

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0483.01 Jennifer Berman x3286

HOUSE BILL 16-1053

HOUSE SPONSORSHIP

Kraft-Tharp,

SENATE SPONSORSHIP

Hill,

House Committees
Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF RETAIL HYDROGEN FUEL SYSTEMS
102 FOR VEHICLES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

On or before January 1, 2017, the director of the division of oil and public safety (director) is required to promulgate rules concerning retail hydrogen fuel for vehicles, including rules relating to inspections, measurement, and specifications. The director's rules must establish minimum design, construction, location, installation, and operation standards, and these standards must conform to the minimum standards

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

prescribed in the National Fire Protection Association's national fire code, as revised by the Association from time to time. The division of oil and public safety is required to begin enforcing the rules on July 1, 2017. The director may promulgate rules to establish fees to offset the administrative costs incurred by the division of oil and public safety.

The bill amends the definition of "fuel products" to include hydrogen.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-20-102, **add** (4) as
3 follows:

4 **8-20-102. Duties of director of division of oil and public safety**
5 **- rules.** (4) (a) ON OR BEFORE JANUARY 1, 2017, THE DIRECTOR OF THE
6 DIVISION OF OIL AND PUBLIC SAFETY SHALL PROMULGATE RULES
7 CONCERNING RETAIL HYDROGEN FUEL SYSTEMS FOR VEHICLES. THE RULES
8 MUST SET FORTH STANDARDS RELATING TO:

- 9 (I) INSPECTIONS;
- 10 (II) SPECIFICATIONS;
- 11 (III) SHIPMENT NOTIFICATION;
- 12 (IV) RECORD KEEPING;
- 13 (V) LABELING OF CONTAINERS;
- 14 (VI) USE OF METERS OR MECHANICAL DEVICES FOR
15 MEASUREMENT;
- 16 (VII) SUBMITTAL OF INSTALLATION PLANS; AND
- 17 (VIII) MINIMUM STANDARDS FOR THE DESIGN, CONSTRUCTION,
18 LOCATION, INSTALLATION, AND OPERATION OF RETAIL HYDROGEN FUEL
19 SYSTEMS FOR VEHICLES.

20 (b) THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY
21 MAY COLLECT REASONABLE FEES, WHICH THE DIRECTOR SHALL ESTABLISH
22 BY RULE IN THE AMOUNTS NECESSARY TO OFFSET THE DIRECT AND

1 INDIRECT COSTS, INCLUDING THE COSTS FOR SALARIES AND OPERATING
2 EXPENSES, INCURRED BY THE DIVISION IN ADMINISTERING THIS ARTICLE.

3 (c) THE DIVISION SHALL BEGIN ENFORCING THE RULES REQUIRED
4 BY THIS SUBSECTION (4) ON JULY 1, 2017. THE DIRECTOR MAY MODIFY THE
5 RULES AT HIS OR HER DISCRETION.

6 (d) EACH RULE REQUIRED BY THIS SUBSECTION (4) MUST BE
7 REASONABLY NECESSARY FOR THE PROTECTION OF THE HEALTH, WELFARE,
8 AND SAFETY OF THE PUBLIC AND PERSONS USING HYDROGEN FUEL, AND
9 THE RULES MUST SUBSTANTIALLY CONFORM WITH THE GENERALLY
10 ACCEPTED STANDARDS OF SAFETY CONCERNING HYDROGEN FUEL. THE
11 DIRECTOR SHALL ADOPT THE RULES IN COMPLIANCE WITH SECTION
12 24-4-103, C.R.S.

13 **SECTION 2.** In Colorado Revised Statutes, 8-20-201, **amend** (2)
14 as follows:

15 **8-20-201. Definitions.** As used in this part 2, unless the context
16 otherwise requires:

17 (2) "Fuel products" means all gasoline; aviation gasoline; aviation
18 turbine fuel; diesel; jet fuel; fuel oil; biodiesel; biodiesel blends;
19 kerosene; all alcohol blended fuels; liquefied petroleum gas; gas or
20 gaseous compounds, INCLUDING HYDROGEN; natural gas, including
21 compressed natural gas and liquefied natural gas; and all other volatile,
22 flammable, or combustible liquids, THAT ARE produced, compounded, and
23 offered for sale or used for the purpose of generating heat, light, or power
24 in internal combustion engines or fuel cells, for cleaning, or for any other
25 similar usage.

26 **SECTION 3.** In Colorado Revised Statutes, **amend** 8-20-231 as
27 follows:

1 **8-20-231. Minimum standards - publications.** (1) (a) The
2 design, construction, location, installation, and operation of liquid fuel
3 systems, FUEL PRODUCTS, and equipment and the handling of liquid fuels
4 ~~shall~~ AND FUEL PRODUCTS MUST conform to the minimum standards as
5 prescribed by the applicable sections of the current edition of the national
6 fire code published by the National Fire Protection Association, as
7 revised by the Association from time to time.

8 (b) The minimum standards as prescribed ~~shall~~ MUST also apply
9 to marine and pipeline terminals, natural gasoline plants, refineries, tank
10 farms, underground storage facilities, aboveground storage facilities, and
11 chemical plants utilizing liquid fuels; except that the gallon limitations in
12 such minimum standards ~~shall~~ DO not apply to:

- 13 (I) Aboveground storage facilities associated with mining;
- 14 (II) Oil and gas production facilities;
- 15 (III) Asphalt or concrete production;
- 16 (IV) Construction projects; ~~and~~ OR
- 17 (V) Activities related ~~thereto~~ TO ABOVEGROUND STORAGE
18 FACILITIES ASSOCIATED WITH MINING, OIL AND GAS PRODUCTION
19 FACILITIES, ASPHALT OR CONCRETE PRODUCTION, OR CONSTRUCTION
20 PROJECTS.

21 (2) THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY
22 shall maintain copies of the codes ~~shall be kept and maintained in the~~
23 ~~office of the director of the division of oil and public safety~~ HIS OR HER
24 OFFICE at all times for PUBLIC examination. ~~by any interested person.~~

25 **SECTION 4. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.