



HOUSE BILL 22-1253

BY REPRESENTATIVE(S) Ortiz, Bacon, Benavidez, Bennett, Bird, Boesenecker, Caraveo, Cutter, Duran, Exum, Froelich, Gonzales-Gutierrez, Gray, Hooton, Jodeh, Lindsay, McCormick, McLachlan, Michaelson Jenet, Ricks, Sirota, Snyder, Sullivan, Titone, Valdez D., Weissman, Woodrow, Young, Amabile, Esgar, Herod, Lontine, McCluskie; also SENATOR(S) Danielson, Buckner, Fields, Ginal, Gonzales, Jaquez Lewis, Kolker, Lee, Moreno, Pettersen, Priola, Rodriguez, Story, Winter, Fenberg.

CONCERNING THE PROVISION OF ADAPTIVE EQUIPMENT IN RENTAL MOTOR VEHICLES.

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

SECTION 1. In Colorado Revised Statutes, **add 6-1-207** as follows:

6-1-207. Adaptive equipment in rental motor vehicles - requirements - failure to comply - definitions. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(I) THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

U.S.C. SEC. 12182 (a) STATES THAT "[N]O INDIVIDUAL SHALL BE DISCRIMINATED AGAINST ON THE BASIS OF DISABILITY IN THE FULL AND EQUAL ENJOYMENT OF THE GOODS, SERVICES, FACILITIES, PRIVILEGES, ADVANTAGES, OR ACCOMMODATIONS OF ANY PLACE OF PUBLIC ACCOMMODATION";

(II) FOR THE PURPOSES OF 42 U.S.C. SEC. 12182 (a), DISCRIMINATION INCLUDES "A FAILURE TO MAKE REASONABLE MODIFICATIONS IN POLICIES, PRACTICES, OR PROCEDURES, WHEN SUCH MODIFICATIONS ARE NECESSARY TO AFFORD SUCH GOODS, SERVICES, FACILITIES, PRIVILEGES, ADVANTAGES, OR ACCOMMODATIONS TO INDIVIDUALS WITH DISABILITIES," UNLESS THE ACCOMMODATION WOULD WORK A FUNDAMENTAL ALTERATION OF THOSE SERVICES AND FACILITIES;

(III) THE UNITED STATES DEPARTMENT OF JUSTICE HAS FOUND AT LEAST ONE RENTAL CAR AGENCY TO BE A PUBLIC ACCOMMODATION UNDER THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12182 (a);

(IV) CERTAIN ADAPTIVE EQUIPMENT CAN BE NECESSARY FOR PERSONS WITH A DISABILITY TO DRIVE AN AUTOMOBILE; AND

(V) THE PROVISION OF SUCH ADAPTATIVE EQUIPMENT IS REASONABLE AND NOT A FUNDAMENTAL ALTERATION OF THE SERVICES PROVIDED BY A RENTAL CAR AGENCY.

(b) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY IN ENACTING THIS SECTION TO PREVENT DISCRIMINATION AGAINST PERSONS WITH A DISABILITY BY REQUIRING THAT SUCH PERSONS HAVE THE ABILITY TO MAKE ONLINE RESERVATIONS FOR AUTOMOBILES WITH ADAPTIVE EQUIPMENT WITH RENTAL CAR AGENCIES THAT RENT AT LEAST SOME MOTOR VEHICLES WITH A GROSS WEIGHT OF LESS THAN FOUR THOUSAND POUNDS.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADAPTIVE EQUIPMENT" MEANS HAND CONTROLS, LEFT FOOT ACCELERATORS, SPINNER KNOBS, AND PEDAL EXTENDERS.

(b) "LESSEE" MEANS ANY PERSON OR ORGANIZATION OBTAINING, OR

ATTEMPTING TO OBTAIN, THE USE OF A RENTAL MOTOR VEHICLE FROM A LESSOR UNDER THE TERMS OF A RENTAL AGREEMENT.

(c) "LESSOR" MEANS ANY PERSON OR ORGANIZATION IN THE BUSINESS OF PROVIDING RENTAL MOTOR VEHICLES OF WHICH SOME HAVE A GROSS WEIGHT OF LESS THAN FOUR THOUSAND POUNDS TO THE PUBLIC, EXCLUDING A PERSON OR ORGANIZATION THAT IS IN THE BUSINESS OF OPERATING AN ONLINE PLATFORM TO CONNECT THIRD-PARTY VEHICLE OWNERS WITH THIRD-PARTY VEHICLE DRIVERS TO ENABLE PEER-TO-PEER CAR SHARING, AS DEFINED IN SECTION 6-1-1202 (2), WITHIN COLORADO.

(d) "PERSON WITH A DISABILITY" MEANS A PERSON WHO IS CONSIDERED TO HAVE A DISABILITY, AS THAT TERM IS DEFINED IN 42 U.S.C. SEC. 12102.

(e) "REMOTE LOCATION" MEANS A LOCATION OF THE LESSOR'S BUSINESS THAT IS MORE THAN A TWO HOUR DRIVE FROM THE DENVER INTERNATIONAL AIRPORT.

(f) "SMALL BUSINESS" MEANS A LESSOR THAT OWNS NO MORE THAN FIFTY MOTOR VEHICLES.

(3) LESSORS SHALL PROVIDE AN OPTION FOR LESSEES TO REQUEST THE INSTALLATION OF ADAPTIVE EQUIPMENT WHILE MAKING RENTAL MOTOR VEHICLE RESERVATIONS ON THE LESSOR'S WEBSITE AND DURING IN-PERSON RESERVATIONS.

(4) LESSORS SHALL CONSPICUOUSLY INCORPORATE INTO ANY RESERVATION OR RESERVATION CONFIRMATION THAT INCLUDES A REQUEST FOR ADAPTIVE EQUIPMENT:

(a) A LIST OF THE ADAPTIVE EQUIPMENT REQUESTED BY THE LESSEE;

(b) ACKNOWLEDGMENT BY THE LESSOR THAT IT WILL PROVIDE THE ADAPTIVE EQUIPMENT REQUESTED BY THE LESSEE; AND

(c) THE DATE AND TIME THAT THE LESSOR WILL PROVIDE THE LESSEE WITH A RENTAL MOTOR VEHICLE WITH ADAPTIVE EQUIPMENT INSTALLED AND READY FOR USE.

(5) (a) A LESSOR MUST FULFILL A RESERVATION MADE BY A LESSEE FOR THE PROVISION OF A MOTOR VEHICLE WITH ADAPTIVE EQUIPMENT WITHIN FORTY-EIGHT HOURS OF THE LESSOR RECEIVING THE RESERVATION, UNLESS THE LESSEE REQUESTS THAT THE LESSOR PROVIDE THE MOTOR VEHICLE AT THE LESSOR'S BUSINESS LOCATION AT THE DENVER INTERNATIONAL AIRPORT OR AT A REMOTE LOCATION OF THE LESSOR'S BUSINESS.

(b) A LESSOR MUST FULFILL A RESERVATION MADE BY A LESSEE FOR THE PROVISION OF A MOTOR VEHICLE WITH ADAPTIVE EQUIPMENT AT THE LESSOR'S BUSINESS LOCATION AT THE DENVER INTERNATIONAL AIRPORT WITHIN EIGHT WORKING HOURS AFTER THE LESSOR RECEIVES THE RESERVATION AND AN EMPLOYEE TRAINED IN THE INSTALLATION OF ADAPTIVE EQUIPMENT IS ON DUTY AT THE LESSOR'S BUSINESS LOCATION AT THE DENVER INTERNATIONAL AIRPORT.

(c) A LESSOR MUST FULFILL A RESERVATION BY A LESSEE FOR THE PROVISION OF A MOTOR VEHICLE WITH ADAPTIVE EQUIPMENT AT A REMOTE LOCATION OF THE LESSOR'S BUSINESS WITHIN SEVENTY-TWO HOURS OF THE LESSOR RECEIVING THE RESERVATION.

(d) THE REQUIREMENTS OF THIS SUBSECTION (5) DO NOT APPLY IN THE CASE OF AN OCCURRENCE OF AN EVENT BEYOND THE LESSOR'S REASONABLE CONTROL, INCLUDING SEVERE WEATHER, ACTS OF GOD, OR ACTS OF TERRORISM.

(6) A LESSEE WHO IS SUBJECT TO A VIOLATION OF THIS SECTION BY A SMALL BUSINESS OCCURRING ON OR AFTER JULY 1, 2026, OR BY A LESSOR THAT IS NOT A SMALL BUSINESS OCCURRING ON OR AFTER JULY 1, 2025, MAY BRING A CIVIL SUIT IN A COURT OF COMPETENT JURISDICTION AND IS ENTITLED TO ANY OF THE FOLLOWING REMEDIES:

(a) A STATUTORY FINE OF TWO THOUSAND FIVE HUNDRED DOLLARS, PAYABLE TO EACH PLAINTIFF FOR EACH VIOLATION;

(b) THE RECOVERY OF ACTUAL MONETARY DAMAGES;

(c) AN AWARD OF ATTORNEY FEES AND COSTS TO A LESSEE WHO PREVAILS UNDER THIS SECTION (5);

(d) A COURT ORDER REQUIRING COMPLIANCE WITH THE APPLICABLE PROVISIONS OF THIS SECTION; AND

(e) ANY OTHER EQUITABLE RELIEF DEEMED APPROPRIATE BY A COURT OF COMPETENT JURISDICTION.

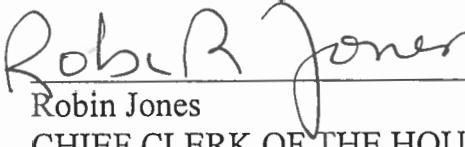
(7) NOTHING IN THIS SECTION LIMITS THE RIGHTS OF PERSONS WITH A DISABILITY PROVIDED UNDER STATE OR FEDERAL LAW RELATED TO DISCRIMINATION.

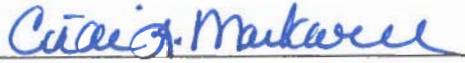
SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

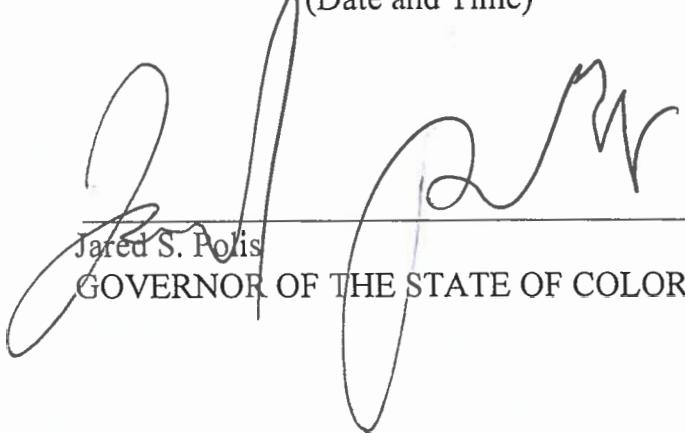

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Steve Fenberg
PRESIDENT OF
THE SENATE


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES


Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED June 2nd 2022 at 3:30 pm
(Date and Time)


Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO