

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 22, 2014
Date

Committee on Transportation.

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

HB14-1029 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend reengrossed bill, page 13, after line 20 insert the following:
 - 2 **"(f) Placards issued before January 1, 2005.** ANY IDENTIFYING
 - 3 PLACARD ISSUED BEFORE JANUARY 1, 2005, EXPIRES ON THE EFFECTIVE
 - 4 DATE OF THIS ACT."
- 5 Page 17, line 21, before "PRIVATE" insert "PUBLIC OR".
- 6 Page 17, line 22, after "SIGNS" insert "OR PAVEMENT MARKINGS".
- 7 Page 17, after line 26 insert the following:
 - 8 (II) (A) THE NUMBER AND PLACEMENT OF ACCESSIBLE PARKING
 - 9 SPACES SHOULD MEET OR EXCEED SECTION 1106 OF CHAPTER 11 OF THE
 - 10 2012 (SECOND PRINTING) VERSION OF THE INTERNATIONAL BUILDING
 - 11 CODE, OR ANY SUCCEEDING STANDARD, PUBLISHED BY THE
 - 12 INTERNATIONAL CODE COUNCIL.
 - 13 (B) THE TECHNICAL STANDARDS FOR ACCESSIBLE PARKING SPACES
 - 14 SHOULD MEET OR EXCEED SECTION 502 OF THE 2009 VERSION OF ANSI
 - 15 A117.1, OR ANY SUCCEEDING STANDARD, PUBLISHED BY THE
 - 16 INTERNATIONAL CODE COUNCIL.
 - 17 (C) ACCESS AISLES SHOULD POST "WHEELCHAIR ACCESS AISLE
 - 18 ABSOLUTELY NO PARKING" SIGN, WHICH BLOCKS NEITHER THE ACCESS
 - 19 AISLE NOR ACCESSIBLE ROUTES.
 - 20 (D) THE TECHNICAL STANDARDS FOR POST- OR WALL-MOUNTED

1 SIGNS INDICATING ACCESSIBLE PARKING SPACES AND VAN-ACCESSIBLE
2 PARKING SPACES SHOULD MEET OR EXCEED SECTION 2B.46 CONCERNING
3 PARKING, STANDING, AND STOPPING SIGNS AND SECTION 2B.47
4 CONCERNING DESIGN OF PARKING, STANDING, AND STOPPING OF THE 2009
5 VERSION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, OR
6 ANY SUCCEEDING STANDARD, PUBLISHED BY THE UNITED STATES FEDERAL
7 HIGHWAY ADMINISTRATION.

8 (III) THE OWNER OF REAL PROPERTY WITH MULTIPLE-FAMILY
9 DWELLINGS AFFIXED AND WITH RESERVED PARKING SHALL RETAIN THE
10 RESERVED PARKING AS COMMONLY OWNED FOR THE TENANTS, OWNERS,
11 OR VISITORS OF THE INDIVIDUAL UNITS WITHIN THE DWELLINGS. THIS
12 SUBPARAGRAPH (III) DOES NOT PROHIBIT THE SALE OF ALL COMMONLY
13 OWNED PROPERTY SO LONG AS THE RESERVED PARKING IS NOT SEVERED
14 FROM THE OTHER ELEMENTS."

15 Renumber succeeding subparagraph accordingly.

16 Page 18, line 2, strike "COLORADO OR" and substitute "COLORADO AND".

17 Page 18, line 8, after "SIGN" insert "OR BY VISIBLE PAVEMENT MARKINGS".

18 Page 18, strike line 9 and substitute "RESERVED PARKING OR AS BEING A
19 PASSENGER LOADING ZONE UNLESS:".

20 Page 19, lines 11 and 12, strike "EXECUTIVE DIRECTOR OR OFFICER" and
21 substitute "CHIEF OPERATIONS OFFICER WITHIN COLORADO".

22 Page 19, after line 14 insert:

23 "(III) (A) IT IS AN AFFIRMATIVE DEFENSE TO A VIOLATION OF THIS
24 PARAGRAPH (d) FOR THE CHIEF OPERATIONS OFFICER WITHIN COLORADO
25 THAT THE ENTITY ENFORCES AN INTERNAL POLICY CONTROLLING ACCESS
26 TO AND USE OF IDENTIFYING PLACARDS ISSUED TO THE COMPANY.

27 (B) IF THE PLACARD USED IS EXPIRED BY OPERATION OF SECTION
28 42-3-204 (6) (f), IT IS AN AFFIRMATIVE DEFENSE TO A VIOLATION OF THIS
29 PARAGRAPH (d) THAT THE PERSON DID NOT KNOW THE PLACARD WAS
30 EXPIRED IF THE PERSON WHO USED THE PLACARD WAS THE PERSON TO
31 WHOM IT WAS ISSUED."

32 Page 24, after line 2 insert:

1 "(7) **STATEWIDE CONCERN.** (a) THE GENERAL ASSEMBLY FINDS
2 THAT ACCESS TO RESERVED PARKING BY PERSONS WITH DISABILITIES
3 ENSURES THAT THOSE PERSONS HAVE EQUAL ACCESS TO GOODS AND
4 SERVICES ESSENTIAL FOR DAILY LIFE.

5 (b) THE GENERAL ASSEMBLY DETERMINES THAT:

6 (I) RESERVED PARKING FOR PERSONS WITH DISABILITIES IS A
7 STATE-ADMINISTERED PROGRAM AND THAT IDENTIFYING LICENSE PLATES
8 AND PLACARDS ARE ISSUED UNDER STATE LAW.

9 (II) BECAUSE LOCAL REGULATIONS REGARDING RESERVED PARKING
10 FOR PERSONS WITH DISABILITIES VARY SIGNIFICANTLY ACROSS
11 JURISDICTIONS, THEY ARE INCONSISTENT AND CONFUSING FOR PERSONS
12 WITH DISABILITIES, MEDICAL PROFESSIONALS, PEACE OFFICERS, AND
13 MEMBERS OF THE GENERAL PUBLIC.

14 (III) MODERN LIFE REQUIRES TRAVEL ACROSS MULTIPLE LOCAL
15 JURISDICTIONS. INCONSISTENT LOCAL MARKING AND ENFORCEMENT OF
16 RESERVED PARKING FOR PERSONS WITH DISABILITIES CONFUSES PEOPLE,
17 WHICH PREVENTS THEM FROM FULLY OBEYING DISABLED PARKING
18 REGULATIONS.

19 (IV) A MESSAGE DISSEMINATED BY ONE POLITICAL SUBDIVISION OF
20 THE STATE USING MODERN COMMUNICATION METHODS WILL BE RECEIVED
21 BY INDIVIDUALS FROM MULTIPLE POLITICAL SUBDIVISIONS. ANY ATTEMPT
22 TO USE MODERN COMMUNICATION METHODS TO EDUCATE THE PUBLIC ON
23 LOCAL REGULATIONS GOVERNING RESERVED PARKING FOR PERSONS WITH
24 DISABILITIES WILL RESULT IN PUBLIC EXPOSURE TO MULTIPLE
25 INCONSISTENT, CONFUSING REGULATIONS, SO EDUCATION REQUIRES
26 UNIFORM REGULATION ACROSS THE STATE, AND A STATEWIDE EFFORT IS
27 NEEDED TO EDUCATE THE PUBLIC ABOUT DISABLED PARKING. THIS EFFORT
28 IS FUNDED BY FINES WHICH ARE TYPICALLY ISSUED BY LOCAL
29 AUTHORITIES.

30 (c) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT ACCESS
31 TO RESERVED PARKING BY PERSONS WITH DISABILITIES IS A MATTER OF
32 STATEWIDE CONCERN AND THAT THE PROVISIONS SET FORTH IN THIS
33 SECTION PREEMPT ANY ACTION CONTRARY TO THIS SECTION IF THE ACTION
34 IS ADOPTED BY A POLITICAL SUBDIVISION OF THE STATE."

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