



Colorado Legislative Council Staff Fiscal Note
**STATE and LOCAL
 FISCAL IMPACT**

Drafting Number: LLS 10-0193
Prime Sponsor(s): Rep. Frangas
 Sen. Williams

Date: January 20, 2010
Bill Status: House Transportation and Energy
Fiscal Analyst: David Porter (303-866-4375)

TITLE: CONCERNING PARKING PRIVILEGES FOR PEOPLE WITH DISABILITIES.

Fiscal Impact Summary	FY 2010-2011	FY 2011-2012
State Revenue		
Cash Funds		
Multiple Cash Funds – Penalties and Surcharges	> \$ 5,000	> \$ 5,000
State Expenditures		
FTE Position Change		
Effective Date: August 11, 2010, assuming the General Assembly adjourns May 12, 2010, as scheduled and no referendum petition is filed.		
Appropriation Summary for FY 2010-2011: None required.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

This bill, recommended by the Transportation Legislation Review Committee, makes several changes regarding the reserved parking program for the disabled and program placards.

- ▶ Under current law, it is a misdemeanor to make or use a counterfeit placard. This bill expands the misdemeanor to include devices that mimic a placard.
- ▶ The bill authorizes peace officers to confiscate placards that are used in violation of the law.
- ▶ A peace officer or property owner may have a vehicle towed if it is parked illegally in a reserved space. The vehicle's owner is required to reimburse towing costs.
- ▶ If a person witnesses misuse of a placard, the person can notify a law enforcement agency without fear of disciplinary action from his or her employer.

The bill makes it a class B traffic infraction for certain misuses of a reserved parking space. Finally, if a pay parking provider does not have an accessible payment system, the provider cannot ticket or tow a person in the reserved parking program for the disabled for using a space without payment.

State Revenue

State revenue is expected to increase from penalty, fine, and surcharge collection. Although the number of citations issued under this bill is unknown, this fiscal analysis assumes at least 5 convictions of the misdemeanor, resulting in a state revenue increase of \$5,000 or more. The section below identifies the penalties and surcharges under the bill.

Devices that mimic a placard — It is an unclassified misdemeanor to create or use a device that mimics a placard. The misdemeanor carries a \$1,000 criminal fine and a \$500 civil penalty. Criminal fine revenue that is not otherwise appropriated is deposited into the Fines Collection Cash Fund. Revenue from the civil penalty is kept by the municipality or county of the offense.

Misuse of a Reserved Parking Space — The illegal uses of a reserved parking space identified in the bill are class B traffic infractions, which carry a \$15 penalty and a \$4 surcharge. Penalty revenue from citations issued by both state patrol officers and local law enforcement is credited to the Highway Users Tax Fund (HUTF) and distributed to the state, counties, and municipalities for highway purposes. Surcharge revenue is split evenly between the Victims and Witnesses Assistance and Law Enforcement Fund and the Crime Victim Compensation Fund and is distributed to victims and witnesses.

Local Government Impact

Local governments may receive fine revenue from the unclassified misdemeanor and from the class B traffic offenses. The unclassified misdemeanor carries a \$500 civil penalty that is kept by the county or municipality of the offense. The bill may also increase HUTF fine revenue distributions to local governments. Counties and municipalities receive 30 percent of HUTF fine revenue for highway purposes.

Departments Contacted

Revenue

Judicial

Public Safety