

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0831.01 Jason Gelender x4330

HOUSE BILL 16-1273

HOUSE SPONSORSHIP

Arndt,

SENATE SPONSORSHIP

(None),

House Committees

Transportation & Energy
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING LIMITED AUTHORITY FOR THE DEPARTMENT OF**
102 **TRANSPORTATION TO CHARGE FEES FOR PARKING AT**
103 **DEPARTMENT PARKING FACILITIES.**

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/bills summaries>.)

The department of transportation (CDOT) is authorized to charge fees for parking at a park-n-ride lot or any other CDOT parking facility for more than 24 hours or in a reserved parking space. CDOT must post notice of fees, and any associated parking prohibitions or penalties for parking violations, at any facility where it charges fees and may not

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.

require an individual to provide personal information in order to park unless the individual wishes to use reserved parking or automatic payment services. Parking fees are payable in advance.

CDOT may set aside up to 15% of the spaces at a CDOT parking facility for reserved parking and may establish rules that prohibit an individual from parking at a CDOT parking facility if the individual is not using mass transit that is accessible from the facility. CDOT may impose a daily penalty if a motor vehicle is parked at a CDOT parking facility and the individual who parked it either failed to pay a parking fee or parked in violation of a CDOT rule. Any motor vehicle for which a penalty is assessed and which is left unattended at a CDOT parking facility for more than 4 days is considered a motor vehicle abandoned on public property for purposes of existing laws that address the removal, storage, and disposal of such motor vehicles.

For enforcement purposes, CDOT may inspect any motor vehicle registration electronic database that includes the name and address of any registered motor vehicle owner. Local governments and CDOT must consult with each other before the establishment of zoning, other authorization by a governmental body, or contracts required for privately owned or managed parking facilities intended for users of mass transit that is accessible from a CDOT parking facility.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 43-1-123 as
3 follows:

4 **43-1-123. Limited authority to charge fees for parking -**
5 **reserved parking spaces - penalties - definitions.** (1) (a) THE
6 DEPARTMENT MAY CHARGE A PARKING FEE AT A DEPARTMENT PARKING
7 FACILITY FOR:

8 (I) A MOTOR VEHICLE LEFT IN THE FACILITY FOR MORE THAN
9 TWENTY-FOUR HOURS; OR

10 (II) RESERVED PARKING AT THE FACILITY.

11 (b) THE DEPARTMENT SHALL NOT CHARGE A PARKING FEE AT A
12 DEPARTMENT PARKING FACILITY PURSUANT TO THIS SUBSECTION (1),
13 PROHIBIT PARKING AT A FACILITY PURSUANT TO SUBSECTION (2) OF THIS

1 SECTION, OR ENFORCE A PENALTY PURSUANT TO SUBSECTION (4) OF THIS
2 SECTION, WHICH FOR PURPOSES OF THIS PARAGRAPH (b) INCLUDES
3 TREATING A MOTOR VEHICLE AS ABANDONED, UNTIL IT HAS POSTED SIGNS
4 WARNING OF THE PARKING FEE, PROHIBITION, OR PENALTY AT ALL
5 ENTRANCES AND EXITS TO THE FACILITY FOR AT LEAST NINETY DAYS. THE
6 WARNING SIGNS SHALL REMAIN IN PLACE AS LONG AS THE PARKING FEE,
7 PROHIBITION, OR PENALTY IS IN EFFECT AT THE FACILITY.

8 (c) THE DEPARTMENT SHALL NOT REQUIRE AN INDIVIDUAL TO GIVE
9 ANY TYPE OF PERSONAL INFORMATION, INCLUDING, BUT NOT LIMITED TO,
10 ANY MOTOR VEHICLE REGISTRATION OR DRIVER'S LICENSE INFORMATION
11 IN FURTHERANCE OF THE ADMINISTRATION AND ENFORCEMENT OF THE
12 PARKING FEE IMPOSED PURSUANT TO THIS SUBSECTION (1); EXCEPT THAT
13 THE DEPARTMENT MAY REQUIRE AN INDIVIDUAL TO PROVIDE PERSONAL
14 INFORMATION IN ORDER TO USE RESERVED PARKING OR AUTOMATIC
15 PAYMENT SERVICES OFFERED BY THE DEPARTMENT.

16 (d) EXCEPT AS OTHERWISE PROVIDED BY THIS SECTION, THE
17 DEPARTMENT SHALL NOT CHARGE A PERSON ANY TYPE OF FEE,
18 REGARDLESS OF WHAT IT MAY BE CALLED, TO PARK AT A DEPARTMENT
19 PARKING FACILITY.

20 (e) ALL PARKING FEES ESTABLISHED IN THIS SUBSECTION (1) ARE
21 PAYABLE IN ADVANCE. PAYMENT DEVICES SHALL BE AVAILABLE AT ALL
22 PARKING FACILITIES AT WHICH PARKING FEES ARE CHARGED PURSUANT TO
23 THIS SUBSECTION (1). THE DEPARTMENT MAY ESTABLISH CUSTOMER
24 ACCOUNTS TO PERMIT PERSONS WHO USE A DEPARTMENT PARKING
25 FACILITY TO PREPAY PARKING FEES.

26 (2) THE DEPARTMENT MAY ESTABLISH RULES THAT PROHIBIT AN
27 INDIVIDUAL FROM PARKING AT A DEPARTMENT PARKING FACILITY IF THE

1 INDIVIDUAL IS NOT USING MASS TRANSIT OR CARPOOLING THAT IS
2 ACCESSIBLE FROM THE FACILITY.

3 (3) THE DEPARTMENT MAY SET ASIDE NO MORE THAN FIFTEEN
4 PERCENT OF A DEPARTMENT PARKING FACILITY FOR RESERVED PARKING.
5 THE DEPARTMENT MAY PROVIDE RESERVED PARKING SPACES AT A
6 FACILITY.

7 (4)(a) IF A MOTOR VEHICLE IS PARKED AT A DEPARTMENT PARKING
8 FACILITY AND THE INDIVIDUAL WHO PARKS THE MOTOR VEHICLE EITHER
9 FAILS TO PAY A PARKING FEE THAT IS REQUIRED BY THE DEPARTMENT
10 PURSUANT TO THE AUTHORITY SET FORTH IN SUBSECTION (1) OF THIS
11 SECTION OR VIOLATES A RULE ADOPTED BY THE DEPARTMENT PURSUANT
12 TO SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT MAY IMPOSE A
13 PENALTY ON THE OWNER OF THE VEHICLE FOR EACH DAY THAT THE
14 VEHICLE IS PARKED AT THE FACILITY. THE PENALTY IS TWENTY DOLLARS
15 FOR THE FIRST OFFENSE, FIFTY DOLLARS FOR THE SECOND OFFENSE, AND
16 ONE HUNDRED DOLLARS FOR ALL SUBSEQUENT OFFENSES. THE
17 DEPARTMENT SHALL GIVE WRITTEN NOTICE TO THE OWNER OF THE
18 PENALTY AND SHALL NOTIFY THE OWNER THAT HE OR SHE MAY, WITHIN
19 FOURTEEN DAYS OF THE NOTICE FROM THE DEPARTMENT, REQUEST A
20 HEARING TO DISPUTE THE PENALTY. THE HEARING MUST BE HELD WITHIN
21 THIRTY DAYS AFTER RECEIPT OF THE REQUEST FROM THE OWNER AND MAY
22 BE CONDUCTED IN PERSON OR BY TELEPHONE. NO PERSON ENGAGED IN
23 CONDUCTING THE HEARING OR PARTICIPATING IN A DECISION IS
24 RESPONSIBLE TO OR SUBJECT TO THE SUPERVISION OR DIRECTION OF ANY
25 PERSON ENGAGED IN THE PERFORMANCE OF PARKING MANAGEMENT
26 FUNCTIONS FOR THE DEPARTMENT.

27 (b) ANY MOTOR VEHICLE FOR WHICH A PENALTY IS ASSESSED

1 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) AND WHICH IS LEFT
2 UNATTENDED AT A DEPARTMENT PARKING FACILITY FOR MORE THAN FOUR
3 DAYS IS AN ABANDONED MOTOR VEHICLE SUBJECT TO THE PROVISIONS OF
4 PART 18 OF ARTICLE 4 OF TITLE 42, C.R.S.

5 (c) THE DEPARTMENT SHALL ADOPT REASONABLE RULES
6 CONCERNING THE ADMINISTRATION AND ENFORCEMENT OF THIS SECTION.

7 (5) IN ORDER TO AID IN THE ENFORCEMENT OF THIS SECTION AND
8 TO ALLOW THE DEPARTMENT TO CARRY OUT ITS FUNCTIONS, THE
9 DEPARTMENT OF REVENUE OR AN AUTHORIZED AGENT OF THE
10 DEPARTMENT OF REVENUE SHALL ALLOW THE DEPARTMENT TO INSPECT,
11 ON AN AS-NEEDED BASIS, ANY MOTOR VEHICLE REGISTRATION ELECTRONIC
12 DATABASE THAT INCLUDES THE NAME AND ADDRESS OF ANY REGISTERED
13 OWNER. THE INSPECTION OF THESE RECORDS BY THE DEPARTMENT IS
14 CONSISTENT WITH USES SET FORTH IN SECTION 24-72-204 (7) (b) (I),
15 C.R.S., AND SHALL BE DONE IN ACCORDANCE WITH PART 2 OF ARTICLE 72
16 OF TITLE 24, C.R.S. THE DEPARTMENT SHALL MAINTAIN THE
17 REGISTRATION INFORMATION FOR ONE YEAR AND SHALL NOT RELEASE THE
18 INFORMATION TO ANY PARTY OTHER THAN TO THE REGISTERED OWNER OR
19 AS NECESSARY TO ENFORCE THE PENALTIES SET FORTH IN SUBSECTION (4)
20 OF THIS SECTION. AFTER ONE YEAR, THE DEPARTMENT SHALL DESTROY
21 THE REGISTRATION INFORMATION.

22 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
23 REQUIRES, "DEPARTMENT PARKING FACILITY" OR "FACILITY" MEANS A
24 PARK-N-RIDE LOT OR ANY OTHER PARKING LOT OR STRUCTURE OWNED OR
25 LEASED AND OPERATED BY THE DEPARTMENT.

26 (7) LOCAL GOVERNMENTS AND THE DEPARTMENT SHALL CONSULT
27 WITH EACH OTHER BEFORE THE ESTABLISHMENT OF ZONING, OTHER

1 AUTHORIZATION BY A GOVERNMENTAL BODY, OR CONTRACTS REQUIRED
2 FOR PRIVATELY OWNED OR MANAGED PARKING FACILITIES INTENDED FOR
3 USERS OF MASS TRANSIT THAT ARE ACCESSIBLE FROM A DEPARTMENT
4 PARKING FACILITY.

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