

CHAPTER 252

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 14-1029

BY REPRESENTATIVE(S) Primavera, Kraft-Tharp, Lee, Mitsch Bush, Peniston, Tyler, Court, Fields, Ginal, Hullinghorst, Melton, Pettersen, Rosenthal, Ryden, Salazar, Schafer, Young, Exum, Gerou, Hamner, Pabon, Williams, Ferrandino; also SENATOR(S) Todd, Heath, Jones, Aguilar, Guzman, Herpin, Hodge, Jahn, Johnston, Kefalas, Kerr, King, Newell, Nicholson, Rivera, Roberts, Schwartz, Steadman, Tochtrop, Ulibarri.

AN ACT

CONCERNING A RECODIFICATION OF THE LAWS GOVERNING RESERVED PARKING FOR PERSONS WITH DISABILITIES, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

SECTION 1. In Colorado Revised Statutes, 42-1-227, **amend** (1) (a) as follows:

42-1-227. Disabled parking education program. (1) Subject to the availability of funds appropriated under section 42-1-226, the Colorado advisory council for persons with disabilities, created in section 24-45.5-103, C.R.S.:

(a) May make grants or develop, IMPLEMENT, or deliver education programs for the purpose of providing peace officers, local governments, medical providers, drivers, and persons with disabilities with education concerning eligibility standards for RESERVED parking ~~privileges~~ available to a person with a disability affecting mobility, appropriate use of the RESERVED parking, ~~privileges~~; the legal standards and violations contained in sections 42-3-204 and 42-4-1208, and the advantages of creating a volunteer enforcement program; and

SECTION 2. In Colorado Revised Statutes, **repeal and reenact, with amendments**, 42-3-204 as follows:

42-3-204. Reserved parking for persons with disabilities - applicability - definitions - rules. (1) **Definitions.** AS USED IN THIS SECTION:

(a) "DISABILITY" OR "DISABLED" MEANS A PHYSICAL IMPAIRMENT THAT MEETS THE STANDARDS OF 23 CFR 1235.

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

(b) "EXTENDED" MEANS A CONDITION THAT IS NOT EXPECTED TO CHANGE WITHIN THIRTY MONTHS AFTER THE ISSUANCE OF AN IDENTIFYING FIGURE, GIVEN THE CURRENT STATE OF MEDICAL OR ADAPTIVE TECHNOLOGY.

(c) "HOLDER" MEANS A PERSON WITH A DISABILITY WHO HAS LAWFULLY OBTAINED AN IDENTIFYING PLATE OR PLACARD.

(d) "IDENTIFICATION NUMBER" MEANS THE NUMBER ON A COLORADO DRIVER'S LICENSE, A COLORADO IDENTIFICATION DOCUMENT, OR AN IDENTIFICATION DOCUMENT ISSUED BY THE UNITED STATES.

(e) "IDENTIFYING FIGURE" MEANS A FIGURE THAT PROVIDES NOTICE THAT A PERSON IS AUTHORIZED TO USE A RESERVED PARKING SPACE.

(f) "IDENTIFYING PLACARD" MEANS A PLACARD BEARING AN IDENTIFYING FIGURE ISSUED UNDER THIS SECTION OR A SIMILAR PROVISION IN ANOTHER STATE AND REFERS TO A NINETY-DAY, THREE-YEAR, OR PERMANENT PLACARD.

(g) "IDENTIFYING PLATE" MEANS A LICENSE PLATE BEARING AN IDENTIFYING FIGURE ISSUED UNDER THIS SECTION OR A SIMILAR PROVISION IN ANOTHER STATE AND REFERS TO EITHER A THREE-YEAR OR PERMANENT LICENSE PLATE.

(h) "PERMANENT" MEANS A CONDITION THAT IS NOT EXPECTED TO CHANGE WITHIN A PERSON'S LIFETIME, GIVEN THE CURRENT STATE OF MEDICAL OR ADAPTIVE TECHNOLOGY.

(i) "PROFESSIONAL" MEANS A PHYSICIAN LICENSED TO PRACTICE MEDICINE OR PRACTICING MEDICINE UNDER SECTION 12-36-106 (3) (i), C.R.S., A PHYSICIAN ASSISTANT LICENSED UNDER SECTION 12-36-107.4, C.R.S., A PODIATRIST LICENSED UNDER ARTICLE 32 OF TITLE 12, C.R.S., AN ADVANCED PRACTICE NURSE REGISTERED UNDER SECTION 12-38-111.5, C.R.S., OR A PHYSICIAN, PHYSICIAN ASSISTANT, PODIATRIST, OR ADVANCED PRACTICE NURSE AUTHORIZED TO PRACTICE PROFESSIONALLY BY ANOTHER STATE THAT SHARES A COMMON BORDER WITH COLORADO. FOR THE PURPOSES OF ISSUANCE OF A NINETY-DAY PLACARD ONLY, "PROFESSIONAL" INCLUDES A CHIROPRACTOR OR PHYSICAL THERAPIST.

(j) "RESERVED PARKING" MEANS A PARKING SPACE RESERVED FOR A PERSON WITH A DISABILITY AS SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (1).

(k) "TEMPORARY" MEANS A CONDITION THAT IS EXPECTED TO LAST LESS THAN THIRTY MONTHS AFTER THE ISSUANCE OF AN IDENTIFYING PLATE OR PLACARD, GIVEN THE CURRENT STATE OF MEDICAL OR ADAPTIVE TECHNOLOGY.

(2) **Administration by the department.** (a) **Records.** THE DEPARTMENT SHALL MAINTAIN IN ITS RECORDS FOR AT LEAST THREE YEARS:

(I) THE REGISTRATION INFORMATION USED TO ISSUE AN IDENTIFYING PLATE OR PLACARD;

(II) ANY VIOLATIONS OF SECTION 42-4-1208 BY THE HOLDER OF AN IDENTIFYING

PLATE OR PLACARD; AND

(III) THE APPLICATION FOR AN IDENTIFYING PLATE OR PLACARD OR AN ELECTRONIC OR DIGITAL REPRODUCTION OF THE APPLICATION.

(b) **Peace officers may access records.** UPON THE MONEYS BEING AVAILABLE AND APPROPRIATED FROM THE DISABLED PARKING EDUCATION AND ENFORCEMENT FUND CREATED IN SECTION 42-1-226, THE DEPARTMENT SHALL PROVIDE IMMEDIATE ELECTRONIC ACCESS TO THE RECORDS UNDER THIS SUBSECTION (2) TO A PEACE OFFICER WORKING WITHIN THE COURSE AND SCOPE OF THE OFFICER'S OFFICIAL DUTIES.

(c) **Records confidential.** IDENTIFYING INFORMATION ABOUT THE PERSON WITH THE DISABILITY FOR WHOM AN IDENTIFYING PLATE OR PLACARD IS ISSUED IS STRICTLY CONFIDENTIAL AND ONLY AVAILABLE TO:

(I) A PEACE OFFICER, PARKING AUTHORITY, OR TOLLING AUTHORITY ACTING WITHIN THE COURSE AND SCOPE OF THE OFFICIAL'S DUTIES; OR

(II) PERSONNEL WITHIN THE DEPARTMENT FOR OFFICIAL BUSINESS RELATED TO THE IDENTIFYING PLATE OR PLACARD.

(d) **Department to establish forms - rules.** THE DEPARTMENT, IN CONSULTATION WITH THE COLORADO ADVISORY COUNCIL FOR PERSONS WITH DISABILITIES, CREATED IN SECTION 24-45.5-103, C.R.S., SHALL PROMULGATE A RULE CREATING AN APPLICATION AND RENEWAL FORM THAT:

(I) IS SIGNED BY A PROFESSIONAL, UNDER PENALTY OF PERJURY, TO AFFIRM THAT AN APPLICANT MEETS THE ELIGIBILITY REQUIREMENTS FOR AN IDENTIFYING PLATE OR PLACARD AND SETTING OUT THE PENALTIES FOR AUTHORIZING AN IDENTIFYING PLATE OR PLACARD WHEN AN APPLICANT IS INELIGIBLE OR BEFORE VERIFYING THAT A PERSON HAS A DISABILITY; AND

(II) CONTAINS A NOTICE OF THE ELIGIBILITY REQUIREMENTS TO OBTAIN AN IDENTIFYING PLATE OR PLACARD.

(3) **Types of plates or placards.** (a) **Authorization.** THE DEPARTMENT MAY ISSUE THE FOLLOWING REGISTRATION TYPE FOR ISSUING DISABLED PLATES AND PLACARDS THAT NOTIFY THE PUBLIC THAT THE VEHICLE TRANSPORTS A PERSON WHO MAY USE RESERVED PARKING:

(I) A NINETY-DAY IDENTIFYING PLACARD;

(II) A THREE-YEAR IDENTIFYING PLACARD;

(III) A PERMANENT IDENTIFYING PLACARD;

(IV) A THREE-YEAR IDENTIFYING PLATE;

(V) A PERMANENT IDENTIFYING PLATE;

(VI) A DISABLED VETERAN LICENSE PLATE WITH AN ADDITIONAL IDENTIFYING FIGURE, AS DETERMINED BY THE DEPARTMENT, TO INDICATE THAT THE OWNER OF THE VEHICLE IS AUTHORIZED TO MAKE USE OF RESERVED PARKING FOR PERSONS WITH DISABILITIES.

(b) Number of placards and license plates allowed. (I) THE DEPARTMENT MAY ISSUE TWO IDENTIFYING PLACARDS, TWO IDENTIFYING PLATES, OR ONE PLATE AND ONE PLACARD TO AN ELIGIBLE INDIVIDUAL.

(II) THE DEPARTMENT MAY ISSUE A DISABLED VETERAN LICENSE PLATE WITH AN ADDITIONAL IDENTIFYING FIGURE AND ONE PLACARD TO AN INDIVIDUAL.

(III) THE DEPARTMENT MAY ISSUE ONE IDENTIFYING PLATE OR PLACARD TO EACH PARENT OR GUARDIAN OF A CHILD WITH A DISABILITY WHO IS UNDER SIXTEEN YEARS OF AGE, BUT THE DEPARTMENT SHALL NOT ISSUE MORE THAN TWO IDENTIFYING PLACARDS, TWO IDENTIFYING PLATES, OR ONE PLATE AND ONE PLACARD FOR THE CHILD.

(4) **Cost.** THE COST FOR ISSUANCE OF AN IDENTIFYING PLATE IS THE SAME AS FOR A STANDARD PLATE. THERE IS NO FEE FOR AN IDENTIFYING PLACARD.

(5) **Issuance of plate or placard - rules.** (a) **Department to issue.** THE DEPARTMENT SHALL ISSUE AN IDENTIFYING PLATE OR PLACARD TO AN APPLICANT THAT PAYS ANY REQUIRED FEES AND IS QUALIFIED FOR THE PLATE OR PLACARD UNDER PARAGRAPH (h) OF THIS SUBSECTION (5).

(b) **Identification number on placard.** THE DEPARTMENT SHALL PLACE THE LAST FOUR DIGITS OF THE HOLDER'S IDENTIFICATION NUMBER ON THE FACE OF AN IDENTIFYING PLACARD. IF AN ENTITY THAT TRANSPORTS PERSONS WITH DISABILITIES OBTAINS A PLACARD, THE PLACARD SHALL BEAR THE TRUE NAME OF THE ENTITY PROVIDING THE SERVICE RATHER THAN THE IDENTIFICATION NUMBER.

(c) **Expiration date on placard.** THE DEPARTMENT SHALL PLACE THE EXPIRATION DATE ON AN IDENTIFYING PLACARD USING A DATE SYSTEM THAT REMOVES A PORTION OF THE PLACARD TO INDICATE THE EXPIRATION DATE. THE DEPARTMENT SHALL AFFIX TO AN IDENTIFYING PLACARD A VALIDATING STICKER INDICATING THE EXPIRATION DATE.

(d) **Department to give notice of rights and responsibilities.** WHEN A PERSON FILES AN APPLICATION FOR ISSUANCE OR RENEWAL OF AN IDENTIFYING PLATE OR PLACARD UNDER THIS SECTION, THE DEPARTMENT SHALL PROVIDE TO THE APPLICANT AN INFORMATIONAL PAMPHLET OR OTHER INFORMATIONAL SOURCE THAT DESCRIBES RESERVED PARKING AND THE RIGHTS AND RESPONSIBILITIES OF THE HOLDERS OF IDENTIFYING PLATES OR PLACARDS. THE PAMPHLET OR OTHER INFORMATIONAL SOURCE SHALL BE DEVELOPED BY THE DEPARTMENT IN CONSULTATION WITH THE COLORADO ADVISORY COUNCIL FOR PERSONS WITH DISABILITIES, CREATED IN SECTION 24-45.5-103, C.R.S.

(e) **Personalized and other specialty plates authorized.** AN APPLICANT MAY APPLY FOR A PERSONALIZED IDENTIFYING PLATE. UPON PAYMENT OF THE ADDITIONAL FEE REQUIRED BY SECTION 42-3-211 (6) (a) FOR PERSONALIZED LICENSE

PLATES, THE DEPARTMENT MAY ISSUE SUCH PLATES IF THE APPLICANT COMPLIES WITH SECTION 42-3-211. IF AN APPLICANT HAS EXISTING PERSONALIZED LICENSE PLATES FOR A MOTOR VEHICLE, THE APPLICANT MAY TRANSFER THE COMBINATION OF LETTERS OR NUMBERS TO A NEW SET OF IDENTIFYING PLATES FOR THE VEHICLE UPON PAYMENT OF THE FEE IMPOSED BY SECTION 42-3-211 (6) AND UPON TURNING IN THE EXISTING PLATES TO THE DEPARTMENT. A PERSON WHO HAS OBTAINED PERSONALIZED IDENTIFYING PLATES UNDER THIS PARAGRAPH (e) SHALL PAY THE ANNUAL FEE IMPOSED BY SECTION 42-3-211 (6) (b) FOR RENEWAL OF PERSONALIZED PLATES. THE FEES UNDER THIS PARAGRAPH (e) ARE IN ADDITION TO ALL OTHER TAXES AND FEES IMPOSED FOR PERSONALIZED IDENTIFYING PLATES.

(f) **Trusts may use.** A PERSON MAY USE AN IDENTIFYING PLATE OR PLACARD ON A MOTOR VEHICLE THAT IS OWNED BY A TRUST CREATED FOR THE BENEFIT OF AND IN THE NAME OF A PERSON WHO IS ELIGIBLE FOR RESERVED PARKING.

(g) **Placards issued by other states.** AN IDENTIFYING PLACARD ISSUED IN ANOTHER STATE OR COUNTRY IS NOT VALID FOR MORE THAN NINETY DAYS AFTER THE HOLDER BECOMES A RESIDENT OF COLORADO. A PERSON MUST SURRENDER ANY CURRENTLY HELD IDENTIFYING PLACARD ISSUED IN ANOTHER STATE OR COUNTRY TO BE ISSUED AN IDENTIFYING PLACARD IN COLORADO.

(h) **Requirements for issuance of identifying placards or plates.** (I) TO QUALIFY FOR AN IDENTIFYING PLACARD OR PLATE, AN INDIVIDUAL MUST SUBMIT:

(A) A WRITTEN STATEMENT, MADE BY A PROFESSIONAL ON A FORM PUBLISHED BY THE DEPARTMENT, THAT THE PERSON HAS A PHYSICAL IMPAIRMENT MEETING THE STANDARDS OF 23 CFR 1235 AND THAT THE IMPAIRMENT IS EXPECTED TO BE TEMPORARY, LAST THIRTY MONTHS, OR BE PERMANENT, AS THE CASE MAY BE;

(B) A SIGNED AFFIDAVIT AFFIRMING: KNOWLEDGE OF THE ELIGIBILITY REQUIREMENTS; THAT THE PERSON TO WHOM THE PLACARD OR PLATE IS ISSUED IS AND REMAINS ELIGIBLE TO USE THE PLACARD OR PLATE; AND KNOWLEDGE OF THE PENALTIES FOR OBTAINING A PLATE OR PLACARD WHEN INELIGIBLE; AND

(C) A COLORADO DRIVER'S LICENSE OR IDENTIFICATION DOCUMENT, OR AN IDENTIFICATION DOCUMENT ISSUED BY THE UNITED STATES GOVERNMENT, FOR THE PERSON WHO IS ENTITLED TO USE RESERVED PARKING.

(II) TO QUALIFY FOR A NINETY-DAY IDENTIFYING PLACARD, A RESIDENT OF ANOTHER STATE WHO BECOMES DISABLED WHILE IN THIS STATE MUST SUBMIT A DRIVER'S LICENSE OR IDENTIFICATION DOCUMENT ISSUED BY THE STATE OF RESIDENCE OR THE UNITED STATES GOVERNMENT ALONG WITH THE DOCUMENTS REQUIRED BY SUB-SUBPARAGRAPHS (A) AND (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (h).

(III) A PLACARD ISSUED FOR A PERSON UNDER SIXTEEN YEARS OF AGE MAY BEAR THE PARENT'S OR GUARDIAN'S IDENTIFICATION NUMBER IN LIEU OF THE HOLDER'S NUMBER. IF THE PLACARD BEARS THE LAST FOUR DIGITS OF A PARENT'S OR GUARDIAN'S IDENTIFICATION NUMBER, THE DEPARTMENT SHALL ALSO PLACE THE LETTER "C" AS A DESIGNATOR ON THE PLACARD.

(IV) A STATE AGENCY OR BUSINESS ENTITY THAT TRANSPORTS PERSONS WITH DISABILITIES MAY OBTAIN A PERMANENT IDENTIFYING PLATE OR PLACARD FOR RESERVED PARKING. TO QUALIFY FOR A THREE-YEAR OR PERMANENT IDENTIFYING PLATE OR PLACARD, THE AGENCY OR BUSINESS ENTITY MUST:

(A) SHOW THAT IT TRANSPORTS PERSONS WITH DISABILITIES;

(B) PROVIDE A DRIVER'S LICENSE OR IDENTIFICATION DOCUMENT OF ITS CHIEF OPERATIONS OFFICER WITHIN COLORADO;

(C) PROVIDE ITS EMPLOYEE IDENTIFICATION NUMBER; AND

(D) PROVIDE ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT BY RULE.

(i) **Requirements for identifying figure on disabled veteran license plate.** TO QUALIFY FOR A DISABLED VETERAN LICENSE PLATE WITH AN IDENTIFYING FIGURE, THE APPLICANT MUST QUALIFY FOR A PERMANENT IDENTIFYING PLATE UNDER SUBPARAGRAPH (I) OF PARAGRAPH (h) OF THIS SUBSECTION (5) AND MEET THE ELIGIBILITY CRITERIA IN SECTION 42-3-213 (5) FOR A DISABLED VETERAN LICENSE PLATE. A DISABLED VETERAN LICENSE PLATE WITH AN IDENTIFYING FIGURE EXPIRES IN ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY THE DEPARTMENT FOR PERIODIC REGISTRATION UNDER SECTION 42-3-102 (1) (a).

(6) **Expiration and renewal.** (a) **Ninety-day placards.** A NINETY-DAY IDENTIFYING PLACARD EXPIRES ON THE LAST DAY OF THE MONTH IN WHICH THE NINETIETH DAY AFTER ISSUANCE OCCURS. THE HOLDER MAY APPLY FOR OR RENEW THE PLACARD BY MEETING THE REQUIREMENTS OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION TO QUALIFY FOR THE PLACARD.

(b) **Three-year placards.** A THREE-YEAR IDENTIFYING PLACARD EXPIRES ON THE LAST DAY OF THE THIRTY-SIXTH FULL MONTH AFTER THE DATE OF ISSUANCE OR RENEWAL. THE HOLDER MAY APPLY FOR OR RENEW THE PLACARD BY MEETING THE REQUIREMENTS OF SUBPARAGRAPH (I) OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION TO QUALIFY FOR THE PLACARD.

(c) **Permanent placards.** (I) A PERMANENT IDENTIFYING PLACARD EXPIRES ON THE LAST DAY OF THE THIRTY-SIXTH FULL MONTH AFTER THE DATE OF ISSUANCE OR RENEWAL. THE HOLDER MAY RENEW THE PLACARD BY SUBMITTING:

(A) A WRITTEN STATEMENT REQUIRED BY SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION TO QUALIFY FOR THE PLACARD BY MAIL OR A COLORADO DRIVER'S LICENSE, A COLORADO IDENTIFICATION DOCUMENT, OR AN IDENTIFICATION DOCUMENT ISSUED BY THE UNITED STATES IN PERSON IN THE OFFICE OF THE DEPARTMENT;

(B) AN AFFIDAVIT, MADE UNDER PENALTY OF PERJURY, THAT THE PERSON TO WHOM THE PLACARD IS ISSUED REMAINS ELIGIBLE TO USE THE PLACARD;

(C) THE DATE OF BIRTH AND COLORADO DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER OF THE PERSON WHO MAY USE RESERVED PARKING; AND

(D) EVERY THIRD RENEWAL, A WRITTEN STATEMENT REQUIRED BY SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION TO QUALIFY FOR THE PLACARD.

(II) IF THE HOLDER IS AN ENTITY, THE HOLDER MAY RENEW THE PLACARD UPON RESUBMITTING AND UPDATING THE INFORMATION NECESSARY TO BE ISSUED THE PLACARD UNDER SUBPARAGRAPH (IV) OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION.

(d) **Three-year identifying plates.** (I) A THREE-YEAR IDENTIFYING PLATE EXPIRES IN ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY THE DEPARTMENT FOR PERIODIC REGISTRATION UNDER SECTION 42-3-102 (1) (a). ELIGIBILITY FOR A THREE-YEAR IDENTIFYING PLATE EXPIRES ON THE LAST DAY OF THE THIRTY-SIXTH FULL MONTH AFTER THE DATE OF ISSUANCE OR RENEWAL. THE HOLDER MAY RENEW THE PLATE BY MEETING THE REQUIREMENTS OF SUBPARAGRAPH (I) OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION TO QUALIFY FOR THE PLATE.

(II) IF A THREE-YEAR IDENTIFYING PLATE IS ISSUED FOR A PERSON UNDER SIXTEEN YEARS OF AGE USING A PARENT'S OR GUARDIAN'S IDENTIFICATION DOCUMENT, THE DEPARTMENT SHALL PLACE A "C" ON THE REGISTRATION CARD ISSUED UNDER SECTION 42-3-113 (2).

(e) **Permanent identifying plates.** (I) A PERMANENT IDENTIFYING PLATE OR DISABLED VETERAN LICENSE PLATE EXPIRES IN ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY THE DEPARTMENT FOR PERIODIC REGISTRATION UNDER SECTION 42-3-102 (1) (a). ELIGIBILITY FOR A PERMANENT IDENTIFYING PLATE OR IDENTIFYING FIGURE FOR A DISABLED VETERAN LICENSE PLATE EXPIRES ON THE LAST DAY OF THE THIRTY-SIXTH FULL MONTH AFTER THE DATE OF ISSUANCE OR RENEWAL. THE HOLDER MAY RENEW THE PLATE BY SUBMITTING:

(A) A CURRENT VERIFICATION FORM AS REQUIRED BY SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION BY MAIL OR A COLORADO DRIVER'S LICENSE, COLORADO IDENTIFICATION DOCUMENT, OR IDENTIFICATION DOCUMENT ISSUED BY THE UNITED STATES IN PERSON IN THE OFFICE OF AN AUTHORIZED AGENT;

(B) AN AFFIDAVIT, MADE UNDER PENALTY OF PERJURY, THAT THE PERSON TO WHOM THE PLATE IS ISSUED REMAINS ELIGIBLE TO USE THE PLATE;

(C) THE DATE OF BIRTH AND COLORADO DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER OF THE PERSON WHO MAY USE RESERVED PARKING; AND

(D) EVERY THIRD RENEWAL, A WRITTEN STATEMENT REQUIRED BY SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION TO QUALIFY FOR THE PLATE.

(II) IF THE PLATE IS ISSUED FOR A PERSON UNDER SIXTEEN YEARS OF AGE USING A PARENT'S OR GUARDIAN'S IDENTIFICATION DOCUMENT, THE DEPARTMENT SHALL PLACE A "C" ON THE REGISTRATION CARD ISSUED UNDER SECTION 42-3-113 (2).

(III) IF THE HOLDER IS AN ENTITY, THE HOLDER MAY RENEW THE PLATE UPON

RESUBMITTING AND UPDATING THE INFORMATION NECESSARY TO BE ISSUED THE PLATE UNDER SUBPARAGRAPH (IV) OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION.

(f) Placards issued before January 1, 2005. ANY IDENTIFYING PLACARD ISSUED BEFORE JANUARY 1, 2005, EXPIRES ON THE EFFECTIVE DATE OF THIS PARAGRAPH (f).

(7) Violations - department may revoke. (a) (I) UPON RECEIPT OF A SWORN STATEMENT FROM A PEACE OFFICER OR AN AUTHORIZED PARKING ENFORCEMENT OFFICIAL THAT A PERSON HAS IMPROPERLY USED RESERVED PARKING IN VIOLATION OF SECTION 42-4-1208, AN IDENTIFYING PLATE OR PLACARD MAY BE REVOKED BY THE DEPARTMENT. TO BE ACCEPTED BY THE DEPARTMENT, THE PEACE OFFICER OR AUTHORIZED PARKING ENFORCEMENT OFFICIAL MUST INCLUDE WITH THE STATEMENT THE NAME OF THE PERSON WHO MISUSED THE IDENTIFYING PLATE OR PLACARD AND EITHER THE IDENTIFYING PLATE OR PLACARD NUMBER OR THE LAST FOUR DIGITS OF THE DRIVER'S LICENSE OR IDENTIFICATION DOCUMENT NUMBER PRINTED ON THE PLACARD.

(II) THE REVOCATION IS EFFECTIVE FORTY-FIVE DAYS AFTER THE DEPARTMENT RECEIVES THE SWORN STATEMENT UNLESS A HEARING IS REQUESTED IN ACCORDANCE WITH PARAGRAPH (e) OF THIS SUBSECTION (7).

(b) UPON RECEIPT OF A NOTICE THAT THE HOLDER OF AN IDENTIFYING PLATE OR PLACARD WAS CONVICTED OF, OR PLED NOLO CONTENDERE TO, A VIOLATION OF SECTION 42-4-1208, THE DEPARTMENT SHALL REVOKE EACH IDENTIFYING PLACARD OR PLATE HELD BY THE PERSON.

(c) Revocation period. (I) UPON A FIRST VIOLATION OF SECTION 42-4-1208, THE DEPARTMENT SHALL DENY REISSUANCE OF THE IDENTIFYING PLATE OR PLACARD FOR TWELVE MONTHS AFTER THE DATE OF REVOCATION.

(II) UPON A SECOND OR SUBSEQUENT VIOLATION OF SECTION 42-4-1208, THE DEPARTMENT SHALL DENY REISSUANCE OF THE IDENTIFYING PLATE OR PLACARD FOR A PERIOD OF AT LEAST FIVE YEARS AFTER THE DATE OF THE SECOND OR MOST RECENT SUBSEQUENT REVOCATION.

(d) Written notice of revocation. THE DEPARTMENT SHALL NOTIFY IN WRITING THE PERSON ISSUED THE IDENTIFYING PLATE OR PLACARD OF THE REVOCATION. THE DEPARTMENT SHALL INCLUDE IN THE NOTICE:

(I) A DEMAND FOR THE RETURN OF THE IDENTIFYING PLATE OR PLACARD;

(II) A WARNING THAT CONTINUED USE OF THE IDENTIFYING PLATE OR PLACARD BY ANY PERSON IS SUBJECT TO THE PENALTY SET FORTH IN SECTION 42-4-1701; AND

(III) A STATEMENT THAT THE PERSON MAY APPEAL THE REVOCATION BY FILING A WRITTEN REQUEST WITH THE DEPARTMENT WITHIN THIRTY DAYS AFTER THE DEPARTMENT ISSUED THE NOTICE.

(e) Request for hearing. IF A PERSON REQUESTS A HEARING ON THE REVOCATION OF AN IDENTIFYING PLATE OR PLACARD WITHIN THIRTY DAYS AFTER THE

DEPARTMENT ISSUED THE NOTICE, THE DEPARTMENT SHALL HOLD A HEARING BEFORE REVOKING THE PLATE OR PLACARD. IF A HEARING IS HELD AND THE HEARING OFFICER UPHOLDS THE REVOCATION, THE REVOCATION TAKES EFFECT IMMEDIATELY.

(f) **Penalties.** (I) A PERSON WHO FAILS TO RETURN A REVOKED IDENTIFYING PLACARD OR PLATE COMMITS A CLASS B TRAFFIC INFRACTION.

(II) A PERSON WHO ATTEMPTS TO OBTAIN AN IDENTIFYING PLATE OR PLACARD WHEN UNDER REVOCATION IN ACCORDANCE WITH THIS SUBSECTION (7) IS SUBJECT TO THE PENALTIES IN SECTION 42-4-1701 (4) (a) (VIII).

SECTION 3. In Colorado Revised Statutes, **repeal and reenact, with amendments**, 42-4-1208 as follows:

42-4-1208. Reserved parking for persons with disabilities - applicability - rules. (1) **Definitions.** AS USED IN THIS SECTION:

(a) "DISABILITY" OR "DISABLED" HAS THE SAME MEANING AS SET FORTH IN SECTION 42-3-204.

(b) "HOLDER" MEANS A PERSON WITH A DISABILITY WHO HAS LAWFULLY OBTAINED AN IDENTIFYING PLATE OR PLACARD.

(c) "IDENTIFYING FIGURE" HAS THE SAME MEANING AS SET FORTH IN SECTION 42-3-204.

(d) "IDENTIFYING PLACARD" HAS THE SAME MEANING AS SET FORTH IN SECTION 42-3-204.

(e) "IDENTIFYING PLATE" HAS THE SAME MEANING AS SET FORTH IN SECTION 42-3-204.

(f) "PROFESSIONAL" HAS THE SAME MEANING AS SET FORTH IN SECTION 42-3-204.

(g) "RESERVED PARKING" MEANS A PARKING SPACE RESERVED FOR A PERSON WITH A DISABILITY.

(2) **Use of plate or placard.** (a) A PERSON WITH A DISABILITY MAY USE RESERVED PARKING ON PUBLIC PROPERTY OR PRIVATE PROPERTY IF THE PERSON DISPLAYS AN IDENTIFYING PLATE OR PLACARD WHILE USING RESERVED PARKING.

(b) WHEN AN IDENTIFYING PLACARD IS USED FOR RESERVED PARKING, THE DRIVER OF THE PARKED MOTOR VEHICLE SHALL ENSURE THAT THE FRONT OF THE IDENTIFYING PLACARD IS LEGIBLE AND VISIBLE THROUGH THE WINDSHIELD WHEN VIEWED FROM OUTSIDE THE VEHICLE. THE DRIVER SHALL HANG THE PLACARD FROM THE REAR-VIEW MIRROR UNLESS A REAR-VIEW MIRROR IS NOT AVAILABLE OR THE INDIVIDUAL IS PHYSICALLY UNABLE TO HANG THE PLACARD FROM THE REAR-VIEW MIRROR. IF THE TAG IS NOT HUNG FROM THE REAR-VIEW MIRROR, THE DRIVER SHALL DISPLAY IT ON THE DASHBOARD.

(c) A PERSON WITH A DISABILITY WHO IS A RESIDENT OF A STATE OTHER THAN

COLORADO MAY USE RESERVED PARKING IN COLORADO IF THE MOTOR VEHICLE DISPLAYS AN IDENTIFYING PLATE OR PLACARD ISSUED BY A STATE OTHER THAN COLORADO, AND IF:

(I) THE IDENTIFYING PLATE OR PLACARD IS CURRENTLY VALID IN THE STATE OF ISSUANCE AND MEETS THE REQUIREMENTS OF 23 CFR 1235; AND

(II) THE HOLDER HAS NOT BEEN A RESIDENT IN COLORADO FOR MORE THAN NINETY DAYS.

(d) A MOTOR VEHICLE WITH AN IDENTIFYING PLATE OR A PLACARD MAY BE PARKED IN PUBLIC PARKING AREAS ALONG PUBLIC STREETS OR IN PRIVATE PARKING LOTS REGARDLESS OF ANY TIME LIMITATION IMPOSED UPON PARKING IN THE AREA; EXCEPT THAT A JURISDICTION MAY SPECIFICALLY LIMIT RESERVED PARKING ON ANY PUBLIC STREET TO NO LESS THAN FOUR HOURS. TO LIMIT RESERVED PARKING, THE JURISDICTION MUST CLEARLY POST THE APPROPRIATE TIME LIMITS IN THE AREA. THE ABILITY TO PARK NOTWITHSTANDING PARKING LIMITATIONS DOES NOT APPLY TO AREAS IN WHICH:

(I) STOPPING, STANDING, OR PARKING OF ALL VEHICLES IS PROHIBITED;

(II) ONLY SPECIAL VEHICLES MAY BE PARKED; OR

(III) PARKING IS NOT ALLOWED DURING SPECIFIC PERIODS OF THE DAY IN ORDER TO ACCOMMODATE HEAVY TRAFFIC.

(e) (I) THE OWNER OF PUBLIC OR PRIVATE PROPERTY MAY REQUEST THE INSTALLATION OF OFFICIAL SIGNS OR PAVEMENT MARKINGS IDENTIFYING RESERVED PARKING SPACES. THE REQUEST OPERATES AS A WAIVER OF ANY OBJECTION THE OWNER MAY ASSERT CONCERNING ENFORCEMENT OF THIS SECTION BY A PEACE OFFICER. AN OFFICER MAY ENFORCE THIS SECTION ON PRIVATE PROPERTY NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY.

(II) (A) THE NUMBER AND PLACEMENT OF ACCESSIBLE PARKING SPACES SHOULD MEET OR EXCEED SECTION 1106 OF CHAPTER 11 OF THE 2012 (SECOND PRINTING) VERSION OF THE INTERNATIONAL BUILDING CODE, OR ANY SUCCEEDING STANDARD, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL.

(B) THE TECHNICAL STANDARDS FOR ACCESSIBLE PARKING SPACES SHOULD MEET OR EXCEED SECTION 502 OF THE 2009 VERSION OF ANSI A117.1, OR ANY SUCCEEDING STANDARD, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL.

(C) ACCESS AISLES SHOULD POST "WHEELCHAIR ACCESS AISLE ABSOLUTELY NO PARKING" SIGN, WHICH BLOCKS NEITHER THE ACCESS AISLE NOR ACCESSIBLE ROUTES.

(D) THE TECHNICAL STANDARDS FOR POST-OR WALL-MOUNTED SIGNS INDICATING ACCESSIBLE PARKING SPACES AND VAN-ACCESSIBLE PARKING SPACES SHOULD MEET OR EXCEED SECTION 2B.46 CONCERNING PARKING, STANDING, AND STOPPING SIGNS AND SECTION 2B.47 CONCERNING DESIGN OF PARKING, STANDING, AND STOPPING OF THE 2009 VERSION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, OR

ANY SUCCEEDING STANDARD, PUBLISHED BY THE UNITED STATES FEDERAL HIGHWAY ADMINISTRATION.

(III) THE OWNER OF REAL PROPERTY WITH MULTIPLE-FAMILY DWELLINGS AFFIXED AND WITH RESERVED PARKING SHALL RETAIN THE RESERVED PARKING AS COMMONLY OWNED FOR THE TENANTS, OWNERS, OR VISITORS OF THE INDIVIDUAL UNITS WITHIN THE DWELLINGS. THIS SUBPARAGRAPH (III) DOES NOT PROHIBIT THE SALE OF ALL COMMONLY OWNED PROPERTY SO LONG AS THE RESERVED PARKING IS NOT SEVERED FROM THE OTHER ELEMENTS.

(IV) A PERSON SHALL NOT IMPOSE RESTRICTIONS ON THE USE OF DISABLED PARKING UNLESS SPECIFICALLY AUTHORIZED BY A STATUTE OF COLORADO AND A RESOLUTION OF OR ORDINANCE OF A POLITICAL SUBDIVISION OF COLORADO AND NOTICE OF THE RESTRICTION IS PROMINENTLY POSTED BY A SIGN CLEARLY VISIBLE AT THE PARKING SPACE.

(3) **Misuse of reserved parking.** (a) A PERSON WITHOUT A DISABILITY SHALL NOT PARK IN A PARKING SPACE ON PUBLIC OR PRIVATE PROPERTY THAT IS CLEARLY IDENTIFIED BY AN OFFICIAL SIGN OR BY VISIBLE PAVEMENT MARKINGS AS BEING RESERVED PARKING OR AS BEING A PASSENGER LOADING ZONE UNLESS:

(I) THE 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 RESERVED PARKING SPACE; AND

(II) AN IDENTIFYING PLATE OR PLACARD OBTAINED UNDER OR AUTHORIZED BY SECTION 42-3-204 IS DISPLAYED IN OR ON THE VEHICLE IF THE LICENSE PLATE OR PLACARD IS CURRENTLY VALID OR HAS EXPIRED LESS THAN ONE MONTH BEFORE THE DAY THE PERSON USED THE RESERVED PARKING.

(b) (I) A PERSON, AFTER USING A RESERVED PARKING SPACE THAT HAS A TIME LIMIT, SHALL NOT SWITCH MOTOR VEHICLES OR MOVE THE MOTOR VEHICLE TO ANOTHER RESERVED PARKING SPACE WITHIN ONE HUNDRED YARDS OF THE ORIGINAL PARKING SPACE WITHIN THE SAME EIGHT HOURS IN ORDER TO EXCEED THE TIME LIMIT.

(II) (A) PARKING IN A TIME-LIMITED RESERVED PARKING SPACE FOR MORE THAN THREE HOURS FOR AT LEAST THREE DAYS A WEEK FOR AT LEAST TWO WEEKS CREATES A REBUTTABLE PRESUMPTION THAT THE PERSON IS VIOLATING THIS PARAGRAPH (b).

(B) THIS SUBPARAGRAPH (II) DOES NOT APPLY TO PRIVATELY OWNED PARKING SPACES.

(c) A PERSON SHALL NOT USE RESERVED PARKING FOR A COMMERCIAL PURPOSE UNLESS:

(I) THE PURPOSE RELATES TO TRANSACTING BUSINESS WITH A BUSINESS THE RESERVED PARKING IS INTENDED TO SERVE; OR

(II) THE OWNER OF PRIVATE PROPERTY CONSENTS TO ALLOW THE USE.

(d) (I) AN EMPLOYEE OF AN ENTITY SHALL NOT USE AN IDENTIFYING PLACARD ISSUED TO THE ENTITY UNLESS THE EMPLOYEE IS TRANSPORTING PERSONS WITH DISABILITIES.

(II) FOR A VIOLATION OF THIS PARAGRAPH (d), THE CHIEF OPERATIONS OFFICER WITHIN COLORADO OF THE ENTITY TO WHOM THE PLACARD OR PLATE WAS ISSUED AND THE OFFENDING EMPLOYEE ARE EACH SUBJECT TO THE PENALTIES IN SECTION 42-4-1701 (4) (a) (I) (M).

(III) (A) IT IS AN AFFIRMATIVE DEFENSE TO A VIOLATION OF THIS PARAGRAPH (d) FOR THE CHIEF OPERATIONS OFFICER WITHIN COLORADO THAT THE ENTITY ENFORCES AN INTERNAL POLICY CONTROLLING ACCESS TO AND USE OF IDENTIFYING PLACARDS ISSUED TO THE ENTITY.

(B) IF THE PLACARD USED IS EXPIRED BY OPERATION OF SECTION 42-3-204 (6) (f), IT IS AN AFFIRMATIVE DEFENSE TO A VIOLATION OF THIS PARAGRAPH (d) THAT THE PERSON DID NOT KNOW THE PLACARD WAS EXPIRED IF THE PERSON WHO USED THE PLACARD WAS THE PERSON TO WHOM IT WAS ISSUED.

(e) (I) A PERSON WHO VIOLATES PARAGRAPH (a) OF THIS SUBSECTION (3) IS SUBJECT TO THE PENALTIES IN SECTION 42-4-1701 (4) (a) (VIII) AND (IX).

(II) A PERSON WHO VIOLATES PARAGRAPHS (b) TO (d) OF THIS SUBSECTION (3) IS SUBJECT TO THE PENALTIES IN SECTION 42-4-1701 (4) (a) (I) (M).

(4) **Blocking access.** (a) REGARDLESS OF WHETHER A PERSON DISPLAYS AN IDENTIFYING PLATE OR PLACARD, A PERSON SHALL NOT PARK A VEHICLE SO AS TO BLOCK REASONABLE ACCESS TO CURB RAMPS, PASSENGER LOADING ZONES, OR ACCESSIBLE ROUTES, AS IDENTIFIED IN 28 CFR PART 36 APPENDIX A, THAT ARE CLEARLY IDENTIFIED UNLESS THE PERSON IS ACTIVELY LOADING OR UNLOADING A PERSON WITH A DISABILITY.

(b) A PERSON WHO VIOLATES THIS SUBSECTION (4) IS SUBJECT TO THE PENALTIES IN SECTION 42-4-1701 (4) (a) (VIII).

(5) **Fraud and trafficking.** A PERSON IS SUBJECT TO THE PENALTIES IN SECTION 42-4-1701 (4) (a) (X) IF THE PERSON:

(a) KNOWINGLY AND FRAUDULENTLY OBTAINS, POSSESSES, USES, OR TRANSFERS AN IDENTIFYING PLACARD ISSUED TO A PERSON WITH A DISABILITY;

(b) KNOWINGLY MAKES, POSSESSES, USES, ALTERS, OR TRANSFERS WHAT PURPORTS TO BE, BUT IS NOT, AN IDENTIFYING PLACARD; OR

(c) KNOWINGLY CREATES OR USES A DEVICE INTENDED TO GIVE THE IMPRESSION THAT IT IS AN IDENTIFYING PLACARD WHEN VIEWED FROM OUTSIDE THE VEHICLE.

(6) **Enforcement of reserved parking.** (a) A PEACE OFFICER OR AUTHORIZED AND UNIFORMED PARKING ENFORCEMENT OFFICIAL MAY CHECK THE IDENTIFICATION OF A PERSON USING AN IDENTIFYING PLATE OR PLACARD IN ORDER TO DETERMINE WHETHER THE USE IS AUTHORIZED.

(b) (I) A PEACE OFFICER OR AUTHORIZED AND UNIFORMED PARKING ENFORCEMENT OFFICIAL MAY CONFISCATE AN IDENTIFYING PLACARD THAT IS BEING USED IN VIOLATION OF THIS SECTION.

(II) THE PEACE OFFICER OR PARKING ENFORCEMENT OFFICIAL SHALL SEND A CONFISCATED PLACARD TO THE DEPARTMENT UNLESS IT IS BEING HELD AS EVIDENCE FOR PROSECUTION OF A VIOLATION OF THIS SECTION. IF THE TAG IS BEING HELD AS EVIDENCE, THE PEACE OFFICER OR PARKING ENFORCEMENT OFFICIAL SHALL NOTIFY THE DEPARTMENT OF THE CONFISCATION AND PENDING CHARGES.

(III) THE DEPARTMENT SHALL HOLD A CONFISCATED PLACARD FOR THIRTY DAYS AND MAY DISPOSE OF THE PLACARD AFTER THIRTY DAYS. THE DEPARTMENT SHALL RELEASE THE PLACARD TO THE PERSON WITH A DISABILITY TO WHOM IT WAS ISSUED WHEN THE PERSON SIGNS A STATEMENT UNDER PENALTY OF PERJURY THAT HE OR SHE WAS UNAWARE THAT THE VIOLATOR USED, OR INTENDED TO USE, THE PLACARD IN VIOLATION OF THIS SECTION.

(c) A PEACE OFFICER AND THE DEPARTMENT MAY INVESTIGATE AN ALLEGATION THAT A PERSON IS VIOLATING THIS SECTION.

(d) A PERSON WHO OBSERVES A VIOLATION OF THIS SECTION MAY SUBMIT EVIDENCE, INCLUDING A SWORN STATEMENT, CONCERNING THE VIOLATION TO ANY LAW ENFORCEMENT AGENCY.

(e) (I) A PEACE OFFICER MAY ISSUE A PENALTY ASSESSMENT NOTICE FOR A VIOLATION OF PARAGRAPH (b), (c), OR (d) OF SUBSECTION (3) OF THIS SECTION BY SENDING IT BY CERTIFIED MAIL TO THE REGISTERED OWNER OF THE MOTOR VEHICLE. THE PEACE OFFICER SHALL INCLUDE IN THE PENALTY ASSESSMENT NOTICE THE OFFENSE OR INFRACTION, THE TIME AND PLACE WHERE IT OCCURRED, AND A STATEMENT THAT THE PAYMENT OF THE PENALTY ASSESSMENT AND A SURCHARGE IS DUE WITHIN TWENTY DAYS AFTER THE ISSUANCE OF THE NOTICE. THE DEPARTMENT RECEIVES PAYMENT OF THE PENALTY ASSESSMENT BY THE DUE DATE IF THE PAYMENT IS RECEIVED OR POSTMARKED BY THE TWENTIETH DAY AFTER THE VEHICLE OWNER RECEIVED THE PENALTY ASSESSMENT NOTICE.

(II) IF THE PENALTY ASSESSMENT AND SURCHARGE ARE NOT PAID WITHIN TWENTY DAYS AFTER THE DATE THE VEHICLE OWNER RECEIVES THE ASSESSMENT NOTICE SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (e), THE PEACE OFFICER WHO ISSUED THE ORIGINAL PENALTY ASSESSMENT NOTICE SHALL FILE A COMPLAINT WITH A COURT HAVING JURISDICTION AND ISSUE AND SERVE UPON THE REGISTERED OWNER OF THE VEHICLE A SUMMONS TO APPEAR IN COURT AT THE TIME AND PLACE SPECIFIED.

(f) (I) THE ENTERING COURT SHALL SEND CERTIFICATION OF THE ENTRY OF JUDGMENT FOR EACH VIOLATION OF PARAGRAPH (b), (c), OR (d) OF SUBSECTION (3) OF THIS SECTION TO THE DEPARTMENT.

(II) UPON RECEIPT OF CERTIFICATION OF AN ENTRY OF JUDGMENT FOR A VIOLATION OF PARAGRAPH (b), (c), OR (d) OF SUBSECTION (3) OF THIS SECTION, THE DEPARTMENT SHALL NOT REGISTER THE PERSON'S VEHICLE UNTIL ALL FINES IMPOSED FOR THE VIOLATIONS HAVE BEEN PAID.

(III) UPON RECEIPT OF CERTIFICATION OR INDEPENDENT VERIFICATION OF AN ENTRY OF JUDGMENT, THE DEPARTMENT SHALL REVOKE AN IDENTIFYING PLATE OR PLACARD AS PROVIDED IN SECTION 42-3-204 (7) (d).

(g) (I) 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 42-3-204 OR FOR ANY MISUSE OF AN IDENTIFYING PLATE OR PLACARD, INCLUDING THE USE OF SUCH PLATE OR PLACARD BY ANY PERSON OTHER THAN A HOLDER, UNLESS THE HOLDER FURNISHES SUFFICIENT EVIDENCE THAT THE IDENTIFYING 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.

(II) A HOLDER MAY AVOID THE LIABILITY DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (g) 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 THE IDENTIFYING PLATE OR PLACARD AT THE TIME OF THE VIOLATION OR THE HOLDER REPORTS THE LICENSE PLATE OR PLACARD LOST OR STOLEN TO BOTH THE APPROPRIATE LOCAL LAW ENFORCEMENT AGENCY AND THE DEPARTMENT.

(h) AN EMPLOYER SHALL NOT FORBID AN EMPLOYEE FROM REPORTING VIOLATIONS OF THIS SECTION. A PERSON SHALL NOT INITIATE OR ADMINISTER ANY DISCIPLINARY ACTION AGAINST AN EMPLOYEE BECAUSE THE EMPLOYEE NOTIFIED THE AUTHORITIES OF A POSSIBLE VIOLATION OF THIS SECTION IF THE EMPLOYEE HAS A GOOD-FAITH BELIEF THAT A VIOLATION HAS OCCURRED.

(i) A LANDLORD SHALL NOT RETALIATE AGAINST A TENANT BECAUSE THE TENANT NOTIFIED THE AUTHORITIES OF A POSSIBLE VIOLATION OF THIS SECTION IF THE TENANT HAS A GOOD-FAITH BELIEF THAT A VIOLATION HAS OCCURRED.

(j) IN ORDER TO STOP A VEHICLE FROM BLOCKING ACCESS OR ILLEGALLY USING RESERVED PARKING, A PEACE OFFICER MAY ORDER A VEHICLE THAT IS USED TO VIOLATE THIS SUBSECTION (4) TO BE TOWED TO AN IMPOUND LOT OR A VEHICLE STORAGE LOCATION. THE PEACE OFFICER SHALL VERIFY THAT THE VEHICLE HAS NOT BEEN STOLEN AND REPORT THE FACT OF THE TOW TO THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 42-4-1804.

(k) THE STATE OR LOCAL AUTHORITY ISSUING A CITATION UNDER THIS SECTION, OR UNDER ANY LOCAL ORDINANCE DEFINING A SUBSTANTIALLY EQUIVALENT OFFENSE, SHALL TRANSFER ONE-HALF OF THE FINE TO THE STATE TREASURER, WHO SHALL CREDIT THE FINE TO THE DISABLED PARKING EDUCATION AND ENFORCEMENT FUND CREATED IN SECTION 42-1-226.

(7) **Statewide concern.** (a) THE GENERAL ASSEMBLY FINDS THAT ACCESS TO RESERVED PARKING BY PERSONS WITH DISABILITIES ENSURES THAT THOSE PERSONS HAVE EQUAL ACCESS TO GOODS AND SERVICES ESSENTIAL FOR DAILY LIFE.

(b) THE GENERAL ASSEMBLY DETERMINES THAT:

(I) RESERVED PARKING FOR PERSONS WITH DISABILITIES IS A STATE-ADMINISTERED PROGRAM AND THAT IDENTIFYING LICENSE PLATES AND PLACARDS ARE ISSUED UNDER STATE LAW;

(II) BECAUSE LOCAL REGULATIONS REGARDING RESERVED PARKING FOR PERSONS WITH DISABILITIES VARY SIGNIFICANTLY ACROSS JURISDICTIONS, THEY ARE INCONSISTENT AND CONFUSING FOR PERSONS WITH DISABILITIES, MEDICAL PROFESSIONALS, PEACE OFFICERS, AND MEMBERS OF THE GENERAL PUBLIC;

(III) MODERN LIFE REQUIRES TRAVEL ACROSS MULTIPLE LOCAL JURISDICTIONS. INCONSISTENT LOCAL MARKING AND ENFORCEMENT OF RESERVED PARKING FOR PERSONS WITH DISABILITIES CONFUSES PEOPLE, WHICH PREVENTS THEM FROM FULLY OBEYING DISABLED PARKING REGULATIONS;

(IV) A MESSAGE DISSEMINATED BY ONE POLITICAL SUBDIVISION OF THE STATE USING MODERN COMMUNICATION METHODS WILL BE RECEIVED BY INDIVIDUALS FROM MULTIPLE POLITICAL SUBDIVISIONS. ANY ATTEMPT TO USE MODERN COMMUNICATION METHODS TO EDUCATE THE PUBLIC ON LOCAL REGULATIONS GOVERNING RESERVED PARKING FOR PERSONS WITH DISABILITIES WILL RESULT IN PUBLIC EXPOSURE TO MULTIPLE INCONSISTENT, CONFUSING REGULATIONS, SO EDUCATION REQUIRES UNIFORM REGULATION ACROSS THE STATE, AND A STATEWIDE EFFORT IS NEEDED TO EDUCATE THE PUBLIC ABOUT DISABLED PARKING. THIS EFFORT IS FUNDED BY FINES THAT ARE TYPICALLY ISSUED BY LOCAL AUTHORITIES.

(c) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT ACCESS TO RESERVED PARKING BY PERSONS WITH DISABILITIES IS A MATTER OF STATEWIDE CONCERN AND THAT THE PROVISIONS SET FORTH IN THIS SECTION PREEMPT ANY ACTION CONTRARY TO THIS SECTION IF THE ACTION IS ADOPTED BY A POLITICAL SUBDIVISION OF THE STATE.

SECTION 4. In Colorado Revised Statutes, 42-3-213, **amend** (1) (a) introductory portion, (1) (b) (I), (1) (b) (II) (B), (1) (b) (IV), (1) (b) (V), (1) (c), (1) (g), (5) (a), and (5) (b) as follows:

42-3-213. License plates - military veterans - rules - retirement. (1) (a) The department shall issue one or more sets of ~~special~~ license plates to the following persons who own a truck that does not exceed sixteen thousand pounds empty weight, a passenger car, a motorcycle, or a noncommercial or recreational vehicle:

(b) (I) Except as provided in subparagraph (II) of this paragraph (b), the amount of taxes and fees for ~~special~~ license plates issued ~~pursuant to~~ UNDER this section ~~shall be~~ ARE the same as that specified for regular motor vehicle registration plus an additional one-time issuance or replacement fee. The additional one-time fee ~~shall be~~ IS twenty-five dollars and shall be transmitted to the state treasurer, who shall credit ~~the same~~ IT to the highway users tax fund for allocation and expenditure as specified in section 43-4-205 (5.5) (b), C.R.S.

(II) Notwithstanding subparagraph (I) of this paragraph (b):

(B) No fee shall be charged for one set of disabled veteran ~~special~~ license plates issued ~~pursuant to~~ UNDER subsection (5) of this section for a passenger car, a truck,

a motorcycle, or a noncommercial or recreational vehicle.

(IV) One dollar of each additional fee collected from purchasers of ~~special~~ license plates issued ~~pursuant to~~ UNDER subsections (4) and (5) of this section shall be retained by the authorized agent, and one dollar and fifteen cents of each ~~such~~ additional fee shall be credited to the special purpose account established under section 42-1-211.

(V) One dollar of each additional fee collected from purchasers of ~~special~~ license plates issued ~~pursuant to~~ UNDER subsection (8) of this section shall be retained by the authorized agent.

(c) All applications for the ~~special~~ license plates described in this section shall be made directly to the department and shall include such information as the department may require.

(g) The department shall issue a ~~special~~ license plate authorized ~~pursuant to~~ UNDER this section for a motor vehicle owned by a trust if:

(I) The trust is created for the benefit of a natural person who is qualified to receive the ~~special~~ license plate under paragraph (a) of this subsection (1); and

(II) The trust name includes a natural person who is qualified to receive the ~~special~~ license plate under paragraph (a) of this subsection (1).

(5) **Disabled veterans.** (a) (I) The disabled veteran ~~special~~ license plate shall indicate that the owner of the motor vehicle to which ~~such~~ THE license plate is attached is a disabled veteran of the United States armed forces.

(II) In addition to the requirements of subparagraph (I) of this paragraph (a), if the applicant demonstrates that he or she has a physical impairment affecting mobility under the standards provided in section 42-3-204 (1), then ~~such special~~ THE license plate shall have an additional identifying figure, as ~~determined by the department~~ DEFINED IN SECTION 42-3-204 (1) (c), to indicate that the owner of the vehicle is authorized to make use of parking privileges for persons with disabilities TO TRANSPORT A PERSON WHO IS ELIGIBLE TO USE RESERVED PARKING UNDER SECTION 42-4-1208.

(b) A natural person who has received an honorable discharge from a branch of the armed services of the United States and meets the requirements of section 42-3-304 (3) (a) may use a disabled veteran ~~special~~ license plate. When applying for such a license plate, the applicant shall submit proof of honorable discharge from an armed forces branch of the United States.

SECTION 5. In Colorado Revised Statutes, 42-4-1701, **amend** (4) (a) (I) introductory portion and (4) (a) (I) (M); and **add** (4) (a) (VIII), (4) (a) (IX), and (4) (a) (X) as follows:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal. (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 paragraph (a) or (b) of subsection (5) of this section apply shall be fined or penalized, and have a surcharge levied thereon pursuant to IN ACCORDANCE WITH sections 24-4.1-119 (1) (f) and 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 four 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
(M) Parking violations:		
42-4-1201	\$ 30.00	\$ 6.00
42-4-1202	30.00	6.00
42-4-1204	15.00	6.00
42-4-1205	15.00	6.00
42-4-1206	15.00	6.00
42-4-1207	15.00	6.00
42-4-1208 (9), (15), or (16)		
(3) (b), (3) (c), AND (3) (d)	150.00	32.00

(VIII) A PERSON WHO VIOLATES SECTION 42-3-204 (7) (f) (II) OR SECTION 42-4-1208 (3) (a) OR (4) COMMITS A MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED BY A SURCHARGE OF THIRTY-TWO DOLLARS UNDER SECTIONS 24-4.1-119 (1) (f) AND 24-4.2-104 (1) (b) (I), C.R.S., AND:

(A) A FINE OF NOT LESS THAN THREE HUNDRED FIFTY DOLLARS BUT NOT MORE THAN ONE THOUSAND DOLLARS FOR THE FIRST OFFENSE;

(B) A FINE OF NOT LESS THAN SIX HUNDRED DOLLARS BUT NOT MORE THAN ONE THOUSAND DOLLARS FOR A SECOND OFFENSE; AND

(C) A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS BUT NOT MORE THAN FIVE THOUSAND DOLLARS, IN ADDITION TO NOT MORE THAN TEN HOURS OF COMMUNITY SERVICE, FOR A THIRD OR SUBSEQUENT OFFENSE.

(IX) A PERSON WHO VIOLATES SECTION 42-4-1208 (3) BY PARKING A VEHICLE OWNED BY A COMMERCIAL CARRIER IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED BY THE SURCHARGE AND A FINE OF UP TO TWICE THE PENALTY IMPOSED IN SUBPARAGRAPH (VIII) OF THIS PARAGRAPH (a).

(X) (A) A PERSON WHO VIOLATES SECTION 42-4-1208 (5) OF THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

(B) A PERSON WHO WILLFULLY RECEIVES REMUNERATION FOR VIOLATING SECTION 42-3-1208 (5) IS GUILTY OF A CLASS 1 MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED BY TWICE THE CIVIL AND CRIMINAL PENALTIES THAT WOULD BE IMPOSED UNDER SECTION 18-1.3-501, C.R.S.

SECTION 6. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, to the department of revenue, for the fiscal year beginning July 1, 2014, the sum of \$84,147, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

(a) \$80,027, comprised of \$66,689 from general fund and \$13,338 from the license plate cash fund created in section 42-3-301 (1) (b), Colorado Revised Statutes, for license plate ordering; and

(b) \$4,120 from the Colorado state titling and registration account of the highway users tax fund created in section 42-1-211 (2), Colorado Revised Statutes, for the purchase of computer center services.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2014, the sum of \$4,120, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made in paragraph (b) of subsection (1) of this section.

SECTION 7. Appropriation - adjustments to 2014 long bill. For the implementation of this act, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased by \$66,689.

SECTION 8. Effective date - applicability. This act takes effect July 1, 2014, and applies to applications for identifying plates or placards submitted and offenses committed on or after January 1, 2015.

SECTION 9. 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, 2014