



**Report to the
Colorado General Assembly**

**Transportation Legislation
Review Committee**

Prepared by

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Transportation Legislation Review Committee

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December 2013

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LEGISLATIVE COUNCIL

ROOM 029 STATE CAPITOL
DENVER, COLORADO 80203-1784

E-mail: lcs.ga@state.co.us

303-866-3521 FAX: 303-866-3855 TDD: 303-866-3472

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December 2013

To Members of the Sixty-ninth General Assembly:

Submitted herewith is the final report of the Transportation Legislation Review Committee. This committee was created pursuant to Section 43-2-145, Colorado Revised Statutes. The primary purpose of this committee is to give guidance and direction to the state Department of Transportation in the development of the state transportation system, and to provide legislative overview of and input into such development.

At its meeting on November 14, 2013, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2014 session was approved.

Sincerely,

/s/ Senator Lucia Guzman
Chairman

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This report is also available on line at:

www.state.co.us/gov_dir/leg_dir/lcsstaff/2013/TLRC

Committee Charge

The Transportation Legislation Review Committee (TLRC) is comprised of the 18 members of the House Transportation Committee and the Senate Transportation Committee. The TLRC is granted statutory oversight responsibilities for certain activities of the Colorado Department of Transportation, regional transportation authorities, public highway authorities, and the Regional Transportation District. In addition, the TLRC monitors the activities of the Colorado Department of Revenue relating to the regulation of motor vehicles and driver control, the impact of Colorado's transportation system on air quality, and the effect of traffic law enforcement on transportation in the state.

Colorado Department of Transportation. Section 43-2-145 (1), C.R.S., authorizes the TLRC to:

- give guidance and direction to the Colorado Department of Transportation (CDOT) in the development of the state transportation system;
- provide legislative oversight of and input into such development;
- make recommendations concerning the financing of the state transportation system;
- review any phase of CDOT operations, including the planning and construction of highway projects;
- review such projects upon completion to determine whether a project was completed in the most cost-effective and efficient manner;
- require CDOT to conduct long-term planning efforts for the state transportation system and may require financial and performance audits to be conducted; and
- recommend legislation to the General Assembly and Governor resulting from these oversight responsibilities.

Colorado Department of Revenue. The oversight responsibilities of the TLRC include certain activities of the Colorado Department of Revenue (DOR), including driver licensing and registration and titling of motor vehicles. The TLRC's purview includes oversight of any state department or agency that administers laws related to traffic regulation or penalties imposed for traffic law violations.

Regional transportation authorities. The TLRC is granted the authority to review the operations of regional transportation authorities in Colorado, including the planning and construction of regional transportation systems (Section 43-2-145 (1.9), C.R.S.). The TLRC may review the authorities' projects to ensure completion in the most cost-effective and efficient manner. The TLRC is authorized to require long-range planning by regional transportation authorities, and may require financial and performance audits of these entities as well.

Public highway authorities. The TLRC is authorized to review the operations of public highway authorities in the state, including the planning and construction of public highway projects by these authorities (Section 43-2-145 (1.5), C.R.S.). The TLRC may review public highway authority projects upon completion to ensure that they were constructed in the most cost-effective and efficient manner. The TLRC may also require public highway authorities to develop long-range plans, and may require financial or performance audits of these entities.



Regional Transportation District. The Regional Transportation District (RTD) is authorized to contract up to 58 percent of its transportation services to private businesses through competitive bidding. RTD must ensure that these companies meet certain standards relating to experience, safety records, and financial responsibility. The TLRC is required to monitor RTD's implementation of this statutory requirement and recommend any necessary changes to the General Assembly (Section 32-9-119.5 (8)(a), C.R.S.). RTD is also required to ensure that at least 30 percent of its operating costs are funded by farebox revenues, and must prepare its annual budget based on this percentage (Section 32-9-119.7 (3), C.R.S.). In this regard, RTD is required to submit to the TLRC any information, data, testimony, or audits that the committee may request.

Committee Activities

The TLRC held four meetings during the 2013 interim. Briefings and presentations were made by state departments, local governments, transit authorities, public highway authorities, transportation industry associations, and members of the public on a wide range of subjects, including:

- highway maintenance;
- Colorado's aviation industry;
- oversize/overweight vehicle permits;
- public transit and rail;
- public highway authorities; and
- regulation of motor carriers by the Public Utilities Commission (PUC).

The TLRC also toured different parts of the state to hear feedback from the Transportation Commission, representatives of CDOT, county commissioners, local elected officials, and constituents about transportation needs in their respective areas. The committee toured Northern Colorado, Southern Colorado, and the Western Slope, holding field hearings in a total of ten cities and towns.

The following sections discuss the TLRC's activities during the 2013 interim.

Highway Maintenance and Repair

Colorado Department of Transportation. Representatives of CDOT briefed the committee on the damage caused by the September 2013 flooding across the Front Range, and the recovery efforts that are underway to restore the region's roads and bridges. The extent of the flood damage was discussed, especially in relation to U.S. 34, and State Highways 7, 72, and 119. The panel noted that the flooding caused 27 closures of highways and bridges, and over \$400 million in damage to 200 miles of the state's highways. Committee members heard about the funding sources for the recovery efforts, including Federal Highway Administration emergency relief funds and Federal Emergency Management Agency funds, as well as CDOT's emergency funds, and how the money may be used. The committee members were also provided with a brief overview of CDOT's budget and discussed the Responsible Acceleration of Maintenance and Partnerships (RAMP) program.

Colorado Contractors Association. The committee received an update from a representative of the Colorado Contractors Association (CAA) on flood recovery efforts, which have created about 14,000 jobs in Colorado. The panelist noted that prior to the flood recovery, the contracting industry had an unemployment rate in Colorado of about 20 percent and that many workers left the industry altogether to pursue other work.

Colorado's Aviation Industry

The committee heard from representatives of Denver International Airport (DIA), Centennial Airport, the Fort Collins-Loveland Airport, and CDOT's Division of Aeronautics about operations and economic impacts, passenger traffic, and airspace capacity at Colorado's airports. Statewide aviation projects were also discussed, including DIA's South Terminal Redevelopment Program, which will open in 2015. The panel discussed the Airport City initiative, which will generate more than 30,000 jobs. CDOT's Division of Aeronautics provided information on the Colorado aviation tax revenue structure and noted that the division operates exclusively from aviation fuel tax revenues and receives no state General Fund dollars. The Fort Collins-Loveland Airport panel discussed the need for continuation of the aviation fuel tax program. Information was also presented on current projects that CDOT is working on, including the airport directory, a statewide system plan, and an economic impact update study.

Oversize and Overweight Vehicle Permits

Representatives of the Colorado Motor Carriers Association and the Western State Transportation Alliance presented information about oversize/overweight vehicle permits and divisible loads in Colorado. The committee also heard information on the safety of the trucking industry and careless driving laws. The organization Truckers for Common Sense presented information on truck productivity and legislative concerns in Colorado related to the weight limits established in House Bill 09-1318.

Committee recommendations. Following comments about oversize/overweight and divisible load vehicle permits, and truck safety, the committee recommends:

- Bill B, which creates an overweight permit for vehicles that haul sludge for wastewater purposes or other loads deemed by CDOT to be a public hazard, and authorizes issuing an annual fleet permit for two- or three-axle group vehicles with divisible loads; and
- Bill D, which raises the fine for the operator of a commercial vehicle that violates a road closure or restriction.

The committee considered, but did not approve, Draft Joint Resolution 1. The resolution would have created a work group to study the permit system for oversize and overweight vehicles. The committee also considered, but did not approve, Draft Bill 6. The bill would have reduced the maximum weight for five-axle overweight vehicle combinations for overweight vehicle permits.

Ports of Entry

The Colorado State Patrol (CSP) briefed the committee on the transfer of the ports of entry to the CSP pursuant to House Bill 12-1019, efforts to reduce impaired driving on the state's



highways through public education and strict enforcement, and the funding mechanisms for the agency. The panel noted that the CSP has 1,121 members as of September 2013 and discussed CSP's collaborative efforts with other state agencies and entities, including CDOT. The panel discussed the importance of proactive enforcement and driver's education courses and that in 2012, the CSP made more than 370,000 contacts, including nearly 39,000 assists to motorists. In 2012, on average, the CSP covered 69.5 crashes per day.

Public Transit and Rail

The committee heard testimony from the Regional Transportation District (RTD) on ridership, cost recoveries, and revenue. The panel noted that RTD provides transit service to about 2,400 square miles, which includes 40 municipalities and approximately 57 percent of the state's population. RTD is one of the largest transit systems in the nation and operates over 1,500 vehicles and had nearly 100 million passenger boardings in the year 2012. Information was also provided on the FasTracks plan, which will provide 122 miles of light rail and commuter rail, 18 miles of bus rapid transit (BRT) service, and 31 new Park-n-Rides, and will include the redevelopment of Denver Union Station. The expansion of the free mall ride service was discussed, which will provide additional transit capacity between Denver Union Station and the Civic Center area of downtown Denver. The panel described the BRT project that is currently underway along U.S. Highway 36 and how RTD vehicles will operate along the highway once the project is completed in 2016. The panel talked about the Northwest Area Mobility Study (NAMS), which is a 13-month study to determine the transit priorities for the region.

The committee also heard testimony from the Colorado Association of Transit Agencies and its members including: Southern Ute Community Action Program (SUCAP), Roaring Fork Transportation Authority (RFTA), and the Southwest Energy Efficiency Project (SWEET).

Public Highway Authorities

E-470 Authority. The E-470 Public Highway Authority (PHA) provided the committee with an overview of the E-470 Parkway and its current operations. The panel noted that E-470 is 47 miles long from end to end, and costs two-axle vehicles between \$0.27 and \$0.34 per mile to travel the road. In 2012, the parkway had 54 million toll transactions, resulting in \$120 million in net operating revenue. The panel talked about the voting process among the PHA Board, toll increases set to occur each year, and the E-470 bond debt, which will be paid off in the year 2051. The panel discussed new developments in the parkway's electronic tolling system and how out-of-state residents are billed for tolls. A new system in which the state Department of Revenue's Motor Vehicles Division can withhold vehicle registrations if tolls are not paid was also discussed. The panel talked about revenues generated by E-470 and the methodology behind raising toll rates. The panel discussed E-470's recent initiatives including a solar program, which was created in cooperation with Xcel Energy, equipment manufacturers, and equipment installers; deer fencing installation; and new construction plans for connections to E-470 that are being completed by the High-Performance Transportation Enterprise.

Northwest Parkway Public Highway Authority. The committee was briefed by representatives of the Northwest Parkway Highway Authority, which was established in 1999 to build the 8.8 mile, 75 mile-per-hour, limited access highway that connects U.S. Highway 36 to Interstate 25 (I-25) and provides access to E-470, Broomfield, and U.S. Highway 287. The panel

discussed the PHA's four toll ramps and other structures which include 23 bridges, 3 interchanges, 1 maintenance yard, 1 administration building, and 7 solar sites. The panel discussed financing for the parkway and the concession lease agreement currently in place between the PHA and Brisa, the PHA's concessionaire. Tolls rates and expansion plans were also discussed. During 2012, the Northwest Parkway collected over \$12.5 million in toll revenues.

Jefferson Parkway Public Highway Authority. A representative of the Jefferson Parkway PHA provided background information on the organization, and discussed recent efforts to obtain right-of-way for the construction of a 20-mile parkway to connect the Northwest Parkway to C-470. The representative noted that the acquisition of the right-of-way is nearly complete.

Statewide Transportation Planning

Denver Regional Council of Governments. Representatives of the Denver Regional Council of Governments (DRCOG) provided a general overview of the organization and its emphasis on regional collaboration. The representatives discussed how CDOT, RTD, and DRCOG convene and collaborate on transportation projects in the state. The committee heard about the new DRCOG regional plan called Metrovision 2040, which just began. The panel noted particular accommodations within this plan to address the projected regional population growth of 50 percent and said the metropolitan planning organization (MPO) is determining the demographics of this population growth, as well as how these people will commute to work. The panel said that much of this population is over 60, and this age group will have different transportation needs, such as a desire to transport mostly within their communities. The committee was briefed on the relationship between transportation and residential land use, which the representatives of DRCOG referred to as transit-oriented development, and further discussed the Metrovision plan.

Action 22. The committee heard from a representative of Action 22, a coalition of 22 counties in Southern Colorado that is dedicated to giving a voice to citizens of Southern Colorado, who provided background information on Action 22, Inc. and distributed a handout to the committee (Attachment B). The representative said that Action 22 works to identify extra money and funding that can be used by cities and counties for the transportation needs that are most pressing to them, such as bike paths, road shoulders, passing lanes, and snow plowing. Discussion ensued concerning how the expansion of State Highways 50 and 160 will bolster the economy in the communities surrounding those roads and how enhancing the highways by adding passing lanes will assist in moving traffic and preventing safety issues.

MPACT 64. The committee heard from representatives of MPACT 64, a collaboration of four regional organizations covering all 64 counties in Colorado. The panel discussed gas taxes and vehicle miles traveled (VMT) taxes. The representatives gave a brief overview of MPACT 64, including its structure and monthly meetings, and responded to questions from the committee concerning how to gain voter approval for a gas tax.

Motor Carrier Industry

Representatives of the PUC gave an overview of the organization and said that 2013 is the 100th year that the PUC has been regulating the transportation industry in Colorado. The panel commented on illegal motor carrier operators throughout the state and how the PUC is addressing the issue, including warnings and penalties. The panel said that in FY 2012-13, the PUC issued



111 civil penalties, compared to 95 issued in the previous fiscal year. Of the penalties issued in FY 2012-13, the PUC issued 32 civil penalties to limited regulation carriers, 43 to fully regulated carriers, 11 to household goods carriers, and 25 to towing carriers.

Committee recommendation. As a result of the discussion, the committee recommends Bill E, which concerns the weight of motor vehicles that are subject to rate regulation when being towed without the owner's consent.

Parking and Driver's Licenses

Parking. The committee heard from representatives of the Colorado Advisory Council for Persons with Disabilities about the enforcement of Colorado's laws concerning disabled parking. The panel noted that current state law concerning disabled parking does not conform to federal law, is poorly organized and difficult to follow, and is susceptible to abuse. The discussion also focused on educating the public, medical personnel, and local governments about the proper use of handicap parking tags.

Driver's licenses. The committee received an update from the Department of Revenue (DOR) about the department's Division of Motor Vehicles' (DMV) and the division's strategic plan. The panel discussed the online driver's license renewal process, issuance of identification cards to inmates and non-citizens, exceptions processing, and wait times at DMV locations. The panel also discussed the state's emissions testing program, mobile emissions testing vehicles, and the results of the most recent audit of the emissions program. Challenges facing the DMV, especially in relation to finances, were also discussed.

Committee recommendation. As a result of the testimony and committee discussion, the committee recommends Bill A, which reorganizes and recodifies the disabled parking statutes.

Other Policy Areas

The committee heard testimony on a number of other topics, including the Waste Tire Recycling Program, increasing the transparency of the High-Performance Transportation Enterprise, and definitions for alternative fuel vehicles.

Waste Tire Recycling Program. The Colorado Department of Public Health and Environment (CDPHE) briefed the committee on the waste tire program and provided information on the Colorado Waste Tire Market Development Plan, which includes an independent third-party analysis of end-user markets, storage, and grant programs that are managed by the state. The panel discussed the environmental impacts of burying waste tires and the impact of cement plants on waste tires. The fee and reimbursement structure of the program was also discussed.

High-Performance Transportation Enterprise. The committee heard from representatives of the High-Performance Transportation Enterprise (HPTE) about transportation funding in the state and the creation of the HPTE under the Funding Advancements for Surface Transportation and Economic Recovery (FASTER) legislation. The panel discussed the new High Occupancy Vehicle (HOV) requirements which will increase the current HOV requirement per vehicle from two persons to three on certain stretches of the state's highways, and the enforcement method of the new requirement. The panel also discussed managed lanes as a way to improve

traffic congestion and increase capacity on the state's highways, noting that every major city across the country is considering the use of managed lanes to help alleviate traffic flow issues.

Alternative fuel vehicles. The committee discussed the need to clarify the definition of a plug-in electric motor vehicle as defined in House Bill 13-1110. Members of the committee discussed confusion on the part of constituents about which vehicles fall under the definition of alternative fuel vehicle and said that there is a need for a clear understanding of plug-in electric motor vehicle.

Committee recommendation. As a result of the discussion on alternative fuel vehicles, the committee recommends Bill C, which clarifies the definition of a plug-in electric motor vehicle.

Field Hearings

The TLRC toured different parts of the state to hear feedback from the Transportation Commission, representatives of CDOT, county commissioners, local elected officials, and constituents about transportation needs in their respective areas. The committee toured Northern Colorado, Southern Colorado, and the Western Slope, holding field hearings in a total of ten cities and towns.

Northern Colorado

Fort Morgan. The committee received briefings from the Transportation Commission, CDOT, the city of Fort Morgan, and Morgan County. During the hearing, the following topics were addressed: road resurfacing projects; the oversize/overweight vehicle permitting process; road-widening and shoulder-broadening needs in the region; highway safety; road maintenance and funding; and road construction quality.

Greeley. Representatives of the Transportation Commission, CDOT, the city of Greeley, and Weld County briefed the committee on several topics including: projects along U.S. Highways 34 and 85; RAMP projects; bridge ratings and repair; trail projects, pedestrian enhancements, widening projects, and access to corridors; public transit in the region; and transportation funding needs.

Fort Collins. The committee was briefed by the Transportation Commission, CDOT, and representatives of the city of Fort Collins. Discussion topics included: the effectiveness and operation of roundabouts on roads; resource allocation; public transit and rail including BRT; road maintenance; and trucking permits. Following the hearing, the committee was taken on a tour of Fort Collins' BRT system, MAX, which will begin operating in May 2014.

Southern Colorado

La Junta. The hearing included briefings from the Transportation Commission, CDOT, Otero County, and the city of La Junta. The panelists discussed priority corridors for the region which are I-25, U.S. Highway 50, and U.S. Highway 287; ongoing projects including the repaving and reconstruction of certain roads; funding for future projects and road maintenance and repair; highway safety; road widening and the addition of shoulders; Amtrak rail routes; and Flight for Life



access in the area. Prior to the hearing, the committee toured the Transportation Technology Center.

Pueblo. Representatives of the Transportation Commission, CDOT, the City of Pueblo, Pueblo, and Pueblo County briefed the committee. The presentations covered several topics including: the budgeting and expenditure process of the Transportation Commission; priorities areas in Pueblo including I-25, U.S. Highway 50, and State Highway 96; RAMP projects and funding; right-of-way acquisition; and traffic volume and road safety as impacting project priority rankings.

Colorado Springs. In Colorado Springs, the committee heard from the Transportation Commission, CDOT, the city of Colorado Springs, and the Pikes Peak Area Council of Governments. The briefings included discussion on: road degradation and repair; dangerous intersections in Colorado Springs; damage and repair to U.S. Highway 24 as a result of the Black Forest Fire; resource allocation; public transit; and transportation funding needs.

Western Slope

Kremmling. The TLRC received briefings from the Transportation Commission, CDOT, Grand County, the town of Kremmling, and Citizens for a Safe Highway 9 Committee. The discussion was centered around the safety of the mountain roads in and around Kremmling. Emphasis was placed on safety issues and the need for shoulders to be installed along State Highway 9. Other topics addressed included: the Twin Tunnels project on I-70; wildlife over- and underpasses; transportation funding needs; right-of-way acquisition; and public-private partnerships especially in relation to the town's public transit system.

Steamboat Springs. Representatives from the Transportation Commission, CDOT, Routt County, and the city of Steamboat Springs briefed the committee on current transportation projects underway in the region; the Yampa Valley Regional Airport and its impact on the area's economy; maintenance on county roads; the unique demographics and industry within the region; public transit; and road safety.

Grand Junction. Briefings were provided by the Transportation Commission, CDOT, Mesa County, and the city of Grand Junction. The discussion was focused around several topics, including: the region's economy; highway shoulders and passing lanes; public transit; road hazards such as rock slides; and transportation-specific taxes.

Glenwood Springs. At the Glenwood Springs field hearing, representatives from the Transportation Commission, CDOT, Garfield County, and the city of Glenwood Springs provided information on the region's transportation system to the committee. The committee and panelists discussed the replacement of the Grand Avenue Bridge and on the impact of construction and closures on tourism and residents; the regional bus system; land acquisition; bike routes; vehicle emergencies; and transportation funding needs.

Summary of Recommendations

As a result of the committee's activities, five bills were recommended to the Legislative Council for consideration during the 2014 Legislative Session. At its meeting on November 14, 2013, the Legislative Council approved all of the TLRC's recommended bills for introduction. The bills are described below.

Bill A — Disabled Parking License Plate Placards

Bill A recodifies the disabled parking statutes to clarify that:

- the Colorado Advisory Council for Persons with Disabilities may implement an education program;
- persons may get personalized license plates with an identifying figure;
- the Department of Revenue must place a "C" on the registration of the parent of a child who is mobility impaired and has a license plate granting reserved parking;
- if an entity transports mobility-impaired people, the entity must provide a driver's license or identification document of its executive director or chief executive officer;
- disabled placards must be visible through the windshield and hung on the rearview mirror or placed on the dashboard;
- an applicant for a license plate or placard with the identifying figure must sign an affidavit that the person for whom it is issued is eligible;
- reserved parking signs must conform to the requirements of the "Americans with Disabilities Act;"
- the chief officer and the employee of a company that misuses a disabled parking placard issued to the company are each individually liable; and
- the prohibition against using reserved parking for commercial purposes does not apply when the owner of the business consents to its use.

Bill B — Divisible Load Overweight Vehicle Permits

Bill B authorizes an overweight permit for vehicles that haul sludge for wastewater purposes or other loads that are deemed a public hazard by CDOT, and sets standards for the application and issuance of permits. The bill also authorizes the issuance of an annual fleet permit for two- and three-axle group vehicles with divisible loads. The fee for the permit is \$2,000 plus \$35 per vehicle.

Bill C — Plug-in Electric Motor Vehicle Definition

Bill C clarifies the definition of a plug-in electric motor vehicle. For the purposes of registering a motor vehicle, a "plug-in electric motor vehicle" is defined as a vehicle that can be recharged from any external source of electricity, and the electricity stored in a rechargeable battery pack propels or contributes to propel the vehicle's drive wheels. The definition includes motor vehicles that are certified to be eligible for a particular federal tax credit and other vehicles that may be retrofitted to be plug-in electric vehicles.



Bill D — Highway Restriction Violation Penalties

Bill D raises the fine for the operator of a commercial vehicle who violates a road closure or road restriction from \$500 to \$2,000, and when the violation of a restriction results in the closure of a travel lane, the fine is increased to \$2,500. Additionally, two license plate suspension points will be imposed for each of these violations.

Bill E — Nonconsensual Tow Motor Vehicle

Bill E changes the limitations on vehicles that are subject to rate regulation when being towed without the owner's consent. Currently, the PUC regulates rates for a nonconsensual tow of a motor vehicle if the vehicle is 10,000 pounds or less. The bill repeals the 10,000-pound limitation to apply the rate regulation to all vehicles. The bill also creates a committee to advise the Public Utilities Commission on rates and investigations of overcharges.

Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on the TLRC's webpage, at:

www.colorado.gov/lcs/TLRC

Meeting Date and Topics Discussed

July 16, 2013

- ◆ Presentation by the aviation industry
- ◆ Presentation by the Colorado Department of Public Health and Environment
- ◆ Presentation by the Public Utilities Commission
- ◆ Presentation by the Colorado Motor Carriers Association and the Western State Transportation Alliance

July 24-25, 2013

- ◆ Northern Colorado tour

August 19-20, 2013

- ◆ Southern Colorado tour

September 10-12, 2013

- ◆ Western Slope tour

October 7, 2013

- ◆ Briefing from the Denver Regional Council of Governments
- ◆ Presentation by the Colorado Association of Transit Agencies
- ◆ Presentation by three public highway authorities
- ◆ Presentation on disabled parking issues
- ◆ Briefing from the Colorado State Patrol
- ◆ Discussion of proposed legislation



October 8, 2013

- ◆ Presentation by the Colorado Department of Transportation
- ◆ Presentation by Action 22, Inc.
- ◆ Presentation by MPACT 64
- ◆ Presentation by the Regional Transportation District
- ◆ Presentation on the High-Performance Transportation Enterprise
- ◆ Presentation by the Colorado Contractors Association
- ◆ Presentation by Truckers for Common Sense

October 29, 2013

- ◆ Presentation by the Colorado Department of Revenue
- ◆ Discussion and approval of draft legislation

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

BILL A

LLS NO. 14-0229.01 Jery Payne

HOUSE BILL

HOUSE SPONSORSHIP

Primavera, Kraft-Tharp, Lee, Mitsch Bush, Peniston, Tyler

SENATE SPONSORSHIP

Todd, Heath, Jones

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A RECODIFICATION OF THE LAWS GOVERNING RESERVED**
102 **PARKING FOR PERSONS WITH DISABILITIES.**

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://www.leg.state.co.us/billsummaries>.)

Transportation Legislation Review Committee. The bill recodifies the disabled parking statutes to clarify that:

- The Colorado advisory council for persons with disabilities may implement an education program;
- A person may get personalized license plates with an

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

DRAFT Dashes through the words indicate deletions from existing statute.

13

- identifying figure;
- The department of revenue places a "C" on the registration of the parent of a child who is mobility-impaired and has a license plate granting reserved parking;
- If an entity transports mobility-impaired people, the entity must provide a driver's license or identification document of its executive director or chief executive officer;
- When a person uses a disabled placard, the placard must be visible through the windshield and hung on the rear-view mirror or placed on the dashboard;
- An applicant for a license plate or placard with the identifying figure must sign an affidavit that the person for whom it is issued is eligible;
- Reserved parking signs must conform to the requirements of the "Americans with Disabilities Act";
- The chief officer and the employee of a company that violates disabled parking law are each individually liable; and
- The prohibition against using reserved parking for commercial purposes does not apply when the owner of the business consents to the use.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-1-227, **amend** (1)

3 (a) as follows:

4 **42-1-227. Disabled parking education program.** (1) Subject to
 5 the availability of funds appropriated under section 42-1-226, the
 6 Colorado advisory council for persons with disabilities, created in section
 7 24-45.5-103, C.R.S.:

8 (a) May make grants or develop, IMPLEMENT, or deliver education
 9 programs for the purpose of providing peace officers, local governments,
 10 medical providers, drivers, and persons with disabilities with education
 11 concerning eligibility standards for RESERVED parking ~~privileges~~
 12 available to a person with a disability affecting mobility, appropriate use
 13 of the RESERVED parking, ~~privileges~~, the legal standards and violations

1 contained in sections 42-3-204 and 42-4-1208, and the advantages of
2 creating a volunteer enforcement program; and

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

5 **42-3-204. Reserved parking for persons with disabilities -**
6 **applicability - definitions - rules. (1) Definitions.** AS USED IN THIS
7 SECTION:

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

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

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

17 (d) "IDENTIFYING FIGURE" MEANS A FIGURE THAT PROVIDES
18 NOTICE THAT A PERSON IS AUTHORIZED TO USE A RESERVED PARKING
19 SPACE.

20 (e) "IDENTIFYING PLACARD" MEANS A PLACARD BEARING AN
21 IDENTIFYING FIGURE ISSUED UNDER THIS SECTION OR A SIMILAR PROVISION
22 IN ANOTHER STATE AND REFERS TO A TEMPORARY, EXTENDED, OR
23 PERMANENT PLACARD.

24 (f) "IDENTIFYING PLATE" MEANS A LICENSE PLATE BEARING AN
25 IDENTIFYING FIGURE ISSUED UNDER THIS SECTION OR A SIMILAR PROVISION
26 IN ANOTHER STATE AND REFERS TO EITHER AN EXTENDED OR PERMANENT
27 LICENSE PLATE.

28 (g) "PERMANENT" MEANS A CONDITION THAT IS NOT EXPECTED TO

1 CHANGE WITHIN A PERSON'S LIFETIME, GIVEN THE CURRENT STATE OF
2 MEDICAL OR ADAPTIVE TECHNOLOGY.

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

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

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

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

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

25 (II) ANY VIOLATIONS OF SECTION 42-4-1208 BY THE HOLDER OF AN
26 IDENTIFYING PLATE OR PLACARD; AND

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

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

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

10 (I) A PEACE OFFICER ACTING WITHIN THE COURSE AND SCOPE OF
11 THE OFFICER'S DUTIES; OR

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

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

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

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

26 **(3) Types of plates or placards. (a) Authorization.** THE
27 DEPARTMENT MAY ISSUE THE FOLLOWING DISABLED PLATES AND
28 PLACARDS THAT NOTIFY THE PUBLIC THAT THE VEHICLE TRANSPORTS A

1 PERSON WHO MAY USE RESERVED PARKING:

2 (I) A TEMPORARY IDENTIFYING PLACARD;

3 (II) AN EXTENDED IDENTIFYING PLACARD;

4 (III) A PERMANENT IDENTIFYING PLACARD;

5 (IV) AN EXTENDED IDENTIFYING PLATE;

6 (V) A PERMANENT IDENTIFYING PLATE;

7 (VI) A DISABLED VETERAN LICENSE PLATE WITH AN ADDITIONAL

8 IDENTIFYING FIGURE, AS DETERMINED BY THE DEPARTMENT, TO INDICATE

9 THAT THE OWNER OF THE VEHICLE IS AUTHORIZED TO MAKE USE OF

10 RESERVED PARKING FOR PERSONS WITH DISABILITIES.

11 (b) **Number of placards and license plates allowed.** (I) THE

12 DEPARTMENT MAY ISSUE TWO IDENTIFYING PLACARDS, TWO IDENTIFYING

13 PLATES, OR ONE PLATE AND ONE PLACARD TO AN ELIGIBLE INDIVIDUAL.

14 (II) THE DEPARTMENT MAY ISSUE A DISABLED VETERAN LICENSE

15 PLATE WITH AN ADDITIONAL IDENTIFYING FIGURE AND ONE PLACARD TO

16 AN INDIVIDUAL.

17 (III) THE DEPARTMENT MAY ISSUE ONE IDENTIFYING PLATE OR

18 PLACARD TO EACH PARENT OR GUARDIAN OF A CHILD WITH A DISABILITY

19 WHO IS UNDER SIXTEEN YEARS OF THE AGE.

20 (4) **Cost.** THE COST FOR ISSUANCE OF AN IDENTIFYING PLATE IS

21 THE SAME AS FOR A STANDARD PLATE. THERE IS NO FEE FOR AN

22 IDENTIFYING PLACARD.

23 (5) **Issuance of plate or placard - rules.** (a) **Department to**

24 **issue.** THE DEPARTMENT SHALL ISSUE AN IDENTIFYING PLATE OR PLACARD

25 TO AN APPLICANT THAT PAYS ANY REQUIRED FEES AND IS QUALIFIED FOR

26 THE PLATE OR PLACARD UNDER PARAGRAPH (h) OF THIS SUBSECTION (5).

27 (b) **Identification number on placard.** THE DEPARTMENT SHALL

28 PLACE THE LAST FOUR DIGITS OF THE HOLDER'S IDENTIFICATION NUMBER

1 ON THE FACE OF AN IDENTIFYING PLACARD. IF AN ENTITY THAT
2 TRANSPORTS PERSONS WITH DISABILITIES OBTAINS A PLACARD, THE
3 PLACARD SHALL BEAR THE TRUE NAME OF THE ENTITY PROVIDING THE
4 SERVICE RATHER THAN THE IDENTIFICATION NUMBER.

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

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

20 (e) **Personalized and other specialty plates authorized.** AN
21 APPLICANT MAY APPLY FOR A PERSONALIZED IDENTIFYING PLATE. UPON
22 PAYMENT OF THE ADDITIONAL FEE REQUIRED BY SECTION 42-3-211 (6) (a)
23 FOR PERSONALIZED LICENSE PLATES, THE DEPARTMENT MAY ISSUE SUCH
24 PLATES IF THE APPLICANT COMPLIES WITH SECTION 42-3-211. IF AN
25 APPLICANT HAS EXISTING PERSONALIZED LICENSE PLATES FOR A MOTOR
26 VEHICLE, THE APPLICANT MAY TRANSFER THE COMBINATION OF LETTERS
27 OR NUMBERS TO A NEW SET OF IDENTIFYING PLATES FOR THE VEHICLE
28 UPON PAYMENT OF THE FEE IMPOSED BY SECTION 42-3-211 (6) AND UPON

1 TURNING IN THE EXISTING PLATES TO THE DEPARTMENT. A PERSON WHO
2 HAS OBTAINED PERSONALIZED IDENTIFYING PLATES UNDER THIS
3 PARAGRAPH (e) SHALL PAY THE ANNUAL FEE IMPOSED BY SECTION
4 42-3-211 (6) (b) FOR RENEWAL OF PERSONALIZED PLATES. THE FEES
5 UNDER THIS PARAGRAPH (e) ARE IN ADDITION TO ALL OTHER TAXES AND
6 FEES IMPOSED FOR PERSONALIZED IDENTIFYING PLATES.

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

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

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

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

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

1 WHEN INELIGIBLE; AND

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

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

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

19 (IV) A STATE AGENCY OR BUSINESS ENTITY THAT TRANSPORTS
20 PERSONS WITH DISABILITIES MAY OBTAIN A PERMANENT IDENTIFYING
21 PLATE OR PLACARD FOR RESERVED PARKING. TO QUALIFY FOR AN
22 EXTENDED OR PERMANENT IDENTIFYING PLATE OR PLACARD, THE AGENCY
23 OR BUSINESS ENTITY MUST:

24 (A) SHOW THAT IT TRANSPORTS PERSONS WITH DISABILITIES;

25 (B) PROVIDE A DRIVER'S LICENSE OR IDENTIFICATION DOCUMENT
26 OF ITS EXECUTIVE DIRECTOR OR CHIEF EXECUTIVE OFFICER;

27 (C) PROVIDE ITS EMPLOYEE IDENTIFICATION NUMBER; AND

28 (D) PROVIDE ANY OTHER INFORMATION REQUIRED BY THE

1 DEPARTMENT BY RULE.

2 (i) **Requirements for identifying figure on disabled veteran**
3 **license plate.** TO QUALIFY FOR A DISABLED VETERAN LICENSE PLATE WITH
4 AN IDENTIFYING FIGURE, THE APPLICANT MUST QUALIFY FOR A
5 PERMANENT IDENTIFYING PLATE UNDER SUBPARAGRAPH (I) OF
6 PARAGRAPH (h) OF THIS SUBSECTION (5) AND MEET THE ELIGIBILITY
7 CRITERIA IN SECTION 42-3-213 (5) FOR A DISABLED VETERAN LICENSE
8 PLATE. A DISABLED VETERAN LICENSE PLATE WITH AN IDENTIFYING
9 FIGURE EXPIRES IN ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY
10 THE DEPARTMENT FOR PERIODIC REGISTRATION UNDER SECTION 42-3-102
11 (1) (a). EVERY NINE YEARS, THE HOLDER MAY RESUBMIT THE STATEMENT
12 REQUIRED IN SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF
13 PARAGRAPH (h) OF THIS SUBSECTION (5) TO RENEW THE LICENSE PLATE.

14 (6) **Expiration and renewal.** (a) **Temporary placards.** A
15 TEMPORARY IDENTIFYING PLACARD EXPIRES ON THE LAST DAY OF THE
16 MONTH IN WHICH THE NINETIETH DAY AFTER ISSUANCE OCCURS. THE
17 HOLDER MAY APPLY FOR OR RENEW THE PLACARD BY MEETING THE
18 REQUIREMENTS OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION TO
19 QUALIFY FOR THE PLACARD.

20 (b) **Extended placards.** AN EXTENDED IDENTIFYING PLACARD
21 EXPIRES ON THE LAST DAY OF THE THIRTY-SIXTH FULL MONTH AFTER THE
22 DATE OF ISSUANCE OR RENEWAL. THE HOLDER MAY APPLY FOR OR RENEW
23 THE PLACARD BY MEETING THE REQUIREMENTS OF SUBPARAGRAPH (I) OF
24 PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION TO QUALIFY FOR THE
25 PLACARD.

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

1 PLACARD BY SUBMITTING:

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

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

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

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

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

21 (d) **Extended identifying plates.** (I) AN EXTENDED IDENTIFYING
22 PLATE EXPIRES IN ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY THE
23 DEPARTMENT FOR PERIODIC REGISTRATION UNDER SECTION 42-3-102 (1)
24 (a). ELIGIBILITY FOR AN EXTENDED IDENTIFYING PLATE EXPIRES ON THE
25 LAST DAY OF THE THIRTY-SIXTH FULL MONTH AFTER THE DATE OF
26 ISSUANCE OR RENEWAL. THE HOLDER MAY RENEW THE PLATE BY MEETING
27 THE REQUIREMENTS OF SUBPARAGRAPH (I) OF PARAGRAPH (h) OF
28 SUBSECTION (5) OF THIS SECTION TO QUALIFY FOR THE PLATE.

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

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

12 (A) A CURRENT VERIFICATION FORM BY MAIL OR IN PERSON IN THE
13 OFFICE OF AN AUTHORIZED AGENT;

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

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

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

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

27 (III) IF THE HOLDER IS AN ENTITY, THE HOLDER MAY RENEW THE
28 PLATE UPON RESUBMITTING AND UPDATING THE INFORMATION NECESSARY

1 TO BE ISSUED THE PLATE UNDER SUBPARAGRAPH (IV) OF PARAGRAPH (h)
2 OF SUBSECTION (5) OF THIS SECTION.

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

14 (II) THE REVOCATION IS EFFECTIVE FORTY-FIVE DAYS AFTER THE
15 DEPARTMENT RECEIVES THE SWORN STATEMENT UNLESS A HEARING IS
16 REQUESTED IN ACCORDANCE WITH PARAGRAPH (e) OF THIS SUBSECTION
17 (7).

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

23 (c) **Revocation period.** (I) UPON A FIRST VIOLATION OF SECTION
24 42-4-1208, THE DEPARTMENT SHALL DENY REISSUANCE OF THE
25 IDENTIFYING PLATE OR PLACARD FOR TWELVE MONTHS AFTER THE DATE
26 OF REVOCATION.

27 (II) UPON A SECOND OR SUBSEQUENT VIOLATION OF SECTION
28 42-4-1208, THE DEPARTMENT SHALL DENY REISSUANCE OF THE

1 IDENTIFYING PLATE OR PLACARD FOR A PERIOD OF AT LEAST FIVE YEARS
2 AFTER THE DATE OF THE SECOND OR MOST RECENT SUBSEQUENT
3 REVOCATION.

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

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

10 (II) A WARNING THAT CONTINUED USE OF THE IDENTIFYING PLATE
11 OR PLACARD BY ANY PERSON IS SUBJECT TO THE PENALTY SET FORTH IN
12 SECTION 42-4-1208 (7); AND

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

16 (e) **Request for hearing.** IF A PERSON REQUESTS A HEARING ON
17 THE REVOCATION OF AN IDENTIFYING PLATE OR PLACARD WITHIN THIRTY
18 DAYS AFTER THE DEPARTMENT ISSUED THE NOTICE, THE DEPARTMENT
19 SHALL HOLD A HEARING BEFORE REVOKING THE PLATE OR PLACARD. IF A
20 HEARING IS HELD AND THE HEARING OFFICER UPHOLDS THE REVOCATION,
21 THE REVOCATION TAKES EFFECT IMMEDIATELY.

22 (f) **Penalty.** A PERSON WHO FAILS TO RETURN A REVOKED
23 IDENTIFYING PLACARD OR PLATE, OR WHO ATTEMPTS TO OBTAIN AN
24 IDENTIFYING PLATE OR PLACARD WHEN UNDER REVOCATION IN
25 ACCORDANCE WITH THIS SUBSECTION (7), COMMITS A CLASS B TRAFFIC
26 INFRACTION.

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

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

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

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

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

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

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

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

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

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

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

1 DRIVER SHALL DISPLAY IT ON THE DASHBOARD.

2 (c) A PERSON WITH A DISABILITY WHO IS A RESIDENT OF A STATE
3 OTHER THAN COLORADO MAY USE RESERVED PARKING IN COLORADO IF
4 THE MOTOR VEHICLE DISPLAYS AN IDENTIFYING PLATE OR PLACARD ISSUED
5 BY A STATE OTHER THAN COLORADO, AND IF:

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

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

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

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

22 (II) ONLY SPECIAL VEHICLES MAY BE PARKED; OR

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

25 (3) **Misuse of reserved parking.** (a) A PERSON WITHOUT A
26 DISABILITY SHALL NOT PARK IN A PARKING SPACE ON PUBLIC OR PRIVATE
27 PROPERTY THAT IS CLEARLY IDENTIFIED BY AN OFFICIAL SIGN AS BEING
28 RESERVED PARKING UNLESS:

1 (I) THE PERSON IS PARKING THE VEHICLE FOR THE DIRECT BENEFIT
2 OF A PERSON WITH A DISABILITY TO ENTER OR EXIT THE VEHICLE WHILE IT
3 IS PARKED IN THE RESERVED PARKING SPACE; AND

4 (II) AN IDENTIFYING PLATE OR PLACARD OBTAINED UNDER OR
5 AUTHORIZED BY SECTION 42-3-204 IS DISPLAYED IN OR ON THE VEHICLE.

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

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

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

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

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

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

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

26 (II) FOR A VIOLATION OF THIS PARAGRAPH (d), THE EXECUTIVE
27 DIRECTOR OR OFFICER OF THE ENTITY TO WHOM THE PLACARD OR PLATE
28 WAS ISSUED AND THE OFFENDING EMPLOYEE ARE EACH SUBJECT TO THE

1 PENALTIES IN PARAGRAPH (a) OR (b) OF SUBSECTION (7) OF THIS SECTION.

2 (e) A PERSON WHO VIOLATES THIS SUBSECTION (3) IS SUBJECT TO
3 THE PENALTIES IN PARAGRAPH (a) OR (b) OF SUBSECTION (7) OF THIS
4 SECTION.

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

12 (b) A PERSON WHO VIOLATES THIS SUBSECTION (4) IS SUBJECT TO
13 THE PENALTIES IN PARAGRAPH (c) OF SUBSECTION (7) OF THIS SECTION.

14 (5) **Fraud and trafficking.** A PERSON IS GUILTY OF A
15 MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED AS PROVIDED
16 IN PARAGRAPH (d) OF SUBSECTION (7) OF THIS SECTION IF THE PERSON:

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

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

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

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

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

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

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

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

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

22 (e) (I) A PEACE OFFICER MAY ISSUE A PENALTY ASSESSMENT
23 NOTICE FOR A VIOLATION OF PARAGRAPH (b), (c), OR (d) OF SUBSECTION
24 (3) OF THIS SECTION BY SENDING IT BY CERTIFIED MAIL TO THE
25 REGISTERED OWNER OF THE MOTOR VEHICLE. THE PEACE OFFICER SHALL
26 INCLUDE IN THE PENALTY ASSESSMENT NOTICE THE OFFENSE OR
27 INFRACTION, THE TIME AND PLACE WHERE IT OCCURRED, AND A
28 STATEMENT THAT THE PAYMENT OF THE PENALTY ASSESSMENT AND A

1 SURCHARGE IS DUE WITHIN TWENTY DAYS AFTER THE ISSUANCE OF THE
2 NOTICE. THE DEPARTMENT RECEIVES PAYMENT OF THE PENALTY
3 ASSESSMENT BY THE DUE DATE IF THE PAYMENT IS RECEIVED OR
4 POSTMARKED BY THE TWENTIETH DAY AFTER THE VEHICLE OWNER
5 RECEIVED THE PENALTY ASSESSMENT NOTICE.

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

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

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

21 (III) UPON RECEIPT OF CERTIFICATION OR INDEPENDENT
22 VERIFICATION OF AN ENTRY OF JUDGMENT, THE DEPARTMENT SHALL
23 REVOKE AN IDENTIFYING PLATE OR PLACARD AS PROVIDED IN SECTION
24 42-3-204 (7) (d).

25 (g) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION
26 TO THE CONTRARY, A HOLDER IS LIABLE FOR ANY PENALTY OR FINE AS SET
27 FORTH IN THIS SECTION OR SECTION 42-3-204 OR FOR ANY MISUSE OF AN
28 IDENTIFYING PLATE OR PLACARD, INCLUDING THE USE OF SUCH PLATE OR

1 PLACARD BY ANY PERSON OTHER THAN A HOLDER, UNLESS THE HOLDER
2 FURNISHES SUFFICIENT EVIDENCE THAT THE IDENTIFYING PLATE OR
3 PLACARD WAS, AT THE TIME OF THE VIOLATION, IN THE CARE, CUSTODY,
4 OR CONTROL OF ANOTHER PERSON WITHOUT THE HOLDER'S KNOWLEDGE
5 OR CONSENT.

6 (II) A HOLDER MAY AVOID THE LIABILITY DESCRIBED IN
7 SUBPARAGRAPH (I) OF THIS PARAGRAPH (g) IF, WITHIN A REASONABLE
8 TIME AFTER NOTIFICATION OF THE VIOLATION, THE HOLDER FURNISHES TO
9 THE PROSECUTORIAL DIVISION OF THE APPROPRIATE JURISDICTION THE
10 NAME AND ADDRESS OF THE PERSON WHO HAD THE CARE, CUSTODY, OR
11 CONTROL OF THE IDENTIFYING PLATE OR PLACARD AT THE TIME OF THE
12 VIOLATION OR THE HOLDER REPORTS THE LICENSE PLATE OR PLACARD
13 LOST OR STOLEN TO BOTH THE APPROPRIATE LOCAL LAW ENFORCEMENT
14 AGENCY AND THE DEPARTMENT.

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

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

25 (7) **Penalties.** (a) ANY PERSON WHO VIOLATES SUBSECTION (3) OF
26 THIS SECTION COMMITS A MISDEMEANOR AND, UPON CONVICTION, SHALL
27 BE PUNISHED BY A SURCHARGE OF THIRTY-TWO DOLLARS UNDER SECTIONS
28 24-4.1-119 (1) (f) AND 24-4.2-104 (1) (b) (I), C.R.S., AND:

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

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

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

9 (b) A PERSON WHO VIOLATES SUBSECTION (3) OF THIS SECTION BY
10 PARKING A VEHICLE OWNED BY A COMMERCIAL CARRIER IS GUILTY OF A
11 MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED BY THE
12 SURCHARGE AND A FINE OF UP TO TWICE THE PENALTY IMPOSED IN
13 PARAGRAPH (a) OF THIS SUBSECTION (7).

14 (c) (I) A PERSON WHO VIOLATES SUBSECTION (4) OF THIS SECTION
15 COMMITS A CLASS B TRAFFIC INFRACTION AND IS SUBJECT TO A FINE OF
16 ONE HUNDRED FIFTY DOLLARS. UPON CONVICTION OR A PLEA OF GUILTY
17 OR NOLO CONTENDERE FOR A VIOLATION OF SUBSECTION (4), OF THIS
18 SECTION THE COURT SHALL SEND A CERTIFICATION OF THE ENTRY OF
19 JUDGMENT TO THE DEPARTMENT.

20 (II) A PERSON WHO VIOLATES SUBSECTION (3) OF THIS SECTION BY
21 PARKING A VEHICLE OWNED BY A COMMERCIAL CARRIER IS GUILTY OF A
22 MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED BY A FINE OF
23 UP TO TWICE THE PENALTY IMPOSED IN THIS PARAGRAPH (c).

24 (d) (I) A PERSON WHO VIOLATES SUBSECTION (5) OF THIS SECTION
25 IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE
26 PUNISHED BY THE CRIMINAL AND CIVIL PENALTIES PROVIDED UNDER
27 SECTION 42-6-139 (3) AND (4).

28 (II) A PERSON WHO WILLFULLY RECEIVES REMUNERATION FOR

1 VIOLATING SUBSECTION (5) OF THIS SECTION IS GUILTY OF A
2 MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED BY TWICE
3 THE CIVIL AND CRIMINAL PENALTIES THAT WOULD BE IMPOSED UNDER
4 SUBPARAGRAPH (I) OF THIS PARAGRAPH (d).

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

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

14 **42-3-213. License plates - military veterans - rules -**
15 **retirement.** (1)(a) The department shall issue one or more sets of ~~special~~
16 license plates to the following persons who own a truck that does not
17 exceed sixteen thousand pounds empty weight, a passenger car, a
18 motorcycle, or a noncommercial or recreational vehicle:

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

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

28 (B) No fee shall be charged for one set of disabled veteran ~~special~~

1 license plates issued ~~pursuant to~~ UNDER subsection (5) of this section for
2 a passenger car, a truck, a motorcycle, or a noncommercial or recreational
3 vehicle.

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

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

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

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

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

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

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

26 (II) In addition to the requirements of subparagraph (I) of this
27 paragraph (a), if the applicant demonstrates that he or she has a physical
28 impairment affecting mobility under the standards provided in section

1 42-3-204 (1), then ~~such special~~ THE license plate shall have an additional
2 identifying figure, as ~~determined by the department~~ DEFINED IN SECTION
3 42-3-204 (1) (c), to indicate that the ~~owner of the vehicle is authorized to~~
4 ~~make use of parking privileges for persons with disabilities~~ TO
5 TRANSPORT A PERSON WHO IS ELIGIBLE TO USE RESERVED PARKING UNDER
6 SECTION 42-4-1208.

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

13 **SECTION 5.** In Colorado Revised Statutes, 42-4-1701, **amend**
14 (4) (a) (I) (M) as follows:

15 **42-4-1701. Traffic offenses and infractions classified -**
16 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except
17 as provided in paragraph (c) of subsection (5) of this section, every
18 person who is convicted of, who admits liability for, or against whom a
19 judgment is entered for a violation of any provision of this title to which
20 paragraph (a) or (b) of subsection (5) of this section apply shall be fined
21 or penalized, and have a surcharge levied ~~thereon pursuant to~~ IN
22 ACCORDANCE WITH sections 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I),
23 C.R.S., in accordance with the penalty and surcharge schedule set forth
24 in sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no penalty
25 or surcharge is specified in the schedule, the penalty for class A and class
26 B traffic infractions shall be fifteen dollars, and the surcharge shall be
27 four dollars. These penalties and surcharges shall apply whether the
28 defendant acknowledges the defendant's guilt or liability in accordance

1 with the procedure set forth by paragraph (a) of subsection (5) of this
 2 section or is found guilty by a court of competent jurisdiction or has
 3 judgment entered against the defendant by a county court magistrate.
 4 Penalties and surcharges for violating specific sections shall be as
 5 follows:

6	Section Violated	Penalty	Surcharge
7	(M) Parking violations:		
8	42-4-1201	\$ 30.00	\$ 6.00
9	42-4-1202	30.00	6.00
10	42-4-1204	15.00	6.00
11	42-4-1205	15.00	6.00
12	42-4-1206	15.00	6.00
13	42-4-1207	15.00	6.00
14	42-4-1208 (9), (15), or (16) (3) (b), (3)		
15	(c), AND (3) (d)	150.00	32.00

16 **SECTION 6. Effective date - applicability.** This act takes effect
 17 July 1, 2014, and applies to applications for identifying plates or placards
 18 submitted and offenses committed on or after January 1, 2015.

19 **SECTION 7. Safety clause.** The general assembly hereby finds,
 20 determines, and declares that this act is necessary for the immediate
 21 preservation of the public peace, health, and safety.

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

BILL B

LLS NO. 14-0230.01 Jery Payne x2157

HOUSE BILL

HOUSE SPONSORSHIP

Mitsch Bush and Coram, Fischer, Lee, Primavera, Tyler

SENATE SPONSORSHIP

Todd,

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING OVERWEIGHT VEHICLE PERMITS FOR DIVISIBLE LOADS.**

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://www.leg.state.co.us/billssummaries>.)

Transportation Legislation Review Committee. The bill exempts sludge waste vehicles operated by a city, county, municipal utility, or special district from wheel and axle load restrictions.

The bill also authorizes issuing an annual fleet permit for 2- or 3-axle group vehicles with divisible loads. The fee for the permit is \$2,000 plus \$35 per vehicle.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

DRAFT Dashes through the words indicate deletions from existing statute.

39

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-507, **add** (3) (c)
3 as follows:

4 **42-4-507. Wheel and axle loads.** (c) A VEHICLE CONTRACTED BY
5 OR OWNED AND OPERATED BY A CITY, COUNTY, MUNICIPAL UTILITY, OR
6 SPECIAL DISTRICT IS EXEMPT FROM PARAGRAPH (C) OF SUBSECTION (2) OF
7 THIS SECTION IF THE VEHICLE IS EQUIPPED WITH A VACUUM OR JET
8 EQUIPMENT TO LOAD OR UNLOAD SOLID, SEMISOLID, OR LIQUID WASTE FOR
9 WATER OR WASTEWATER TREATMENT OR TRANSPORTATION SYSTEMS OR
10 FOR THE REMOVAL OF STORM WATER.

11 **SECTION 2.** In Colorado Revised Statutes, 42-4-510, **amend**
12 (11) (a) (VII) as follows:

13 **42-4-510. Permits for excess size and weight and for**
14 **manufactured homes - rules.** (11) (a) The department of transportation
15 or the Colorado state patrol may charge permit applicants permit fees as
16 follows:

17 (VII) For overweight permits for vehicle combinations with a
18 trailer that has two or three axles for divisible vehicles or loads exceeding
19 legal weight limits established ~~pursuant to~~ BY sub-subparagraph (B) of
20 subparagraph (II) of paragraph (b) of subsection (1) of this section:

21 (A) Annual permit, five hundred dollars;

22 (B) Six-month permit, two hundred fifty dollars; ~~and~~

23 (C) Single trip permit, fifteen dollars plus ten dollars per axle;

24 AND

25 (D) EFFECTIVE JANUARY 1, 2015, ANNUAL FLEET PERMIT, TWO
26 THOUSAND DOLLARS PLUS THIRTY-FIVE DOLLARS PER VEHICLE TO BE

1 PERMITTED.

2 **SECTION 3. Act subject to petition - effective date -**
3 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
4 the expiration of the ninety-day period after final adjournment of the
5 general assembly (August 6, 2014, if adjournment sine die is on May 7,
6 2014); except that, if a referendum petition is filed pursuant to section 1
7 (3) of article V of the state constitution against this act or an item, section,
8 or part of this act within such period, then the act, item, section, or part
9 will not take effect unless approved by the people at the general election
10 to be held in November 2014 and, in such case, will take effect on the
11 date of the official declaration of the vote thereon by the governor.
12 (2) This act applies to applications submitted on or after the
13 applicable effective date of this act.

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

BILL C

LLS NO. 14-0232.01 Ed DeCecco x4216

HOUSE BILL

HOUSE SPONSORSHIP

Fischer, Lee, Mitsch Bush, Primavera, Tyler

SENATE SPONSORSHIP

Jones, Todd

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CLARIFICATION OF THE DEFINITION OF A PLUG-IN
102 ELECTRIC MOTOR VEHICLE.

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://www.leg.state.co.us/billsummaries>.)

Transportation Legislation Review Committee. For purposes of registering a motor vehicle, a "plug-in electric motor vehicle" is defined to include motor vehicles that are certified to be eligible for a particular federal tax credit and a catch-all provision that applies to other vehicles; for example, one that is retrofitted to be a plug-in electric vehicle. The bill

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Capital letters indicate new material to be added to existing statute.

DRAFT *Dashes through the words indicate deletions from existing statute.*

43

clarifies the catch-all component of the definition to ensure that it is not too expansive.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-3-304, **amend**
3 (25) (c) (II) as follows:

4 **42-3-304. Registration fees - passenger and passenger-mile**
5 **taxes - clean screen fund - definitions - repeal.** (25) (c) As used in this
6 section, "plug-in electric motor vehicle" means:

7 (II) Any motor vehicle ~~that draws electricity from a battery that is~~
8 ~~capable of being charged from an external source~~ THAT CAN BE
9 RECHARGED FROM ANY EXTERNAL SOURCE OF ELECTRICITY AND THE
10 ELECTRICITY STORED IN A RECHARGEABLE BATTERY PACK PROPELS OR
11 CONTRIBUTES TO PROPEL THE VEHICLE'S DRIVE WHEELS.

12 **SECTION 2. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

BILL D

LLS NO. 14-0228.01 Jerry Payne

HOUSE BILL

HOUSE SPONSORSHIP

Mitsch Bush and Hamner, Tyler, Fischer

SENATE SPONSORSHIP

(None),

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PENALTY FOR VIOLATING A ROAD RESTRICTION.**

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://www.leg.state.co.us/billsummaries>.)

Transportation Legislation Review Committee. The bill raises the fine for the operator of a commercial vehicle who violates a road closure or road restriction from \$500 to \$2,000, and, when the violation of a restriction (e.g., chains required) results in the closure of a travel lane, the fine is increased to \$2,500. In addition, two license suspension points are imposed for each of these violations.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

DRAFT Dashes through the words indicate deletions from existing statute.

45

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-106, **add** (5) (a)
3 (IV.5) as follows:

4 **42-4-106. Who may restrict right to use highways.**
5 (5) (a) (IV.5) A PERSON WHO VIOLATES SUBPARAGRAPH (I) OF THIS
6 PARAGRAPH (a) WHILE OPERATING A COMMERCIAL VEHICLE ON STATE
7 HIGHWAY 82 BETWEEN US ROUTE 24 AND THE CITY OF ASPEN IS SUBJECT
8 TO AN ENHANCED PENALTY AS SET FORTH IN SECTION 42-4-1701 (4) (a) (I)
9 (F).

10 **SECTION 2.** In Colorado Revised Statutes, 42-4-1701, **amend**
11 (4) (a) (I) introductory portion and (4) (a) (I) (F) as follows:

12 **42-4-1701. Traffic offenses and infractions classified -**
13 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except
14 as provided in paragraph (c) of subsection (5) of this section, every
15 person who is convicted of, who admits liability for, or against whom a
16 judgment is entered for a violation of any provision of this title to which
17 paragraph (a) or (b) of subsection (5) of this section apply shall be fined
18 or penalized, and have a surcharge levied thereon pursuant to sections
19 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S., in accordance with
20 the penalty and surcharge schedule set forth in sub-subparagraphs (A) to
21 (P) of this subparagraph (I); or, if no penalty or surcharge is specified in
22 the schedule, the penalty for class A and class B traffic infractions ~~shall~~
23 ~~be~~ IS fifteen dollars, and the surcharge ~~shall be~~ IS four dollars. These
24 penalties and surcharges ~~shall~~ apply whether the defendant acknowledges
25 the defendant's guilt or liability in accordance with the procedure set forth
26 by paragraph (a) of subsection (5) of this section, ~~or~~ is found guilty by a

1 court of competent jurisdiction, or has judgment entered against the
 2 defendant by a county court magistrate. Penalties and surcharges for
 3 violating specific sections ~~shall be~~ ARE as follows:

4	Section Violated	Penalty	Surcharge
5	(F) Size, weight, and load violations:		
6	42-4-502	\$ 75.00	\$ 24.00
7	42-4-503	15.00	6.00
8	42-4-504	75.00	24.00
9	42-4-505	75.00	24.00
10	42-4-506	15.00	6.00
11	42-4-509	50.00	16.00
12	42-4-510 (12)(a)	35.00	10.00
13	42-4-106 (1), (3), (4),		
14	(6), or (7)	35.00	10.00
15	42-4-106 (5)(a)(I)	100.00	32.00
16	42-4-106 (5)(a)(II)	500.00	156.00
17	42-4-106 (5)(a)(III)	500.00	78.00
18	42-4-106 (5)(a)(IV)	1,000.00	156.00
19	42-4-106 (5)(a)(IV.5)	2,500.00	156.00
20	42-4-512	75.00	24.00
21	42-8-105 (1) to (5)	50.00	16.00
22	42-8-106	50.00	16.00

23 **SECTION 3. Act subject to petition - effective date -**
 24 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
 25 the expiration of the ninety-day period after final adjournment of the
 26 general assembly (August 6, 2014, if adjournment sine die is on May 7,
 27 2014); except that, if a referendum petition is filed pursuant to section 1
 28 (3) of article V of the state constitution against this act or an item, section,

1 or part of this act within such period, then the act, item, section, or part
2 will not take effect unless approved by the people at the general election
3 to be held in November 2014 and, in such case, will take effect on the
4 date of the official declaration of the vote thereon by the governor.

5 (2) This act applies to offenses committed on or after the
6 applicable effective date of this act.

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

BILL E

LLS NO. 14-0231.01 Jery Payne

HOUSE BILL

HOUSE SPONSORSHIP

Moreno, Fischer, Lee, Mitsch Bush, Peniston, Primavera, Tyler

SENATE SPONSORSHIP

(None),

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE WEIGHT OF MOTOR VEHICLES THAT ARE SUBJECT TO**
102 **RATE REGULATION WHEN BEING TOWED WITHOUT THE OWNER'S**
103 **CONSENT.**

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://www.leg.state.co.us/billsummaries>.)

Transportation Legislation Review Committee. Currently, the public utilities commission regulates rates for a nonconsensual tow of a motor vehicle if the vehicle is 10,000 pounds or less. The bill repeals the 10,000 pound limitation to apply the regulation to all vehicles.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

DRAFT Dashes through the words indicate deletions from existing statute.

49

The bill also creates a committee to advise the public utilities commission on rates and investigations of overcharges. The committee is made up of the following members:

- One member who represents the commission;
- One member who represents the chief of the Colorado state patrol;
- One member who represents a towing association;
- One member who represents towing carriers generally;
- One member who represents an association of automobile owners;
- One member who represents insurance companies;
- One member who represents an association of motor carriers;
- One member who represents local law enforcement agencies; and
- One member who represents consumers of towing services.

The commission must consult the committee when making rules about rate regulation. The committee sunsets in 2024.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 40-10.1-403 as
3 follows:

4 **40-10.1-403. Towing advisory committee - creation - rules -**

5 **repeal.** (1) THE TOWING ADVISORY COMMITTEE IS HEREBY CREATED
6 WITHIN THE DEPARTMENT OF REGULATORY AGENCIES.

7 (2) THE COMMITTEE CONSISTS OF NINE MEMBERS, APPOINTED AS
8 FOLLOWS:

9 (a) ONE MEMBER, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE
10 COMMISSION TO REPRESENT THE COMMISSION;

11 (b) ONE MEMBER, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE
12 CHIEF OF THE COLORADO STATE PATROL;

13 (c) ONE MEMBER, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE
14 COMMISSION TO REPRESENT A TOWING ASSOCIATION WITHIN THE STATE;

15 (d) ONE MEMBER, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE

1 COMMISSION TO REPRESENT TOWING CARRIERS WITHIN THE STATE BUT
2 WHO DOES NOT REPRESENT A TOWING ASSOCIATION;

3 (e) ONE MEMBER, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE
4 COMMISSION TO REPRESENT AN ASSOCIATION OF AUTOMOBILE OWNERS
5 WITHIN THE STATE;

6 (f) ONE MEMBER, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE
7 COMMISSION TO REPRESENT INSURANCE COMPANIES WITHIN THE STATE;

8 (g) ONE MEMBER, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE
9 COMMISSION TO REPRESENT AN ASSOCIATION OF MOTOR CARRIERS WITHIN
10 COLORADO;

11 (h) ONE MEMBER, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE
12 COMMISSION TO REPRESENT LOCAL LAW ENFORCEMENT AGENCIES; AND

13 (i) ONE MEMBER, OR THE MEMBER'S DESIGNEE, APPOINTED BY THE
14 COMMISSION TO REPRESENT CONSUMERS OF TOWING SERVICES.

15 (3) (a) THE MEMBERS OF THE COMMITTEE SERVE FOUR-YEAR
16 TERMS; EXCEPT THAT THE MEMBERS APPOINTED UNDER PARAGRAPHS (a)
17 TO (d) OF SUBSECTION (2) OF THIS SECTION SERVE INITIAL TERMS OF TWO
18 YEARS.

19 (b) THE MEMBERS SHALL ELECT A CHAIR FROM AMONG THEIR
20 MEMBERSHIP.

21 (4) (a) WHEN PROMULGATING OR AMENDING RULES CONCERNING
22 RATE REGULATION OF TOW CARRIERS, THE COMMISSION SHALL CONSULT
23 WITH THE COMMITTEE.

24 (b) AT THE DISCRETION OF THE COMMISSION, THE STAFF OF THE
25 DEPARTMENT OF REGULATORY AGENCIES SHALL CONSULT WITH THE
26 COMMITTEE CONCERNING INVESTIGATIONS OF OVERCHARGES MADE BY
27 TOWING CARRIERS IN VIOLATION OF THIS TITLE.

28 (5) THE COMMITTEE HAS THE FOLLOWING DUTIES AND POWERS:

1 (a) TO MAKE COMPREHENSIVE RECOMMENDATIONS TO THE
2 COMMISSION ABOUT THE MAXIMUM RATES THAT MAY BE CHARGED FOR
3 THE RECOVERY, TOWING, AND STORAGE OF A VEHICLE THAT HAS BEEN
4 TOWED WITHOUT THE OWNER'S CONSENT. THE COMMITTEE SHALL MAKE
5 ITS FIRST COMPREHENSIVE RECOMMENDATIONS TO THE COMMISSION
6 ABOUT THE MAXIMUM RATES BY SEPTEMBER 1, 2015.

7 (b) TO ADVISE THE COMMISSION OR THE STAFF OF THE
8 DEPARTMENT OF REGULATORY AGENCIES CONCERNING INVESTIGATIONS
9 OF OVERCHARGES MADE BY TOWING CARRIERS IN VIOLATION OF THIS
10 TITLE.

11 (6) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2024.
12 PRIOR TO THE REPEAL, THE DEPARTMENT OF REGULATORY AGENCIES
13 SHALL REVIEW THE ADVISORY COMMITTEE IN ACCORDANCE WITH SECTION
14 2-3-1203, C.R.S.

15 **SECTION 2.** In Colorado Revised Statutes, 42-4-1809, **amend**
16 (2) introductory portion and (2) (a) as follows:

17 **42-4-1809. Proceeds of sale.** (2) If the sale of any motor vehicle
18 and its attached accessories or equipment under ~~the provisions of section~~
19 42-4-1805 produces an amount greater than the sum of all charges of the
20 operator who has perfected his or her lien:

21 (a) The ENTITY RECEIVING THE proceeds shall first satisfy the
22 operator's reasonable fee arising from the sale of the motor vehicle and
23 the cost and fees of towing and storing the abandoned motor vehicle, ~~with~~
24 SUBJECT TO a maximum charge ~~that is~~ specified in rules promulgated by
25 the public utilities commission that govern nonconsensual tows by towing
26 carriers. ~~In the case of an abandoned motor vehicle weighing in excess of~~
27 ~~ten thousand pounds, the operator's charges shall be determined by~~
28 ~~negotiated agreement between the operator and the responsible law~~

1 ~~enforcement agency.~~

2 **SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **add** (3)
3 (kk) (I) as follows:

4 **2-3-1203. Sunset review of advisory committees.** (3) The
5 following dates are the dates for which the statutory authorization for the
6 designated advisory committees is scheduled for repeal:

7 (kk) SEPTEMBER 1, 2024:

8 (I) THE TOWING ADVISORY COMMITTEE;

9 **SECTION 4. Act subject to petition - effective date -**
10 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
11 the expiration of the ninety-day period after final adjournment of the
12 general assembly (August 6, 2014, if adjournment sine die is on May 7,
13 2014); except that, if a referendum petition is filed pursuant to section 1
14 (3) of article V of the state constitution against this act or an item, section,
15 or part of this act within such period, then the act, item, section, or part
16 will not take effect unless approved by the people at the general election
17 to be held in November 2014 and, in such case, will take effect on the
18 date of the official declaration of the vote thereon by the governor.

19 (2) This act applies to charges assessed on or after the applicable
20 effective date of this act.