

**NOTE: The governor signed this measure on 3/9/2016.**

# An Act

HOUSE BILL 16-1053

BY REPRESENTATIVE(S) Kraft-Tharp, Becker K., Buckner, Esgar, Fields, Garnett, Ginal, Hamner, Lee, Lontine, Melton, Mitsch Bush, Moreno, Pettersen, Rosenthal, Ryden, Salazar, Tyler, Williams, Winter, Hullinghorst;  
also SENATOR(S) Hill, Crowder, Todd.

CONCERNING THE REGULATION OF RETAIL HYDROGEN FUEL SYSTEMS FOR VEHICLES.

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

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

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

- (I) INSPECTIONS;
- (II) SPECIFICATIONS;

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

(III) SHIPMENT NOTIFICATION;

(IV) RECORD KEEPING;

(V) LABELING OF CONTAINERS;

(VI) USE OF METERS OR MECHANICAL DEVICES FOR MEASUREMENT;

(VII) SUBMITTAL OF INSTALLATION PLANS; AND

(VIII) MINIMUM STANDARDS FOR THE DESIGN, CONSTRUCTION, LOCATION, INSTALLATION, AND OPERATION OF RETAIL HYDROGEN FUEL SYSTEMS FOR VEHICLES.

(b) THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY MAY COLLECT REASONABLE FEES, WHICH THE DIRECTOR SHALL ESTABLISH BY RULE IN THE AMOUNTS NECESSARY TO OFFSET THE DIRECT AND INDIRECT COSTS, INCLUDING THE COSTS FOR SALARIES AND OPERATING EXPENSES, INCURRED BY THE DIVISION IN ADMINISTERING THIS ARTICLE.

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

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

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

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

(2) "Fuel products" means all gasoline; aviation gasoline; aviation turbine fuel; diesel; jet fuel; fuel oil; biodiesel; biodiesel blends; kerosene;

all alcohol blended fuels; liquefied petroleum gas; gas or gaseous compounds, INCLUDING HYDROGEN; natural gas, including compressed natural gas and liquefied natural gas; and all other volatile, flammable, or combustible liquids, THAT ARE produced, compounded, and offered for sale or used for the purpose of generating heat, light, or power in internal combustion engines or fuel cells, for cleaning, or for any other similar usage.

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

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

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

(I) Aboveground storage facilities associated with mining;

(II) Oil and gas production facilities;

(III) Asphalt or concrete production;

(IV) Construction projects; ~~and~~ OR

(V) Activities related ~~thereto~~ TO ABOVEGROUND STORAGE FACILITIES ASSOCIATED WITH MINING, OIL AND GAS PRODUCTION FACILITIES, ASPHALT OR CONCRETE PRODUCTION, OR CONSTRUCTION PROJECTS.

(2) THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall maintain copies of the codes ~~shall be kept and maintained in the office of the director of the division of oil and public safety~~ HIS OR HER OFFICE at all

times for PUBLIC examination. ~~by any interested person.~~

**SECTION 4. 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.

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Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Bill L. Cadman  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Effie Ameen  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO