Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

ENGROSSED
This Version Includes All Amendments Adopted on Second Reading in the House of Introduction

LLS NO. 10-0193.02 Jery Payne **HOUSE BILL 10-1019**

HOUSE SPONSORSHIP

Frangas, Fischer, McFadyen, Merrifield, Primavera, Tyler

SENATE SPONSORSHIP

Williams, Gibbs, Romer

House Committees
Transportation & Energy
Appropriations

Senate Committees

A BILL FOR AN ACT

CONCERNING PARKING PRIVILEGES FOR PEOPLE WITH DISABILITIES, AND MAKING AN APPROPRIATION THEREFOR.

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. Section 1 of the bill changes the laws governing enforcement of the reserved parking program for the disabled in the following ways:

- Authorizes a peace officer to confiscate a placard that is being misused;

HOUSE
Amended 2nd Reading
April 23, 2010

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- Prohibits creating a device that mimics a placard;
- Prohibits retaliation against an employee for notifying the authorities of a violation of a possible reserved parking violation;
- Authorizes a peace officer or property owner to remove a vehicle that is violating the reserved parking provisions;
- Prohibits moving a vehicle to avoid time limits on reserved parking spaces;
- Prohibits using reserved parking for commercial purposes unrelated to transacting business with the person the space is intended to serve.

In the use of a parking space such as a parking lot or parking meter, **section 2** prohibits taking adverse action against a person with a disability if the method of payment is not reasonably accessible.

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

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

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

SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEYS TO THE FUND.

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

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

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

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

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

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

CERTIFY TO THE DEPARTMENT THAT THE PERSON MEETS THE STANDARDS ON FORMS PUBLISHED BY THE DEPARTMENT.

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

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

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

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

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

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

(f) "PERMANENT" MEANS A CONDITION THAT IS NOT EXPECTED TO CHANGE WITHIN A PERSON'S LIFETIME, GIVEN THE CURRENT STATE OF

MEDICAL OR ADAPTIVE TECHNOLOGY.

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

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

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

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

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

(B) The issuance of ~~a special~~ AN IDENTIFYING license plate to a person with a disability ~~pursuant to this subparagraph (I)~~ shall not preclude such person from obtaining an identifying placard. ~~pursuant to subparagraph (II) of this paragraph (a).~~

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

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

(A) THE DEPARTMENT SHALL NOT ISSUE A PERMANENT OR EXTENDED IDENTIFYING PLACARD UNLESS THE APPLICANT PROVIDES A

DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED PURSUANT TO ARTICLE 2 OF THIS TITLE, OR A FEDERALLY ISSUED IDENTIFICATION CARD; EXCEPT THAT A PARENT OR GUARDIAN OF A DISABLED PERSON UNDER SIXTEEN YEARS OF AGE MAY PROVIDE THE PARENT'S OR GUARDIAN'S DRIVER'S LICENSE OR IDENTIFICATION CARD IN LIEU OF THE DISABLED MINOR, AND A BUSINESS ENTITY THAT TRANSPORTS DISABLED PEOPLE FOR HIRE MAY PROVIDE AN EMPLOYEE IDENTIFICATION NUMBER AND SUCH OTHER INFORMATION AS REQUIRED BY THE DEPARTMENT.

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

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

(D) ~~Such assigned number~~ WHEN IN USE, THE IDENTIFYING

PLACARD'S FACE shall be legible AND VISIBLE to any law enforcement officer or authorized parking enforcement official when viewed from outside the vehicle.

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

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

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

(H) SUB-SUBPARAGRAPH (G) OF THIS SUBPARAGRAPH (II) DOES NOT REQUIRE THE DEPARTMENT TO ISSUE IDENTIFYING PLACARDS IN COMPLIANCE WITH THIS SECTION WHILE IT CONTINUES TO HAVE THE PLACARDS PURCHASED BEFORE JANUARY 1, 2011, IN STOCK. THIS SUB-SUBPARAGRAPH (H) IS REPEALED EFFECTIVE JULY 1, 2011.

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

(b) ~~Notwithstanding the verification requirements of subparagraphs (I), (II), and (III) of paragraph (a) of this subsection (2), if a renewal applicant has a permanent disability that was verified in writing~~

~~by a physician licensed to practice medicine in this state or practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S., or an advanced practice nurse registered pursuant to section 12-38-111.5, C.R.S., and provided to the department with the original application for a license plate or placard under this section, such applicant shall not be required to meet such verification requirement to renew such license plate or placard. If a person renews such license plate or placard of and on behalf of a person with a permanent disability, the person renewing such license plate or placard shall sign an affidavit, under the penalty of perjury, attesting to the fact that the person with a permanent disability is still in need of the license plate or placard and stating that such license plate or placard shall be surrendered to the department upon the death of the person with a permanent disability.~~

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

(d) (I) ~~Such~~ AN IDENTIFYING license plate or placard may be revoked by the department upon receipt of a sworn statement from a peace officer or an authorized parking enforcement official that the person with a disability has improperly used the privilege defined in

section 42-4-1208. Upon a first violation of section 42-4-1208, the department shall deny reissuance of such license plate or placard for a period of one year following the date of revocation. Upon a second or subsequent violation of section 42-4-1208, the department shall deny reissuance of such license plate or placard for a period of at least five years after the date of the second or each subsequent revocation. The department shall provide written notification to the person with a disability of such revocation, which notification shall contain a demand for the return of the license plate or placard to the department and a warning that continued use by any person shall be subject to the penalty set forth in section 42-4-1208 (11).

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

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

(e) Repealed.

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

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

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

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

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

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

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

(II) THIS PARAGRAPH (f) DOES NOT REQUIRE THE DEPARTMENT TO ISSUE IDENTIFYING PLACARDS IN COMPLIANCE WITH THIS SECTION WHILE IT CONTINUES TO HAVE THE TEMPORARY PLACARDS PURCHASED BEFORE JANUARY 1, 2011, IN STOCK. THIS SUBPARAGRAPH (II) IS REPEALED EFFECTIVE JULY 1, 2011.

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

(5) (a) AN APPLICATION FOR AN IDENTIFYING LICENSE PLATE OR PLACARD SHALL CONTAIN A NOTICE OF ELIGIBILITY REQUIREMENTS AND PENALTIES FOR OBTAINING SUCH LICENSE PLATE OR PLACARD WHEN NOT

ELIGIBLE. THE APPLICANT SHALL SIGN THE NOTICE AFFIRMING KNOWLEDGE OF THE INFORMATION CONTAINED THEREIN.

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

(6) ANY PERSON RENEWING AN IDENTIFYING LICENSE PLATE OR PLACARD SHALL AFFIRM UNDER PENALTY OF PERJURY THAT THE PERSON TO WHOM THE LICENSE PLATE OR PLACARD IS ISSUED REMAINS ELIGIBLE TO USE THE LICENSE PLATE. THE PERSON RENEWING THE PLATE OR PLACARD SHALL INCLUDE WITH THE RENEWAL THE PERSON'S NAME AND A COPY OF THE PERSON'S DRIVER'S LICENSE OR IDENTIFICATION CARD AND THE DRIVER'S LICENSE OR IDENTIFICATION CARD, IF APPLICABLE, OF THE DISABLED PERSON.

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

(b) UPON THE FUNDS BEING AVAILABLE AND APPROPRIATED FROM THE DISABLED PARKING EDUCATION AND ENFORCEMENT FUND CREATED IN SECTION 42-1-224, THE DEPARTMENT SHALL PROVIDE IMMEDIATE ELECTRONIC ACCESS TO THE RECORDS MAINTAINED PURSUANT TO

PARAGRAPH (a) OF THIS SUBSECTION (8) TO A PEACE OFFICER WORKING WITHIN THE COURSE AND SCOPE OF THE OFFICER'S OFFICIAL DUTIES.

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

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

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

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

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

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

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

(e) "PROFESSIONAL" MEANS A PHYSICIAN LICENSED TO PRACTICE

MEDICINE OR PRACTICING MEDICINE PURSUANT TO SECTION 12-36-106 (3) (i), C.R.S., A PODIATRIST LICENSED UNDER ARTICLE 32 OF TITLE 12, C.R.S., OR AN ADVANCED PRACTICE NURSE REGISTERED PURSUANT TO SECTION 12-38-111.5, C.R.S.

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

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

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

(b) Only special vehicles may be parked;

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

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

(b) The owner of private property available for public use may

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

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

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

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

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

and

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

(6) (a) ~~Any~~ A person who ~~is not a person with~~ DOES NOT HAVE a disability and who exercises the privilege defined in subsection (2) of this section or who violates ~~the provisions of~~ subsection (5) or ~~subsection~~ (10) of this section commits a class B traffic infraction ~~and shall receive the maximum fine thereunder~~ PUNISHABLE BY A SURCHARGE OF THIRTY-TWO DOLLARS PURSUANT TO SECTIONS 24-4.1-119 (1) (f) AND 24-4.2-104 (1) (b) (I), C.R.S., AND A MINIMUM FINE OF THREE HUNDRED FIFTY DOLLARS, NOT TO EXCEED ONE THOUSAND DOLLARS, FOR THE FIRST OFFENSE AND A MINIMUM FINE OF SIX HUNDRED DOLLARS, NOT TO EXCEED ONE THOUSAND DOLLARS, FOR A SECOND OFFENSE. A PERSON WHO VIOLATES THIS SUBSECTION (6) THREE OR MORE TIMES COMMITS A MISDEMEANOR PUNISHABLE BY A MINIMUM FINE OF ONE THOUSAND DOLLARS, NOT TO EXCEED FIVE THOUSAND DOLLARS, AND NOT MORE THAN TEN HOURS OF COMMUNITY SERVICE. THE STATE OR LOCAL AUTHORITY ISSUING A CITATION UNDER THIS SUBSECTION (a) OR ANY LOCAL ORDINANCE OF A SUBSTANTIALLY EQUIVALENT OFFENSE SHALL TRANSFER ONE-HALF OF THE FINE TO THE STATE TREASURER, WHO SHALL CREDIT THE FINE TO THE DISABLED PARKING EDUCATION AND ENFORCEMENT FUND CREATED IN SECTION 42-1-224.

(b) ~~Any~~ A person who violates this subsection (6) by parking a vehicle owned by a commercial carrier, as defined in section 42-1-102 (17), shall be subject to a fine of up to twice the ~~maximum penalty identified for a class B traffic infraction in section 42-4-1701 (3) (a) (I)~~

PENALTY IMPOSED IN PARAGRAPH (a) OF THIS SUBSECTION (6).

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

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

(b) A PEACE OFFICER OR AUTHORIZED AND UNIFORMED PARKING

ENFORCEMENT OFFICIAL MAY CONFISCATE AN IDENTIFYING PLACARD THAT IS BEING USED IN VIOLATION OF THIS SECTION. THE PEACE OFFICER SHALL TRANSMIT THE PLACARD TO THE DEPARTMENT UNLESS IT IS BEING HELD FOR PROSECUTION OF A VIOLATION OF THIS SECTION. THE DEPARTMENT SHALL HOLD A CONFISCATED PLACARD FOR THIRTY DAYS AND MAY DISPOSE OF THE PLACARD AFTER THIRTY DAYS. UPON THE PERSON WITH A DISABILITY SIGNING A STATEMENT UNDER PENALTY OF PERJURY THAT HE OR SHE WAS UNAWARE THAT THE VIOLATOR USED, OR INTENDED TO USE, THE PLACARD IN VIOLATION OF THIS SECTION, THE DEPARTMENT SHALL RELEASE THE PLACARD TO THE PERSON WITH A DISABILITY TO WHOM IT WAS ISSUED.

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

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

(10) REGARDLESS OF WHETHER THE PERSON DISPLAYS AN IDENTIFYING LICENSE PLATE OR PLACARD, it is unlawful for any person to

park a vehicle so as to block reasonable access to curb ramps, ~~or~~ passenger loading zones, OR ACCESSIBLE ROUTES, as identified in 28 CFR part 36 (appendix A), that are clearly identified ~~and are adjacent to a parking space reserved for use by persons with disabilities~~ unless such person is loading or unloading a person with a disability.

(11) (a) ~~Any~~ A person who knowingly and fraudulently obtains, possesses, uses, or transfers ~~a~~ AN IDENTIFYING placard issued to a person with a disability; ~~pursuant to section 42-3-204 or~~ WHO knowingly makes, possesses, uses, or transfers what purports to be, but is not, ~~a~~ AN IDENTIFYING placard; ~~issued to a person with a disability pursuant to section 42-3-204~~ OR WHO KNOWINGLY CREATES OR USES A DEVICE INTENDED TO GIVE THE IMPRESSION THAT IT IS AN IDENTIFYING PLACARD WHEN VIEWED FROM OUTSIDE THE VEHICLE is guilty of a misdemeanor and is subject to the criminal and civil penalties provided under section 42-6-139 (3) and (4).

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

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

(b) ~~Upon receipt of certification of a first or second entry of judgment for a violation of subsection (6), (7), or (11) of this section or upon independent verification of such a violation by the department, the department shall notify the person with a disability to whom the license plate or placard was issued that such license plate or placard will be~~

~~revoked as provided in section 42-3-204 (2) (d) upon certification or independent verification of the third such entry of judgment.~~

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

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

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

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

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

(c) A holder may avoid the liability described in paragraph (b) of this subsection (13) if, within a reasonable time after notification of the

violation, the holder furnishes to the prosecutorial division of the appropriate jurisdiction the name and address of the person who had the care, custody, or control of ~~such~~ THE IDENTIFYING license plate or placard at the time of the violation or the holder reports said license plate or placard lost or stolen to both the appropriate local law enforcement agency and the department.

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

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

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

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

(b) PARKING IN A TIME-LIMITED RESERVED PARKING SPACE FOR MORE THAN THREE HOURS FOR AT LEAST THREE DAYS A WEEK FOR AT LEAST TWO WEEKS SHALL CREATE A REBUTTABLE PRESUMPTION THAT THE

PERSON IS VIOLATING THIS SUBSECTION (15).

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

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

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

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

(17) (a) A PEACE OFFICER MAY ISSUE A PENALTY ASSESSMENT NOTICE FOR A VIOLATION OF SUBSECTION (9), (15), OR (16) OF THIS

SECTION BY SENDING IT BY CERTIFIED MAIL TO THE REGISTERED OWNER OF THE MOTOR VEHICLE. THE PEACE OFFICER SHALL INCLUDE IN THE PENALTY ASSESSMENT NOTICE THE OFFENSE OR INFRACTION, THE TIME AND PLACE WHERE IT OCCURRED, AND A STATEMENT THAT THE PAYMENT OF THE PENALTY ASSESSMENT AND SURCHARGE IS DUE WITHIN TWENTY DAYS FROM THE ISSUANCE OF THE NOTICE. RECEIPT OF THE PAYMENT OF THE PENALTY ASSESSMENT POSTMARKED BY THE TWENTIETH DAY AFTER THE RECEIPT OF THE PENALTY ASSESSMENT NOTICE BY THE DEFENDANT IS RECEIPT ON OR BEFORE THE DATE THE PAYMENT WAS DUE.

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

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

42-4-1212. Pay parking access for disabled. (1) UNLESS THE METHOD OF REMUNERATION IS REASONABLY ACCESSIBLE TO A PERSON WITH A DISABILITY AS DEFINED IN SECTION 42-3-204, NO PERSON WHO OWNS, OPERATES, OR MANAGES A PARKING SPACE THAT REQUIRES REMUNERATION SHALL TOW, BOOT, OR OTHERWISE TAKE ADVERSE ACTION AGAINST A PERSON OR MOTOR VEHICLE PARKING IN SUCH SPACE FOR FAILURE TO PAY THE REMUNERATION IF THE MOTOR VEHICLE BEARS A PLACARD OR LICENSE PLATE BEARING AN IDENTIFYING FIGURE ISSUED

PURSUANT TO SECTION 42-3-204 OR A SIMILAR LAW IN ANOTHER STATE THAT IS VALID UNDER 23 CFR 1235.

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

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

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

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

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

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

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal. (4) (a) (I) Except as provided in paragraph (c) of subsection (5) of this section, every person who is convicted of, who admits liability for, or against whom a

judgment is entered for a violation of any provision of this title to which ~~the provisions of~~ paragraph (a) or (b) of subsection (5) of this section apply shall be fined or penalized, and have a surcharge levied thereon pursuant to sections 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S., in accordance with the penalty and surcharge schedule set forth in sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions shall be fifteen dollars, and the surcharge shall be four dollars. These penalties and surcharges ~~shall~~ apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant by a county court magistrate. Penalties and surcharges for violating specific sections shall be as follows:

Section Violated	**Penalty**	**Surcharge**
(M) **Parking violations:**		
~~42-4-1201~~	$ 30.00	$ 6.00
~~42-4-1202~~	30.00	6.00
~~42-4-1204~~	15.00	6.00
~~42-4-1205~~	15.00	6.00
~~42-4-1206~~	15.00	6.00
~~42-4-1207~~	15.00	6.00
~~42-4-1208 (6) or~~ (9), (15), OR (16)	~~100.00~~ 150.00	32.00

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

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

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

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

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

42-3-213. Special plates - military veterans - rules - retirement.

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

SECTION 8. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the disabled parking education and enforcement fund created in section 42-1-224, Colorado Revised Statutes, not otherwise appropriated, to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of the governor, other programs and grants, for the Colorado advisory council for persons with disabilities, for the fiscal year beginning July 1, 2010, the sum of $28,307 cash funds and 0.5 FTE, or

so much thereof as may be necessary, for the implementation of this act.

In addition to any other appropriation, there is hereby appropriated, to the department of revenue, for the fiscal year beginning July 1, 2010, the sum of sixty-three thousand forty-nine dollars ($63,049) and 0.6 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, eight thousand six hundred twenty-one dollars ($8,621) shall be from the general fund, and fifty-four thousand four hundred twenty-eight dollars ($54,428) shall be from cash funds from the Colorado state titling and registration account of the highway users tax fund created in section 42-1-211 (2), Colorado Revised Statutes.

SECTION 9. Act subject to petition - specified effective date - applicability. (1) This act shall take effect January 1, 2011; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on January 1, 2011, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

(2) The provisions of this act shall apply to offenses committed and applications submitted on or after the applicable effective date of this act.