

# COLORADO LAWS ENACTED AFFECTING MUNICIPAL GOVERNMENTS

2014 LEGISLATIVE SESSION



# CML

COLORADO MUNICIPAL LEAGUE

*The Voice of Colorado's Cities and Towns*

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# FOREWORD

During the 2014 session of the Colorado General Assembly, CML tracked 251 of the 628 bills and concurrent resolutions introduced. Of the 31 bills that CML supported, 84 percent passed. Of the 18 CML opposed, 94 percent either were defeated or were amended such that the League dropped its opposition.

Each year, CML analyzes the laws passed by the General Assembly that affect cities and towns. *2014 Colorado Laws Enacted Affecting Municipal Governments* focuses on selected acts that have a particular significance for municipal operations, services, and powers — it is not a comprehensive listing of all new legislation enacted into law affecting municipal government. For information or assistance on any legislative questions, contact CML at 303-831-6411 or 866-578-0936.

CML is continuing its commitment to its members by providing the information they need as inexpensively and easily as possible. *2014 Colorado Laws Enacted Affecting Municipalities* will be available to all for free — along with several past years' editions — online at [www.cml.org](http://www.cml.org) under Information > Publications.

Kevin Bommer  
CML deputy director  
June 2014

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**HB 14-1017****AFFORDABLE HOUSING****Expand availability of affordable housing**

Changes the name of the Home Investment Trust Fund to the Housing Investment Trust Fund, and expands the sources of moneys that may be used to support it. Includes any moneys made available by the General Assembly; all moneys collected by the Division of Housing for the trust fund from federal grants and from contributions; other grants, gifts, bequests, and donations received from any other organization, entity, or individual, public or private; and any fees or interest earned on such moneys. Clarifies that the division is authorized and directed to solicit, accept, expend, and disburse all moneys collected for the trust fund from the various public and private sources identified in the bill for the purpose of making, not just loans as under existing law, but also loan guarantees and for program administration. Specifies that any moneys in the trust fund at the end of any fiscal year do not revert to the general fund and that moneys in the trust fund are continuously appropriated to the division for the purposes specified in statute. Requires the division, in making loans of moneys from the trust fund, to give priority to owners of property that was either destroyed or incurred substantial damage as a result of one or more state or federally declared natural disasters. Establishes standards and priorities for the State income tax credit administered through the Colorado Housing and Finance Authority. Contains other provisions. Effective May 29, 2014. Lobbyist: Meghan Storrie, mstorrie@cml.org.

**SB 14-118****AFFORDABLE HOUSING****Protections for people with disabilities**

Conforms several definitions related to discrimination based on a disability to the federal Americans With Disabilities Act of 1990, including changing the term "assistance dog" to "service animal." Increases the statutory fine for discrimination in places of public accommodation, housing, and or violations of the rights of an individual with a disability who uses a service animal or a trainer of a service animal to an amount not to exceed \$3,500 plus actual monetary damages, attorney fees and costs, and an order for compliance, if applicable. Specifies that a small business defendant is entitled to a 50-percent reduction of the statutory fine assessed if it corrects the accessibility violation within 30 days after the filing of the complaint, unless the defendant knowingly or intentionally caused the accessibility violation. Establishes penalties for a person who causes harm to a service animal or service animal in training, or a person who owns an animal that causes harm to a service animal or service animal in training. Contains other provisions. Effective Aug. 6, 2014. Lobbyist: Meghan Storrie, mstorrie@cml.org.

**SB 14-054****BEER & LIQUOR****Expansion of fine in lieu of penalty authority**

Expands the ability of the state or a local licensing authority, upon petition of an alcohol beverage license or permit

holder and in the licensing authority's sole discretion, to impose a fine on the license or permit holder in lieu of a license or permit suspension. Eliminates restriction on ability to petition for a fine where the licensing authority has issued a final decision suspending the license or permit for more than 14 days. Allows license or permit holder to petition to pay a fine, and allows the licensing authority to grant petition, regardless of whether license or permit holder had a license or permit suspended or paid a fine in lieu of suspension within the prior two years. Applies to final alcohol beverage license or permit suspension decisions issued by state or a local licensing authority on or after April 11, 2014. Effective April 11, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

**HB 14-1037****CRIMINAL JUSTICE****Enforcement of laws against designer drugs**

Establishes that it is unlawful to distribute, dispense, manufacture, display for sale, offer for sale, attempt to sell, or sell any product that contains any amount of any synthetic cannabinoid, and states that a violation is a deceptive trade practice. Creates civil penalties for violators. Deems a violation is committed by a person for each individually packaged product. On and after Sept. 1, 2014, requires the Colorado Bureau of Investigation to maintain materials and equipment for law enforcement agencies and the Liquor Enforcement Division for presumptive identification of synthetic cannabinoids or other designer drugs. Amends existing provisions relating to the distribution of cathinones to conform to the bill's new provisions relating to synthetic cannabinoids. Effective Aug. 6, 2012. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 14-129****CRIMINAL JUSTICE****Cleanup of marijuana criminal provisions**

Adds consumption and possession of marijuana and possession of marijuana paraphernalia to crime of underage possession or consumption of alcohol and makes crime an unclassified petty offense. Makes changes to penalty structure. Encourages the Peace Officers Standards Training (POST) Board to offer advanced roadside impaired driving training course as an elective to basic field sobriety training recertification. Changes open marijuana container crime to require that prosecution prove that container has a broken seal, that contents were partially removed, and that there is evidence that marijuana was consumed in vehicle. Applies to offenses committed on or after July 1, 2014. Effective June 6, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 14-1061****CRIMINAL JUSTICE****Eliminate prison for inability to pay fines**

Changes current law that provides that part of a criminal sentence must include a sentence to prison if an individual criminal defendant fails to pay a fine. Changes this requirement so that the sentence must include notice that if a defendant willfully fails to pay a fine, cost, restitution, or other monetary payment, the court may hold the person in

contempt of court and sentence the person to prison. Provides that when the court imposes a monetary payment as part of the sentence, the court must notify the defendant that if he or she is unable to pay the amount ordered, the defendant may ask the court for a waiver or change in the payment. Establishes procedures for when a criminal defendant may be held in contempt of court for willful failure to make a monetary payment. Effective May 9, 2014. Lobbyist: Meghan Storrie, mstorrie@cml.org. *Reprinted.*

**HB 14- 1310** **CRIMINAL JUSTICE**  
**Funding breathalyzers for law enforcement**

Creates the evidential breath testing cash fund for the collection of moneys to purchase breath-testing devices for law enforcement agencies. Directs the Department of Public Health and Environment to administer the fund. Specifies that the state board of health may promulgate rules for the administration of the fund. Repeals the fund effective Sept. 1, 2024. Adds that, before repeal, the Department of Regulatory Agencies shall review the use of the fund by the department of public health and environment. Effective Aug. 6, 2014. Lobbyist: Meghan Storrie, mstorrie@cml.org.

**HB 14-1271** **CRIMINAL JUSTICE**  
**Mental health - Duty to warn target entities**

Extends the current law that provides immunity and duty of mental health providers to warn a specific person or persons when a patient has communicated to the provider a serious threat of imminent physical violence against that person or persons. Allows mental health providers to warn specific entities that, if purposefully damaged or attacked as a result of a mental health patient's violence, would jeopardize public health and safety if the patient has communicated to the provider a serious threat of imminent physical violence against that entity persons or persons identifiable by their association with a specific location or entity. Effective on April 7, 2014. Lobbyist: Meghan Storrie, mstorrie@cml.org.

**HB 14-1152** **CRIMINAL JUSTICE**  
**Passive surveillance records**

Requires that video or still images obtained by passive surveillance by governmental entities, such as images from monitoring cameras, must be destroyed within three years of the recording of the images. Specifies that the custodian of a passive surveillance record may only access the record beyond the first anniversary after the date of its creation if there has been a notice of claim filed, or an accident or other specific incident that may cause the passive surveillance record to become evidence in any civil, labor, administrative, or felony criminal proceeding, in which case the passive surveillance record may be retained. Requires the custodian to preserve a record of the reason for which the passive surveillance record was accessed and the person who accessed the record beyond the first anniversary after its creation. Creates exceptions allowing retention of passive surveillance records of any correctional facility, local jail, or private contract prison and passive

surveillance records made or maintained as required under federal law. Includes a definition of "passive surveillance." Effective April 4, 2014. Lobbyist: Meghan Storrie, mstorrie@cml.org. *Reprinted.*

**HB 14-1340** **CRIMINAL JUSTICE**  
**State toxicology laboratory**

Directs the Colorado Bureau of Investigation to operate a state toxicology laboratory for the purpose of assisting law enforcement agencies in executing their duties, including but not limited to, the enforcement of laws pertaining to driving under the influence of alcohol or drugs. Establishes that the bureau must do this on or before July 1, 2015. Authorizes the bureau to impose a fee for performing the work of the laboratory. Specifies that the amount of the fee shall not exceed the total amount of direct and indirect costs incurred by the bureau in performing the work of the laboratory. Directs the bureau to transmit all moneys collected as fees to the state treasurer, who shall credit the same to the state toxicology laboratory fund, which is created in the bill. Contains other provisions. Effective April 18, 2014. Lobbyist: Meghan Storrie, mstorrie@cml.org.

**SB 14-073 ECONOMIC DEVELOPMENT**  
**Brownfields clean up tax credit**

Creates a state income tax credit to encourage the clean-up of contaminated property; to qualify, a project must go through the Colorado Department of Public Health and Environment's Voluntary Cleanup Program. Creates a tax credit of 40 percent for the first \$750,000 of expenditures and of 30 percent for expenditures between \$750,000 and \$1.5 million, with no additional credit for expenditures above \$1.5 million. Establishes a five-year carry-forward option for taxpayers. Caps total credit payments to \$3 million a year. Effective Aug. 6, 2014. Lobbyist: Mark Radtke, mradtke@cml.org.

**HB 14-1093** **ECONOMIC DEVELOPMENT**  
**Creative District Community Loan Fund**

Appropriates \$100,000 to begin a loan fund administered by the Department of Economic Development. Authorizes the award of loans up to \$250,000 for development or construction of commercial real estate, mixed-use projects, community facilities, or public infrastructure improvements in state certified creative districts. Requires a local match of at least three times the loan amount. Effective Aug. 6, 2014. Lobbyist Mark Radtke, mradtke@cml.org.

**HB 14-1163** **ECONOMIC DEVELOPMENT**  
**Enterprise Zone Tax Credit cap**

Clarifies the limit on the amount of Enterprise Zone tax credit that may be claimed after tax year 2014 as \$750,000 per year. Effective March 27, 2014. Lobbyist: Mark Radtke, mradtke@cml.org.



**SB 14-183**                      **ECONOMIC DEVELOPMENT**

**Business personal property tax incentives**

Extends the amount of time a municipality, county, or special district can rebate a businesses' personal property tax from 10 years to 35 years. Allows the tax incentive to be awarded to a new business, an expanding business, or businesses that are considering re-locating to another state. Effective May 15, 2014. Lobbyist: Mark Radtke, mradtke@cml.org.

**HB 14-1350**                      **ECONOMIC DEVELOPMENT**

**Regional Tourism Act changes**

Caps the amount of state sales tax that can be allocated to a future Regional Tourism Authority (RTA); requires a third-party economic analysis of historical sales tax growth rate; limits the increment to sales tax growth directly related to the project; and requires a significant portion of the sales tax revenue be attributable to transactions with nonresidents of Colorado. Changes do not apply to the three currently approved RTAs. Effective June 2, 2014. Lobbyist: Mark Radtke, mradtke@cml.org.

**HB 14-1164**                      **ELECTIONS**

**Mail ballots, Technical corrections**

Makes a variety of conforming amendments to the municipal election code (MEC) to accommodate elimination of durational residence in the municipality as a condition of voting in municipal elections. Generally implements a requirement of residence in the municipality and durational residence of 22 days in the state as a condition of voting in an election. Adds mail ballot provisions to the MEC. Provides for maintenance of a local permanent absentee voters list. Contains numerous other provisions, including creation of a special districts election code in article 13.5 of Title 1, C.R.S. Effective Feb. 18, 2014. Lobbyist: Geoff Wilson, gwilson@cml.org.

**HB 14-1323**                      **EMPLOYMENT**

**Access restrictions to personal medical information**

Prohibits the Department of Revenue from accessing an individual's personal medical information or medical record without the individual's consent and creates numerous related restrictions and exceptions. Creates the Government Access to Personal Medical Information Task Force to review, analyze, and make recommendations regarding the ability of state and local government departments and agencies to access, use, and distribute personal medical information. Establishes membership and meeting frequency requirements. Requires a report and recommendations to specified legislative committees by Nov. 1, 2014. Effective May 31, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 14-172**                      **EMPLOYMENT**

**Mandatory firefighter heart & circulatory malfunction benefits**

Requires a municipality, special district, fire authority, or county improvement district that employs one or more professional firefighters to maintain accident insurance, self-insure, or participate in self-insurance pool or multiple employer trust to provide benefits for firefighters who with heart and circulatory malfunction resulting from a work event. Establishes minimum and maximum benefits and eligibility requirements. Allows optional coverage for volunteers. Appropriates money to Department of Local Affairs to reimburse employers for cost of mandated coverage. States that coverage becomes optional for employer if appropriated funds are insufficient to pay for cost of benefit. Effective Jan. 1, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

**SB 14-005**                      **EMPLOYMENT**

**Wage Protection Act**

Establishes numerous provisions for purposes of duties, obligations, and liabilities related to payment of wages including expanding wage claims to include violations involving the state minimum wage; requiring employers to maintain records reflecting information in an employee's pay statement for at least three years after payment of the wages and related requirements; allows for find of employer in noncompliance; and requires employers to mail a check for wages to the employee's last-known address within 60 days after check was due if employer is unable to otherwise deliver check. Establishes new penalties and allowable actions for unpaid wages. Establishes parameters on claims. Contains other provisions. Some sections effective May 29, 2014. , otherwise effective on Jan. 1, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 14-106**                      **FEDERAL MINERAL LEASE**

**Local Government Permanent Fund distributions**

Authorizes the General Assembly to make an appropriation in either current fiscal year or next fiscal year when March revenue estimate in any fiscal year indicates that total amount of moneys to be deposited into mineral leasing fund during that fiscal year will be at least 10 percent less than the amount deposited in the preceding fiscal year. Changes revenue estimate used to determine whether total amount of moneys anticipated to be deposited into the mineral leasing fund during that fiscal year will be at least 10 percent less from March revenue estimate to the December revenue estimate. Effective March 27, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 14-031**                      **FIRE & POLICE PENSION**

**Association Old Hire plan modifications**

Makes numerous modifications to administration of an employer's old hire police offers' and firefighters' pension plans (Old Hire plans). Clarifies acceptable use of plan moneys when none of the members in an Old Hire plan are active participants in the plan, but the plan is still obligated

to pay the benefit liabilities of members who still receive benefits from the plan fund. Specifies that annual contributions to state-assisted Old Hire plans are required to be made in at least the amount required to amortize the unfunded liability of the plan over 20 years or number of years equal to average remaining life expectancy of plan's members plus service cost attributable to active members, whichever is less. Allows a lesser payment to be made in 2015 if new amount of required annual contribution by the governing body of a state-assisted old hire plan is more than governing body's required annual contribution to the plan in 2014, and if new amount would cause a hardship to the taxpayers of the governing body. Requires governing body to contribute full amount of new contribution beginning in 2016. Repeals obsolete language related to state-assisted old hire contributions by the state. Modifies requirements concerning actuarial study of each old hire plan such that each study be conducted for each plan by July 1, 2014, and every two years thereafter. Contains other provisions. Effective March 20, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 14- 1141** **GOVERNMENT**  
**Confidentiality Social Security Numbers**

Prohibits an entity with a board of directors, including an advisory board, from requiring an unpaid member of the board to disclose his or her Social Security number to the entity to serve as a member of the board except when required by law or by a condition of accreditation to obtain the Social Security number for purposes of a background check or to properly account for reimbursement payments. Makes it unlawful for the state or any local government to deny an individual a right, benefit, or privilege provided by law because the individual refuses to disclose his or her Social Security number unless the disclosure is required by state or federal law. Requires the state or any local government that requests an individual to disclose his or her Social Security number to inform the individual whether the disclosure is mandatory or voluntary, by what statutory or other authority the Social Security number is solicited, and what uses will be made of the individual's Social Security number. Clarifies that Colorado's statute on confidentiality of Social Security numbers does not apply with respect to patient information for entities subject to the federal Health Insurance Portability and Accountability Act of 1996. Effective Aug. 6, 2014. Lobbyist: Meghan Storrie, mstorrie@cml.org.

**HB 14-1311** **HISTORIC PRESERVATION**  
**Job Creation & Main Street Revitalization Act**

Creates a new income tax credit to be claimed by an owner of a historic property for recovery of certain costs related to preserving the property. Covers income tax years commencing on or after Jan. 1, 2016, but prior to Jan. 1, 2020. Requires the Office of Economic Development and International Trade (OEDIT), in consultation with History Colorado, to develop standards for the approval of the substantial rehabilitation of qualified structures for which the new tax credit is being claimed. Sets requirements for the

property owner to submit an application and rehabilitation plan. Authorizes OEDIT to create a fee structure. Establishes ceilings for projects to receive the tax credit. Contains other provisions. Effective May 14, 2014. Lobbyist: Meghan Storrie, mstorrie@cml.org.

**SB 14-017** **LAND USE**  
**Local development approval preemption**

Directs the Water Resources Review Committee to investigate minimizing agricultural dry-up by limiting municipal outdoor water consumption. Directs that investigation should identify and quantify best practices limiting municipal outdoor water consumption. Authorizes committee to propose legislation, if appropriate, to facilitate the implementation of practices "reasonable and likely" to result in measurable conservation of municipal water used for outdoor purposes. Effective April 11, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 14-1029** **LAW ENFORCEMENT**  
**Handicapped parking**

Increases penalties for handicapped parking placard fraud. Reclassifies blocking access to handicapped parking and parking without a placard from Class B traffic infractions to unclassified misdemeanors. Increases the fine structure. Effective July 1, 2014, applies to offenses committed after Jan. 1, 2015. Lobbyist: Mark Radtke, mradtke@cml.org. *Reprinted.*

**SB 14-049** **LAW ENFORCEMENT**  
**Rail facilities metal theft**

Adds the intent to steal or remove materials as additional ways to commit a crime under the currently existing law regarding tampering with a public transportation facility with the intent to cause damage as a class 3 felony crime of endangering public transportation. Adds utility transmission facilities to sites protected. Effective July 1, 2014. Lobbyist: Mark Radtke, mradtke@cml.org.

**HB 14-1398** **MARIJUANA**  
**Cannabis credit cooperatives**

Enacts the Marijuana Financial Services Cooperatives Act. Establishes cannabis credit co-ops as a type of financial services entity, membership in which is restricted to entities that are licensed to own or operate a marijuana business. Subjects co-ops to regulation by the State Commissioner of Financial Services similar to that of credit unions, with numerous specified differences. Contains numerous other provisions. Effective June 6, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 14-215** **MARIJUANA**  
**Disposition of state marijuana revenue**

Specifies disposition of retail marijuana moneys received by state during the 2013-14 state fiscal year. Beginning July 1, 2014, requires all retail marijuana excise tax revenues, all retail marijuana sales tax revenues, and all marijuana state

sales tax revenues to be deposited in marijuana tax cash fund. Specifies moneys attributable to fees will remain in and continue to be deposited in that fund. Allows for specific appropriations of marijuana cash fund moneys to state agencies for various costs and programs. Directs that after July 1, 2014, marijuana cash fund moneys can only be appropriated to Department of Revenue for costs associated with the regulation, control, and taxation of medical and retail marijuana. Specifies that the General Assembly may appropriate the moneys in the newly created marijuana tax cash fund for specified purposes. Prohibits General Assembly from appropriating the moneys in the marijuana tax cash fund until the fiscal year following the fiscal year in which moneys were received by the state, except that moneys in the marijuana tax cash fund may be appropriated to Department of Revenue in the same fiscal year. States that remaining moneys are subject to annual appropriation by the General Assembly. Specifies permissible purposes for future use of marijuana tax cash fund moneys. Contains numerous other provisions and appropriations. Effective July 1, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 14-1122** **MARIJUANA**  
**Keep legal marijuana from minors under 21**

Requires medical marijuana-infused products must be sold in child-proof packaging with warning stating “medicinal product - keep out of reach of children.” Requires that medical marijuana and medical marijuana-infused products must be sold in either child-proof packaging or in opaque and resealable exit package or container that meets standards established by rule. Gives a retail marijuana store the ability to confiscate a fraudulent identification and detain and question the person who provided the fraudulent identification. Makes selling marijuana to a person under 21 years of age at a retail marijuana store a class 1 misdemeanor. Requires any person growing marijuana in a residence where a person under 21 years of age resides to maintain grow in “enclosed and locked space.” Contains other provisions. Effective March 17, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

**HB 14-1361** **MARIJUANA**  
**One ounce equivalency**

Directs the Department of Revenue to promulgate rules establishing equivalent of one ounce of retail marijuana flower in various retail marijuana products. Authorizes department to contract for scientific study of equivalency of marijuana flower in marijuana products. Prohibits a retail marijuana store from selling more than one ounce of retail marijuana or equivalent in retail marijuana products during any single transaction to a Colorado resident or more than one-quarter ounce or equivalent to a non-resident. Effective May 21, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 14-1229** **MARIJUANA**  
**Retail background check fingerprint authority**

Allows a local jurisdiction to submit fingerprints for purposes of conducting a criminal history background check or to

acquire a name-based criminal history check if the retail marijuana license applicant’s fingerprints are unclassifiable. Effective March 17, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 14-1366** **MARIJUANA**  
**Sale of edible marijuana products**

Requires the Department of Revenue to promulgate rules by Jan. 1, 2016, requiring edible marijuana products to be clearly identifiable with standard symbol indicating product contains marijuana and not for consumption by children. Requires the department convene stakeholder group by Aug. 1, 2014 to make recommendations on rules. Requires the department to report findings to specified legislative committees by Feb. 1, 2015. Effective May 21 2014. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 14-022** **MUNICIPAL FINANCE**  
**Community Development Financing Institutions**

Classifies Community Development Financing Institutions as “qualified holders” under the state’s foreclosure sale statute. Allows entities covered under the definition of “qualified holder” to present a request for full or partial release of collateral pledged without presentation of the original promissory note. Effective Aug. 6, 2014. Lobbyist: Mark Radtke, mradtke@cml.org.

**SB 14-007** **MUNICIPAL FINANCE**  
**County road and bridge fund disasters**

Prohibits counties from transferring county general fund dollars to county road and bridge fund, which helps to protect municipal interests, as one-half of the revenue raised by the county road and bridge mill levy within municipal limits is shared with the municipality. Allows temporary transfer of county general fund dollars to county road and bridge fund for four years following a governor’s emergency declaration; contains protections to hold harmless the municipal share of the mill levy revenue during this period. Effective Feb. 19, 2014. Lobbyist: Mark Radtke, mradtke@cml.org.

**SB 14-186** **MUNICIPAL FINANCE**  
**Energy performance contracts**

Authorizes the Colorado Energy Office to identify small, local government energy efficiency projects to be combined into one energy performance contract signed with a pre-qualified energy service provider. Provides that participation by local governments is voluntary. Effective June 6, 2014. Lobbyist: Mark Radtke, mradtke@cml.org.

**HB 14-1103** **MUNICIPAL FINANCE**  
**Municipal bond investment ratings**

Requires general obligation or revenue bonds issued by entities within Colorado must carry at least two credit ratings at or above “A” while other domestic GO and revenue bonds must carry at least two “AA” ratings to qualify for the investment of public funds. Requires securities to reach

maturity within five years. Effective March 27, 2014.  
Lobbyist: Mark Radtke, [mradtke@cml.org](mailto:mradtke@cml.org).

**HB 14-1356** **OIL & GAS**  
**Commission penalty authority**

Increases the penalty for violation of a state oil and gas conservation commission rule or order from \$1,000 per day to \$15,000 per day. Prescribes procedures for imposing such fines. Contains other provisions. Effective June 6, 2014. Lobbyist: Geoff Wilson, [gwilson@cml.org](mailto:gwilson@cml.org).

**SB 14-009** **OIL & GAS**  
**Real property sale contracts, Contract disclosures**

Requires, through a direction to the state real estate commission, that real estate sale contracts include a bold face disclosure of the possibility that the mineral estate may be severed from the surface estate and that development of the minerals may have certain impacts on the surface estate. Effective Aug. 6, 2014. Lobbyist: Geoff Wilson, [gwilson@cml.org](mailto:gwilson@cml.org).

**HB 14-1193** **OPEN RECORDS**  
**Research and retrieval fees**

Requires that a custodian may impose a research and retrieval fee for records only if the custodian has in place a written policy, posted on the custodian's website or published, that specifies "applicable conditions" in research and retrieval and the amount of any fee. Under such policy, the first hour of research and retrieval service shall be free, and the fee may not exceed \$30 per hour. Provides for adjustment of the fee cap every five years beginning in 2019, based on the percentage change in the Denver-Boulder-Greeley Consumer Price Index. Effective July 1, 2014. Lobbyist: Geoff Wilson, [gwilson@cml.org](mailto:gwilson@cml.org).  
*Reprinted.*

**HB 14-1011** **PENSIONS/RETIREMENT**  
**Retirees on municipal volunteer fire pension boards**

Starting with the next election, allows a retired fire department member, a retired fire department member returned to active service, and an active fire department member to serve as elected members of the volunteer firefighter pension board. Specifies that such board members are elected by the fire department members, retired fire department members, and retired fire department members returned to active service of such fire departments. Effective Aug. 6, 2014. Lobbyist: Kevin Bommer, [kbommer@cml.org](mailto:kbommer@cml.org).

**HB 14-1390** **OPEN MEETINGS**  
**Standing**

Amends the law to provide that any person denied or threatened with denial of rights conferred on the public by the Open Meetings Law (OML) has standing to challenge a violation of the OML. Effective June 6, 2014. Lobbyist: Geoff Wilson, [gwilson@cml.org](mailto:gwilson@cml.org).

**HB 14-1060** **PLANNING**  
**Compensation for planning and zoning commissioners**

Specifies that, via ordinance, a statutory municipality may compensate their planning and zoning commissioners. Effective Aug. 6, 2014. Lobbyist: Meghan Storrie, [mstorrie@cml.org](mailto:mstorrie@cml.org).

**SB 14-121** **PUBLIC SAFETY**  
**Assistance to a local government after a disaster emergency**

Authorizes the governor to determine the percentage at which the state and a local government will contribute moneys to cover the nonfederal cost share required by federal law when disaster emergency triggers federal assistance to the local government. Authorizes the governor to amend the percentage at which the state and local government will contribute moneys to the nonfederal cost share based on the needs of the individual local governments. Effective March 21, 2014. Lobbyist: Meghan Storrie, [mstorrie@cml.org](mailto:mstorrie@cml.org).

**HB 14-1004** **PUBLIC SAFETY**  
**Emergency management**

Makes various changes to the manner in which emergency management functions are administered. Eliminates the Colorado Emergency Planning Commission and transfers its functions and duties to the Department of Public Safety for allocation to the director of the Division of Homeland Security and Emergency Management. Creates the Emergency Planning Subcommittee, a new permanent body under the Homeland Security and All-Hazards Senior Advisory Committee in the division while eliminating the Governor's Disaster Emergency Council. Allows the governor to render disaster assistance upon gubernatorial declaration. Effective Feb. 27, 2014. Lobbyist: Meghan Storrie, [mstorrie@cml.org](mailto:mstorrie@cml.org).

**SB 14-138** **PUBLIC SAFETY**  
**Civil immunity for volunteers at emergencies**

Extends the limited immunity now held by volunteer firefighters who provide services at the scene of an emergency to volunteers performing services for nonprofit corporations and nonprofit organizations. Effective March 21, 2014. Lobbyist: Meghan Storrie, [mstorrie@cml.org](mailto:mstorrie@cml.org).

**SB 14-164** **PUBLIC SAFETY**  
**Colorado Aerial Firefighting Fleet aircraft acquisitions**

Creates the Colorado Firefighting Air Corps (C-FAC) under the Division of Fire Prevention and Control in the Department of Public Safety. Empowers the division to acquire firefighting aircraft for the C-FAC. Directs the division to acquire or contract for firefighting aircraft for use during the 2014 fire season as feasible and appropriate within available appropriations in a manner that hews as closely to the division's March 28, 2014 special report to the

governor and General Assembly on Colorado firefighting air corps and strategies. Directs the Wildfire Matters Review Committee to consider the creation of an advisory commission to assist the director of the division in performing his or her duties. Requires the director of the division to report annually to that committee. Effective May 12, 2014. Lobbyist: Meghan Storrie, mstorrie@cml.org.

**SB 14-008** **PUBLIC SAFETY**  
**Wildfire Information & Resource Center**

Creates the Wildfire Information & Resource Center in the Division of Fire Prevention and Control in the Department of Public Safety. Describes the type of information that the center should feature. Effective May 14, 2014. Lobbyist: Meghan Storrie, mstorrie@cml.org.

**SB 14-046** **PUBLIC SAFETY**  
**Firefighter safety grant program**

For two state fiscal years, directs \$3.25 million transfer from the mineral leasing fund in the Department of Local Affairs to new Local Firefighter Safety and Disease Prevention Fund and directs funds be used for need-based grant program to provide funding or reimbursement to local governments for equipment and training to increase firefighter safety and prevent occupation-related diseases. Contains provisions related to implementation. Effective May 15, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 14-179** **PUBLIC SAFETY**  
**Flood debris cleanup grants**

Creates a flood debris cleanup stream restoration grant account in the flood and drought response fund for the purpose of allowing the Colorado Water Conservation Board to make grants to help pay the costs of watershed cleanup and stream restoration in areas affected by the flood. Makes a statutory appropriation of \$2,500,000 from the disaster emergency fund to the board for implementation of the grant program. Specifies that the appropriation and the special account are both subject to automatic repeal on July 1, 2015. Effective May 17, 2014. Lobbyist: Meghan Storrie, mstorrie@cml.org.

**HB 14-1203** **PUBLIC SAFETY**  
**Funding for digital trunked radio system maintenance**

Directs the General Assembly, for fiscal years 2013-2014 through 2024-2025, to appropriate a total of \$3.5 million from the general fund, or from any other fund, to the trust fund for digital trunked radio. Adds that the moneys appropriated to the trust fund shall be used for the replacement of legacy radio equipment and hardware at radio tower sites. Directs that in each fiscal year beginning with the 2017-2018 through the 2024-2025, the General Assembly transfer a total of \$3.7 million from the general fund, or any other fund, to the trust fund. Specifies that the trust fund shall be used for software upgrade assurance. Requires the General Assembly to determine the amount

that will be appropriated from the general fund and from any other fund for each purpose in each fiscal year. Effective May 2, 2014. Lobbyist: Meghan Storrie, mstorrie@cml.org.

**SB 14-097** **PUBLIC SAFETY**  
**Immunity for public agencies in wildfire mitigation**

Extends existing protections held by public agencies concerning immunity from civil liability to immunize such agencies from the acts of an insurer or insurance company, corporation, association, or partnership, including any employees, contractors, or agents, engaged in activities intended to protect the insurable private property interests of the insurer's policyholders from damage. Specifies that neither an insurer nor any of its agents engaged in activities intended to protect the insurable private property interests of the insurer's policyholders from damage constitute a private organization entitled to immunity from liability under the statute nor is any agent of the insurer a volunteer for purposes of the Colorado Governmental Immunity Act, regardless of whether such activities may be subject to the direction of a local emergency planning committee or a state or local fire or law enforcement agency. Authorizes an insurer to provide services protecting the property of its policyholders in the course of an emergency. Effective March 21, 2014. Lobbyist: Meghan Storrie, mstorrie@cml.org.

**SB 14-193** **PUBLIC SAFETY**  
**Location information after *US v. Jones***

Implements a U.S. Supreme Court decision stating the use of a GPS device to monitor a vehicle's movement constitutes a search requiring the government to obtain a search warrant. Prohibits a governmental entity from obtaining location information from an electronic device without first obtaining a search warrant, a subpoena, or a court order. Specifies certain exceptions. Effective June 6, 2014. Lobbyist: Meghan Storrie, mstorrie@cml.org.

**HB 14-1059** **PUBLIC SAFETY**  
**No disorderly conduct for blanks fired at funerals**

Clarifies that the ritual discharge of blank ammunition cartridges at a funeral for a deceased person who was a veteran of the United States armed forces does not constitute disorderly conduct. Effective March 7, 2014. Lobbyist: Meghan Storrie, mstorrie@cml.org.

**SB 14-162** **PUBLIC SAFETY**  
**Quality management, Prehospital EMS providers**

Specifies the mandatory components of a quality management program established by an emergency medical services (EMS) organization, the purpose of which is to conduct assessments of prehospital care provided by EMS providers. Adds that information collected and maintained pursuant to a quality management program that contains the required components is confidential, and persons who participate in a quality management program cannot be compelled to testify in a civil or administrative proceeding. Specifies that confidentiality protections do not

apply to factual testimony about which a person has personal knowledge. Clarifies that persons participating in a quality management program in good faith are not liable for any damages resulting from the proceedings. Effective June 5, 2014. Lobbyist: Meghan Storrie, mstorrie@cml.org.

**SB 14-127** **PUBLIC SAFETY**  
**State radio systems subcommittee and report**

Creates the Consolidated Communications System Authority, which is composed of representatives of entities that use the statewide digital trunked radio system as their primary means of public safety wireless communication. Reorganizes the authority as a subcommittee under the Homeland Security and All-Hazards Senior Advisory Committee in the Division of Homeland Security and Emergency Management in the Department of Public Safety. Adds members and modifies duties of that body. Makes conforming amendments necessitated by the reorganization. Schedules the subcommittee for sunset review and repeal in 2019. Directs the executive director of the department to undertake a needs assessment and formulate a business plan, in consultation with the subcommittee, regarding statewide radio communications and to report the findings to the joint budget committee prior to 2015. Effective June 6, 2014. Lobbyist: Meghan Storrie, mstorrie@cml.org.

**SB 14-190** **PUBLIC SAFETY**  
**Statewide discovery sharing system**

Requires the discovery project steering committee to develop a request for proposal and selection process for choosing a vendor to develop the system. Specifies that the committee make a recommendation to the Colorado District Attorneys Council (CDAC) regarding the vendor after the application process is complete. Requires CDAC to select a vendor to develop the system after the application and selection processes are complete. Establishes that the General Assembly shall appropriate moneys to the judicial department for allocation to CDAC for development, continued enhancement, and maintenance of the system. Creates a criminal surcharge to fund the development, continued enhancement, and maintenance of the system. Specifies a \$10 surcharge applies to each felony conviction, and a \$5 surcharge applies to each misdemeanor conviction in county court if the defendant is represented by private counsel or appears pro se. Gives civil immunity to district attorneys who make a good-faith effort to redact all information legally required to be redacted and provide discovery documents that contain information that should have been redacted. Effective May 29, 2014. Lobbyist: Meghan Storrie, mstorrie@cml.org.

**SB 14-029** **SOLID WASTE**  
**Paint stewardship program**

Directs creation of a paint stewardship program by Jan. 1, 2015, which would cause to be created a statewide network of locations for disposal and recycling of waste or left-over paint. Requires any person selling paint in Colorado after

2015 to be a participant in the program. Contains numerous other provisions. Effective Aug. 6, 2014. Lobbyist: Geoff Wilson, gwilson@cml.org.

**HB 14-1393** **TABOR**  
**Treatment of federal funds**

Clarifies two issues pertaining to federal funding and the Taxpayer Bill of Rights (TABOR): that any federal funds received by a local government, regardless of whether they pass through the state prior to receipt, shall not be included in the local government's calculation of its fiscal year spending; and that any grant of federal funds received by an enterprise, regardless of whether such federal funds pass through the state or any local government in the state prior to receipt by the enterprise, shall not be included in the enterprise's calculation of the total percentage of annual revenues that it receives in grants from the state and local governments. Specifies that the bill makes no changes to TABOR. Effective May 31, 2014. Lobbyist: Meghan Storrie, mstorrie@cml.org. *Reprinted.*

**HB 14-1279** **TAXATION**  
**Business personal property tax credit**

Creates a state income tax credit to compensate small businesses for payment of business personal property tax (BPPT), a property tax collected on non-real property such as manufacturing equipment, business furniture, and office equipment. Provides that businesses with less than \$15,000 in BPPT assessment qualify for the credit. Does not change the local collection and distribution of the tax revenue from businesses; however, allows businesses to apply for a state income tax credit to recover the property tax paid. Effective Aug. 6, 2014; tax credit begins with 2015 tax year. Lobbyist: Mark Radtke, mradtke@cml.org.

**HB 14-1006** **TAXATION**  
**Local Marketing District revenue**

Changes the filing and remittance deadlines for lodging taxes levied by a Local Marketing District from quarterly to monthly. Effective July 1, 2014. Lobbyist: Mark Radtke, mradtke@cml.org.

**HB 14-1159** **TAXATION**  
**Sales and use, Biogas equipment**

Creates a state sales and use tax exemption for certain components for biogas production systems. Makes such an exemption a local option for state collected municipalities. Effective May 17, 2014. Lobbyist: Geoff Wilson, gwilson@cml.org.

**HB 14-1374** **TAXATION**  
**Sales and use, Certain aircraft**

Exempts aircraft purchased by on-demand air carriers that meet certain conditions specified in the bill from state sales and use tax liability. Effective July 1, 2014. Lobbyist: Geoff Wilson, gwilson@cml.org.

**HB 14-1348** **TAXATION**  
**Sales and use, Marketplace Fairness Act**

Amends language contained in the 2013 session's HB 13-1295, which provided for implementation of the Marketplace Fairness Act (MFA) in Colorado if approved by the U.S. Congress, to make certain definitions and provisions concerning location of a sale effective upon passage of the MFA by Congress. Effective May 31, 2014. Lobbyist: Geoff Wilson, gwilson@cml.org.

**HB 14-1178** **TAXATION**  
**Sales and use, Spaceflight property**

Creates a state sales and use tax exemption for certain equipment used in outer space. Makes such an exemption a local option for municipalities that are state collected. Effective May 20, 2014. Lobbyist: Geoff Wilson, gwilson@cml.org.

**HB 14-1269** **TAXATION**  
**Sales and use, Tax nexus**

Amends the state sales and use tax statutes to describe various activities that will give rise to a presumption that a person or corporation is engaged in business in Colorado and is obliged to collect state sales and use tax. Details the circumstances where such an obligation may be created by virtue of a contract by an out-of-state vendor with a person who has the requisite "physical presence" in the state. Contains other provisions. Effective July 1, 2014. Lobbyist: Geoff Wilson, gwilson@cml.org.

**SJR 14-038** **TAXATION**  
**Sales and use, Uniform definitions**

Requests CML to develop, in cooperation with its members and with input from the business community, a set of standardized definitions for use by municipalities. Requests that CML also develop a process for maintaining standardization of definitions over time and that a coordinated source of tax guidance relating to these definitions be developed. Requests that home rule municipalities that locally collect their sales and use taxes begin using these definitions by August 2016. Contains other provisions. Approved May 7, 2014. Lobbyist: Geoff Wilson, gwilson@cml.org. *Reprinted.*

**HB 14-1327** **TELECOMMUNICATIONS**  
**Broadband**

Incorporates into state law federal permitting and "shot clock" requirements related to broadband facilities, including 90 days to process a complete application for a colocation and 150 days for a new installation. Defines broadband facilities. Requires notice of trenching by the state or a political subdivision to broadband providers who have signed up to receive such notice with the Colorado Department of Transportation, and requires joint trenching with broadband providers in such situations, subject to broad exceptions relating to interference with the project, public health or safety, or other factors. Provides for a

refund of state sales and use taxes paid by broadband providers on equipment installed in certain targeted areas. Contains numerous other provisions. Effective Aug. 6, 2014. Lobbyist: Geoff Wilson, gwilson@cml.org. *Reprinted.*

**SB 14-018** **TOBACCO**  
**Sales to minors**

Amends the statutes concerning sales of cigarettes to minors to include nicotine and tobacco products. Effective April 1, 2014. Lobbyist: Geoff Wilson, gwilson@cml.org.

**HB 14-1161** **TRANSPORTATION**  
**Amtrak Southwest Chief Commission**

Creates the Southwest Chief Rail Line Economic Development, Rural Tourism, and Infrastructure Repair and Maintenance Commission, which is dedicated to preserving Amtrak rail service in southeastern Colorado and adding Pueblo as a stop on the Southwest Chief route. Creates a fund to accept dollars in aid of achieving this goal, but no state money was allocated to the fund. Effective Aug. 6, 2014. Lobbyist: Mark Radtke, mradtke@cml.org.

**SB 14-146** **TRANSPORTATION**  
**Speed limit studies**

Allows the Colorado Department of Transportation (CDOT) to consider data contained in municipal speed limit traffic studies conducted on state highways when performing a CDOT traffic study. Effective May 2, 2014. Lobbyist: Mark Radtke, mradtke@cml.org.

**HB 14-1160** **TRANSPORTATION**  
**Divisible load overweight permits**

Exempts waste water vehicles contracted by or owned and operated by a city, county, municipal utility, or special district from wheel- and axle-load restrictions. Specifically applies to trucks with vacuum equipment to load liquid or solid waste or storm water. Authorizes, beginning Jan. 1, 2015, an annual fleet permit fee of \$2,000 plus \$35 per vehicle for overweight vehicles with two- or three-axle divisible loads. Effective Aug. 6, 2014. Lobbyist: Mark Radtke, mradtke@cml.org.

**SB 14-060** **TRANSPORTATION**  
**Flagger certification**

Allows the Colorado Department of Transportation (CDOT) to authorize public and private traffic flagperson certification training and develop training and examination materials that must be used for such certification. Provides resulting certification of public and private sector flagpersons to be recognized statewide. Effective March 27, 2014. Lobbyist: Mark Radtke, mradtke@cml.org.

**HB 14-1105** **TRANSPORTATION**  
**Intergovernmental fuel sales**

Changes statutory language to specifically allow intergovernmental fuel sales among any governmental units

holding a motor fuels tax exemption certificate. Effective Aug. 6, 2014. Lobbyist: Mark Radtke, mradtke@cml.org. *Reprinted.*

**HB 14-1027** **TRANSPORTATION**  
**Plug-in electric vehicle definition**

Redefines “plug-in electric vehicle” in statute as “any motor vehicle that can be recharged from any external source of electricity and the electricity stored in a rechargeable battery pack propels or contributes to propel the vehicle’s drive wheel.” Effective Feb. 19, 2014. Lobbyist: Mark Radtke, mradtke@cml.org.

**HB 14-1301** **TRANSPORTATION**  
**Safe Routes to School**

Allocates \$700,000 of state general fund to the Colorado Department of Transportation (CDOT) to fund the Safe Routes to School in FY 2014-15 as federal funds to support this program disappear in September. Effective June 3, 2014. Lobbyist: Mark Radtke, mradtke@cml.org.

**SB 14-115** **WATER & WASTEWATER**  
**Colorado Water Plan requirements**

Requires the Colorado Water Conservation Board to develop a state water plan with involvement of public and basin roundtables. Requires a report on scope, fundamental approach, and basic elements of plan to Water Resources Review Committee by Aug. 1, 2014. Requires committee to hold at least one public hearing on draft plan in each geographic region associated with basin roundtables to receive public feedback, as well as to provide summary of the public feedback and committee feedback to board by Nov. 1, 2014. Requires board to then present draft plan to committee by July 1, 2015, to be followed by additional public meetings in each basin roundtable regions and to provide summary of committee and public feedback to board by Nov. 1, 2015. Requires same procedure for significant plan amendments. Contains numerous requirements for activity after Nov. 1, 2017. States that the state water plan does not have force or effect of law. Effective May 15, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 14-1005** **WATER & WASTEWATER**  
**Ditch headgate relocation**

Clarifies that a water right owner may relocate a ditch headgate pursuant to 1881 act without filing for a change of water right under the Water Right Determination and Administration Act of 1969 if relocation does not physically interfere with complete use or enjoyment of other water rights. Effective May 16, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 14-171** **WATER & WASTEWATER**  
**Water conservation fixture as energy efficiency improvement**

Adds water conservation fixtures to the definition of an “energy efficiency improvement,” for which the Colorado

New Energy Improvement District may arrange financing, secured by a lien on affected real estate. Financing, under current law, is allowed for installation of energy efficiency improvements in residences and commercial buildings. Effective Aug. 6, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 14-142** **WATER & WASTEWATER**  
**Pesticide inspection of water & wastewater systems**

Eliminates the Commissioner of Agriculture’s responsibility to inspect including public water systems and domestic wastewater treatment works as part of commissioner’s duty to regulate use of agricultural chemicals in Colorado. Effective March 27, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 14-1008** **WATER & WASTEWATER**  
**Private entity forest health loans allowed**

Authorizes the Colorado Water Resources and Power Development Authority to make loans to private entities for purposes of forest health projects contemplated by legislation passed in 2013. Effective May 12, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 14-103** **WATER & WASTEWATER**  
**Prohibition on non-WaterSense fixture sales**

Defines a “WaterSense-listed plumbing fixture” with specific criteria. Prohibits sale of new lavatory faucets, shower heads, flushing urinals, tank-type toilets, and tank-type water closets on and after Sept. 1, 2016, unless they are WaterSense-listed plumbing fixtures. Amends or repeals conflicting portions of current law. Effective Aug. 6, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 14-025** **WATER & WASTEWATER**  
**Small communities grant program clarifications**

Clarifies that state severance tax dollars credited to Small Communities Water and Wastewater grant fund may be used for domestic wastewater treatment works, as well as drinking water treatment works. Contains related provisions. Effective Feb. 27, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 14-1002** **WATER & WASTEWATER**  
**Water Infrastructure Natural Disaster Grant Fund**

Creates a fund and directs the Colorado Department of Public Health and Environment to award \$17 million grants to local governments, including local governments accepting grants on behalf of and in coordination with not-for-profit public water systems, under rules promulgated by the Water Quality Control Commission. Grants designated for planning, design, construction, improvement, renovation, or reconstruction of domestic wastewater treatment works and public drinking water systems impacted, damaged, or destroyed in connection with the flood of September 2013. Grants allowed only in counties where disaster emergency



declared. Grants must be awarded for FY 2014-15 and, as needed, for FY 2015-16. Unencumbered moneys remaining in the fund on Sept. 1, 2015, shall be transferred to the nutrients grant fund. Effective May 17, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 14-191**                      **WORKERS' COMPENSATION**

**Claims resolution procedures**

Authorizes Division of Workers' Compensation director or administrative law judge (ALJ) presiding over workers' compensation cases, to consider medical treatment guidelines adopted by director in determining appropriateness of certain medical treatment. Requires director to adopt rules governing approval of settlements in workers' compensation cases, including procedures for electronic transmission of documents and verification of signatures. Adjusts measurement of time within which a hearing must commence from 100 days after date hearing is set to 120 days after date of service of request for hearing or notice to set. Extends time for objection to a summary order by an ALJ from seven days to 10 days. Allows director or ALJ to summon out-of-state parties to appear, either in person or by telephone, at hearing or deposition and authorizes sanctions for failure to appear. Sets 30-day deadline for director, ALJ, or administrative panel to comply with directions accompanying remand of case or order by an appellate tribunal. Allows claimant to receive \$75 per day, plus transportation and lodging, if claimant is required to travel for medical examination requested by employer and misses work as a result. Requires authorized physician to give written notice, with explanation, to claimant and employer if physician refuses to treat claimant or discharges claimant from medical care for a nonmedical reason. Allows employer 15 days to select another physician before claimant is allowed to select a physician independently. Adjusts maximum lump-sum settlement from max of \$60,000 to range of \$80,868 to \$161,734, depending on number of claimants and adjusted whenever adjustments are made to state average weekly wage. Effective July 1, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org.

employee from which to select a treating physician to four physicians and corporate medical providers. Changes current law stating if there are fewer than four physicians or corporate medical providers within 30 miles of the employer's place of business, the employer or insurer may instead designate one physician or one corporate medical provider. Adds exemption for rural areas where there are more than three, but fewer than nine physicians or corporate medical providers within 30 miles of the employer's place of business such that employer or insurer may instead designate two physicians or two corporate medical providers or a combination of the providers. Effective April 1, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 14-1343**                      **WORKERS' COMPENSATION**

**Peace officers PTSD task force**

Creates a peace officer post-traumatic stress disorder (PTSD) task force to research work-related peace officer PTSD and other relevant topics as determined by the task force. Establishes membership of task force and requires findings to be reported to the health committees of reference in General Assembly. Contains other provisions. Effective June 6, 2014. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 14-1383**                      **WORKERS' COMPENSATION**

**Physician choice**

Changes current requirement that employer or workers' compensation insurer provide a list of at least two physicians or two corporate medical providers or one physician and one corporate medical provider to an injured

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# An Act

HOUSE BILL 14-1029

BY REPRESENTATIVE(S) Primavera, Kraft-Tharp, Lee, Mitsch Bush, Peniston, Tyler, Court, Fields, Ginal, Hullinghorst, Melton, Pettersen, Rosenthal, Ryden, Salazar, Schafer, Young, Exum, Gerou, Hamner, Pabon, Williams, Ferrandino;

also SENATOR(S) Todd, Heath, Jones, Aguilar, Guzman, Herpin, Hodge, Jahn, Johnston, Kefalas, Kerr, King, Newell, Nicholson, Rivera, Roberts, Schwartz, Steadman, Tochtrop, Ulibarri.

CONCERNING A RECODIFICATION OF THE LAWS GOVERNING RESERVED PARKING FOR PERSONS WITH DISABILITIES, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

**SECTION 1.** In Colorado Revised Statutes, 42-1-227, **amend** (1) (a) as follows:

**42-1-227. Disabled parking education program.** (1) Subject to the availability of funds appropriated under section 42-1-226, the Colorado advisory council for persons with disabilities, created in section 24-45.5-103, C.R.S.:

(a) May make grants or develop, IMPLEMENT, 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 RESERVED parking ~~privileges~~ available to a person with a disability affecting mobility, appropriate use of the RESERVED 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

**SECTION 2.** In Colorado Revised Statutes, **repeal and reenact, with amendments,** 42-3-204 as follows:

**42-3-204. Reserved parking for persons with disabilities - applicability - definitions - rules.** (1) **Definitions.** AS USED IN THIS SECTION:

(a) "DISABILITY" OR "DISABLED" MEANS A PHYSICAL IMPAIRMENT THAT MEETS THE STANDARDS OF 23 CFR 1235.

(b) "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.

(c) "HOLDER" MEANS A PERSON WITH A DISABILITY WHO HAS LAWFULLY OBTAINED AN IDENTIFYING PLATE OR PLACARD.

(d) "IDENTIFICATION NUMBER" MEANS THE NUMBER ON A COLORADO DRIVER'S LICENSE, A COLORADO IDENTIFICATION DOCUMENT, OR AN IDENTIFICATION DOCUMENT ISSUED BY THE UNITED STATES.

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

(f) "IDENTIFYING PLACARD" MEANS A PLACARD BEARING AN IDENTIFYING FIGURE ISSUED UNDER THIS SECTION OR A SIMILAR PROVISION IN ANOTHER STATE AND REFERS TO A NINETY-DAY, THREE-YEAR, OR PERMANENT PLACARD.

(g) "IDENTIFYING PLATE" MEANS A LICENSE PLATE BEARING AN IDENTIFYING FIGURE ISSUED UNDER THIS SECTION OR A SIMILAR PROVISION

IN ANOTHER STATE AND REFERS TO EITHER A THREE-YEAR OR PERMANENT LICENSE PLATE.

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

(i) "PROFESSIONAL" MEANS A PHYSICIAN LICENSED TO PRACTICE MEDICINE OR PRACTICING MEDICINE UNDER SECTION 12-36-106 (3) (i), C.R.S., A PHYSICIAN ASSISTANT LICENSED UNDER SECTION 12-36-107.4, C.R.S., A PODIATRIST LICENSED UNDER ARTICLE 32 OF TITLE 12, C.R.S., AN ADVANCED PRACTICE NURSE REGISTERED UNDER SECTION 12-38-111.5, C.R.S., OR A PHYSICIAN, PHYSICIAN ASSISTANT, PODIATRIST, OR ADVANCED PRACTICE NURSE AUTHORIZED TO PRACTICE PROFESSIONALLY BY ANOTHER STATE THAT SHARES A COMMON BORDER WITH COLORADO. FOR THE PURPOSES OF ISSUANCE OF A NINETY-DAY PLACARD ONLY, "PROFESSIONAL" INCLUDES A CHIROPRACTOR OR PHYSICAL THERAPIST.

(j) "RESERVED PARKING" MEANS A PARKING SPACE RESERVED FOR A PERSON WITH A DISABILITY AS SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (1).

(k) "TEMPORARY" MEANS A CONDITION THAT IS EXPECTED TO LAST LESS THAN THIRTY MONTHS AFTER THE ISSUANCE OF AN IDENTIFYING PLATE OR PLACARD, GIVEN THE CURRENT STATE OF MEDICAL OR ADAPTIVE TECHNOLOGY.

**(2) Administration by the department. (a) Records.** THE DEPARTMENT SHALL MAINTAIN IN ITS RECORDS FOR AT LEAST THREE YEARS:

(I) THE REGISTRATION INFORMATION USED TO ISSUE AN IDENTIFYING PLATE OR PLACARD;

(II) ANY VIOLATIONS OF SECTION 42-4-1208 BY THE HOLDER OF AN IDENTIFYING PLATE OR PLACARD; AND

(III) THE APPLICATION FOR AN IDENTIFYING PLATE OR PLACARD OR AN ELECTRONIC OR DIGITAL REPRODUCTION OF THE APPLICATION.

**(b) Peace officers may access records.** UPON THE MONEYS BEING

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AVAILABLE AND APPROPRIATED FROM THE DISABLED PARKING EDUCATION AND ENFORCEMENT FUND CREATED IN SECTION 42-1-226, THE DEPARTMENT SHALL PROVIDE IMMEDIATE ELECTRONIC ACCESS TO THE RECORDS UNDER THIS SUBSECTION (2) TO A PEACE OFFICER WORKING WITHIN THE COURSE AND SCOPE OF THE OFFICER'S OFFICIAL DUTIES.

(c) **Records confidential.** IDENTIFYING INFORMATION ABOUT THE PERSON WITH THE DISABILITY FOR WHOM AN IDENTIFYING PLATE OR PLACARD IS ISSUED IS STRICTLY CONFIDENTIAL AND ONLY AVAILABLE TO:

(I) A PEACE OFFICER, PARKING AUTHORITY, OR TOLLING AUTHORITY ACTING WITHIN THE COURSE AND SCOPE OF THE OFFICIAL'S DUTIES; OR

(II) PERSONNEL WITHIN THE DEPARTMENT FOR OFFICIAL BUSINESS RELATED TO THE IDENTIFYING PLATE OR PLACARD.

(d) **Department to establish forms - rules.** 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 AN APPLICATION AND RENEWAL FORM THAT:

(I) IS SIGNED BY A PROFESSIONAL, UNDER PENALTY OF PERJURY, TO AFFIRM THAT AN APPLICANT MEETS THE ELIGIBILITY REQUIREMENTS FOR AN IDENTIFYING PLATE OR PLACARD AND SETTING OUT THE PENALTIES FOR AUTHORIZING AN IDENTIFYING PLATE OR PLACARD WHEN AN APPLICANT IS INELIGIBLE OR BEFORE VERIFYING THAT A PERSON HAS A DISABILITY; AND

(II) CONTAINS A NOTICE OF THE ELIGIBILITY REQUIREMENTS TO OBTAIN AN IDENTIFYING PLATE OR PLACARD.

(3) **Types of plates or placards.** (a) **Authorization.** THE DEPARTMENT MAY ISSUE THE FOLLOWING REGISTRATION TYPE FOR ISSUING DISABLED PLATES AND PLACARDS THAT NOTIFY THE PUBLIC THAT THE VEHICLE TRANSPORTS A PERSON WHO MAY USE RESERVED PARKING:

(I) A NINETY-DAY IDENTIFYING PLACARD;

(II) A THREE-YEAR IDENTIFYING PLACARD;

(III) A PERMANENT IDENTIFYING PLACARD;

(IV) A THREE-YEAR IDENTIFYING PLATE;

(V) A PERMANENT IDENTIFYING PLATE;

(VI) A DISABLED VETERAN LICENSE PLATE WITH AN ADDITIONAL IDENTIFYING FIGURE, AS DETERMINED BY THE DEPARTMENT, TO INDICATE THAT THE OWNER OF THE VEHICLE IS AUTHORIZED TO MAKE USE OF RESERVED PARKING FOR PERSONS WITH DISABILITIES.

**(b) Number of placards and license plates allowed.** (I) THE DEPARTMENT MAY ISSUE TWO IDENTIFYING PLACARDS, TWO IDENTIFYING PLATES, OR ONE PLATE AND ONE PLACARD TO AN ELIGIBLE INDIVIDUAL.

(II) THE DEPARTMENT MAY ISSUE A DISABLED VETERAN LICENSE PLATE WITH AN ADDITIONAL IDENTIFYING FIGURE AND ONE PLACARD TO AN INDIVIDUAL.

(III) THE DEPARTMENT MAY ISSUE ONE IDENTIFYING PLATE OR PLACARD TO EACH PARENT OR GUARDIAN OF A CHILD WITH A DISABILITY WHO IS UNDER SIXTEEN YEARS OF AGE, BUT THE DEPARTMENT SHALL NOT ISSUE MORE THAN TWO IDENTIFYING PLACARDS, TWO IDENTIFYING PLATES, OR ONE PLATE AND ONE PLACARD FOR THE CHILD.

(4) **Cost.** THE COST FOR ISSUANCE OF AN IDENTIFYING PLATE IS THE SAME AS FOR A STANDARD PLATE. THERE IS NO FEE FOR AN IDENTIFYING PLACARD.

**(5) Issuance of plate or placard - rules.** (a) **Department to issue.** THE DEPARTMENT SHALL ISSUE AN IDENTIFYING PLATE OR PLACARD TO AN APPLICANT THAT PAYS ANY REQUIRED FEES AND IS QUALIFIED FOR THE PLATE OR PLACARD UNDER PARAGRAPH (h) OF THIS SUBSECTION (5).

(b) **Identification number on placard.** THE DEPARTMENT SHALL PLACE THE LAST FOUR DIGITS OF THE HOLDER'S IDENTIFICATION NUMBER ON THE FACE OF AN IDENTIFYING PLACARD. IF AN ENTITY THAT TRANSPORTS PERSONS WITH DISABILITIES OBTAINS A PLACARD, THE PLACARD SHALL BEAR THE TRUE NAME OF THE ENTITY PROVIDING THE SERVICE RATHER THAN THE IDENTIFICATION NUMBER.

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(c) **Expiration date on placard.** THE DEPARTMENT SHALL PLACE THE 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 TO AN IDENTIFYING PLACARD A VALIDATING STICKER INDICATING THE EXPIRATION DATE.

(d) **Department to give notice of rights and responsibilities.** WHEN A PERSON FILES AN APPLICATION FOR ISSUANCE OR RENEWAL OF AN IDENTIFYING PLATE OR PLACARD UNDER THIS SECTION, THE DEPARTMENT SHALL PROVIDE TO THE APPLICANT AN INFORMATIONAL PAMPHLET OR OTHER INFORMATIONAL SOURCE THAT DESCRIBES RESERVED PARKING AND THE RIGHTS AND RESPONSIBILITIES OF THE HOLDERS OF IDENTIFYING PLATES OR PLACARDS. THE PAMPHLET OR OTHER INFORMATIONAL SOURCE SHALL BE 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.

(e) **Personalized and other specialty plates authorized.** AN APPLICANT MAY APPLY FOR A PERSONALIZED IDENTIFYING PLATE. UPON PAYMENT OF THE ADDITIONAL FEE REQUIRED BY SECTION 42-3-211 (6) (a) FOR PERSONALIZED LICENSE PLATES, THE DEPARTMENT MAY ISSUE SUCH PLATES IF THE APPLICANT COMPLIES WITH SECTION 42-3-211. IF AN APPLICANT HAS EXISTING PERSONALIZED LICENSE PLATES FOR A MOTOR VEHICLE, THE APPLICANT MAY TRANSFER THE COMBINATION OF LETTERS OR NUMBERS TO A NEW SET OF IDENTIFYING PLATES FOR THE VEHICLE UPON PAYMENT OF THE FEE IMPOSED BY SECTION 42-3-211 (6) AND UPON TURNING IN THE EXISTING PLATES TO THE DEPARTMENT. A PERSON WHO HAS OBTAINED PERSONALIZED IDENTIFYING PLATES UNDER THIS PARAGRAPH (e) SHALL PAY THE ANNUAL FEE IMPOSED BY SECTION 42-3-211 (6) (b) FOR RENEWAL OF PERSONALIZED PLATES. THE FEES UNDER THIS PARAGRAPH (e) ARE IN ADDITION TO ALL OTHER TAXES AND FEES IMPOSED FOR PERSONALIZED IDENTIFYING PLATES.

(f) **Trusts may use.** A PERSON MAY USE AN IDENTIFYING PLATE OR PLACARD ON A MOTOR VEHICLE THAT IS OWNED BY A TRUST CREATED FOR THE BENEFIT OF AND IN THE NAME OF A PERSON WHO IS ELIGIBLE FOR RESERVED PARKING.

(g) **Placards issued by other states.** 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 MUST SURRENDER ANY CURRENTLY HELD IDENTIFYING PLACARD ISSUED IN ANOTHER STATE OR COUNTRY TO BE ISSUED AN IDENTIFYING PLACARD IN COLORADO.

**(h) Requirements for issuance of identifying placards or plates.**

(I) TO QUALIFY FOR AN IDENTIFYING PLACARD OR PLATE, AN INDIVIDUAL MUST SUBMIT:

(A) A WRITTEN STATEMENT, MADE BY A PROFESSIONAL ON A FORM PUBLISHED BY THE DEPARTMENT, THAT THE PERSON HAS A PHYSICAL IMPAIRMENT MEETING THE STANDARDS OF 23 CFR 1235 AND THAT THE IMPAIRMENT IS EXPECTED TO BE TEMPORARY, LAST THIRTY MONTHS, OR BE PERMANENT, AS THE CASE MAY BE;

(B) A SIGNED AFFIDAVIT AFFIRMING: KNOWLEDGE OF THE ELIGIBILITY REQUIREMENTS; THAT THE PERSON TO WHOM THE PLACARD OR PLATE IS ISSUED IS AND REMAINS ELIGIBLE TO USE THE PLACARD OR PLATE; AND KNOWLEDGE OF THE PENALTIES FOR OBTAINING A PLATE OR PLACARD WHEN INELIGIBLE; AND

(C) A COLORADO DRIVER'S LICENSE OR IDENTIFICATION DOCUMENT, OR AN IDENTIFICATION DOCUMENT ISSUED BY THE UNITED STATES GOVERNMENT, FOR THE PERSON WHO IS ENTITLED TO USE RESERVED PARKING.

(II) TO QUALIFY FOR A NINETY-DAY IDENTIFYING PLACARD, A RESIDENT OF ANOTHER STATE WHO BECOMES DISABLED WHILE IN THIS STATE MUST SUBMIT A DRIVER'S LICENSE OR IDENTIFICATION DOCUMENT ISSUED BY THE STATE OF RESIDENCE OR THE UNITED STATES GOVERNMENT ALONG WITH THE DOCUMENTS REQUIRED BY SUB-SUBPARAGRAPHS (A) AND (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (h).

(III) A PLACARD ISSUED FOR A PERSON UNDER SIXTEEN YEARS OF AGE MAY BEAR THE PARENT'S OR GUARDIAN'S IDENTIFICATION NUMBER IN LIEU OF THE HOLDER'S NUMBER. IF THE PLACARD BEARS THE LAST FOUR DIGITS OF A PARENT'S OR GUARDIAN'S IDENTIFICATION NUMBER, THE DEPARTMENT SHALL ALSO PLACE THE LETTER "C" AS A DESIGNATOR ON THE PLACARD.

(IV) A STATE AGENCY OR BUSINESS ENTITY THAT TRANSPORTS PERSONS WITH DISABILITIES MAY OBTAIN A PERMANENT IDENTIFYING PLATE OR PLACARD FOR RESERVED PARKING. TO QUALIFY FOR A THREE-YEAR OR PERMANENT IDENTIFYING PLATE OR PLACARD, THE AGENCY OR BUSINESS ENTITY MUST:

(A) SHOW THAT IT TRANSPORTS PERSONS WITH DISABILITIES;

(B) PROVIDE A DRIVER'S LICENSE OR IDENTIFICATION DOCUMENT OF ITS CHIEF OPERATIONS OFFICER WITHIN COLORADO;

(C) PROVIDE ITS EMPLOYEE IDENTIFICATION NUMBER; AND

(D) PROVIDE ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT BY RULE.

(i) **Requirements for identifying figure on disabled veteran license plate.** TO QUALIFY FOR A DISABLED VETERAN LICENSE PLATE WITH AN IDENTIFYING FIGURE, THE APPLICANT MUST QUALIFY FOR A PERMANENT IDENTIFYING PLATE UNDER SUBPARAGRAPH (I) OF PARAGRAPH (h) OF THIS SUBSECTION (5) AND MEET THE ELIGIBILITY CRITERIA IN SECTION 42-3-213 (5) FOR A DISABLED VETERAN LICENSE PLATE. A DISABLED VETERAN LICENSE PLATE WITH AN IDENTIFYING FIGURE EXPIRES IN ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY THE DEPARTMENT FOR PERIODIC REGISTRATION UNDER SECTION 42-3-102 (1) (a).

(6) **Expiration and renewal.** (a) **Ninety-day placards.** A NINETY-DAY IDENTIFYING PLACARD EXPIRES ON THE LAST DAY OF THE MONTH IN WHICH THE NINETIETH DAY AFTER ISSUANCE OCCURS. THE HOLDER MAY APPLY FOR OR RENEW THE PLACARD BY MEETING THE REQUIREMENTS OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION TO QUALIFY FOR THE PLACARD.

(b) **Three-year placards.** A THREE-YEAR IDENTIFYING PLACARD EXPIRES ON THE LAST DAY OF THE THIRTY-SIXTH FULL MONTH AFTER THE DATE OF ISSUANCE OR RENEWAL. THE HOLDER MAY APPLY FOR OR RENEW THE PLACARD BY MEETING THE REQUIREMENTS OF SUBPARAGRAPH (I) OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION TO QUALIFY FOR THE PLACARD.

(c) **Permanent placards.** (I) A PERMANENT IDENTIFYING PLACARD EXPIRES ON THE LAST DAY OF THE THIRTY-SIXTH FULL MONTH AFTER THE DATE OF ISSUANCE OR RENEWAL. THE HOLDER MAY RENEW THE PLACARD BY SUBMITTING:

(A) A WRITTEN STATEMENT REQUIRED BY SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION TO QUALIFY FOR THE PLACARD BY MAIL OR A COLORADO DRIVER'S LICENSE, A COLORADO IDENTIFICATION DOCUMENT, OR AN IDENTIFICATION DOCUMENT ISSUED BY THE UNITED STATES IN PERSON IN THE OFFICE OF THE DEPARTMENT;

(B) AN AFFIDAVIT, MADE UNDER PENALTY OF PERJURY, THAT THE PERSON TO WHOM THE PLACARD IS ISSUED REMAINS ELIGIBLE TO USE THE PLACARD;

(C) THE DATE OF BIRTH AND COLORADO DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER OF THE PERSON WHO MAY USE RESERVED PARKING; AND

(D) EVERY THIRD RENEWAL, A WRITTEN STATEMENT REQUIRED BY SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION TO QUALIFY FOR THE PLACARD.

(II) IF THE HOLDER IS AN ENTITY, THE HOLDER MAY RENEW THE PLACARD UPON RESUBMITTING AND UPDATING THE INFORMATION NECESSARY TO BE ISSUED THE PLACARD UNDER SUBPARAGRAPH (IV) OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION.

(d) **Three-year identifying plates.** (I) A THREE-YEAR IDENTIFYING PLATE EXPIRES IN ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY THE DEPARTMENT FOR PERIODIC REGISTRATION UNDER SECTION 42-3-102 (1) (a). ELIGIBILITY FOR A THREE-YEAR IDENTIFYING PLATE EXPIRES ON THE LAST DAY OF THE THIRTY-SIXTH FULL MONTH AFTER THE DATE OF ISSUANCE OR RENEWAL. THE HOLDER MAY RENEW THE PLATE BY MEETING THE REQUIREMENTS OF SUBPARAGRAPH (I) OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION TO QUALIFY FOR THE PLATE.

(II) IF A THREE-YEAR IDENTIFYING PLATE IS ISSUED FOR A PERSON UNDER SIXTEEN YEARS OF AGE USING A PARENT'S OR GUARDIAN'S

IDENTIFICATION DOCUMENT, THE DEPARTMENT SHALL PLACE A "C" ON THE REGISTRATION CARD ISSUED UNDER SECTION 42-3-113 (2).

(e) **Permanent identifying plates.** (I) A PERMANENT IDENTIFYING PLATE OR DISABLED VETERAN LICENSE PLATE EXPIRES IN ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY THE DEPARTMENT FOR PERIODIC REGISTRATION UNDER SECTION 42-3-102 (1) (a). ELIGIBILITY FOR A PERMANENT IDENTIFYING PLATE OR IDENTIFYING FIGURE FOR A DISABLED VETERAN LICENSE PLATE EXPIRES ON THE LAST DAY OF THE THIRTY-SIXTH FULL MONTH AFTER THE DATE OF ISSUANCE OR RENEWAL. THE HOLDER MAY RENEW THE PLATE BY SUBMITTING:

(A) A CURRENT VERIFICATION FORM AS REQUIRED BY SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION BY MAIL OR A COLORADO DRIVER'S LICENSE, COLORADO IDENTIFICATION DOCUMENT, OR IDENTIFICATION DOCUMENT ISSUED BY THE UNITED STATES IN PERSON IN THE OFFICE OF AN AUTHORIZED AGENT;

(B) AN AFFIDAVIT, MADE UNDER PENALTY OF PERJURY, THAT THE PERSON TO WHOM THE PLATE IS ISSUED REMAINS ELIGIBLE TO USE THE PLATE;

(C) THE DATE OF BIRTH AND COLORADO DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER OF THE PERSON WHO MAY USE RESERVED PARKING; AND

(D) EVERY THIRD RENEWAL, A WRITTEN STATEMENT REQUIRED BY SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION TO QUALIFY FOR THE PLATE.

(II) IF THE PLATE IS ISSUED FOR A PERSON UNDER SIXTEEN YEARS OF AGE USING A PARENT'S OR GUARDIAN'S IDENTIFICATION DOCUMENT, THE DEPARTMENT SHALL PLACE A "C" ON THE REGISTRATION CARD ISSUED UNDER SECTION 42-3-113 (2).

(III) IF THE HOLDER IS AN ENTITY, THE HOLDER MAY RENEW THE PLATE UPON RESUBMITTING AND UPDATING THE INFORMATION NECESSARY TO BE ISSUED THE PLATE UNDER SUBPARAGRAPH (IV) OF PARAGRAPH (h) OF SUBSECTION (5) OF THIS SECTION.

(f) **Placards issued before January 1, 2005.** ANY IDENTIFYING PLACARD ISSUED BEFORE JANUARY 1, 2005, EXPIRES ON THE EFFECTIVE DATE OF THIS PARAGRAPH (f).

(7) **Violations - department may revoke.** (a) (I) UPON RECEIPT OF A SWORN STATEMENT FROM A PEACE OFFICER OR AN AUTHORIZED PARKING ENFORCEMENT OFFICIAL THAT A PERSON HAS IMPROPERLY USED RESERVED PARKING IN VIOLATION OF SECTION 42-4-1208, AN IDENTIFYING PLATE OR PLACARD MAY BE REVOKED BY THE DEPARTMENT. TO BE ACCEPTED BY THE DEPARTMENT, THE PEACE OFFICER OR AUTHORIZED PARKING ENFORCEMENT OFFICIAL MUST INCLUDE WITH THE STATEMENT THE NAME OF THE PERSON WHO MISUSED THE IDENTIFYING PLATE OR PLACARD AND EITHER THE IDENTIFYING PLATE OR PLACARD NUMBER OR THE LAST FOUR DIGITS OF THE DRIVER'S LICENSE OR IDENTIFICATION DOCUMENT NUMBER PRINTED ON THE PLACARD.

(II) THE REVOCATION IS EFFECTIVE FORTY-FIVE DAYS AFTER THE DEPARTMENT RECEIVES THE SWORN STATEMENT UNLESS A HEARING IS REQUESTED IN ACCORDANCE WITH PARAGRAPH (e) OF THIS SUBSECTION (7).

(b) UPON RECEIPT OF A NOTICE THAT THE HOLDER OF AN IDENTIFYING PLATE OR PLACARD WAS CONVICTED OF, OR PLED NOLO CONTENDERE TO, A VIOLATION OF SECTION 42-4-1208, THE DEPARTMENT SHALL REVOKE EACH IDENTIFYING PLACARD OR PLATE HELD BY THE PERSON.

(c) **Revocation period.** (I) UPON A FIRST VIOLATION OF SECTION 42-4-1208, THE DEPARTMENT SHALL DENY REISSUANCE OF THE IDENTIFYING PLATE OR PLACARD FOR TWELVE MONTHS AFTER THE DATE OF REVOCATION.

(II) UPON A SECOND OR SUBSEQUENT VIOLATION OF SECTION 42-4-1208, THE DEPARTMENT SHALL DENY REISSUANCE OF THE IDENTIFYING PLATE OR PLACARD FOR A PERIOD OF AT LEAST FIVE YEARS AFTER THE DATE OF THE SECOND OR MOST RECENT SUBSEQUENT REVOCATION.

(d) **Written notice of revocation.** THE DEPARTMENT SHALL NOTIFY IN WRITING THE PERSON ISSUED THE IDENTIFYING PLATE OR PLACARD OF THE REVOCATION. THE DEPARTMENT SHALL INCLUDE IN THE NOTICE:

(I) A DEMAND FOR THE RETURN OF THE IDENTIFYING PLATE OR

PLACARD;

(II) A WARNING THAT CONTINUED USE OF THE IDENTIFYING PLATE OR PLACARD BY ANY PERSON IS SUBJECT TO THE PENALTY SET FORTH IN SECTION 42-4-1701; AND

(III) A STATEMENT THAT THE PERSON MAY APPEAL THE REVOCATION BY FILING A WRITTEN REQUEST WITH THE DEPARTMENT WITHIN THIRTY DAYS AFTER THE DEPARTMENT ISSUED THE NOTICE.

(e) **Request for hearing.** IF A PERSON REQUESTS A HEARING ON THE REVOCATION OF AN IDENTIFYING PLATE OR PLACARD WITHIN THIRTY DAYS AFTER THE DEPARTMENT ISSUED THE NOTICE, THE DEPARTMENT SHALL HOLD A HEARING BEFORE REVOKING THE PLATE OR PLACARD. IF A HEARING IS HELD AND THE HEARING OFFICER UPHOLDS THE REVOCATION, THE REVOCATION TAKES EFFECT IMMEDIATELY.

(f) **Penalties.** (I) A PERSON WHO FAILS TO RETURN A REVOKED IDENTIFYING PLACARD OR PLATE COMMITS A CLASS B TRAFFIC INFRACTION.

(II) A PERSON WHO ATTEMPTS TO OBTAIN AN IDENTIFYING PLATE OR PLACARD WHEN UNDER REVOCATION IN ACCORDANCE WITH THIS SUBSECTION (7) IS SUBJECT TO THE PENALTIES IN SECTION 42-4-1701 (4) (a) (VIII).

**SECTION 3.** In Colorado Revised Statutes, **repeal and reenact, with amendments**, 42-4-1208 as follows:

**42-4-1208. Reserved parking for persons with disabilities - applicability - rules.** (1) **Definitions.** AS USED IN THIS SECTION:

(a) "DISABILITY" OR "DISABLED" HAS THE SAME MEANING AS SET FORTH IN SECTION 42-3-204.

(b) "HOLDER" MEANS A PERSON WITH A DISABILITY WHO HAS LAWFULLY OBTAINED AN IDENTIFYING PLATE OR PLACARD.

(c) "IDENTIFYING FIGURE" HAS THE SAME MEANING AS SET FORTH IN SECTION 42-3-204.

(d) "IDENTIFYING PLACARD" HAS THE SAME MEANING AS SET FORTH IN SECTION 42-3-204.

(e) "IDENTIFYING PLATE" HAS THE SAME MEANING AS SET FORTH IN SECTION 42-3-204.

(f) "PROFESSIONAL" HAS THE SAME MEANING AS SET FORTH IN SECTION 42-3-204.

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

**(2) Use of plate or placard.** (a) A PERSON WITH A DISABILITY MAY USE RESERVED PARKING ON PUBLIC PROPERTY OR PRIVATE PROPERTY IF THE PERSON DISPLAYS AN IDENTIFYING PLATE OR PLACARD WHILE USING RESERVED PARKING.

(b) WHEN AN IDENTIFYING PLACARD IS USED FOR RESERVED PARKING, THE DRIVER OF THE PARKED MOTOR VEHICLE SHALL ENSURE THAT THE FRONT OF THE IDENTIFYING PLACARD IS LEGIBLE AND VISIBLE THROUGH THE WINDSHIELD WHEN VIEWED FROM OUTSIDE THE VEHICLE. THE DRIVER SHALL HANG THE PLACARD FROM THE REAR-VIEW MIRROR UNLESS A REAR-VIEW MIRROR IS NOT AVAILABLE OR THE INDIVIDUAL IS PHYSICALLY UNABLE TO HANG THE PLACARD FROM THE REAR-VIEW MIRROR. IF THE TAG IS NOT HUNG FROM THE REAR-VIEW MIRROR, THE DRIVER SHALL DISPLAY IT ON THE DASHBOARD.

(c) A PERSON WITH A DISABILITY WHO IS A RESIDENT OF A STATE OTHER THAN COLORADO MAY USE RESERVED PARKING IN COLORADO IF THE MOTOR VEHICLE DISPLAYS AN IDENTIFYING PLATE OR PLACARD ISSUED BY A STATE OTHER THAN COLORADO, AND IF:

(I) THE IDENTIFYING PLATE OR PLACARD IS CURRENTLY VALID IN THE STATE OF ISSUANCE AND MEETS THE REQUIREMENTS OF 23 CFR 1235; AND

(II) THE HOLDER HAS NOT BEEN A RESIDENT IN COLORADO FOR MORE THAN NINETY DAYS.

(d) A MOTOR VEHICLE WITH AN IDENTIFYING PLATE OR A PLACARD

MAY BE PARKED IN PUBLIC PARKING AREAS ALONG PUBLIC STREETS OR IN PRIVATE PARKING LOTS REGARDLESS OF ANY TIME LIMITATION IMPOSED UPON PARKING IN THE AREA; EXCEPT THAT A JURISDICTION MAY SPECIFICALLY LIMIT RESERVED PARKING ON ANY PUBLIC STREET TO NO LESS THAN FOUR HOURS. TO LIMIT RESERVED PARKING, THE JURISDICTION MUST CLEARLY POST THE APPROPRIATE TIME LIMITS IN THE AREA. THE ABILITY TO PARK NOTWITHSTANDING PARKING LIMITATIONS DOES NOT APPLY TO AREAS IN WHICH:

(I) STOPPING, STANDING, OR PARKING OF ALL VEHICLES IS PROHIBITED;

(II) ONLY SPECIAL VEHICLES MAY BE PARKED; OR

(III) PARKING IS NOT ALLOWED DURING SPECIFIC PERIODS OF THE DAY IN ORDER TO ACCOMMODATE HEAVY TRAFFIC.

(e) (I) THE OWNER OF PUBLIC OR PRIVATE PROPERTY MAY REQUEST THE INSTALLATION OF OFFICIAL SIGNS OR PAVEMENT MARKINGS IDENTIFYING RESERVED PARKING SPACES. THE REQUEST OPERATES AS A WAIVER OF ANY OBJECTION THE OWNER MAY ASSERT CONCERNING ENFORCEMENT OF THIS SECTION BY A PEACE OFFICER. AN OFFICER MAY ENFORCE THIS SECTION ON PRIVATE PROPERTY NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY.

(II) (A) THE NUMBER AND PLACEMENT OF ACCESSIBLE PARKING SPACES SHOULD MEET OR EXCEED SECTION 1106 OF CHAPTER 11 OF THE 2012 (SECOND PRINTING) VERSION OF THE INTERNATIONAL BUILDING CODE, OR ANY SUCCEEDING STANDARD, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL.

(B) THE TECHNICAL STANDARDS FOR ACCESSIBLE PARKING SPACES SHOULD MEET OR EXCEED SECTION 502 OF THE 2009 VERSION OF ANSI A117.1, OR ANY SUCCEEDING STANDARD, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL.

(C) ACCESS AISLES SHOULD POST "WHEELCHAIR ACCESS AISLE ABSOLUTELY NO PARKING" SIGN, WHICH BLOCKS NEITHER THE ACCESS AISLE NOR ACCESSIBLE ROUTES.



(D) THE TECHNICAL STANDARDS FOR POST- OR WALL-MOUNTED SIGNS INDICATING ACCESSIBLE PARKING SPACES AND VAN-ACCESSIBLE PARKING SPACES SHOULD MEET OR EXCEED SECTION 2B.46 CONCERNING PARKING, STANDING, AND STOPPING SIGNS AND SECTION 2B.47 CONCERNING DESIGN OF PARKING, STANDING, AND STOPPING OF THE 2009 VERSION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, OR ANY SUCCEEDING STANDARD, PUBLISHED BY THE UNITED STATES FEDERAL HIGHWAY ADMINISTRATION.

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

(IV) A PERSON SHALL NOT IMPOSE RESTRICTIONS ON THE USE OF DISABLED PARKING UNLESS SPECIFICALLY AUTHORIZED BY A STATUTE OF COLORADO AND A RESOLUTION OF OR ORDINANCE OF A POLITICAL SUBDIVISION OF COLORADO AND NOTICE OF THE RESTRICTION IS PROMINENTLY POSTED BY A SIGN CLEARLY VISIBLE AT THE PARKING SPACE.

(3) **Misuse of reserved parking.** (a) A PERSON WITHOUT A DISABILITY SHALL NOT PARK IN A PARKING SPACE ON PUBLIC OR PRIVATE PROPERTY THAT IS CLEARLY IDENTIFIED BY AN OFFICIAL SIGN OR BY VISIBLE PAVEMENT MARKINGS AS BEING RESERVED PARKING OR AS BEING A PASSENGER LOADING ZONE UNLESS:

(I) THE 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; AND

(II) AN IDENTIFYING PLATE OR PLACARD OBTAINED UNDER OR AUTHORIZED BY SECTION 42-3-204 IS DISPLAYED IN OR ON THE VEHICLE IF THE LICENSE PLATE OR PLACARD IS CURRENTLY VALID OR HAS EXPIRED LESS THAN ONE MONTH BEFORE THE DAY THE PERSON USED THE RESERVED PARKING.

(b) (I) A PERSON, AFTER USING A RESERVED PARKING SPACE THAT

HAS A TIME LIMIT, SHALL NOT 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.

(II) (A) 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 CREATES A REBUTTABLE PRESUMPTION THAT THE PERSON IS VIOLATING THIS PARAGRAPH (b).

(B) THIS SUBPARAGRAPH (II) DOES NOT APPLY TO PRIVATELY OWNED PARKING SPACES.

(c) A PERSON SHALL NOT USE RESERVED PARKING FOR A COMMERCIAL PURPOSE UNLESS:

(I) THE PURPOSE RELATES TO TRANSACTING BUSINESS WITH A BUSINESS THE RESERVED PARKING IS INTENDED TO SERVE; OR

(II) THE OWNER OF PRIVATE PROPERTY CONSENTS TO ALLOW THE USE.

(d) (I) AN EMPLOYEE OF AN ENTITY SHALL NOT USE AN IDENTIFYING PLACARD ISSUED TO THE ENTITY UNLESS THE EMPLOYEE IS TRANSPORTING PERSONS WITH DISABILITIES.

(II) FOR A VIOLATION OF THIS PARAGRAPH (d), THE CHIEF OPERATIONS OFFICER WITHIN COLORADO OF THE ENTITY TO WHOM THE PLACARD OR PLATE WAS ISSUED AND THE OFFENDING EMPLOYEE ARE EACH SUBJECT TO THE PENALTIES IN SECTION 42-4-1701 (4) (a) (I) (M).

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

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

WHOM IT WAS ISSUED.

(e) (I) A PERSON WHO VIOLATES PARAGRAPH (a) OF THIS SUBSECTION (3) IS SUBJECT TO THE PENALTIES IN SECTION 42-4-1701 (4) (a) (VIII) AND (IX).

(II) A PERSON WHO VIOLATES PARAGRAPHS (b) TO (d) OF THIS SUBSECTION (3) IS SUBJECT TO THE PENALTIES IN SECTION 42-4-1701 (4) (a) (I) (M).

(4) **Blocking access.** (a) REGARDLESS OF WHETHER A PERSON DISPLAYS AN IDENTIFYING PLATE OR PLACARD, A PERSON SHALL NOT PARK A VEHICLE SO AS TO BLOCK REASONABLE ACCESS TO CURB RAMPS, PASSENGER LOADING ZONES, OR ACCESSIBLE ROUTES, AS IDENTIFIED IN 28 CFR PART 36 APPENDIX A, THAT ARE CLEARLY IDENTIFIED UNLESS THE PERSON IS ACTIVELY LOADING OR UNLOADING A PERSON WITH A DISABILITY.

(b) A PERSON WHO VIOLATES THIS SUBSECTION (4) IS SUBJECT TO THE PENALTIES IN SECTION 42-4-1701 (4) (a) (VIII).

(5) **Fraud and trafficking.** A PERSON IS SUBJECT TO THE PENALTIES IN SECTION 42-4-1701 (4) (a) (X) IF THE PERSON:

(a) KNOWINGLY AND FRAUDULENTLY OBTAINS, POSSESSES, USES, OR TRANSFERS AN IDENTIFYING PLACARD ISSUED TO A PERSON WITH A DISABILITY;

(b) KNOWINGLY MAKES, POSSESSES, USES, ALTERS, OR TRANSFERS WHAT PURPORTS TO BE, BUT IS NOT, AN IDENTIFYING PLACARD; OR

(c) KNOWINGLY CREATES OR USES A DEVICE INTENDED TO GIVE THE IMPRESSION THAT IT IS AN IDENTIFYING PLACARD WHEN VIEWED FROM OUTSIDE THE VEHICLE.

(6) **Enforcement of reserved parking.** (a) A PEACE OFFICER OR AUTHORIZED AND UNIFORMED PARKING ENFORCEMENT OFFICIAL MAY CHECK THE IDENTIFICATION OF A PERSON USING AN IDENTIFYING PLATE OR PLACARD IN ORDER TO DETERMINE WHETHER THE USE IS AUTHORIZED.

(b) (I) A PEACE OFFICER OR AUTHORIZED AND UNIFORMED PARKING

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ENFORCEMENT OFFICIAL MAY CONFISCATE AN IDENTIFYING PLACARD THAT IS BEING USED IN VIOLATION OF THIS SECTION.

(II) THE PEACE OFFICER OR PARKING ENFORCEMENT OFFICIAL SHALL SEND A CONFISCATED PLACARD TO THE DEPARTMENT UNLESS IT IS BEING HELD AS EVIDENCE FOR PROSECUTION OF A VIOLATION OF THIS SECTION. IF THE TAG IS BEING HELD AS EVIDENCE, THE PEACE OFFICER OR PARKING ENFORCEMENT OFFICIAL SHALL NOTIFY THE DEPARTMENT OF THE CONFISCATION AND PENDING CHARGES.

(III) THE DEPARTMENT SHALL HOLD A CONFISCATED PLACARD FOR THIRTY DAYS AND MAY DISPOSE OF THE PLACARD AFTER THIRTY DAYS. THE DEPARTMENT SHALL RELEASE THE PLACARD TO THE PERSON WITH A DISABILITY TO WHOM IT WAS ISSUED WHEN THE PERSON SIGNS 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.

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

(d) A PERSON WHO OBSERVES A VIOLATION OF THIS SECTION MAY SUBMIT EVIDENCE, INCLUDING A SWORN STATEMENT, CONCERNING THE VIOLATION TO ANY LAW ENFORCEMENT AGENCY.

(e) (I) A PEACE OFFICER MAY ISSUE A PENALTY ASSESSMENT NOTICE FOR A VIOLATION OF PARAGRAPH (b), (c), OR (d) OF SUBSECTION (3) 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 A SURCHARGE IS DUE WITHIN TWENTY DAYS AFTER THE ISSUANCE OF THE NOTICE. THE DEPARTMENT RECEIVES PAYMENT OF THE PENALTY ASSESSMENT BY THE DUE DATE IF THE PAYMENT IS RECEIVED OR POSTMARKED BY THE TWENTIETH DAY AFTER THE VEHICLE OWNER RECEIVED THE PENALTY ASSESSMENT NOTICE.

(II) IF THE PENALTY ASSESSMENT AND SURCHARGE ARE NOT PAID WITHIN TWENTY DAYS AFTER THE DATE THE VEHICLE OWNER RECEIVES THE ASSESSMENT NOTICE SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH

(e), 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.

(f) (I) THE ENTERING COURT SHALL SEND CERTIFICATION OF THE ENTRY OF JUDGMENT FOR EACH VIOLATION OF PARAGRAPH (b), (c), OR (d) OF SUBSECTION (3) OF THIS SECTION TO THE DEPARTMENT.

(II) UPON RECEIPT OF CERTIFICATION OF AN ENTRY OF JUDGMENT FOR A VIOLATION OF PARAGRAPH (b), (c), OR (d) OF SUBSECTION (3) OF THIS SECTION, THE DEPARTMENT SHALL NOT REGISTER THE PERSON'S VEHICLE UNTIL ALL FINES IMPOSED FOR THE VIOLATIONS HAVE BEEN PAID.

(III) UPON RECEIPT OF CERTIFICATION OR INDEPENDENT VERIFICATION OF AN ENTRY OF JUDGMENT, THE DEPARTMENT SHALL REVOKE AN IDENTIFYING PLATE OR PLACARD AS PROVIDED IN SECTION 42-3-204 (7) (d).

(g) (I) 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 AN IDENTIFYING PLATE OR PLACARD, INCLUDING THE USE OF SUCH PLATE OR PLACARD BY ANY PERSON OTHER THAN A HOLDER, UNLESS THE HOLDER FURNISHES SUFFICIENT EVIDENCE THAT THE IDENTIFYING 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.

(II) A HOLDER MAY AVOID THE LIABILITY DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (g) 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 THE IDENTIFYING PLATE OR PLACARD AT THE TIME OF THE VIOLATION OR THE HOLDER REPORTS THE LICENSE PLATE OR PLACARD LOST OR STOLEN TO BOTH THE APPROPRIATE LOCAL LAW ENFORCEMENT AGENCY AND THE DEPARTMENT.

(h) AN EMPLOYER SHALL NOT FORBID AN EMPLOYEE FROM

REPORTING VIOLATIONS OF THIS SECTION. A PERSON SHALL NOT INITIATE OR ADMINISTER ANY DISCIPLINARY ACTION AGAINST AN EMPLOYEE BECAUSE THE EMPLOYEE NOTIFIED THE AUTHORITIES OF A POSSIBLE VIOLATION OF THIS SECTION IF THE EMPLOYEE HAS A GOOD-FAITH BELIEF THAT A VIOLATION HAS OCCURRED.

(i) A LANDLORD SHALL NOT RETALIATE AGAINST A TENANT BECAUSE THE TENANT NOTIFIED THE AUTHORITIES OF A POSSIBLE VIOLATION OF THIS SECTION IF THE TENANT HAS A GOOD-FAITH BELIEF THAT A VIOLATION HAS OCCURRED.

(j) IN ORDER TO STOP A VEHICLE FROM BLOCKING ACCESS OR ILLEGALLY USING RESERVED PARKING, A PEACE OFFICER MAY ORDER A VEHICLE THAT IS USED TO VIOLATE THIS SUBSECTION (4) TO BE TOWED TO AN IMPOUND LOT OR A VEHICLE STORAGE LOCATION. THE PEACE OFFICER SHALL VERIFY THAT THE VEHICLE HAS NOT BEEN STOLEN AND REPORT THE FACT OF THE TOW TO THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 42-4-1804.

(k) THE STATE OR LOCAL AUTHORITY ISSUING A CITATION UNDER THIS SECTION, OR UNDER ANY LOCAL ORDINANCE DEFINING 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 42-1-226.

(7) **Statewide concern.** (a) THE GENERAL ASSEMBLY FINDS THAT ACCESS TO RESERVED PARKING BY PERSONS WITH DISABILITIES ENSURES THAT THOSE PERSONS HAVE EQUAL ACCESS TO GOODS AND SERVICES ESSENTIAL FOR DAILY LIFE.

(b) THE GENERAL ASSEMBLY DETERMINES THAT:

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

(II) BECAUSE LOCAL REGULATIONS REGARDING RESERVED PARKING FOR PERSONS WITH DISABILITIES VARY SIGNIFICANTLY ACROSS JURISDICTIONS, THEY ARE INCONSISTENT AND CONFUSING FOR PERSONS

WITH DISABILITIES, MEDICAL PROFESSIONALS, PEACE OFFICERS, AND MEMBERS OF THE GENERAL PUBLIC;

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

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

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

**SECTION 4.** In Colorado Revised Statutes, 42-3-213, **amend** (1) (a) introductory portion, (1) (b) (I), (1) (b) (II) (B), (1) (b) (IV), (1) (b) (V), (1) (c), (1) (g), (5) (a), and (5) (b) as follows:

**42-3-213. License plates - military veterans - rules - retirement.**

(1)(a) The department shall issue one or more sets of ~~special~~ license plates to the following persons who own a truck that does not exceed sixteen thousand pounds empty weight, a passenger car, a motorcycle, or a noncommercial or recreational vehicle:

(b)(I) Except as provided in subparagraph (II) of this paragraph (b), the amount of taxes and fees for ~~special~~ license plates issued ~~pursuant to~~ UNDER this section ~~shall be~~ ARE the same as that specified for regular motor vehicle registration plus an additional one-time issuance or replacement

fee. The additional one-time fee ~~shall be~~ IS twenty-five dollars and shall be transmitted to the state treasurer, who shall credit ~~the same~~ IT to the highway users tax fund for allocation and expenditure as specified in section 43-4-205 (5.5) (b), C.R.S.

(II) Notwithstanding subparagraph (I) of this paragraph (b):

(B) No fee shall be charged for one set of disabled veteran ~~special~~ license plates issued ~~pursuant to~~ UNDER subsection (5) of this section for a passenger car, a truck, a motorcycle, or a noncommercial or recreational vehicle.

(IV) One dollar of each additional fee collected from purchasers of ~~special~~ license plates issued ~~pursuant to~~ UNDER subsections (4) and (5) of this section shall be retained by the authorized agent, and one dollar and fifteen cents of each ~~such~~ additional fee shall be credited to the special purpose account established under section 42-1-211.

(V) One dollar of each additional fee collected from purchasers of ~~special~~ license plates issued ~~pursuant to~~ UNDER subsection (8) of this section shall be retained by the authorized agent.

(c) All applications for the ~~special~~ license plates described in this section shall be made directly to the department and shall include such information as the department may require.

(g) The department shall issue a ~~special~~ license plate authorized ~~pursuant to~~ UNDER this section for a motor vehicle owned by a trust if:

(I) The trust is created for the benefit of a natural person who is qualified to receive the ~~special~~ license plate under paragraph (a) of this subsection (1); and

(II) The trust name includes a natural person who is qualified to receive the ~~special~~ license plate under paragraph (a) of this subsection (1).

(5) **Disabled veterans.** (a) (I) The disabled veteran ~~special~~ license plate shall indicate that the owner of the motor vehicle to which ~~such~~ THE license plate is attached is a disabled veteran of the United States armed forces.



(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~~ THE license plate shall have an additional identifying figure, as ~~determined by the department~~ DEFINED IN SECTION 42-3-204 (1) (c), to indicate that the ~~owner of the vehicle is authorized to make use of parking privileges for persons with disabilities~~ TO TRANSPORT A PERSON WHO IS ELIGIBLE TO USE RESERVED PARKING UNDER SECTION 42-4-1208.

(b) A natural person who has received an honorable discharge from a branch of the armed services of the United States and meets the requirements of section 42-3-304 (3) (a) may use a disabled veteran ~~special~~ license plate. When applying for such a license plate, the applicant shall submit proof of honorable discharge from an armed forces branch of the United States.

**SECTION 5.** In Colorado Revised Statutes, 42-4-1701, **amend** (4) (a) (I) introductory portion and (4) (a) (I) (M); and **add** (4) (a) (VIII), (4) (a) (IX), and (4) (a) (X) as follows:

**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 paragraph (a) or (b) of subsection (5) of this section apply shall be fined or penalized, and have a surcharge levied ~~thereon pursuant to~~ IN ACCORDANCE WITH 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 |
|---|----------|-----------|
| <b>(M) Parking violations:</b>          |          |           |
| 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 <del>(9), (15), or (16)</del> |          |           |
| (3) (b), (3) (c), AND (3) (d)           | 150.00   | 32.00     |

(VIII) A PERSON WHO VIOLATES SECTION 42-3-204 (7) (f) (II) OR SECTION 42-4-1208 (3) (a) OR (4) COMMITS A MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED BY A SURCHARGE OF THIRTY-TWO DOLLARS UNDER SECTIONS 24-4.1-119 (1) (f) AND 24-4.2-104 (1) (b) (I), C.R.S., AND:

(A) A FINE OF NOT LESS THAN THREE HUNDRED FIFTY DOLLARS BUT NOT MORE THAN ONE THOUSAND DOLLARS FOR THE FIRST OFFENSE;

(B) A FINE OF NOT LESS THAN SIX HUNDRED DOLLARS BUT NOT MORE THAN ONE THOUSAND DOLLARS FOR A SECOND OFFENSE; AND

(C) A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS BUT NOT MORE THAN FIVE THOUSAND DOLLARS, IN ADDITION TO NOT MORE THAN TEN HOURS OF COMMUNITY SERVICE, FOR A THIRD OR SUBSEQUENT OFFENSE.

(IX) A PERSON WHO VIOLATES SECTION 42-4-1208 (3) BY PARKING A VEHICLE OWNED BY A COMMERCIAL CARRIER IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED BY THE SURCHARGE AND A FINE OF UP TO TWICE THE PENALTY IMPOSED IN SUBPARAGRAPH (VIII) OF THIS PARAGRAPH (a).

(X) (A) A PERSON WHO VIOLATES SECTION 42-4-1208 (5) OF THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

(B) A PERSON WHO WILLFULLY RECEIVES REMUNERATION FOR

VIOLATING SECTION 42-3-1208 (5) IS GUILTY OF A CLASS 1 MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED BY TWICE THE CIVIL AND CRIMINAL PENALTIES THAT WOULD BE IMPOSED UNDER SECTION 18-1.3-501, C.R.S.

**SECTION 6. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, to the department of revenue, for the fiscal year beginning July 1, 2014, the sum of \$84,147, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

(a) \$80,027, comprised of \$66,689 from general fund and \$13,338 from the license plate cash fund created in section 42-3-301 (1) (b), Colorado Revised Statutes, for license plate ordering; and

(b) \$4,120 from the Colorado state titling and registration account of the highway users tax fund created in section 42-1-211 (2), Colorado Revised Statutes, for the purchase of computer center services.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2014, the sum of \$4,120, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made in paragraph (b) of subsection (1) of this section.

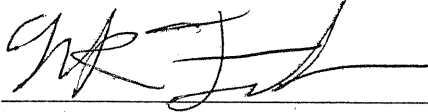
**SECTION 7. Appropriation - adjustments to 2014 long bill.** For the implementation of this act, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased by \$66,689.

**SECTION 8. Effective date - applicability.** This act takes effect July 1, 2014, and applies to applications for identifying plates or placards submitted and offenses committed on or after January 1, 2015.

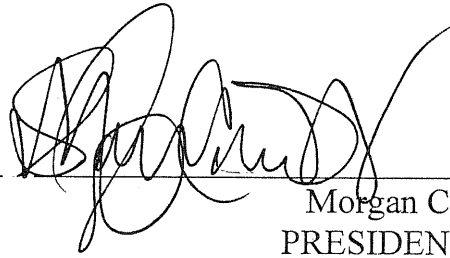
**SECTION 9. Safety clause.** The general assembly hereby finds,

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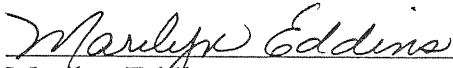
determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



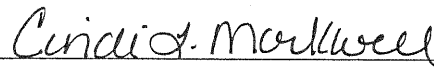
Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Morgan Carroll  
PRESIDENT OF  
THE SENATE

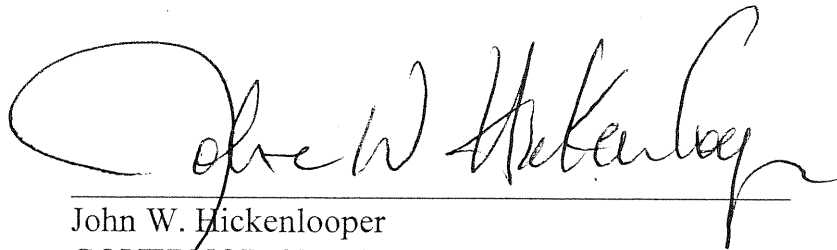


Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED 12:58 PM 5/22/14



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

# An Act

HOUSE BILL 14-1061

BY REPRESENTATIVE(S) Salazar, Becker, Buckner, Fischer, Foote, Ginal, Hamner, Hullinghorst, Kagan, Kraft-Tharp, Labuda, Lebsock, Melton, Mitsch Bush, Moreno, Peniston, Pettersen, Rosenthal, Ryden, Schafer, Scott, Singer, Tyler, Vigil, Williams, Young;  
also SENATOR(S) Guzman, Aguilar, Crowder, Heath, Hodge, Johnston, Jones, Kefalas, King, Newell, Nicholson, Steadman, Tochtrop, Todd, Ulibarri, Zenzinger, Carroll.

CONCERNING SENTENCES IMPOSING MONETARY PAYMENTS IN CRIMINAL ACTIONS, AND, IN CONNECTION THEREWITH, ELIMINATING PRISON SENTENCES FOR PERSONS WHO ARE UNABLE TO PAY CRIMINAL MONETARY PENALTIES.

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

**SECTION 1.** In Colorado Revised Statutes, **amend** 18-1.3-702 as follows:

**18-1.3-702. Monetary payments - due process required.**

(1) (a) When the court imposes a ~~fine upon an individual~~ SENTENCE THAT INCLUDES THE PAYMENT OF A MONETARY AMOUNT, the court may direct as follows:

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

~~(a) (I) That the defendant pay the entire MONETARY amount of the fine at the time sentence is pronounced;~~

~~(b) (II) That the defendant pay the entire MONETARY amount of the fine at some later date;~~

~~(c) (III) That the defendant pay a specified portion of the fine at designated periodic intervals, and in such case the court may also direct that the fine be remitted to a designated official who shall report to the court on any failure to comply with the order AS DIRECTED BY THE COURT OR THE COURT'S DESIGNATED OFFICIAL THE MONETARY AMOUNT:~~

~~(A) AT A FUTURE DATE CERTAIN IN ITS ENTIRETY;~~

~~(B) BY PERIODIC PAYMENTS WHICH MAY INCLUDE PAYMENTS AT INTERVALS, REFERRED TO IN THIS SECTION AS A "PAYMENT PLAN"; OR~~

~~(C) BY OTHER PAYMENT ARRANGEMENT AS DETERMINED BY THE COURT OR THE COURT'S DESIGNATED OFFICIAL;~~

~~(d) (IV) Where WHEN the defendant is sentenced to a period of probation as well as PAYMENT OF a fine MONETARY AMOUNT, that payment of the fine MONETARY AMOUNT be MADE a condition of probation.~~

~~(b) A COURT'S DESIGNATED OFFICIAL SHALL REPORT TO THE COURT ON ANY FAILURE TO PAY.~~

~~(c) AS USED IN THIS SECTION, "COURT'S DESIGNATED OFFICIAL" INCLUDES, BUT IS NOT LIMITED TO, A "COLLECTIONS INVESTIGATOR" AS DEFINED IN SECTION 18-1.3-602 (1).~~

~~(2) Where WHEN the court imposes a fine SENTENCE THAT INCLUDES PAYMENT OF ANY MONETARY AMOUNT, the sentence COURT shall provide that, except in the case of a corporation INSTRUCT THE DEFENDANT AS FOLLOWS:~~

~~(a) If AT ANY TIME the defendant fails IS UNABLE to pay the fine in accordance with the direction of the court, MONETARY AMOUNT DUE, the defendant shall be imprisoned until the fine is satisfied or the defendant is released as provided in subsections (3) and (6) of this section. This~~

~~provision shall be added at the time sentence is pronounced. If the defendant fails to pay a fine as directed, the court may issue a warrant for his or her arrest~~ MUST CONTACT THE COURT'S DESIGNATED OFFICIAL OR APPEAR BEFORE THE COURT TO EXPLAIN WHY HE OR SHE IS UNABLE TO PAY THE MONETARY AMOUNT; AND

(b) IF THE DEFENDANT HAS THE ABILITY TO PAY THE MONETARY AMOUNT AS DIRECTED BY THE COURT OR THE COURT'S DESIGNEE BUT WILLFULLY FAILS TO PAY, THE DEFENDANT MAY BE IMPRISONED FOR FAILURE TO COMPLY WITH THE COURT'S LAWFUL ORDER TO PAY PURSUANT TO THE TERMS OF THIS SECTION.

(3) INCARCERATION FOR FAILURE TO PAY IS PROHIBITED ABSENT PROVISION OF THE FOLLOWING PROCEDURAL PROTECTIONS:

(a) WHEN A DEFENDANT IS UNABLE TO PAY A MONETARY AMOUNT DUE WITHOUT UNDUE HARDSHIP TO HIMSELF OR HERSELF OR HIS OR HER DEPENDENTS, THE COURT SHALL NOT IMPRISON THE DEFENDANT FOR HIS OR HER FAILURE TO PAY;

(b) EXCEPT IN THE CASE OF A CORPORATION, IF THE DEFENDANT FAILED TO PAY A MONETARY AMOUNT DUE, THE COURT, WHEN APPROPRIATE, MAY CONSIDER A MOTION TO IMPOSE PART OR ALL OF A SUSPENDED SENTENCE, MAY CONSIDER A MOTION TO REVOKE PROBATION, OR MAY INSTITUTE PROCEEDINGS FOR CONTEMPT OF COURT. WHEN INSTITUTING CONTEMPT OF COURT PROCEEDINGS, THE COURT, INCLUDING A MUNICIPAL COURT, SHALL PROVIDE ALL PROCEDURAL PROTECTIONS MANDATED IN RULE 107 OF COLORADO RULES OF CIVIL PROCEDURE OR RULE 407 OF COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE.

(c) THE COURT SHALL NOT FIND THE DEFENDANT IN CONTEMPT OF COURT, NOR IMPOSE A SUSPENDED SENTENCE, NOR REVOKE PROBATION, NOR ORDER THE DEFENDANT TO JAIL FOR FAILURE TO PAY UNLESS THE COURT HAS MADE FINDINGS ON THE RECORD, AFTER PROVIDING NOTICE TO THE DEFENDANT AND A HEARING, THAT THE DEFENDANT HAS THE ABILITY TO COMPLY WITH THE COURT'S ORDER TO PAY A MONETARY AMOUNT DUE WITHOUT UNDUE HARDSHIP TO THE DEFENDANT OR THE DEFENDANT'S DEPENDENTS AND THAT THE DEFENDANT HAS NOT MADE A GOOD FAITH EFFORT TO COMPLY WITH THE ORDER. IF THE DEFENDANT FAILS TO APPEAR AT THE HEARING REFERENCED IN THIS PARAGRAPH (c) AFTER RECEIVING

NOTICE, THE COURT MAY ISSUE A WARRANT FOR HIS OR HER ARREST FOR FAILURE TO APPEAR. IN NO EVENT SHALL THE COURT ISSUE A WARRANT FOR FAILURE TO PAY MONEY.

~~(3)~~ (4) ~~When the court directs that the defendant be imprisoned until the fine is satisfied;~~ IF THE COURT FINDS A DEFENDANT IN CONTEMPT OF COURT FOR WILLFUL FAILURE TO PAY, THE COURT MAY DIRECT THAT THE DEFENDANT BE IMPRISONED UNTIL THE MONETARY PAYMENT ORDERED BY THE COURT IS MADE, BUT the court shall specify a maximum period of imprisonment subject to the following limits:

(a) ~~Where~~ WHEN the fine MONETARY AMOUNT was imposed for a felony, the period shall not exceed one year;

(b) ~~Where~~ WHEN the fine MONETARY AMOUNT was imposed for a misdemeanor, the period shall not exceed one-third of the maximum term of imprisonment authorized for the misdemeanor;

(c) ~~Where~~ WHEN the fine MONETARY AMOUNT was imposed for a petty offense, a traffic violation, or a violation of a municipal ordinance, any of which is punishable by a possible jail sentence, the period shall not exceed fifteen days;

~~(c.5)~~ (d) There shall be no imprisonment in those cases ~~where~~ WHEN no imprisonment is provided for in the possible sentence; and

~~(d)~~ (e) ~~Where~~ WHEN a sentence of imprisonment ~~as well as~~ AND a fine MONETARY AMOUNT was imposed, the aggregate of the period and the term of the sentence shall not exceed the maximum term of imprisonment authorized for the offense.

~~(4)~~ ~~Where the defendant is unable to pay a fine imposed by the court, the defendant may at any time apply to the court for resentencing. If the court is satisfied that the defendant is unable to pay the fine, the court shall:~~

~~(a) Adjust the terms of payment; or~~

~~(b) Lower the amount of the fine; or~~

~~(c) Where the sentence consists of probation or imprisonment and~~



~~a fine, revoke the portion of the sentence imposing the fine; or~~

~~(d) Revoke the entire sentence imposed and resentence the defendant. Upon a resentence, the court may impose any sentence it originally could have imposed; except that the amount of any fine imposed shall not be in excess of the amount the defendant is able to pay.~~

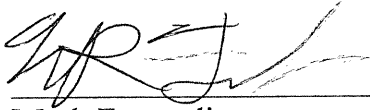
~~(5) Notwithstanding that the defendant was imprisoned for failure to pay a fine or that he or she has served the period of imprisonment imposed, a fine may be collected in the same manner as a judgment in a civil action. The district attorney may, in his or her discretion, and shall, upon order of the court, institute proceedings to collect such fine. THIS SECTION APPLIES TO ALL COURTS OF RECORD IN COLORADO, INCLUDING BUT NOT LIMITED TO MUNICIPAL COURTS.~~

~~(6) If it satisfactorily appears to the district court of the judicial district in which a person is confined that such person is confined in jail or in a correctional facility or other place of confinement, for any fine or costs of prosecution for any criminal offense, including any violation of a municipal ordinance, and has no estate whatever with which to pay such fine and costs, or costs only, it is the duty of the court to discharge such person from further imprisonment for the fine and costs. Nothing in this subsection (6) shall authorize any person to be discharged from imprisonment before the expiration of the time for which he or she may be sentenced to be imprisoned as part of his or her punishment. The court shall hear without delay any application made under this subsection (6). NOTHING IN THIS SECTION PREVENTS THE COLLECTION OF A MONETARY AMOUNT IN THE SAME MANNER AS A JUDGMENT IN A CIVIL ACTION.~~

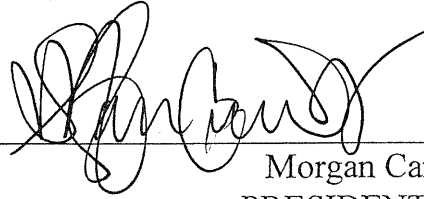
**SECTION 2. Applicability.** This act applies to sentences entered and to hearings for failure to make monetary payments conducted on or after the effective date of this act.

**SECTION 3. Safety clause.** The general assembly hereby finds,

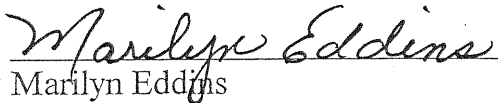
determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



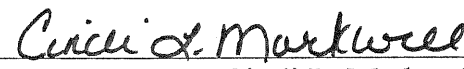
Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Morgan Carroll  
PRESIDENT OF  
THE SENATE

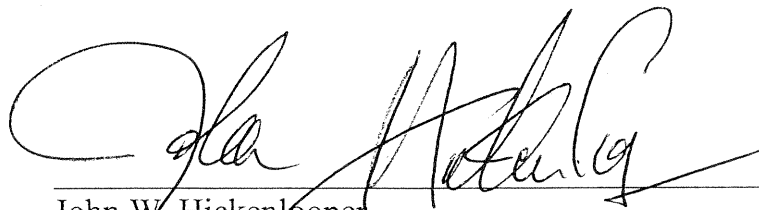


Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED 4:16 PM 5/9/14



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

# An Act

HOUSE BILL 14-1105

BY REPRESENTATIVE(S) Mitsch Bush, Fields, Ginal, Hullinghorst, Kagan, Melton, Schafer, Tyler, Vigil, Young;  
also SENATOR(S) Todd, Nicholson.

CONCERNING THE EXEMPTION FROM THE STATE GASOLINE AND SPECIAL FUEL TAX OF SALES BETWEEN GOVERNMENTAL ENTITIES.

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

**SECTION 1.** In Colorado Revised Statutes, 39-27-102, amend (1) (b) as follows:

**39-27-102. Tax imposed on gasoline and special fuel - deposits - penalties.** (1) (b) (I) In the case of gasoline or special fuel shipped to a distributor from a terminal, the amount of gasoline or special fuel acquired ~~shall be~~ IS deemed to be the amount shipped from the terminal, as shown by the terminal manifest; except that an allowance of two percent of the total amount of gasoline or special fuel acquired during any calendar month, as shown by terminal manifests, shall be deducted by the licensed distributor to cover losses in transit and in unloading the gasoline or special fuel and costs of collection and payment to the state of the tax imposed by this section, out of which allowance the distributor shall make to each retailer an allowance of one percent of the amount of gasoline or special

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

fuel delivered during each calendar month by the distributor to the retailer, as shown by delivery invoices signed by the retailer.

(II) The tax imposed by this section ~~shall be~~ IS exempted on each recorded and reported sale by a distributor to the United States, or any of its agencies, and to any town, city, county, city and county, special district, or school district when ~~the sale involves a single delivery and~~ the gasoline or special fuel is used exclusively by the governmental entity in performing its governmental functions and activities. The exemption ~~shall apply~~ APPLIES solely to machines owned or operated by the United States or any of its agencies, by the state, or by any town, city, county, city and county, school district, or other political division of the state. Exemptions for persons conducting business for such governmental entities on a contract basis using an aircraft ~~shall~~ MUST be based solely on the applicable operating certificate of the aircraft operator pursuant to sub-subparagraph (B) of subparagraph (IV) of paragraph (a) of this subsection (1). Any governmental entity referred to in this paragraph (b) shall obtain an exemption certificate from the executive director of the department of revenue. Upon receipt of an exemption certificate, ~~such~~ A governmental entity may:

(A) Purchase gasoline or special fuel from a distributor without payment of the excise tax imposed pursuant to this part 1 if the gasoline or special fuel is used exclusively by the governmental entity in performing its governmental functions and activities.

(B) SELL TO OR PURCHASE GASOLINE OR SPECIAL FUEL FROM ANOTHER GOVERNMENTAL ENTITY THAT HAS A FUEL TAX EXEMPTION CERTIFICATE, AND THE TRANSACTION IS EXEMPT FROM THE EXCISE TAX IMPOSED PURSUANT TO THIS PART 1 IF THE GASOLINE OR SPECIAL FUEL IS USED EXCLUSIVELY BY THE GOVERNMENTAL ENTITY IN PERFORMING ITS GOVERNMENTAL FUNCTIONS AND ACTIVITIES. THE GOVERNMENTAL ENTITY IS REQUIRED TO KEEP A COPY OF THE FUEL TAX EXEMPTION CERTIFICATE ON FILE FOR ANY ENTITY TO WHICH IT RESELLS OR DISTRIBUTES FUEL. A GOVERNMENTAL ENTITY THAT SELLS GASOLINE OR SPECIAL FUEL PURSUANT TO THIS SUB-SUBPARAGRAPH (B) IS NOT REQUIRED TO BE A LICENSEE PURSUANT TO THE PROVISIONS OF SECTION 39-27-104. SALES AUTHORIZED PURSUANT TO THIS SUB-SUBPARAGRAPH (B) ARE INTENDED TO FACILITATE INTERGOVERNMENTAL EFFICIENCIES WITH RESPECT TO SALES FOR INDIVIDUAL VEHICLES OR EQUIPMENT. IT IS NOT THE INTENT OF THIS

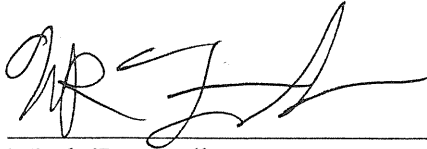
SUB-SUBPARAGRAPH (B) FOR INTERGOVERNMENTAL SALES TO INCLUDE PURCHASES IN EXCESS OF FIVE HUNDRED GALLONS IN A SINGLE TRANSACTION UNLESS REQUIRED FOR UNUSUAL, UNFORSEEN, OR EMERGENCY CIRCUMSTANCES.

**SECTION 2.** In Colorado Revised Statutes, 39-27-103, amend (2) as follows:

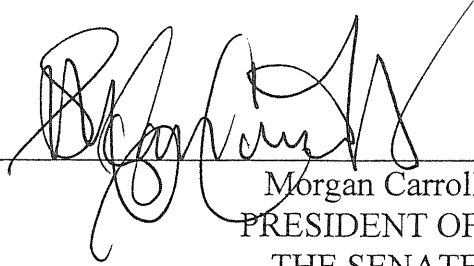
**39-27-103. Refunds - penalties - checkoff.** (2) A refund shall be made or credit allowed for the tax paid on all gasoline or special fuel that is purchased and used exclusively, pursuant to section 39-27-102 (1) (b) by the United States or any of its agencies or by the state or by any town, city, county, or other political subdivision of the state, including specifically any school district therein, solely in any machines owned or operated by the United States or any of its agencies or by the state or by such town, city, county, school district, or other political subdivision of the state. EXCEPT AS PROVIDED IN SECTION 39-27-102 (1) (b) (II), FOR PURCHASES BETWEEN GOVERNMENTAL ENTITIES HOLDING GASOLINE OR SPECIAL FUEL EXEMPTION CERTIFICATES, any other use or any resale for any other use ~~shall be~~ IS a violation of paragraph (c) of subsection (3) of this section.

**SECTION 3. Act subject to petition - effective date - applicability.** (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 6, 2014, if adjournment sine die is on May 7, 2014); 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 such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

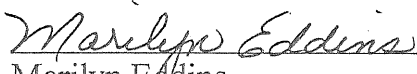
(2) This act applies to fuel sales between governmental entities that occur prior to, on, or after the applicable effective date of this act.



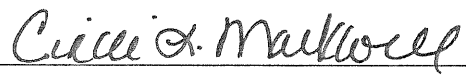
Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Morgan Carroll  
PRESIDENT OF  
THE SENATE

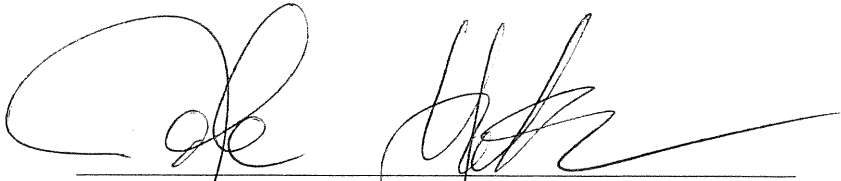


Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED 1:07 PM 4/7/14



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

# An Act

HOUSE BILL 14-1152

BY REPRESENTATIVE(S) Lawrence, Dore, Holbert, Joshi, Landgraf, Navarro, Rankin, Scott, Stephens, Waller, Wilson, Kagan, Labuda, Lebsock, Mitsch Bush, Murray, Pettersen, Salazar, Ferrandino, Gardner, Gerou, McCann, McNulty, Nordberg, Saine, Schafer, Wright; also SENATOR(S) Scheffel, Aguilar, Balmer, Brophy, Cadman, Crowder, Grantham, Guzman, Harvey, Heath, Herpin, Hill, Jahn, Johnston, Jones, Kefalas, Kerr, King, Lambert, Lundberg, Marble, Newell, Nicholson, Roberts, Steadman, Tochtrop, Todd, Ulibarri, Carroll.

CONCERNING PASSIVE SURVEILLANCE RECORDS OF GOVERNMENTAL ENTITIES.

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

**SECTION 1.** In Colorado Revised Statutes, add 24-72-113 as follows:

**24-72-113. Limit on retention of passive surveillance records - definition.** (1) AS USED IN THIS SECTION, "PASSIVE SURVEILLANCE" MEANS THE USE BY A GOVERNMENT ENTITY OF A DIGITAL VIDEO CAMERA, VIDEO TAPE CAMERA, CLOSED CIRCUIT TELEVISION CAMERA, FILM CAMERA, PHOTO RADAR RECORDER, OR OTHER IMAGE RECORDING DEVICE POSITIONED TO CAPTURE MOVING OR STILL PICTURES OR IMAGES OF HUMAN ACTIVITY ON

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

A ROUTINE BASIS OR FOR SECURITY OR OTHER PURPOSES, INCLUDING MONITORING OR RECORDING TRAFFIC, WEATHER CONDITIONS, OFFICE ACTIVITIES, TRANSIT FACILITIES, PARKING GARAGES, SPORTS VENUES, SCHOOLS, DAY CARE CENTERS, HOSPITALS OR OTHER MEDICAL FACILITIES, RECREATIONAL FACILITIES, PLAYGROUNDS, SWIMMING POOLS, OR UTILITY FACILITIES. "PASSIVE SURVEILLANCE" DOES NOT INCLUDE SURVEILLANCE TRIGGERED BY A CERTAIN EVENT OR ACTIVITY AND THAT DOES NOT MONITOR AT REGULAR INTERVALS. "PASSIVE SURVEILLANCE" DOES NOT INCLUDE THE USE OF TOLL COLLECTION CAMERAS.

(2) (a) THE CUSTODIAN, AS DEFINED IN SECTION 24-72-202, MAY ONLY ACCESS A PASSIVE SURVEILLANCE RECORD BEYOND THE FIRST ANNIVERSARY AFTER THE DATE OF THE CREATION OF THE PASSIVE SURVEILLANCE RECORD, AND UP TO THE THIRD ANNIVERSARY AFTER THE DATE OF THE CREATION OF THE PASSIVE SURVEILLANCE RECORD, IF THERE HAS BEEN A NOTICE OF CLAIM FILED, OR AN ACCIDENT OR OTHER SPECIFIC INCIDENT THAT MAY CAUSE THE PASSIVE SURVEILLANCE RECORD TO BECOME EVIDENCE IN ANY CIVIL, LABOR, ADMINISTRATIVE, OR FELONY CRIMINAL PROCEEDING, IN WHICH CASE THE PASSIVE SURVEILLANCE RECORD MAY BE RETAINED. THE CUSTODIAN SHALL PRESERVE A RECORD OF THE REASON FOR WHICH THE PASSIVE SURVEILLANCE RECORD WAS ACCESSED AND THE PERSON WHO ACCESSED THE PASSIVE SURVEILLANCE RECORD BEYOND THE FIRST ANNIVERSARY AFTER ITS CREATION. ALL PASSIVE SURVEILLANCE RECORDS MUST BE DESTROYED AFTER THE THIRD ANNIVERSARY AFTER THE DATE OF THE CREATION OF THE PASSIVE SURVEILLANCE RECORD UNLESS RETENTION IS AUTHORIZED BY THIS SECTION.

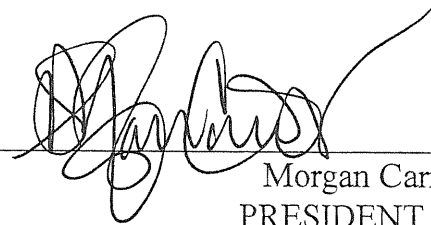
(b) THIS SECTION DOES NOT APPLY TO PASSIVE SURVEILLANCE RECORDS OF ANY CORRECTIONAL FACILITY, LOCAL JAIL, OR PRIVATE CONTRACT PRISON, AS DEFINED IN SECTION 17-1-102, C.R.S., ANY JUVENILE FACILITY OPERATED BY THE COLORADO DEPARTMENT OF HUMAN SERVICES, AS LISTED IN SECTIONS 19-2-402, 19-2-403, AND 19-2-406 THROUGH 19-2-408, C.R.S., OR ANY PASSIVE SURVEILLANCE RECORDS MADE OR MAINTAINED AS REQUIRED UNDER FEDERAL LAW.



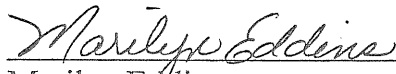
**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



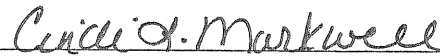
Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Morgan Carroll  
PRESIDENT OF  
THE SENATE



Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

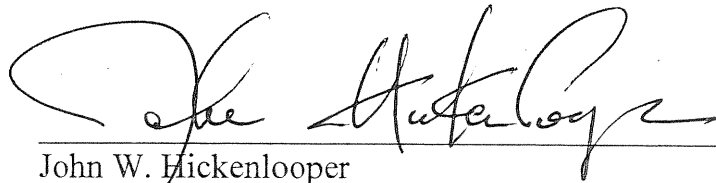


Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED

2:49 PM

4/4/14



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

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# An Act

HOUSE BILL 14-1122

BY REPRESENTATIVE(S) Kagan, Becker, Conti, Court, Duran, Fields, Fischer, Ginal, Hamner, Hullinghorst, Labuda, Lee, May, Melton, Mitsch Bush, Pabon, Pettersen, Priola, Rankin, Rosenthal, Ryden, Schafer, Scott, Singer, Tyler, Williams, Young, Coram, Exum, Ferrandino; also SENATOR(S) Newell, Crowder, Guzman, Heath, Herpin, Jones, Kefalas, Kerr, King, Nicholson, Rivera, Schwartz, Todd.

CONCERNING PROVISIONS TO KEEP LEGAL MARIJUANA FROM UNDERAGE PERSONS.

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

**SECTION 1.** In Colorado Revised Statutes, 12-43.3-202, amend (2) (a) (XIV.5) as follows:

**12-43.3-202. Powers and duties of state licensing authority.**  
(2) (a) Rules promulgated pursuant to paragraph (b) of subsection (1) of this section may include, but need not be limited to, the following subjects:

(XIV.5) Prohibiting the sale of MEDICAL MARIJUANA AND medical marijuana-infused products unless the product is: ~~packaged:~~

(A) ~~In special packaging that is designed or constructed to be~~

~~significantly difficult for children under five years of age to open and not difficult for normal adults to use properly and that does not allow the product to be seen without opening the packaging material~~ PACKAGED IN PACKAGING MEETING REQUIREMENTS ESTABLISHED BY THE STATE LICENSING AUTHORITY SIMILAR TO THE FEDERAL "POISON PREVENTION PACKAGING ACT OF 1970", 15 U.S.C. SEC. 1471 ET SEQ.; or

~~(B) In packaging that is labeled "Medicinal product - keep out of reach of children";~~ PLACED IN AN OPAQUE AND RESEALABLE EXIT PACKAGE OR CONTAINER AT THE POINT OF SALE PRIOR TO EXITING THE STORE, AND THE CONTAINER OR PACKAGE MEETS THE REQUIREMENTS ESTABLISHED BY THE STATE LICENSING AUTHORITY.

**SECTION 2.** In Colorado Revised Statutes, 12-43.4-402, **amend** (3) (b) as follows:

12-43.4-402. **Retail marijuana store license - repeal.**  
(3) (b) (I) Prior to initiating a sale, the employee of the retail marijuana store making the sale shall verify that the purchaser has a valid identification card showing the purchaser is twenty-one years of age or older. If a person under twenty-one years of age presents a fraudulent proof of age, any action relying on the fraudulent proof of age shall not be grounds for the revocation or suspension of any license issued under this article.

(II) (A) IF A RETAIL MARIJUANA STORE LICENSEE OR EMPLOYEE HAS REASONABLE CAUSE TO BELIEVE THAT A PERSON IS UNDER TWENTY-ONE YEARS OF AGE AND IS EXHIBITING FRAUDULENT PROOF OF AGE IN AN ATTEMPT TO OBTAIN ANY RETAIL MARIJUANA OR MARIJUANA-INFUSED PRODUCT, THE LICENSEE OR EMPLOYEE IS AUTHORIZED TO CONFISCATE SUCH FRAUDULENT PROOF OF AGE, IF POSSIBLE, AND SHALL, WITHIN SEVENTY-TWO HOURS AFTER THE CONFISCATION, REMIT TO A STATE OR LOCAL LAW ENFORCEMENT AGENCY. THE FAILURE TO CONFISCATE SUCH FRAUDULENT PROOF OF AGE OR TO REMIT TO A STATE OR LOCAL LAW ENFORCEMENT AGENCY WITHIN SEVENTY-TWO HOURS AFTER THE CONFISCATION DOES NOT CONSTITUTE A CRIMINAL OFFENSE.

(B) IF A RETAIL MARIJUANA STORE LICENSEE OR EMPLOYEE BELIEVES THAT A PERSON IS UNDER TWENTY-ONE YEARS OF AGE AND IS EXHIBITING FRAUDULENT PROOF OF AGE IN AN ATTEMPT TO OBTAIN ANY RETAIL

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MARIJUANA OR RETAIL MARIJUANA-INFUSED PRODUCT, THE LICENSEE OR EMPLOYEE OR ANY PEACE OR POLICE OFFICER, ACTING IN GOOD FAITH AND UPON PROBABLE CAUSE BASED UPON REASONABLE GROUNDS THEREFOR, MAY DETAIN AND QUESTION SUCH PERSON IN A REASONABLE MANNER FOR THE PURPOSE OF ASCERTAINING WHETHER THE PERSON IS GUILTY OF ANY UNLAWFUL ACT REGARDING THE PURCHASE OF RETAIL MARIJUANA. THE QUESTIONING OF A PERSON BY AN EMPLOYEE OR A PEACE OR POLICE OFFICER DOES NOT RENDER THE LICENSEE, THE EMPLOYEE, OR THE PEACE OR POLICE OFFICER CIVILLY OR CRIMINALLY LIABLE FOR SLANDER, FALSE ARREST, FALSE IMPRISONMENT, MALICIOUS PROSECUTION, OR UNLAWFUL DETENTION.

**SECTION 3.** In Colorado Revised Statutes, 12-43.4-901, amend (4) (e) and (6) as follows:

**12-43.4-901. Unlawful acts - exceptions - repeal.** (4) It is unlawful for any person licensed to sell retail marijuana or retail marijuana products pursuant to this article:

(e) To sell OR PERMIT THE SALE OF retail marijuana or retail marijuana products to a person under twenty-one years of age; ~~without checking the person's identification;~~

(6) A person who commits any acts that are unlawful pursuant to this article or the rules authorized and adopted pursuant to this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.; ~~except for violations that would also constitute~~ THAT A VIOLATION OF PARAGRAPH (e) OF SUBSECTION (4) OF THIS SECTION IS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S. IF A VIOLATION OF THIS ARTICLE OR THE RULES AUTHORIZED AND ADOPTED PURSUANT TO THIS ARTICLE ALSO CONSTITUTES a violation of title 18, C.R.S., ~~which~~ THE violation shall be charged and prosecuted pursuant to title 18, C.R.S.

**SECTION 4.** In Colorado Revised Statutes, 18-18-102, add (14.5) and (16.5) as follows:

**18-18-102. Definitions.** As used in this article:

(14.5) "ENCLOSED" MEANS A PERMANENT OR SEMI-PERMANENT AREA COVERED AND SURROUNDED ON ALL SIDES. TEMPORARY OPENING OF

PAGE 3-HOUSE BILL 14-1122

WINDOWS OR DOORS OR THE TEMPORARY REMOVAL OF WALL OR CEILING PANELS DOES NOT CONVERT THE AREA INTO AN UNENCLOSED SPACE.

(16.5) "LOCKED SPACE" MEANS SECURED AT ALL POINTS OF INGRESS OR EGRESS WITH A LOCKING MECHANISM DESIGNED TO LIMIT ACCESS SUCH AS WITH A KEY OR COMBINATION LOCK.

**SECTION 5.** In Colorado Revised Statutes, 18-18-406, amend (3) as follows:

**18-18-406. Offenses relating to marijuana and marijuana concentrate.** (3) (a) It is unlawful for a person to knowingly cultivate, grow, or produce a marijuana plant or knowingly allow a marijuana plant to be cultivated, grown, or produced on land that the person owns, occupies, or controls. A person who violates the provisions of this subsection (3) commits:

(a) (I) A level 3 drug felony if the offense involves more than thirty plants;

(b) (II) A level 4 drug felony if the offense involves more than six but not more than thirty plants; or

(c) (III) A level 1 drug misdemeanor if the offense involves not more than six plants.

(b) IT IS NOT A VIOLATION OF THIS SUBSECTION (3) IF:

(I) THE PERSON IS LAWFULLY CULTIVATING MEDICAL MARIJUANA PURSUANT TO THE AUTHORITY GRANTED IN SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION; OR

(II) THE PERSON IS LAWFULLY CULTIVATING MARIJUANA IN AN ENCLOSED AND LOCKED SPACE PURSUANT TO THE AUTHORITY GRANTED IN SECTION 16 OF ARTICLE XVIII OF THE STATE CONSTITUTION; EXCEPT THAT, IF THE CULTIVATION AREA IS LOCATED IN A RESIDENCE AND:

(A) A PERSON UNDER TWENTY-ONE YEARS OF AGE LIVES AT THE RESIDENCE, THE CULTIVATION AREA ITSELF MUST BE ENCLOSED AND LOCKED; AND

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(B) IF NO PERSON UNDER TWENTY-ONE YEARS OF AGE LIVES AT THE RESIDENCE, THE EXTERNAL LOCKS OF THE RESIDENCE CONSTITUTES AN ENCLOSED AND LOCKED SPACE. IF A PERSON UNDER TWENTY-ONE YEARS OF AGE ENTERS THE RESIDENCE, THE PERSON MUST ENSURE THAT ACCESS TO THE CULTIVATION SITE IS REASONABLY RESTRICTED FOR THE DURATION OF THAT PERSON'S PRESENCE IN THE RESIDENCE.

**SECTION 6.** In Colorado Revised Statutes, 12-43.3-104, add (10.5) and (14.5) as follows:

**12-43.3-104. Definitions.** As used in this article, unless the context otherwise requires:

(10.5) "OPAQUE" MEANS THAT THE PACKAGING DOES NOT ALLOW THE PRODUCT TO BE SEEN WITHOUT OPENING THE PACKAGING MATERIAL.

(14.5) "RESEALABLE" MEANS THAT THE PACKAGE CONTINUES TO FUNCTION WITH EFFECTIVENESS SPECIFICATIONS, WHICH SHALL BE ESTABLISHED BY THE STATE LICENSING AUTHORITY SIMILAR TO THE FEDERAL "POISON PREVENTION PACKAGING ACT OF 1970", 15 U.S.C. SEC. 1471 ET SEQ., FOR THE NUMBER OF OPENINGS AND CLOSINGS CUSTOMARY FOR ITS SIZE AND CONTENTS, WHICH SHALL BE DETERMINED BY THE STATE LICENSING AUTHORITY.

**SECTION 7.** In Colorado Revised Statutes, 12-43.4-103, add (10.5) and (14.5) as follows:

**12-43.4-103. Definitions.** As used in this article, unless the context otherwise requires:

(10.5) "OPAQUE" MEANS THAT THE PACKAGING DOES NOT ALLOW THE PRODUCT TO BE SEEN WITHOUT OPENING THE PACKAGING MATERIAL.

(14.5) "RESEALABLE" MEANS THAT THE PACKAGE CONTINUES TO FUNCTION WITH EFFECTIVENESS SPECIFICATIONS, WHICH SHALL BE ESTABLISHED BY THE STATE LICENSING AUTHORITY SIMILAR TO THE FEDERAL "POISON PREVENTION PACKAGING ACT OF 1970", 15 U.S.C. SEC. 1471 ET SEQ., FOR THE NUMBER OF OPENINGS AND CLOSINGS CUSTOMARY FOR ITS SIZE AND CONTENTS, WHICH SHALL BE DETERMINED BY THE STATE LICENSING AUTHORITY.

PAGE 5-HOUSE BILL 14-1122

**SECTION 8.** In Colorado Revised Statutes, 12-43.4-202, amend (3) (c) (I) introductory portion and (3) (c) (III) (B) as follows:

**12-43.4-202. Powers and duties of state licensing authority - rules.** (3) (c) Rules promulgated pursuant to paragraph (b) of subsection (2) of this section must also include the following subjects, and the state licensing authority may seek the assistance of the department of public health and environment when necessary before promulgating the rules:

(I) Signage, marketing, and advertising, including but not limited to a prohibition on mass-market campaigns that have a high likelihood of reaching ~~minors~~ PERSONS UNDER TWENTY-ONE YEARS OF AGE and other such rules that may include:

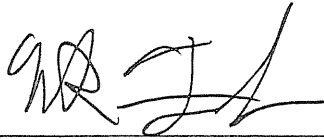
(III) Prohibiting the sale of retail marijuana and retail marijuana products unless:

(B) The product is placed in an OPAQUE AND RESEALABLE exit package or container meeting requirements established by the state licensing authority at the point of sale prior to exiting the store;

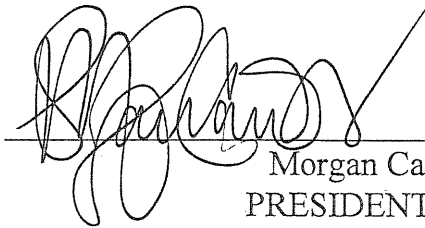
**SECTION 9. Safety clause.** The general assembly hereby finds,



determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



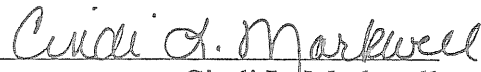
Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Morgan Carroll  
PRESIDENT OF  
THE SENATE



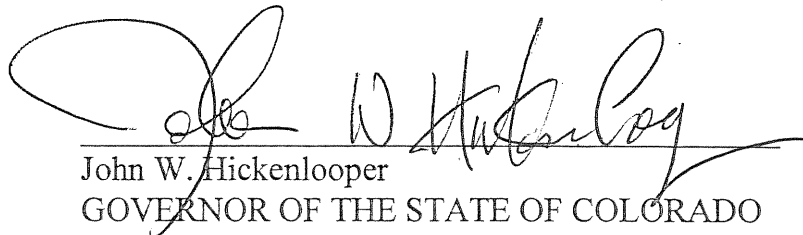
Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED 11:20 AM

3/17/14



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

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# An Act

HOUSE BILL 14-1193

BY REPRESENTATIVE(S) Salazar, Exum, Foote, Gardner, Ginal, Hullinghorst, Labuda, Lee, Melton, Peniston, Pettersen, Rosenthal, Schafer, Tyler, Wright, Young, Lebsock;  
also SENATOR(S) Kefalas, Crowder, Guzman, Heath, Herpin, Kerr, Lundberg, Nicholson, Schwartz, Tochtrop, Carroll.

CONCERNING REQUIREMENTS GOVERNING THE IMPOSITION OF A FEE FOR THE RESEARCH AND RETRIEVAL OF PUBLIC RECORDS UNDER THE "COLORADO OPEN RECORDS ACT".

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

**SECTION 1.** In Colorado Revised Statutes, 24-72-205, add (6) as follows:

**24-72-205. Copy, printout, or photograph of a public record - imposition of research and retrieval fee.** (6) (a) A CUSTODIAN MAY IMPOSE A FEE IN RESPONSE TO A REQUEST FOR THE RESEARCH AND RETRIEVAL OF PUBLIC RECORDS ONLY IF THE CUSTODIAN HAS, PRIOR TO THE DATE OF RECEIVING THE REQUEST, EITHER POSTED ON THE CUSTODIAN'S WEB SITE OR OTHERWISE PUBLISHED A WRITTEN POLICY THAT SPECIFIES THE APPLICABLE CONDITIONS CONCERNING THE RESEARCH AND RETRIEVAL OF PUBLIC RECORDS BY THE CUSTODIAN, INCLUDING THE AMOUNT OF ANY

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

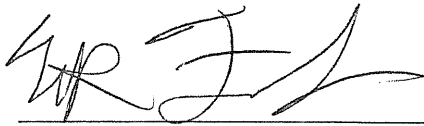
CURRENT FEE. UNDER ANY SUCH POLICY, THE CUSTODIAN SHALL NOT IMPOSE A CHARGE FOR THE FIRST HOUR OF TIME EXPENDED IN CONNECTION WITH THE RESEARCH AND RETRIEVAL OF PUBLIC RECORDS. AFTER THE FIRST HOUR OF TIME HAS BEEN EXPENDED, THE CUSTODIAN MAY CHARGE A FEE FOR THE RESEARCH AND RETRIEVAL OF PUBLIC RECORDS THAT SHALL NOT EXCEED THIRTY DOLLARS PER HOUR.

(b) ON JULY 1, 2019, AND BY JULY 1 OF EVERY FIVE-YEAR PERIOD THEREAFTER, THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL APPOINTED PURSUANT TO SECTION 2-3-304 (1), C.R.S., SHALL ADJUST THE MAXIMUM HOURLY FEE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (6) IN ACCORDANCE WITH THE PERCENTAGE CHANGE OVER THE PERIOD IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR DENVER-BOULDER-GREELEY, ALL ITEMS, ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX. THE DIRECTOR OF RESEARCH SHALL POST THE ADJUSTED MAXIMUM HOURLY FEE ON THE WEB SITE OF THE GENERAL ASSEMBLY.


**SECTION 2. Effective date.** This act takes effect July 1, 2014.

**SECTION 3. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



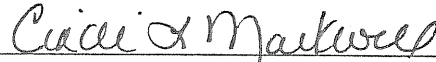
Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Morgan Carroll  
PRESIDENT OF  
THE SENATE



Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

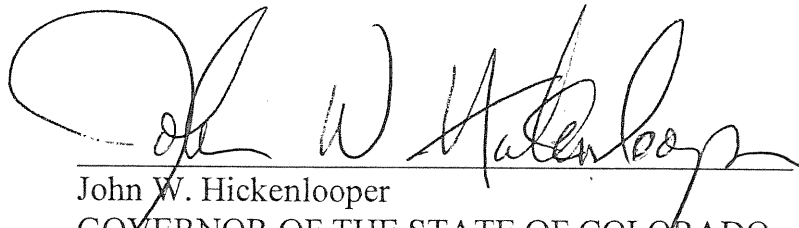


Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED

7:46 PM

5/2/14



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

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# An Act

HOUSE BILL 14-1393

BY REPRESENTATIVE(S) Gerou, Duran, May, Court, Foote,  
Kraft-Tharp, Labuda, Moreno, Schafer, Young;  
also SENATOR(S) Hodge, Steadman, Lambert.

CONCERNING A CLARIFICATION REGARDING THE TREATMENT OF FEDERAL  
FUNDS FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE  
CONSTITUTION.

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

**SECTION 1.** In Colorado Revised Statutes, **add** part 13 to article  
1 of title 29 as follows:

## PART 13 FEDERAL FUNDS RECEIVED BY LOCAL GOVERNMENTS

**29-1-1301. Federal funds received by local governments -  
enterprises - definitions.** (1) FOR PURPOSES OF SECTION 20 OF ARTICLE X  
OF THE STATE CONSTITUTION:

(a) ANY FEDERAL FUNDS THAT A LOCAL GOVERNMENT RECEIVES,  
REGARDLESS OF WHETHER SUCH FEDERAL FUNDS PASS THROUGH THE STATE

*Capital letters indicate new material added to existing statutes; dashes through words indicate  
deletions from existing statutes and such material not part of act.*

PRIOR TO RECEIPT BY THE LOCAL GOVERNMENT, SHALL NOT BE INCLUDED IN THE LOCAL GOVERNMENT'S CALCULATION OF ITS FISCAL YEAR SPENDING; AND

(b) ANY GRANT OF FEDERAL FUNDS THAT AN ENTERPRISE RECEIVES, REGARDLESS OF WHETHER SUCH FEDERAL FUNDS PASS THROUGH THE STATE OR ANY LOCAL GOVERNMENT PRIOR TO RECEIPT BY THE ENTERPRISE, SHALL NOT BE INCLUDED IN THE ENTERPRISE'S CALCULATION OF THE PERCENTAGE OF ANNUAL REVENUES THAT IT RECEIVES IN GRANTS FROM THE STATE AND LOCAL GOVERNMENTS IN COLORADO COMBINED.

(2) FOR THE PURPOSES OF THIS PART 13:

(a) "ENTERPRISE" HAS THE SAME MEANING AS PROVIDED IN SECTION 20 (2) (d) OF ARTICLE X OF THE STATE CONSTITUTION.

(b) "FEDERAL FUNDS" MEANS ANY PECUNIARY RESOURCES FROM THE NATIONAL GOVERNMENT OF THE UNITED STATES.

(c) "FISCAL YEAR SPENDING" HAS THE SAME MEANING AS PROVIDED IN SECTION 20 (2) (e) OF ARTICLE X OF THE STATE CONSTITUTION.

(d) "GRANT" MEANS ANY DIRECT CASH SUBSIDY OR OTHER DIRECT CONTRIBUTION OF MONEY FROM THE STATE OR ANY LOCAL GOVERNMENT IN THE STATE THAT IS NOT REQUIRED TO BE REPAYED.

(e) "LOCAL GOVERNMENT" MEANS A DISTRICT FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, OTHER THAN THE STATE.

(f) "STATE" MEANS THE CENTRAL CIVIL GOVERNMENT OF THE STATE OF COLORADO, WHICH CONSISTS OF THE FOLLOWING:

(I) THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL BRANCHES OF GOVERNMENT ESTABLISHED BY ARTICLE III OF THE STATE CONSTITUTION;


(II) ALL ORGANS OF THE BRANCHES OF GOVERNMENT SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (f), INCLUDING THE DEPARTMENTS OF THE EXECUTIVE BRANCH; THE LEGISLATIVE HOUSES AND AGENCIES; AND THE APPELLATE AND TRIAL COURTS AND COURT PERSONNEL; AND

PAGE 2-HOUSE BILL 14-1393

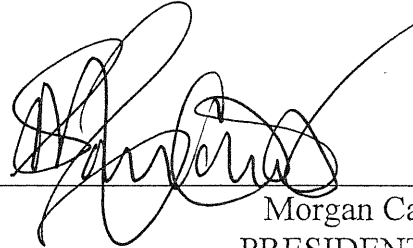


(III) ANY STATE INSTITUTION OF HIGHER EDUCATION THAT HAS NOT BEEN DESIGNATED AS AN ENTERPRISE.

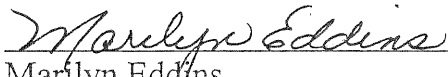
**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Morgan Carroll  
PRESIDENT OF  
THE SENATE




Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED

12:30 PM 5/31/14



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

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# An Act

SENATE BILL 14-054

BY SENATOR(S) Balmer, Jahn, Jones, Kefalas, Schwartz, Tochtrop, Todd;  
also REPRESENTATIVE(S) Pabon, Court, Fields, Ginal, Holbert, Kagan, Labuda, Lawrence, Melton, Pettersen, Schafer, Singer, Vigil, Young.

CONCERNING THE ABILITY OF AN ALCOHOL BEVERAGE LICENSEE TO PETITION THE LICENSING AUTHORITY TO PAY A FINE IN LIEU OF A LICENSE SUSPENSION ORDERED BY THE LICENSING AUTHORITY.

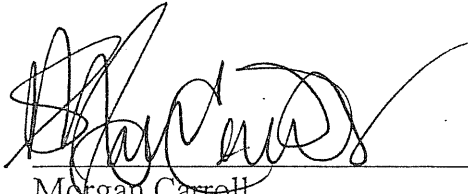
*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 12-47-601, **amend** (3) (a) as follows:

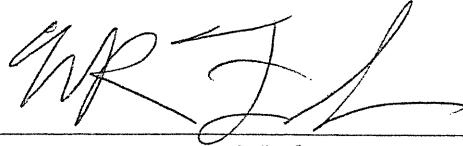
**12-47-601. Suspension - revocation - fines.** (3) (a) Whenever a decision of the state or any local licensing authority suspending a license or permit for ~~fourteen days or less~~ becomes final, whether by failure of the licensee to appeal the decision or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of the suspension, petition for permission to pay a fine in lieu of ~~having the license or permit suspended~~ **SUSPENSION** for all or part of the suspension period. Upon the receipt of the petition, the state or the local licensing authority may, in its sole discretion, stay the proposed suspension and cause any investigation

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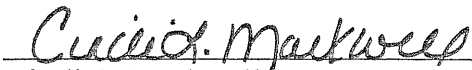
determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Morgan Carroll  
PRESIDENT OF  
THE SENATE



Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE

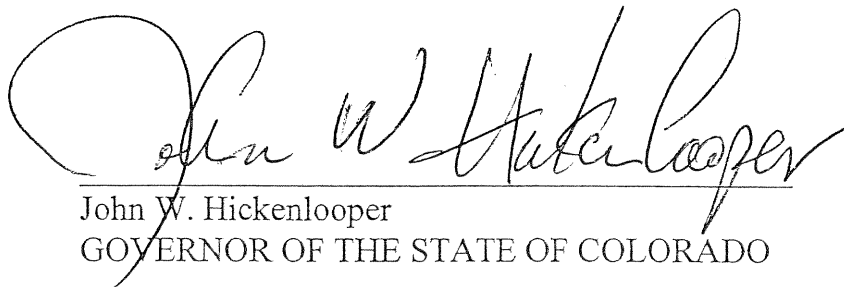


Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED

11:20 am

4/11/14



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

# An Act

SENATE BILL 14-172

BY SENATOR(S) Tochtrop and Newell, Heath, Herpin, Kefalas, Kerr, King, Nicholson, Rivera, Roberts, Todd, Ulibarri, Carroll;  
also REPRESENTATIVE(S) Kraft-Tharp, McNulty, Becker, Exum, Fields, Garcia, Ginal, Hamner, Kagan, Labuda, Lebsock, May, McCann, Mitsch Bush, Moreno, Pabon, Peniston, Pettersen, Primavera, Rosenthal, Ryden, Salazar, Schafer, Singer, Vigil, Williams, Young.

CONCERNING EMPLOYER-PAID BENEFITS TO A FIREFIGHTER FOR CARDIAC ILLNESSES RESULTING FROM A STRENUOUS WORK EVENT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, **add** part 3 to article 5 of title 29 as follows:

## PART 3 FIREFIGHTER HEART AND CIRCULATORY MALFUNCTION BENEFITS

**29-5-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE CONTEXT OTHERWISE REQUIRES:

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(1) "EMPLOYER" MEANS A MUNICIPALITY, SPECIAL DISTRICT, FIRE AUTHORITY, OR COUNTY IMPROVEMENT DISTRICT THAT EMPLOYS ONE OR MORE FIREFIGHTERS. "EMPLOYER" DOES NOT INCLUDE A POWER AUTHORITY CREATED PURSUANT TO SECTION 29-1-204 OR A MUNICIPALLY OWNED UTILITY.

(2) "FIREFIGHTER" MEANS A FULL-TIME, ACTIVE EMPLOYEE OF AN EMPLOYER WHO REGULARLY WORKS AT LEAST ONE THOUSAND SIX HUNDRED HOURS IN ANY CALENDAR YEAR AND WHOSE DUTIES ARE DIRECTLY INVOLVED WITH THE PROVISION OF FIRE PROTECTION SERVICES.

(3) "HEART AND CIRCULATORY MALFUNCTION" MEANS A SUDDEN AND SERIOUS MALFUNCTION OF THE HEART AND CIRCULATORY SYSTEM AS OCCURS IN A DIAGNOSIS OF CORONARY THROMBOSIS, CEREBRAL VASCULAR ACCIDENT, MYOCARDIAL INFARCTION, OR CARDIAC ARREST AND THAT MEETS THE REQUIREMENTS OF SECTION 29-5-302 (6). "HEART AND CIRCULATORY MALFUNCTION" DOES NOT INCLUDE HYPERTENSION OR ANGINA.

(4) "VOLUNTEER FIREFIGHTER" MEANS A VOLUNTEER FIREFIGHTER AS DEFINED IN SECTION 31-30-1102, C.R.S.

(5) "WORK EVENT" MEANS STRESSFUL OR STRENUOUS ACTIVITY RELATED TO FIRE SUPPRESSION, RESCUE, HAZARDOUS MATERIAL RESPONSE, EMERGENCY MEDICAL SERVICES, DISASTER RELIEF, OR OTHER EMERGENCY RESPONSE ACTIVITY. "WORK EVENT" INCLUDES A TRAINING ACTIVITY THAT A FIREFIGHTER ENGAGES IN WHILE ON DUTY AND THAT INVOLVES STRESSFUL OR STRENUOUS ACTIVITY.

**29-5-302. Required benefits - conditions of receiving benefits.**

(1) AN EMPLOYER SHALL MAINTAIN ACCIDENT INSURANCE, SELF-INSURE, OR PARTICIPATE IN A SELF-INSURANCE POOL OR A MULTIPLE EMPLOYER HEALTH TRUST IN ORDER TO PROVIDE THE BENEFITS SPECIFIED IN THIS SECTION FOR ITS FIREFIGHTERS. IN ADDITION, AN EMPLOYER MAY PROVIDE EQUIVALENT BENEFITS FOR VOLUNTEER FIREFIGHTERS.

(2) AN EMPLOYER SHALL PROVIDE THE FOLLOWING MINIMUM BENEFITS:

(a) (I) A FOUR-THOUSAND-DOLLAR-LUMP-SUM PAYMENT IF A

MEDICAL EXAMINATION REVEALS THAT A FIREFIGHTER HAS A HEART AND CIRCULATORY MALFUNCTION; AND

(II) A ONE-THOUSAND-FIVE-HUNDRED-DOLLAR PAYMENT PER WEEK, UP TO A MAXIMUM OF SEVEN WEEKS, IF A FIREFIGHTER MADE AN EMERGENCY ROOM VISIT AND WAS HOSPITALIZED FOR UP TO FORTY-EIGHT HOURS FOR A HEART AND CIRCULATORY MALFUNCTION;

(b) (I) A TWO-THOUSAND-DOLLAR PAYMENT PER WEEK, UP TO A MAXIMUM OF TWENTY-FIVE WEEKS, IF A FIREFIGHTER MADE AN EMERGENCY ROOM VISIT AND WAS HOSPITALIZED FOR MORE THAN FORTY-EIGHT HOURS FOR A HEART AND CIRCULATORY MALFUNCTION; OR

(II) A TWO-THOUSAND-FIVE-HUNDRED-DOLLAR PAYMENT, UP TO A MAXIMUM OF EIGHTY WEEKS, IF A FIREFIGHTER HAS A HEART AND CIRCULATORY MALFUNCTION THAT PROHIBITS THE FIREFIGHTER FROM RETURNING TO EMPLOYMENT TO A POSITION THAT THE FIREFIGHTER IS TRAINED FOR OR REASONABLY COULD BE TRAINED TO PERFORM;

(c) A PAYMENT OF UP TO TWENTY-FIVE THOUSAND DOLLARS FOR REHABILITATIVE EMPLOYMENT SERVICES RELATING TO A HEART AND CIRCULATORY MALFUNCTION;

(d) A TEN-THOUSAND-DOLLAR PAYMENT IF A FIREFIGHTER INCURS COSMETIC DISFIGUREMENT RESULTING FROM A HEART AND CIRCULATORY MALFUNCTION; AND

(e) IF THE COVERED HEART AND CIRCULATORY MALFUNCTION IS DIAGNOSED AS TERMINAL, THE FIREFIGHTER WILL RECEIVE A LUMP SUM PAYMENT OF TWENTY-FIVE THOUSAND DOLLARS AS AN ACCELERATED PAYMENT TOWARD THE BENEFITS DUE IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (2).

(3) THE RECEIPT OF A PAYMENT PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OR SUBPARAGRAPH (I) OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION DOES NOT PROHIBIT THE FIREFIGHTER FROM RECEIVING AN ADDITIONAL BENEFIT.

(4) IF A FIREFIGHTER RETURNS TO THE SAME POSITION OF EMPLOYMENT AFTER A HEART AND CIRCULATORY MALFUNCTION, THE

FIREFIGHTER IS ENTITLED TO THE BENEFITS IN SUBSECTION (2) OF THIS SECTION FOR ANY SUBSEQUENT HEART AND CIRCULATORY MALFUNCTION.

(5) THE MAXIMUM AMOUNT THAT MAY BE PAID TO A FIREFIGHTER FOR EACH HEART AND CIRCULATORY MALFUNCTION IS TWO HUNDRED FIFTY THOUSAND DOLLARS.

(6) THE BENEFITS AND MAXIMUM PAYMENT AMOUNT IN SUBSECTION (2) OF THIS SECTION ARE INCREASED BY THE SAME PERCENTAGE AND AT THE SAME TIME AS ANY FIRE AND POLICE PENSION ASSOCIATION INCREASE IN THE PENSION BENEFIT PAID TO ITS MEMBERS PURSUANT TO SECTION 31-31-407, C.R.S.

(7) (a) THE BENEFITS PAID PURSUANT TO THIS SECTION MUST BE OFFSET BY ANY PAYMENTS MADE:

(I) UNDER THE "WORKERS' COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF TITLE 8, C.R.S.;

(II) BY THE FIRE AND POLICE PENSION ASSOCIATION;

(III) PURSUANT TO SOCIAL SECURITY OR A RETIREMENT PLAN; OR

(IV) AS PART OF ANY OTHER EMPLOYER-PAID INCOME BENEFIT THAT IS MADE AS A RESULT OF A HEART AND CIRCULATORY MALFUNCTION.

(b) THE OFFSETS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (7) APPLY ONLY FROM THE DATE OF THE DETERMINATION OF ENTITLEMENT FOR THE PAYMENTS AND DO NOT REQUIRE THE REPAYMENT OF ANY MONEY RECEIVED PRIOR TO THE DETERMINATION.

(8) THE BENEFITS IN THIS SECTION ARE REDUCED BY TWENTY-FIVE PERCENT IF A FIREFIGHTER SMOKED A TOBACCO PRODUCT WITHIN FIVE YEARS IMMEDIATELY PRECEDING THE WORK EVENT.

(9) IN ORDER FOR A FIREFIGHTER TO BE ELIGIBLE FOR THE BENEFITS IN SUBSECTION (2) OF THIS SECTION, THE FOLLOWING CONDITIONS MUST BE MET:

(a) PRIOR TO THE WORK EVENT THAT RESULTS IN A HEART AND



CIRCULATORY MALFUNCTION AND AFTER THE FIREFIGHTER BECAME EMPLOYED BY AN EMPLOYER, THE FIREFIGHTER HAD A MEDICAL EXAMINATION THAT WOULD REASONABLY HAVE FOUND AN ILLNESS OR INJURY THAT COULD HAVE CAUSED THE HEART AND CIRCULATORY MALFUNCTION AND NO ILLNESS OR INJURY WAS FOUND AT THE MOST RECENT MEDICAL EXAMINATION;

(b) THE FIREFIGHTER HAS AT LEAST FIVE YEARS OF CONTINUOUS, FULL-TIME EMPLOYMENT WITH AN EMPLOYER; EXCEPT A VOLUNTEER FIREFIGHTER MUST HAVE FIVE YEARS OF CONTINUOUS SERVICE WITH THE SAME EMPLOYER; AND

(c) THE HEART AND CIRCULATORY MALFUNCTION OCCURRED DURING OR WITHIN FORTY-EIGHT HOURS AFTER A WORK EVENT.

(10) FOR THE PURPOSE OF EMPLOYER POLICIES AND BENEFITS, A HEART AND CIRCULATORY MALFUNCTION IS TREATED AS AN ON-THE-JOB INJURY OR ILLNESS. THIS SUBSECTION (10) DOES NOT AFFECT ANY DETERMINATION AS TO WHETHER THE HEART AND CIRCULATORY MALFUNCTION IS COVERED UNDER THE "WORKERS' COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF TITLE 8, C.R.S.

(11) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE FIREFIGHTER BENEFITS CASH FUND. THE FUND CONSISTS OF MONEYS APPROPRIATED FROM THE GENERAL FUND BY THE GENERAL ASSEMBLY. THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF LOCAL AFFAIRS FOR THE PURPOSE OF REIMBURSING EMPLOYERS FOR THE DIRECT COSTS OF MAINTAINING ACCIDENT INSURANCE, SELF-INSURANCE, OR PARTICIPATION IN A SELF-INSURANCE POOL OR MULTIPLE EMPLOYER HEALTH TRUST AS REQUIRED BY THIS PART 3.

(b) THE DEPARTMENT OF LOCAL AFFAIRS SHALL REIMBURSE EMPLOYERS FOR THE DIRECT COSTS OF MAINTAINING ACCIDENT INSURANCE, SELF-INSURANCE, OR PARTICIPATION IN A SELF-INSURANCE POOL OR MULTIPLE EMPLOYER HEALTH TRUST AS REQUIRED BY THIS PART 3.

(12) IF, AT ANY TIME, THE FUNDING PROVIDED FOR THE BENEFIT REQUIRED BY THIS SECTION IS INSUFFICIENT TO COVER THE COST OF THE BENEFIT, THEN THE REQUIREMENTS OF THIS SECTION TO MAINTAIN THE

BENEFIT SHALL BECOME OPTIONAL PURSUANT TO SECTION 29-1-304.5.

**SECTION 2.** In Colorado Revised Statutes, 10-3-903.5, **amend** (7) (b) introductory portion and (7) (b) (I) as follows:

**10-3-903.5. Jurisdiction over providers of health care benefits.**

(7) (b) A multiple employer health trust is any trust ~~which~~ THAT is:

(I) Sponsored, maintained, and funded by one or more entities of state government or political subdivisions of the state organized pursuant to state law and is for the benefit of the entity's employees, INCLUDING A MULTIPLE EMPLOYER HEALTH TRUST ESTABLISHED FOR THE PURPOSES OF PART 3 OF ARTICLE 5 OF TITLE 29, C.R.S.; or

**SECTION 3.** In Colorado Revised Statutes, 24-10-115.5, **amend** (9) as follows:

**24-10-115.5. Authority for public entities to pool insurance coverage.** (9) In addition to liability coverage pursuant to subsection (1) of this section and property coverage pursuant to section 29-13-102, C.R.S., a self-insurance pool authorized by subsection (1) of this section may provide workers' compensation coverage pursuant to section 8-44-204, C.R.S., AND FIREFIGHTER HEART AND CIRCULATORY MALFUNCTION BENEFITS PURSUANT TO SECTION 29-5-302, C.R.S.

**SECTION 4.** In Colorado Revised Statutes, 29-13-102, **amend** (7) as follows:

**29-13-102. Authority for units of local government to pool insurance coverage.** (7) In addition to property coverage pursuant to subsection (1) of this section and liability coverage pursuant to section 24-10-115.5, C.R.S., a self-insurance pool authorized by subsection (1) of this section may provide workers' compensation coverage pursuant to section 8-44-204, C.R.S., AND FIREFIGHTER HEART AND CIRCULATORY MALFUNCTION BENEFITS PURSUANT TO SECTION 29-5-302.

**SECTION 5. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund, not otherwise appropriated, to the department of local affairs, for the fiscal year beginning July 1, 2014, the sum of \$53,795 and 0.6 FTE,

PAGE 6-SENATE BILL 14-172

or so much thereof as may be necessary, to be allocated to the division of local government for the implementation of this act as follows:

(a) \$32,653 and 0.6 FTE for personal services and operating expenses;

(b) \$20,960 for the purchase of computer center services; and

(c) \$182 for the purchase of legal services.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2014, the sum of \$20,960, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of local affairs related to the implementation of this act. Said sum is from reappropriated funds received from the department of local affairs out of the appropriation made in paragraph (b) of subsection (1) of this section.

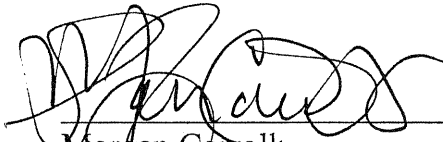
(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2014, the sum of \$182, or so much thereof as may be necessary, for the provision of legal services for the department of local affairs related to the implementation of this act. Said sum is from reappropriated funds received from the department of local affairs out of the appropriation made in paragraph (c) of subsection (1) of this section.

(4) In addition to any other appropriation, for the fiscal year beginning July 1, 2014, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the firefighters benefits cash fund created in section 29-5-302 (11) (a), Colorado Revised Statutes, the sum of \$850,350, and said sum, or so much thereof as may be necessary, is further appropriated to the department of local affairs, for the implementation of this act.

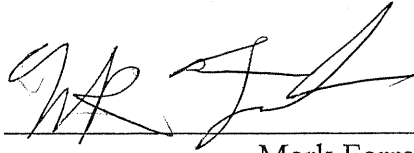
**SECTION 6. Effective date.** This act takes effect January 1, 2015.

**SECTION 7. Safety clause.** The general assembly hereby finds,

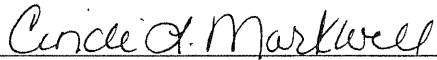
determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Morgan Carroll  
PRESIDENT OF  
THE SENATE



Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



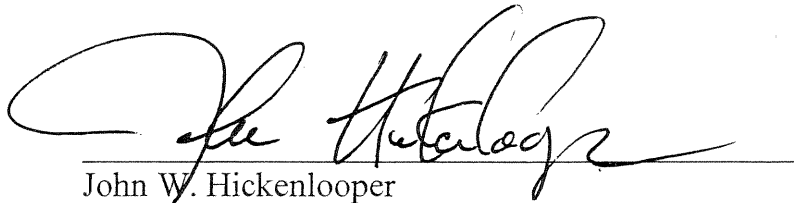
Cindi L. Markwell  
SECRETARY OF  
THE SENATE



Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED 10:44 am

6/5/14



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

# INDEX BY BILL NUMBER

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