DEVICES SHALL BE AVAILABLE AT ALL PARKING FACILITIES AT WHICH PARKING FEES ARE CHARGED PURSUANT TO THIS SUBSECTION (1). THE DISTRICT MAY ESTABLISH CUSTOMER ACCOUNTS TO PERMIT PERSONS WHO USE A DISTRICT PARKING FACILITY TO PREPAY PARKING FEES.

(1.5) THE DISTRICT MAY ESTABLISH RULES PROHIBITING A PERSON WHO IS NOT USING THE MASS TRANSPORTATION SYSTEM FROM PARKING AT A DISTRICT PARKING FACILITY.

(2) ~~No park-n-ride lot or other parking lot or structure owned, leased, or used by the district shall provide any reserved parking spaces other than for handicapped-designated or authorized emergency vehicles, as such term is defined in section 42-1-102 (6), C.R.S. This subsection (2) shall not apply to parking facilities that are maintained by the district for the use of its employees or members of the board~~ NO MORE THAN FIFTEEN PERCENT OF A DISTRICT PARKING FACILITY SHALL BE SET ASIDE FOR RESERVED PARKING. THE DISTRICT MAY PROVIDE FOR RESERVED PARKING SPACES AT A FACILITY FOR THE USE OF ITS EMPLOYEES.

(3) This section shall not apply to a DISTRICT parking facility for which a lease was entered into by the district prior to January 1, 2006, ~~or a parking facility where the district charged for parking prior to January 1, 2006, or a DISTRICT PARKING FACILITY AT OR RELATED TO DENVER UNION STATION.~~

(4) (a) IF A MOTOR VEHICLE IS PARKED AT A DISTRICT PARKING FACILITY AND THE PERSON WHO PARKS THE MOTOR VEHICLE EITHER FAILS TO PAY A PARKING FEE THAT IS REQUIRED BY THE DISTRICT PURSUANT TO THE AUTHORITY SET FORTH IN SUBSECTION (1) OF THIS SECTION OR VIOLATES A RULE ESTABLISHED BY THE DISTRICT PURSUANT SUBSECTION (1.5) OF THIS SECTION, THE DISTRICT MAY IMPOSE A PENALTY ON THE OWNER OF THE VEHICLE FOR EACH DAY THAT THE VEHICLE IS PARKED AT THE FACILITY. THE PENALTY SHALL BE TWENTY DOLLARS FOR THE FIRST OFFENSE, FIFTY DOLLARS FOR THE SECOND OFFENSE, AND ONE HUNDRED DOLLARS FOR ALL SUBSEQUENT OFFENSES. THE DISTRICT SHALL GIVE WRITTEN NOTICE TO THE OWNER OF THE PENALTY AND SHALL NOTIFY THE OWNER THAT HE OR SHE MAY, WITHIN FOURTEEN DAYS OF THE NOTICE FROM THE DISTRICT, REQUEST A HEARING TO

DISPUTE THE PENALTY. THE HEARING SHALL BE HELD WITHIN THIRTY DAYS AFTER RECEIPT OF THE REQUEST FROM THE OWNER AND MAY BE CONDUCTED IN PERSON OR BY TELEPHONE. NO PERSON ENGAGED IN CONDUCTING THE HEARING OR PARTICIPATING IN A DECISION SHALL BE RESPONSIBLE TO OR SUBJECT TO THE SUPERVISION OR DIRECTION OF ANY PERSON ENGAGED IN THE PERFORMANCE OF PARKING MANAGEMENT FUNCTIONS FOR THE DISTRICT.

(b) ANY MOTOR VEHICLE FOR WHICH A PENALTY IS ASSESSED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) THAT IS LEFT UNATTENDED AT THE DISTRICT PARKING FACILITY FOR MORE THAN FOUR DAYS SHALL BE CONSIDERED AN ABANDONED MOTOR VEHICLE SUBJECT TO THE PROVISIONS OF PART 18 OF ARTICLE 4 OF TITLE 42, C.R.S.

(c) The board ~~may~~ SHALL establish reasonable rules concerning the administration and enforcement of this section.

(5) IN ORDER TO AID IN THE ENFORCEMENT OF THIS SECTION AND TO ALLOW THE DISTRICT TO CARRY OUT ITS FUNCTIONS, THE DEPARTMENT OF REVENUE OR AN AUTHORIZED AGENT OF THE DEPARTMENT SHALL ALLOW THE DISTRICT TO INSPECT, ON AN AS-NEEDED BASIS, ANY MOTOR VEHICLE REGISTRATION ELECTRONIC DATABASE THAT INCLUDES THE NAME AND ADDRESS OF ANY REGISTERED OWNER. THE INSPECTION OF THESE RECORDS BY THE DISTRICT IS CONSISTENT WITH USES SET FORTH IN SECTION 24-72-204 (7) (b) (I), C.R.S., AND SHALL BE DONE IN ACCORDANCE WITH THE PROVISIONS OF PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S. THE DISTRICT SHALL MAINTAIN SUCH REGISTRATION INFORMATION FOR ONE YEAR AND SHALL NOT RELEASE SUCH INFORMATION TO ANY PARTY OTHER THAN TO THE REGISTERED OWNER OR AS NECESSARY TO ENFORCE THE PENALTY SET FORTH IN SUBSECTION (4) OF THIS SECTION. AFTER ONE YEAR, THE DISTRICT SHALL DESTROY THE REGISTRATION INFORMATION.

(6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "DISTRICT PARKING FACILITY" OR "FACILITY" MEANS A PARK-N-RIDE LOT OR ANY OTHER PARKING LOT OR STRUCTURE OWNED, LEASED, OR USED BY THE DISTRICT.

SECTION 2. 42-4-1802 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-4-1802. Definitions. As used in this part 18, unless the context otherwise requires:

(1) "Abandoned motor vehicle" means:

(e) ANY MOTOR VEHICLE LEFT UNATTENDED AT A REGIONAL TRANSPORTATION DISTRICT PARKING FACILITY, AS DEFINED IN SECTION 32-9-119.9 (6), C.R.S., THAT IS DEEMED TO BE ABANDONED PURSUANT TO SECTION 32-9-119.9 (4) (b), C.R.S.

SECTION 3. Effective date. This act shall take effect July 1, 2007.

SECTION 4. 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 22, 2007