

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 23, 2010  
Date

Committee on Transportation & Energy.

After consideration on the merits, the Committee recommends the following:

HB10-1019 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. Part 2 of article 1 of title 42, Colorado Revised  
4 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW  
5 SECTIONS to read:

6 **42-1-224. Disabled parking education and enforcement fund**  
7 **- created.** THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
8 DISABLED PARKING EDUCATION AND ENFORCEMENT FUND, WHICH  
9 CONSISTS OF MONEYS COLLECTED PURSUANT TO THIS SECTION AND  
10 SECTION 42-4-1208 (6) AND (7). THE GENERAL ASSEMBLY SHALL  
11 APPROPRIATE THE MONEYS IN THE FUND FOR THE PURPOSES SPECIFIED IN  
12 SECTIONS 42-1-225, 42-3-204, AND 42-4-1208. UNEXPENDED AND  
13 UNENCUMBERED MONEYS IN THE FUND AT THE END OF A FISCAL YEAR  
14 SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR  
15 TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND. THE  
16 DEPARTMENT MAY ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE  
17 OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. ALL PRIVATE  
18 AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS  
19 SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT  
20 THE MONEYS TO THE FUND.

1           **42-1-225. Disabled parking education program.** (1) SUBJECT  
2 TO THE AVAILABILITY OF FUNDS APPROPRIATED UNDER SECTION 42-1-224,  
3 THE COLORADO ADVISORY COUNCIL FOR PERSONS WITH DISABILITIES,  
4 CREATED IN SECTION 24-45.5-103, C.R.S.:

5           (a) MAY MAKE GRANTS OR DEVELOP OR DELIVER EDUCATION  
6 PROGRAMS FOR THE PURPOSE OF PROVIDING PEACE OFFICERS, LOCAL  
7 GOVERNMENTS, MEDICAL PROVIDERS, DRIVERS, AND PERSONS WITH  
8 DISABILITIES WITH EDUCATION CONCERNING ELIGIBILITY STANDARDS FOR  
9 PARKING PRIVILEGES AVAILABLE TO A PERSON WITH A DISABILITY  
10 AFFECTING MOBILITY, APPROPRIATE USE OF THE PARKING PRIVILEGES, THE  
11 LEGAL STANDARDS AND VIOLATIONS CONTAINED IN SECTIONS 42-3-204  
12 AND 42-4-1208, AND THE ADVANTAGES OF CREATING A VOLUNTEER  
13 ENFORCEMENT PROGRAM; AND

14           (b) SHALL CREATE OR MAKE AVAILABLE A TRAINING PROGRAM TO  
15 ASSIST PROFESSIONALS IN UNDERSTANDING THE STANDARDS THAT NEED  
16 TO BE MET TO OBTAIN AN IDENTIFYING LICENSE PLATE OR PLACARD.

17           **SECTION 2.** 42-3-204, Colorado Revised Statutes, is amended  
18 to read:

19           **42-3-204. Parking privileges for persons with disabilities -**  
20 **applicability - rules.** (1) As used in this section:

21           (a) ~~"License plate or placard" means any license plate or placard~~  
22 ~~issued pursuant to subsection (2) of this section~~ "DISABILITY" OR  
23 "DISABLED" MEANS A PHYSICAL IMPAIRMENT THAT MEETS THE STANDARDS  
24 OF 23 CFR 1235, WHICH IMPAIRMENT IS VERIFIED, IN WRITING, BY A  
25 PROFESSIONAL. TO BE VALID, THE VERIFYING PROFESSIONAL SHALL  
26 CERTIFY TO THE DEPARTMENT THAT THE PERSON MEETS THE STANDARDS  
27 ESTABLISHED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

28           (b) ~~"Person with a disability" means either of the following:~~  
29 "EXTENDED" MEANS A CONDITION THAT IS NOT EXPECTED TO CHANGE  
30 WITHIN THIRTY MONTHS AFTER THE ISSUANCE OF AN IDENTIFYING FIGURE,  
31 GIVEN THE CURRENT STATE OF MEDICAL OR ADAPTIVE TECHNOLOGY.

32           ~~(f) A person so severely impaired that such person is unable to~~  
33 ~~move from place to place without the aid of a mechanical device; or~~

1           ~~(H) A person who has a physical impairment that substantially~~  
2 ~~limits the person's ability to move from place to place, which impairment~~  
3 ~~is verified, in writing, by a physician licensed to practice medicine or~~  
4 ~~practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S., a~~  
5 ~~podiatrist licensed under article 32 of title 12, C.R.S., or an advanced~~  
6 ~~practice nurse registered pursuant to section 12-38-111.5, C.R.S. To be~~  
7 ~~valid, such verification by the director, physician, podiatrist, or advanced~~  
8 ~~practice nurse shall certify to the department of revenue that the person~~  
9 ~~meets the standards established by the executive director of the~~  
10 ~~department of revenue.~~

11           (c) "IDENTIFYING FIGURE" MEANS A FIGURE THAT PROVIDES  
12 NOTICE THAT A PERSON IS AUTHORIZED TO USE A RESERVED PARKING  
13 SPACE.

14           (d) "IDENTIFYING LICENSE PLATE" MEANS A LICENSE PLATE  
15 BEARING AN IDENTIFYING FIGURE.

16           (e) "IDENTIFYING PLACARD" MEANS A PLACARD BEARING AN  
17 IDENTIFYING FIGURE.

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

21           (g) "PROFESSIONAL" MEANS A PHYSICIAN LICENSED TO PRACTICE  
22 MEDICINE OR PRACTICING MEDICINE PURSUANT TO SECTION 12-36-106 (3)  
23 (i), C.R.S., A PODIATRIST LICENSED UNDER ARTICLE 32 OF TITLE 12,  
24 C.R.S., OR AN ADVANCED PRACTICE NURSE REGISTERED PURSUANT TO  
25 SECTION 12-38-111.5, C.R.S.

26           (h) "RESERVED PARKING SPACE" MEANS A PARKING SPACE  
27 RESERVED FOR A PERSON WITH A DISABILITY.

28           (2) (a) A person with a disability may apply to the department for:

29           (I) ~~Distinguishing~~ AN IDENTIFYING license ~~plates~~ PLATE to be  
30 supplied at the same cost as A standard ~~plates~~ PLATE and to be displayed  
31 as provided in section 42-3-202 on a motor vehicle owned by such person  
32 or that is owned by a trust created for the benefit of and the name of  
33 which includes the name of such person, SUBJECT TO THE FOLLOWING:

1           (A) ~~Any plates issued by the department pursuant to this section~~  
2 AN IDENTIFYING LICENSE PLATE shall be renewed once each year in a  
3 manner to be determined by the department.

4           (B) The issuance of a ~~special~~ AN IDENTIFYING license plate to a  
5 person with a disability ~~pursuant to this subparagraph (f)~~ shall not  
6 preclude such person from obtaining an identifying placard. ~~pursuant to~~  
7 ~~subparagraph (H) of this paragraph (a).~~

8           (C) The verification requirements of PARAGRAPH (a) OF  
9 subsection (1) of this section shall be met once every three years.

10           (II) An identifying placard to be prominently displayed on a motor  
11 vehicle used to transport such person, SUBJECT TO THE FOLLOWING:

12           (A) THE DEPARTMENT SHALL NOT ISSUE A PERMANENT OR  
13 EXTENDED IDENTIFYING PLACARD UNLESS THE APPLICANT PROVIDES A  
14 DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED PURSUANT TO ARTICLE  
15 2 OF THIS TITLE, OR A FEDERALLY ISSUED IDENTIFICATION CARD; EXCEPT  
16 THAT A PARENT OR GUARDIAN OF A DISABLED PERSON UNDER SIXTEEN  
17 YEARS OF AGE MAY PROVIDE THE PARENT'S OR GUARDIAN'S DRIVER'S  
18 LICENSE OR IDENTIFICATION CARD IN LIEU OF THE DISABLED MINOR, AND  
19 A BUSINESS ENTITY THAT TRANSPORTS DISABLED PEOPLE FOR HIRE MAY  
20 PROVIDE AN EMPLOYEE IDENTIFICATION NUMBER AND SUCH OTHER  
21 INFORMATION AS REQUIRED BY THE DEPARTMENT.

22           (B) ~~Any~~ AN IDENTIFYING placard valid for more than ninety days  
23 ~~issued by the department pursuant to this section shall have printed on the~~  
24 ~~placard a number assigned to the placard that corresponds to identifying~~  
25 ~~information of the person or persons with the disability~~ THE LAST FOUR  
26 DIGITS OF THE HOLDER'S IDENTIFICATION NUMBER PRINTED ON ITS FACE;  
27 EXCEPT THAT A PLACARD ISSUED FOR A PERSON UNDER SIXTEEN YEARS OF  
28 AGE MAY BEAR THE PARENT'S OR GUARDIAN'S IDENTIFICATION NUMBER IF  
29 THE PARENT OR GUARDIAN PROVIDED THE IDENTIFICATION REQUIRED BY  
30 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), AND, IF AN ENTITY  
31 THAT TRANSPORTS DISABLED PEOPLE FOR HIRE OBTAINS A PLACARD, THE  
32 PLACARD SHALL BEAR THE TRUE NAME OF THE ENTITY PROVIDING SUCH  
33 SERVICE. IF THE PLACARD BEARS THE LAST FOUR DIGITS OF THE PARENT'S  
34 OR GUARDIAN'S IDENTIFICATION NUMBER, THE PLACARD SHALL ALSO BEAR  
35 THE LETTER "C" AS A DESIGNATOR.

1 (C) Identifying information about the person ~~or persons~~ with the  
2 disability shall be strictly confidential and only available to law  
3 enforcement or to personnel within the department for official business  
4 related to ~~such~~ THE IDENTIFYING placard.

5 (D) ~~Such assigned number~~ WHEN IN USE, THE IDENTIFYING  
6 PLACARD'S FACE shall be legible AND VISIBLE to any law enforcement  
7 officer or authorized parking enforcement official when viewed from  
8 outside the vehicle.

9 (E) A HOLDER OF AN IDENTIFYING placard ~~issued by the~~  
10 ~~department pursuant to this section shall be renewed~~ SHALL RENEW THE  
11 PLACARD every three years in a manner to be determined by the  
12 department, INCLUDING RENEWAL BY MAIL.

13 (F) The HOLDER OF AN IDENTIFYING PLACARD SHALL MEET THE  
14 verification requirements of PARAGRAPH (a) OF subsection (1) of this  
15 section ~~shall be met~~ each time the placard is renewed.

16 (G) THE DEPARTMENT SHALL PLACE AN EXPIRATION DATE ON AN  
17 IDENTIFYING PLACARD USING A DATE SYSTEM THAT REMOVES A PORTION  
18 OF THE PLACARD TO INDICATE THE EXPIRATION DATE. THE DEPARTMENT  
19 SHALL AFFIX A VALIDATING STICKER INDICATING THE EXPIRATION DATE TO  
20 THE PLACARD.

21 (III) Disabled veteran special license plates with the identifying  
22 ~~feature~~ FIGURE for a person with a physical impairment affecting  
23 mobility, so long as the disabled person meets the eligibility criteria  
24 specified in section 42-3-213 (5).

25 (b) ~~Notwithstanding the verification requirements of~~  
26 ~~subparagraphs (I), (II), and (III) of paragraph (a) of this subsection (2), if~~  
27 ~~a renewal applicant has a permanent disability that was verified in writing~~  
28 ~~by a physician licensed to practice medicine in this state or practicing~~  
29 ~~medicine pursuant to section 12-36-106 (3) (i), C.R.S., or an advanced~~  
30 ~~practice nurse registered pursuant to section 12-38-111.5, C.R.S., and~~  
31 ~~provided to the department with the original application for a license plate~~  
32 ~~or placard under this section, such applicant shall not be required to meet~~  
33 ~~such verification requirement to renew such license plate or placard. If~~  
34 ~~a person renews such license plate or placard of and on behalf of a person~~  
35 ~~with a permanent disability, the person renewing such license plate or~~

1 ~~placard shall sign an affidavit, under the penalty of perjury, attesting to~~  
2 ~~the fact that the person with a permanent disability is still in need of the~~  
3 ~~license plate or placard and stating that such license plate or placard shall~~  
4 ~~be surrendered to the department upon the death of the person with a~~  
5 ~~permanent disability.~~

6 (c) ~~Such~~ AN IDENTIFYING license plate or placard shall be issued  
7 to ~~such~~ A person upon presentation to the department of a written  
8 statement, verified by a ~~physician licensed to practice medicine in this~~  
9 ~~state or practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S.,~~  
10 ~~or an advanced practice nurse registered pursuant to section 12-38-111.5,~~  
11 ~~C.R.S. PROFESSIONAL, that such person is a person with~~ HAS a disability.  
12 The application for ~~such~~ a AN IDENTIFYING license plate or placard shall  
13 be sent to the department ~~each year~~ EVERY THREE YEARS; except that a  
14 person who has been issued a disabled veteran special license plate shall  
15 not send an application to the department every year.

16 (d) (I) ~~Such~~ AN IDENTIFYING license plate or placard may be  
17 revoked by the department upon receipt of a sworn statement from a  
18 peace officer or an authorized parking enforcement official that the  
19 person with a disability has improperly used the privilege defined in  
20 section 42-4-1208. Upon a first violation of section 42-4-1208, the  
21 department shall deny reissuance of such license plate or placard for a  
22 period of one year following the date of revocation. Upon a second or  
23 subsequent violation of section 42-4-1208, the department shall deny  
24 reissuance of such license plate or placard for a period of at least five  
25 years after the date of the second or each subsequent revocation. The  
26 department shall provide written notification to the person with a  
27 disability of such revocation, which notification shall contain a demand  
28 for the return of the license plate or placard to the department and a  
29 warning that continued use by any person shall be subject to the penalty  
30 set forth in section 42-4-1208 (11).

31 (II) THE DEPARTMENT MAY HOLD HEARINGS TO REVOKE AN  
32 IDENTIFYING LICENSE PLATE OR PLACARD.

33 (III) A PERSON WHO FAILS TO RETURN A REVOKED IDENTIFYING  
34 PLACARD OR LICENSE PLATE OR WHO ATTEMPTS TO OBTAIN AN  
35 IDENTIFYING LICENSE PLATE OR PLACARD WHEN UNDER REVOCATION  
36 PURSUANT TO THIS PARAGRAPH (d) COMMITS A CLASS B TRAFFIC  
37 INFRACTION.

1 (e) Repealed.

2 (3) (a) The department shall issue ~~temporary distinguishing~~  
3 ~~license permits~~ and a temporary identifying placard to a person who is  
4 temporarily disabled upon presentation of a written statement, verified by  
5 a ~~physician licensed to practice medicine or practicing medicine pursuant~~  
6 ~~to section 12-36-106 (3) (i), C.R.S., a podiatric physician licensed under~~  
7 ~~article 32 of title 12, C.R.S., or an advanced practice nurse registered~~  
8 ~~pursuant to section 12-38-111.5, C.R.S.~~ PROFESSIONAL, that such person  
9 temporarily meets the definition of a person with a disability.

10 (b) The department shall issue ~~such permits and placards~~ A  
11 TEMPORARY IDENTIFYING PLACARD to a qualifying person who is a  
12 resident of another state and who becomes disabled while in this state.  
13 THE DEPARTMENT SHALL NOT ISSUE THE PLACARD UNLESS THE APPLICANT  
14 PROVIDES A DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED PURSUANT  
15 TO ARTICLE 2 OF THIS TITLE OR ISSUED BY ANOTHER STATE OR A  
16 FEDERALLY ISSUED IDENTIFICATION CARD. THE DEPARTMENT SHALL PRINT  
17 THE LAST FOUR DIGITS OF THE DRIVER'S LICENSE NUMBER OR  
18 IDENTIFICATION CARD NUMBER ON THE FACE OF THE PLACARD.

19 (c) ~~Such permits and~~ A TEMPORARY IDENTIFYING placard shall be  
20 IS valid for a ~~period of~~ UNTIL THE LAST DAY OF THE MONTH FALLING  
21 ninety days after the date of issuance and may continually be renewed for  
22 additional ninety-day periods during the term of such disability upon  
23 resubmission of such written and verified statements.

24 (d) The ~~provisions of this section concerning the privileges~~  
25 ~~granted to persons with disabilities shall apply to temporary license~~  
26 ~~permits and temporary IDENTIFYING placards issued under this subsection~~  
27 (3). ~~Further, the requirement that the placard include a printed~~  
28 ~~identification number as set forth in subparagraph (H) of paragraph (a) of~~  
29 ~~subsection (2) of this section shall apply to both temporary license~~  
30 ~~permits and temporary placards issued under this subsection (3).~~

31 (e) The ~~verification by a physician licensed to practice medicine~~  
32 ~~or practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S., a~~  
33 ~~podiatrist licensed under article 32 of title 12, C.R.S., or an advanced~~  
34 ~~practice nurse registered pursuant to section 12-38-111.5, C.R.S., shall be~~  
35 ~~carried in the vehicle transporting the person or persons with a disability~~  
36 ~~to whom the temporary license permit or placard has been issued and~~

1 ~~shall be presented to any law enforcement officer upon request.~~  
2 Temporary license permits and temporary placards issued by states other  
3 than Colorado ~~shall be~~ ARE valid so long as they are currently valid in the  
4 state of issuance and valid pursuant to 23 CFR 1235.

5 (f) A TEMPORARY IDENTIFYING PLACARD SHALL HAVE THE LAST  
6 FOUR DIGITS OF THE PERSON'S IDENTIFICATION NUMBER PRINTED ON THE  
7 PLACARD'S FACE. THE DEPARTMENT SHALL PLACE AN EXPIRATION DATE  
8 ON AN IDENTIFYING PLACARD USING A DATE SYSTEM THAT REMOVES A  
9 PORTION OF THE PLACARD TO INDICATE THE EXPIRATION DATE. THE  
10 DEPARTMENT SHALL AFFIX A VALIDATING STICKER INDICATING THE  
11 EXPIRATION DATE TO THE PLACARD.

12 (4) Upon the filing of an application for issuance or renewal of a  
13 AN IDENTIFYING license plate or placard under this section, the department  
14 shall make available to the applicant an informational pamphlet or other  
15 informational source developed by the department IN CONSULTATION  
16 WITH THE COLORADO ADVISORY COUNCIL FOR PERSONS WITH  
17 DISABILITIES, CREATED IN SECTION 24-45.5-103, C.R.S., that describes the  
18 rights and responsibilities of the holders of such license plates or placards  
19 and the parking privileges set forth in section 42-4-1208.

20 (5) (a) AN APPLICATION FOR AN IDENTIFYING LICENSE PLATE OR  
21 PLACARD SHALL CONTAIN A NOTICE OF ELIGIBILITY REQUIREMENTS AND  
22 PENALTIES FOR OBTAINING SUCH LICENSE PLATE OR PLACARD WHEN NOT  
23 ELIGIBLE. THE APPLICANT SHALL SIGN THE NOTICE AFFIRMING  
24 KNOWLEDGE OF THE INFORMATION CONTAINED THEREIN.

25 (b) THE DEPARTMENT, IN CONSULTATION WITH THE COLORADO  
26 ADVISORY COUNCIL FOR PERSONS WITH DISABILITIES, CREATED IN SECTION  
27 24-45.5-103, C.R.S., SHALL PROMULGATE A RULE CREATING A FORM THAT  
28 IS SIGNED BY A PROFESSIONAL, UNDER PENALTY OF PERJURY, AFFIRMING  
29 KNOWLEDGE OF THE CONTENTS OF THE NOTICE CREATED IN PARAGRAPH  
30 (a) OF THIS SUBSECTION (5) BEFORE VERIFYING THAT A PERSON HAS A  
31 DISABILITY. THE FORM SHALL CONTAIN A NOTICE OF THE ELIGIBILITY  
32 REQUIREMENT TO OBTAIN AN IDENTIFYING LICENSE PLATE OR PLACARD.

33 (6) ANY PERSON RENEWING AN IDENTIFYING LICENSE PLATE OR  
34 PLACARD SHALL AFFIRM UNDER PENALTY OF PERJURY THAT THE PERSON  
35 TO WHOM THE LICENSE PLATE OR PLACARD IS ISSUED REMAINS ELIGIBLE TO  
36 USE THE LICENSE PLATE. THE PERSON RENEWING THE PLATE OR PLACARD



1 SHALL INCLUDE WITH THE RENEWAL THE PERSON'S NAME AND A COPY OF  
2 THE PERSON'S DRIVER'S LICENSE OR IDENTIFICATION CARD AND THE  
3 DRIVER'S LICENSE OR IDENTIFICATION CARD, IF APPLICABLE, OF THE  
4 DISABLED PERSON.

5 (7) (a) THE DEPARTMENT SHALL MAINTAIN IN ITS RECORDS FOR  
6 THREE YEARS THE REGISTRATION INFORMATION USED TO ISSUE AN  
7 IDENTIFYING LICENSE PLATE OR PLACARD, ANY VIOLATIONS OF SECTION  
8 42-4-1208 BY THE HOLDER, AND THE APPLICATION OR AN ELECTRONIC OR  
9 DIGITAL REPRODUCTION OF THE APPLICATION.

10 (b) UPON THE FUNDS BEING AVAILABLE AND APPROPRIATED FROM  
11 THE DISABLED PARKING EDUCATION AND ENFORCEMENT FUND CREATED  
12 IN SECTION 42-1-224, THE DEPARTMENT SHALL PROVIDE IMMEDIATE  
13 ELECTRONIC ACCESS TO THE RECORDS MAINTAINED PURSUANT TO  
14 PARAGRAPH (a) OF THIS SUBSECTION (8) TO A PEACE OFFICER WORKING  
15 WITHIN THE COURSE AND SCOPE OF THE OFFICER'S OFFICIAL DUTIES.

16 (8) AN IDENTIFYING PLACARD ISSUED IN ANOTHER STATE OR  
17 COUNTRY IS NOT VALID FOR MORE THAN NINETY DAYS AFTER THE HOLDER  
18 BECOMES A RESIDENT OF COLORADO. A PERSON WHO APPLIES FOR AN  
19 IDENTIFYING PLACARD IN COLORADO SHALL SURRENDER ANY CURRENTLY  
20 HELD IDENTIFYING PLACARD ISSUED IN ANOTHER STATE OR COUNTRY.

21 **SECTION 3.** 42-4-1208, Colorado Revised Statutes, is amended  
22 to read:

23 **42-4-1208. Parking privileges for persons with disabilities -**  
24 **applicability -rules.** (1) As used in this section:

25 (a) ~~"License plate or placard" means a license plate or placard~~  
26 ~~issued pursuant to section 42-3-204~~ (2) "DISABILITY" OR "DISABLED"  
27 MEANS A PHYSICAL IMPAIRMENT THAT MEETS THE STANDARDS OF 23 CFR  
28 1235, WHICH IMPAIRMENT IS VERIFIED, IN WRITING, BY A PROFESSIONAL.  
29 TO BE VALID, THE VERIFYING PROFESSIONAL SHALL CERTIFY TO THE  
30 DEPARTMENT THAT THE PERSON MEETS THE STANDARDS ESTABLISHED BY  
31 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

32 (b) ~~"Person with a disability" has the meaning provided for such~~  
33 ~~term in section 42-3-204~~ (1) "IDENTIFYING FIGURE" MEANS A FIGURE THAT  
34 PROVIDES NOTICE THAT A PERSON IS AUTHORIZED TO USE A RESERVED  
35 PARKING SPACE.

1 (c) "IDENTIFYING LICENSE PLATE" MEANS A LICENSE PLATE  
2 BEARING AN IDENTIFYING FIGURE.

3 (d) "IDENTIFYING PLACARD" MEANS A PLACARD BEARING AN  
4 IDENTIFYING FIGURE.

5 (e) "PROFESSIONAL" MEANS A PHYSICIAN LICENSED TO PRACTICE  
6 MEDICINE OR PRACTICING MEDICINE PURSUANT TO SECTION 12-36-106 (3)  
7 (i), C.R.S., A PODIATRIST LICENSED UNDER ARTICLE 32 OF TITLE 12,  
8 C.R.S., OR AN ADVANCED PRACTICE NURSE REGISTERED PURSUANT TO  
9 SECTION 12-38-111.5, C.R.S.

10 (f) "RESERVED PARKING SPACE" MEANS A PARKING SPACE  
11 RESERVED FOR A PERSON WITH A DISABILITY.

12 (2) In a jurisdiction recognizing the privilege defined by this  
13 subsection (2), a vehicle with a AN IDENTIFYING license plate or a placard  
14 obtained pursuant to section 42-3-204 or as otherwise authorized by  
15 subsection (4) of this section may be parked in public parking areas along  
16 public streets regardless of any time limitation imposed upon parking in  
17 such area; except that a jurisdiction shall not limit such a privilege to park  
18 on any public street to less than four hours. The respective jurisdiction  
19 shall clearly post the appropriate time limits in such area. Such privilege  
20 need not apply to zones in which:

21 (a) Stopping, standing, or parking of all vehicles is prohibited;

22 (b) Only special vehicles may be parked;

23 (c) Parking is not allowed during specific periods of the day in  
24 order to accommodate heavy traffic.

25 (3) (a) A person with a disability may park in a parking space  
26 identified as being reserved for use by persons with disabilities whether  
27 on public property or private property available for public use. A AN  
28 IDENTIFYING license plate or placard obtained pursuant to section  
29 42-3-204 or as otherwise authorized by subsection (4) of this section shall  
30 be displayed IN ACCORDANCE WITH 23 CFR 1235 at all times on the  
31 vehicle while parked in such space.

32 (b) The owner of private property available for public use may  
33 request the installation of official signs identifying RESERVED parking

1 spaces. ~~reserved for use by persons with disabilities.~~ Such a request shall  
2 be a waiver of any objection the owner may assert concerning  
3 enforcement of this section by peace officers of any political subdivision  
4 of this state, and ~~such~~ THE officers are hereby authorized and empowered  
5 to ~~so~~ enforce this section, provisions of law to the contrary  
6 notwithstanding. NO PERSON SHALL IMPOSE RESTRICTIONS ON THE USE OF  
7 DISABLED PARKING UNLESS SPECIFICALLY AUTHORIZED BY A STATUTE,  
8 RESOLUTION, OR ORDINANCE OF THE STATE OF COLORADO OR A POLITICAL  
9 SUBDIVISION THEREOF AND NOTICE OF THE RESTRICTION IS PROMINENTLY  
10 POSTED BY A SIGN CLEARLY VISIBLE AT THE PARKING SPACE.

11 (c) Each parking space reserved for use by persons with  
12 disabilities whether on public property or private property shall be marked  
13 with an official upright sign, which sign may be stationary or portable,  
14 identifying such parking space as reserved for use by persons with  
15 disabilities.

16 (4) Persons with disabilities from states other than Colorado shall  
17 be allowed to use parking spaces for persons with disabilities in Colorado  
18 so long as such persons have valid license plates or placards from their  
19 home state that are also valid pursuant to 23 CFR ~~part~~ 1235.

20 (5) It is unlawful for any person other than a person with a  
21 disability to park in a parking space on public or private property that is  
22 clearly identified by an official sign as being reserved for use by persons  
23 with disabilities unless:

24 (a) Such person is parking the vehicle for the direct benefit of a  
25 person with a disability to enter or exit the vehicle while it is parked in the  
26 RESERVED PARKING space; ~~reserved for use by persons with disabilities;~~  
27 and

28 (b) ~~A~~ AN IDENTIFYING license plate or placard obtained pursuant  
29 to section 42-3-204 or as otherwise authorized by subsection (4) of this  
30 section is displayed in such vehicle.

31 (6) (a) ~~Any~~ A person who ~~is not a person with~~ DOES NOT HAVE a  
32 disability and who exercises the privilege defined in subsection (2) of this  
33 section or who violates ~~the provisions of~~ subsection (5) or ~~subsection (10)~~  
34 of this section commits a class B traffic infraction ~~and shall receive the~~  
35 ~~maximum fine thereunder~~ PUNISHABLE BY A SURCHARGE OF THIRTY-TWO  
36 DOLLARS PURSUANT TO SECTIONS 24-4.1-119 (1) (f) AND 24-4.2-104 (1)

1 (b) (I), C.R.S., AND A MINIMUM FINE OF THREE HUNDRED FIFTY DOLLARS,  
2 NOT TO EXCEED ONE THOUSAND DOLLARS, FOR THE FIRST OFFENSE AND A  
3 MINIMUM FINE OF SIX HUNDRED DOLLARS, NOT TO EXCEED ONE THOUSAND  
4 DOLLARS, FOR A SECOND OFFENSE. A PERSON WHO VIOLATES THIS  
5 SUBSECTION (6) THREE OR MORE TIMES COMMITS A MISDEMEANOR  
6 PUNISHABLE BY A MINIMUM FINE OF ONE THOUSAND DOLLARS, NOT TO  
7 EXCEED FIVE THOUSAND DOLLARS, AND NOT MORE THAN TEN HOURS OF  
8 COMMUNITY SERVICE. ONE-HALF OF THE FINE SHALL BE TRANSFERRED TO  
9 THE STATE TREASURER, WHO SHALL CREDIT THE FINE TO THE DISABLED  
10 PARKING EDUCATION AND ENFORCEMENT FUND CREATED IN SECTION  
11 42-1-224.

12 (b) ~~Any~~ A person who violates this subsection (6) by parking a  
13 vehicle owned by a commercial carrier, as defined in section 42-1-102  
14 (17), shall be subject to a fine of up to twice the ~~maximum penalty~~  
15 ~~identified for a class B traffic infraction in section 42-4-1701 (3) (a) (I)~~  
16 PENALTY IMPOSED IN PARAGRAPH (a) OF THIS SUBSECTION (6).

17 (7) ~~Any~~ A person who ~~is not a person with~~ DOES NOT HAVE a  
18 disability and who uses a AN IDENTIFYING license plate or placard ~~issued~~  
19 ~~pursuant to section 42-3-204~~ in order to receive the benefits or privileges  
20 available to a person with a disability under this section commits a ~~class~~  
21 ~~B traffic infraction and shall be subject to a fine of up to twice the~~  
22 ~~maximum penalty identified for a class B traffic infraction in section~~  
23 ~~42-4-1701 (3) (a) (I)~~ MISDEMEANOR PUNISHABLE BY A SURCHARGE OF  
24 THIRTY-TWO DOLLARS PURSUANT TO SECTIONS 24-4.1-119 (1) (f) AND  
25 24-4.2-104 (1) (b) (I), C.R.S., AND A MINIMUM FINE OF THREE HUNDRED  
26 FIFTY DOLLARS, NOT TO EXCEED ONE THOUSAND DOLLARS, FOR THE FIRST  
27 OFFENSE AND A MINIMUM FINE OF SIX HUNDRED DOLLARS, NOT TO EXCEED  
28 ONE THOUSAND DOLLARS, FOR A SECOND OFFENSE. A PERSON WHO  
29 VIOLATES THIS SUBSECTION (7) THREE OR MORE TIMES COMMITS A  
30 MISDEMEANOR PUNISHABLE BY A MINIMUM FINE OF ONE THOUSAND  
31 DOLLARS, NOT TO EXCEED FIVE THOUSAND DOLLARS, AND NOT MORE THAN  
32 TEN HOURS OF COMMUNITY SERVICE. ONE-HALF OF THE FINE SHALL BE  
33 TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT THE FINE TO  
34 THE DISABLED PARKING EDUCATION AND ENFORCEMENT FUND CREATED  
35 IN SECTION 42-1-224.

36 (8) (a) ~~Any law enforcement~~ A PEACE officer or authorized and  
37 uniformed parking enforcement official may check the identification of  
38 any person using a AN IDENTIFYING license plate or placard ~~for persons~~  
39 ~~with disabilities~~ in order to determine whether such use is authorized.

1 (b) A PEACE OFFICER OR AUTHORIZED AND UNIFORMED PARKING  
2 ENFORCEMENT OFFICIAL MAY CONFISCATE AN IDENTIFYING PLACARD THAT  
3 IS BEING USED IN VIOLATION OF THIS SECTION. THE PEACE OFFICER SHALL  
4 TRANSMIT THE PLACARD TO THE DEPARTMENT UNLESS IT IS BEING HELD  
5 FOR PROSECUTION OF A VIOLATION OF THIS SECTION. THE DEPARTMENT  
6 SHALL HOLD A CONFISCATED PLACARD FOR THIRTY DAYS AND MAY  
7 DISPOSE OF THE PLACARD AFTER THIRTY DAYS. UPON THE PERSON WITH  
8 A DISABILITY SIGNING A STATEMENT UNDER PENALTY OF PERJURY THAT HE  
9 OR SHE WAS UNAWARE THAT THE VIOLATOR USED, OR INTENDED TO USE,  
10 THE PLACARD IN VIOLATION OF THIS SECTION, THE DEPARTMENT SHALL  
11 RELEASE THE PLACARD TO THE PERSON WITH A DISABILITY TO WHOM IT  
12 WAS ISSUED.

13 (c) A PEACE OFFICER MAY INVESTIGATE AN ALLEGATION THAT A  
14 PERSON IS VIOLATING THIS SECTION.

15 (9) Any state agency or division thereof that transports persons  
16 with disabilities may obtain a AN IDENTIFYING placard for persons with  
17 disabilities in the same manner provided in this section for any other  
18 person. ~~In the event that such a~~ IF AN IDENTIFYING placard is used by any  
19 employee of such state agency or division when not transporting persons  
20 with disabilities, the executive director of such agency and the offending  
21 employee shall be subject to a fine of one hundred FIFTY dollars. ~~The~~  
22 ~~provisions of~~ This subsection (9) ~~shall apply~~ APPLIES to any corporation  
23 or independent contractor as determined by rule of the department to be  
24 eligible to transport persons with disabilities; except that the chief  
25 executive officer or an equivalent of the corporation or independent  
26 contractor and the offending employee ~~shall be~~ ARE subject to the fine.

27 (10) REGARDLESS OF WHETHER THE PERSON DISPLAYS AN  
28 IDENTIFYING LICENSE PLATE OR PLACARD, it is unlawful for any person to  
29 park a vehicle so as to block reasonable access to curb ramps, ~~or~~  
30 passenger loading zones, OR ACCESSIBLE ROUTES, as identified in 28 CFR  
31 part 36 (appendix A), that are clearly identified ~~and are adjacent to a~~  
32 ~~parking space reserved for use by persons with disabilities~~ unless such  
33 person is loading or unloading a person with a disability.

34 (11) (a) ~~Any~~ A person who knowingly and fraudulently obtains,  
35 possesses, uses, or transfers a AN IDENTIFYING placard issued to a person  
36 with a disability; ~~pursuant to section 42-3-204 or~~ WHO knowingly makes,  
37 possesses, uses, or transfers what purports to be, but is not, a AN  
38 IDENTIFYING placard; ~~issued to a person with a disability pursuant to~~

1 ~~section 42-3-204~~ OR WHO KNOWINGLY CREATES OR USES A DEVICE  
2 INTENDED TO GIVE THE IMPRESSION THAT IT IS AN IDENTIFYING PLACARD  
3 WHEN VIEWED FROM OUTSIDE THE VEHICLE is guilty of a misdemeanor and  
4 is subject to the criminal and civil penalties provided under section  
5 42-6-139 (3) and (4).

6 (b) ~~Any~~ A person who knowingly and willfully receives  
7 remuneration for committing a misdemeanor pursuant to this subsection  
8 (11) ~~shall be~~ IS subject to twice the civil and criminal ~~fine~~ PENALTIES that  
9 would otherwise be imposed.

10 (12) (a) Certification of the entry of judgment for each violation  
11 of subsection (6), (7), or (11) of this section shall be sent by the entering  
12 court to the department.

13 (b) ~~Upon receipt of certification of a first or second entry of~~  
14 ~~judgment for a violation of subsection (6), (7), or (11) of this section or~~  
15 ~~upon independent verification of such a violation by the department, the~~  
16 ~~department shall notify the person with a disability to whom the license~~  
17 ~~plate or placard was issued that such license plate or placard will be~~  
18 ~~revoked as provided in section 42-3-204 (2) (d) upon certification or~~  
19 ~~independent verification of the third such entry of judgment.~~

20 (c) Upon receipt of certification of a ~~third~~ AN entry of judgment  
21 for a violation of subsection (6), (7), or (11) of this section by any person,  
22 the department shall withhold that person's vehicle registration until such  
23 time as any fines imposed for the violations have been paid.

24 (d) Upon receipt of certification or independent verification of  
25 ~~such third~~ AN entry of judgment, the department shall revoke ~~said~~ AN  
26 IDENTIFYING license plate or placard as provided in section 42-3-204 (2)  
27 (d).

28 (e) ~~This subsection (12) shall take effect July 1, 2000, and shall~~  
29 ~~apply to any violations occurring on or after July 1, 2000.~~

30 (13) (a) For purposes of this subsection (13), "holder" means a  
31 person with a disability as defined in section 42-3-204 (1) ~~(b)~~ who has  
32 lawfully obtained a AN IDENTIFYING license plate or placard issued  
33 pursuant to section 42-3-204 (2) or as otherwise authorized by subsection  
34 (4) of this section.

1 (b) Notwithstanding any other provision of this section to the  
2 contrary, a holder is liable for any penalty or fine as set forth in this  
3 section or section 42-3-204 or for any misuse of ~~a disabled~~ AN  
4 IDENTIFYING license plate or placard, including the use of such plate or  
5 placard by any person other than a holder, unless the holder can furnish  
6 sufficient evidence that the license plate or placard was, at the time of the  
7 violation, in the care, custody, or control of another person without the  
8 holder's knowledge or consent.

9 (c) A holder may avoid the liability described in paragraph (b) of  
10 this subsection (13) if, within a reasonable time after notification of the  
11 violation, the holder furnishes to the prosecutorial division of the  
12 appropriate jurisdiction the name and address of the person who had the  
13 care, custody, or control of ~~such~~ THE IDENTIFYING license plate or placard  
14 at the time of the violation or the holder reports said license plate or  
15 placard lost or stolen to both the appropriate local law enforcement  
16 agency and the department.

17 (14) (a) A PERSON WHO OBSERVES A VIOLATION OF THIS SECTION  
18 MAY SUBMIT EVIDENCE, ALONG WITH A SWORN STATEMENT OF A  
19 VIOLATION OF THIS SECTION, TO ANY LAW ENFORCEMENT AGENCY.

20 (b) NO EMPLOYER SHALL FORBID AN EMPLOYEE FROM REPORTING  
21 VIOLATIONS OF THIS SECTION. NO PERSON SHALL INITIATE OR ADMINISTER  
22 ANY DISCIPLINARY ACTION AGAINST AN EMPLOYEE ON ACCOUNT OF THE  
23 EMPLOYEE NOTIFYING THE AUTHORITIES OF A POSSIBLE VIOLATION OF THIS  
24 SECTION IF THE EMPLOYEE HAS A GOOD FAITH BELIEF THAT A VIOLATION  
25 HAS OCCURRED.

26 (c) NO LANDLORD SHALL RETALIATE AGAINST A TENANT ON  
27 ACCOUNT OF THE TENANT NOTIFYING THE AUTHORITIES OF A POSSIBLE  
28 VIOLATION OF THIS SECTION IF THE TENANT HAS A GOOD FAITH BELIEF  
29 THAT A VIOLATION HAS OCCURRED.

30 (15) (a) NO PERSON, AFTER USING A RESERVED PARKING SPACE  
31 THAT HAS A TIME LIMIT, SHALL SWITCH MOTOR VEHICLES OR MOVE THE  
32 MOTOR VEHICLE TO ANOTHER RESERVED PARKING SPACE WITHIN ONE  
33 HUNDRED YARDS OF THE ORIGINAL PARKING SPACE WITHIN THE SAME  
34 EIGHT HOURS IN ORDER TO EXCEED THE TIME LIMIT.

35 (b) PARKING IN A TIME-LIMITED RESERVED PARKING SPACE FOR  
36 MORE THAN THREE HOURS FOR AT LEAST THREE DAYS A WEEK FOR AT

1 LEAST TWO WEEKS SHALL CREATE A REBUTTABLE PRESUMPTION THAT THE  
2 PERSON IS VIOLATING THIS SUBSECTION (15).

3 (c) THIS SUBSECTION (15) DOES NOT APPLY TO PRIVATELY OWNED  
4 PARKING LOTS.

5 (d) A PERSON WHO VIOLATES THIS SUBSECTION (15) COMMITS A  
6 CLASS B TRAFFIC INFRACTION. UPON CONVICTION OR THE PLEA OF GUILTY  
7 OR NOLO CONTENDERE FOR A VIOLATION OF THIS SUBSECTION (16), THE  
8 COURT SHALL SEND A CERTIFICATION OF THE ENTRY OF JUDGMENT TO THE  
9 DEPARTMENT. UPON RECEIVING A CERTIFICATION OF ENTRY OF  
10 JUDGEMENT OR INDEPENDENT VERIFICATION, THE DEPARTMENT SHALL  
11 REVOKE THE IDENTIFYING LICENSE PLATE OR PLACARD OF A PERSON WHO  
12 VIOLATES THIS SUBSECTION (15) A SECOND OR SUBSEQUENT TIME  
13 PURSUANT TO SECTION 42-3-204 (2).

14 (16)(a) NO PERSON SHALL USE PARKING PRIVILEGES OBTAINED BY  
15 AN IDENTIFYING LICENSE PLATE OR PLACARD FOR A COMMERCIAL PURPOSE  
16 UNLESS THE PURPOSE RELATES TO TRANSACTING BUSINESS WITH A  
17 BUSINESS THE RESERVED PARKING SPACE IS INTENDED TO SERVE.

18 (b) A PERSON WHO VIOLATES THIS SUBSECTION (16) COMMITS A  
19 CLASS B TRAFFIC INFRACTION. UPON CONVICTION OR THE PLEA OF GUILTY  
20 OR NOLO CONTENDERE FOR A VIOLATION OF THIS SUBSECTION (16), THE  
21 COURT SHALL SEND A CERTIFICATION OF THE ENTRY OF JUDGMENT TO THE  
22 DEPARTMENT. UPON RECEIVING A CERTIFICATION OF ENTRY OF JUDGMENT  
23 OR INDEPENDENT VERIFICATION, THE DEPARTMENT SHALL REVOKE THE  
24 IDENTIFYING LICENSE PLATE OR PLACARD OF A PERSON WHO VIOLATES  
25 THIS SUBSECTION (16) A SECOND OR SUBSEQUENT TIME PURSUANT TO  
26 SECTION 42-3-204 (2).

27 (17) (a) A PEACE OFFICER MAY ISSUE A PENALTY ASSESSMENT  
28 NOTICE FOR A VIOLATION OF THIS SECTION BY SENDING IT BY CERTIFIED  
29 MAIL TO THE REGISTERED OWNER OF THE MOTOR VEHICLE. THE PEACE  
30 OFFICER SHALL INCLUDE IN THE PENALTY ASSESSMENT NOTICE THE  
31 OFFENSE OR INFRACTION, THE TIME AND PLACE WHERE IT OCCURRED, AND  
32 A STATEMENT THAT THE PAYMENT OF THE PENALTY ASSESSMENT AND  
33 SURCHARGE IS DUE WITHIN TWENTY DAYS FROM THE ISSUANCE OF THE  
34 NOTICE. RECEIPT OF THE PAYMENT OF THE PENALTY ASSESSMENT  
35 POSTMARKED BY THE TWENTIETH DAY AFTER THE RECEIPT OF THE  
36 PENALTY ASSESSMENT NOTICE BY THE DEFENDANT IS RECEIPT ON OR  
37 BEFORE THE DATE THE PAYMENT WAS DUE.



1 (b) IF THE PENALTY ASSESSMENT AND SURCHARGE ARE NOT PAID  
2 WITHIN THE TWENTY DAYS FROM THE DATE OF MAILING OF THE NOTICE,  
3 THE PEACE OFFICER WHO ISSUED THE ORIGINAL PENALTY ASSESSMENT  
4 NOTICE SHALL FILE A COMPLAINT WITH A COURT HAVING JURISDICTION  
5 AND ISSUE AND SERVE UPON THE REGISTERED OWNER OF THE VEHICLE A  
6 SUMMONS TO APPEAR IN COURT AT THE TIME AND PLACE SPECIFIED  
7 THEREIN.

8 **SECTION 4.** Part 12 of article 4 of title 42, Colorado Revised  
9 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
10 read:

11 **42-4-1212. Pay parking access for disabled.** (1) UNLESS THE  
12 METHOD OF REMUNERATION IS REASONABLY ACCESSIBLE TO A PERSON  
13 WITH A DISABILITY AS DEFINED IN SECTION 42-3-204, NO PERSON WHO  
14 OWNS, OPERATES, OR MANAGES A PARKING SPACE THAT REQUIRES  
15 REMUNERATION SHALL TOW, BOOT, OR OTHERWISE TAKE ADVERSE ACTION  
16 AGAINST A PERSON OR MOTOR VEHICLE PARKING IN SUCH SPACE FOR  
17 FAILURE TO PAY THE REMUNERATION IF THE MOTOR VEHICLE BEARS A  
18 PLACARD OR LICENSE PLATE BEARING AN IDENTIFYING FIGURE ISSUED  
19 PURSUANT TO SECTION 42-3-204 OR A SIMILAR LAW IN ANOTHER STATE  
20 THAT IS VALID UNDER 23 CFR 1235.

21 (2) NOTWITHSTANDING ANY STATUTE, RESOLUTION, OR  
22 ORDINANCE OF THE STATE OF COLORADO OR A POLITICAL SUBDIVISION  
23 THEREOF, PARKING IN A SPACE WITHOUT PAYING THE REQUIRED  
24 REMUNERATION SHALL NOT BE DEEMED A VIOLATION OF SUCH STATUTE,  
25 RESOLUTION, OR ORDINANCE IF:

26 (a) THE MOTOR VEHICLE BEARS A PLACARD OR LICENSE PLATE  
27 BEARING THE IDENTIFYING FIGURE ISSUED PURSUANT TO SECTION 42-3-204  
28 OR A SIMILAR LAW IN ANOTHER STATE THAT IS VALID UNDER 23 CFR 1235;  
29 AND

30 (b) THE METHOD OF REMUNERATION IS NOT REASONABLY  
31 ACCESSIBLE TO A PERSON WITH A DISABILITY AS DEFINED IN SECTION  
32 42-3-204.

33 (3) A LAW ENFORCEMENT AGENCY SHALL WITHDRAW ANY  
34 PENALTY ASSESSMENT NOTICE OR SUMMONS AND COMPLAINT THAT IS  
35 DEEMED NOT TO BE A VIOLATION UNDER SUBSECTION (2) OF THIS SECTION.

1 (4) FOR THE PURPOSES OF THIS SECTION, "REASONABLY  
2 ACCESSIBLE" MEANS MEETING THE STANDARDS OF 28 CFR 36 (APPENDIX  
3 A) OR SUBSTANTIALLY SIMILAR STANDARDS.

4 **SECTION 5.** The introductory portion to 42-4-1701 (4) (a) (I)  
5 and 42-4-1701 (4) (a) (I) (M), Colorado Revised Statutes, are amended  
6 to read:

7 **42-4-1701. Traffic offenses and infractions classified -**  
8 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except  
9 as provided in paragraph (c) of subsection (5) of this section, every  
10 person who is convicted of, who admits liability for, or against whom a  
11 judgment is entered for a violation of any provision of this title to which  
12 ~~the provisions of~~ paragraph (a) or (b) of subsection (5) of this section  
13 apply shall be fined or penalized, and have a surcharge levied thereon  
14 pursuant to sections 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S.,  
15 in accordance with the penalty and surcharge schedule set forth in  
16 sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no penalty or  
17 surcharge is specified in the schedule, the penalty for class A and class B  
18 traffic infractions shall be fifteen dollars, and the surcharge shall be four  
19 dollars. These penalties and surcharges ~~shall~~ apply whether the defendant  
20 acknowledges the defendant's guilt or liability in accordance with the  
21 procedure set forth by paragraph (a) of subsection (5) of this section or is  
22 found guilty by a court of competent jurisdiction or has judgment entered  
23 against the defendant by a county court magistrate. Penalties and  
24 surcharges for violating specific sections shall be as follows:

25	<b>Section Violated</b>	<b>Penalty</b>	<b>Surcharge</b>
26	<b>(M) Parking violations:</b>		
27	42-4-1201	\$ 30.00	\$ 6.00
28	42-4-1202	30.00	6.00
29	42-4-1204	15.00	6.00
30	42-4-1205	15.00	6.00
31	42-4-1206	15.00	6.00
32	42-4-1207	15.00	6.00
33	42-4-1208 <del>(6)</del> or (9), (15), OR (16)	<del>100.00</del> 150.00	32.00

34 **SECTION 6.** 24-72-204 (3) (a) (XII), Colorado Revised Statutes,  
35 is amended to read:

36 **24-72-204. Allowance or denial of inspection - grounds -**  
37 **procedure - appeal - definitions.** (3) (a) The custodian shall deny the

1 right of inspection of the following records, unless otherwise provided by  
2 law; except that any of the following records, other than letters of  
3 reference concerning employment, licensing, or issuance of permits, shall  
4 be available to the person in interest under this subsection (3):

5 (XII) Any record indicating that a person has obtained  
6 ~~distinguishing~~ AN IDENTIFYING license ~~plates~~ PLATE or ~~an identifying~~  
7 placard for persons with disabilities under section 42-3-204, C.R.S., or  
8 any other motor vehicle record that would reveal the presence of a  
9 disability;

10 **SECTION 7.** 42-3-213 (5) (a) (II), Colorado Revised Statutes, is  
11 amended to read:

12 **42-3-213. Special plates - military veterans - rules - retirement.**  
13 (5) **Disabled veterans.** (a) (II) In addition to THE requirements of  
14 subparagraph (I) of this paragraph (a), if the applicant demonstrates that  
15 he or she has a physical impairment affecting mobility under the  
16 standards provided in section 42-3-204 (1), then such special license plate  
17 shall have an additional identifying ~~feature~~ FIGURE, as determined by the  
18 department, to indicate that the owner of the vehicle is authorized to make  
19 use of parking privileges for persons with disabilities.

20 **SECTION 8. Act subject to petition - effective date -**  
21 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day  
22 following the expiration of the ninety-day period after final adjournment  
23 of the general assembly (August 11, 2010, if adjournment sine die is on  
24 May 12, 2010); except that, if a referendum petition is filed pursuant to  
25 section 1 (3) of article V of the state constitution against this act or an  
26 item, section, or part of this act within such period, then the act, item,  
27 section, or part shall not take effect unless approved by the people at the  
28 general election to be held in November 2010 and shall take effect on the  
29 date of the official declaration of the vote thereon by the governor.

30 (2) The provisions of this act shall apply to offenses committed on  
31 or after the applicable effective date of this act."

\*\* \*\*\* \*\* \*\*\* \*\*