

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0817.01 Jason Gelender x4330

SENATE BILL 20-094

SENATE SPONSORSHIP

Priola,

HOUSE SPONSORSHIP

(None),

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING THE IMPOSITION OF ADDITIONAL PLUG-IN ELECTRIC
102 MOTOR VEHICLE REGISTRATION FEES BY THE
103 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE, AND, IN
104 CONNECTION THEREWITH, MAKING THE TOTAL AMOUNT OF
105 REGISTRATION FEES IMPOSED ON SUCH VEHICLES ROUGHLY
106 EQUAL TO THE COMBINED AMOUNT OF REGISTRATION FEES AND
107 MOTOR FUEL TAXES IMPOSED ON VEHICLES POWERED BY
108 INTERNAL COMBUSTION ENGINES.

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

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

<http://leg.colorado.gov>.)

For the purpose of making the amount of plug-in electric motor vehicle registration fees roughly equal to the combined amount of registration fees and motor fuel taxes levied on motor vehicles powered by internal combustion engines, the bill authorizes the high-performance transportation enterprise to impose the following fees upon the registration of a plug-in electric motor vehicle:

- ! An inflation-indexed surface transportation infrastructure equivalent use fee to be imposed at a maximum initial rate of \$120 and thereafter indexed to inflation; and
- ! A longevity fee that annually increases for each year in which a vehicle is in service until the vehicle reaches its 18th year of service.

Fee proceeds are credited to the statewide transportation enterprise special revenue fund for use by the high-performance transportation enterprise in funding surface transportation infrastructure projects.

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

2 **SECTION 1.** In Colorado Revised Statutes, 43-4-806, **amend**
3 (2)(c)(I) and (6) introductory portion; and **add** (1.5) and (6)(p.5) as
4 follows:

5 **43-4-806. High-performance transportation enterprise -**
6 **creation - board - funds - powers and duties - limitations - reporting**
7 **requirements - legislative declaration - definition.** (1.5) THE GENERAL
8 ASSEMBLY FURTHER FINDS AND DECLARES THAT:

9 (a) IT IS REASONABLE TO ASSUME THAT, ON AVERAGE, A PLUG-IN
10 ELECTRIC MOTOR VEHICLE WILL BE OPERATED ON SURFACE
11 TRANSPORTATION INFRASTRUCTURE THAT IS PLANNED, DESIGNED,
12 ENGINEERED, ACQUIRED, INSTALLED, CONSTRUCTED, REPAIRED,
13 RECONSTRUCTED, MAINTAINED, OR OPERATED BY THE TRANSPORTATION
14 ENTERPRISE OR A PARTNER OF THE TRANSPORTATION ENTERPRISE:

15 (I) TO THE SAME EXTENT ANNUALLY THAT A MOTOR VEHICLE
16 POWERED BY AN INTERNAL COMBUSTION ENGINE IS OPERATED ON SUCH

1 INFRASTRUCTURE; AND

2 (II) FOR MORE YEARS THAN A MOTOR VEHICLE POWERED BY AN
3 INTERNAL COMBUSTION ENGINE IS OPERATED ON SUCH INFRASTRUCTURE
4 BECAUSE THE USEFUL LIFE OF A PLUG-IN ELECTRIC MOTOR VEHICLE IS
5 LIKELY TO BE LONGER THAN THAT OF A MOTOR VEHICLE POWERED BY AN
6 INTERNAL COMBUSTION ENGINE;

7 (b) THE IMPOSITION OF THE SURFACE TRANSPORTATION
8 INFRASTRUCTURE EQUIVALENT USE FEE AND THE LONGEVITY FEE ON THE
9 REGISTRATION OF PLUG-IN ELECTRIC MOTOR VEHICLES BY THE
10 TRANSPORTATION ENTERPRISE AS AUTHORIZED BY SUBSECTION (6)(p.5) OF
11 THIS SECTION IS INTENDED TO AND DOES ENSURE THAT THE OWNER OF A
12 PLUG-IN ELECTRIC MOTOR VEHICLE CONTRIBUTES FEES FOR THE FUNDING
13 OF THE SURFACE TRANSPORTATION SYSTEM OF THE STATE IN AMOUNTS
14 THAT ARE ROUGHLY EQUIVALENT TO THE COMBINED CONTRIBUTION FOR
15 THAT PURPOSE FROM MOTOR FUEL TAXES AND MOTOR VEHICLE
16 REGISTRATION FEES OF AN OWNER OF A MOTOR VEHICLE POWERED BY AN
17 INTERNAL COMBUSTION ENGINE; AND

18 (c) THE SURFACE TRANSPORTATION INFRASTRUCTURE EQUIVALENT
19 USE FEE AND THE LONGEVITY FEE ARE FEES COLLECTED FOR THE PURPOSES
20 OF ALLOWING THE TRANSPORTATION ENTERPRISE TO COMPLETE SURFACE
21 TRANSPORTATION INFRASTRUCTURE PROJECTS AND ARE REASONABLY
22 CALCULATED BASED ON THE BENEFITS RECEIVED BY OWNERS OF PLUG-IN
23 ELECTRIC MOTOR VEHICLES.

24 (2) (c) The business purpose of the transportation enterprise is to
25 pursue public-private partnerships and other innovative and efficient
26 means of completing surface transportation infrastructure projects. To
27 allow the transportation enterprise to accomplish this purpose and fully

1 exercise its powers and duties through the transportation enterprise board,
2 the transportation enterprise may:

3 (I) Subject to the limitations specified in section 43-4-808 (3),
4 impose user fees for the privilege of using surface transportation
5 infrastructure AND IMPOSE THE SURFACE TRANSPORTATION
6 INFRASTRUCTURE EQUIVALENT USE FEE AND THE LONGEVITY FEE
7 AUTHORIZED BY SUBSECTION (6)(p.5) OF THIS SECTION;

8 (6) In addition to any other powers and duties specified in this
9 section, the transportation enterprise board ~~shall have~~ HAS the following
10 powers and duties:

11 (p.5) FOR ANY REGISTRATION PERIOD THAT COMMENCES ON OR
12 AFTER JULY 1, 2020, TO IMPOSE THE FOLLOWING FEES, WHICH SHALL BE
13 IMPOSED UPON THE REGISTRATION OF ANY PLUG-IN ELECTRIC MOTOR
14 VEHICLE, AS DEFINED IN SECTION 42-1-102 (69.5), WHEN THE VEHICLE IS
15 REGISTERED AS REQUIRED BY ARTICLE 3 OF TITLE 42, COLLECTED BY EACH
16 AUTHORIZED AGENT, REMITTED TO THE EXECUTIVE DIRECTOR OF THE
17 DEPARTMENT OF REVENUE, FORWARDED TO THE STATE TREASURER IN THE
18 SAME MANNER AS THE BRIDGE SAFETY SURCHARGE IS PURSUANT TO
19 SECTION 43-4-805 (5)(g)(II), AND CREDITED BY THE STATE TREASURER TO
20 THE TRANSPORTATION SPECIAL FUND:

21 (I) (A) A SURFACE TRANSPORTATION INFRASTRUCTURE
22 EQUIVALENT USE FEE OF UP TO ONE HUNDRED TWENTY DOLLARS. ON OR
23 BEFORE JULY 1, 2021, AND ON OR BEFORE EACH JULY 1 THEREAFTER, THE
24 TRANSPORTATION ENTERPRISE DIRECTOR SHALL CALCULATE THE AMOUNT
25 OF THE FEE IMPOSED UNDER THIS SUBSECTION (6)(p.5)(I)(A) FOR THE NEXT
26 YEAR USING THE RATE OF INFLATION FOR THE PRIOR YEAR. THE
27 TRANSPORTATION ENTERPRISE DIRECTOR SHALL ROUND THE FEE TO THE

1 NEAREST DOLLAR INCREMENT. ON OR BEFORE JANUARY 1 OF EACH YEAR,
2 THE TRANSPORTATION ENTERPRISE DIRECTOR SHALL CERTIFY THE AMOUNT
3 OF THE FEE FOR THE NEXT YEAR AND PUBLISH THE AMOUNT.

4 (B) AS USED IN THIS SUBSECTION (6)(p.5)(I), "INFLATION" MEANS
5 THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT
6 OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR
7 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
8 CONSUMERS, OR ITS SUCCESSOR INDEX.

9 (II) A LONGEVITY FEE. THE AMOUNT OF THE FEE IS:

10 (A) ZERO DOLLARS AND ZERO CENTS FOR A VEHICLE IN ITS FIRST
11 YEAR OF SERVICE;

12 (B) TWO DOLLARS FOR A VEHICLE IN ITS SECOND YEAR OF SERVICE;

13 (C) THE AMOUNT SPECIFIED IN SUBSECTION (6)(p.5)(II)(B) OF THIS
14 SECTION PLUS FIFTY CENTS FOR EACH LATER YEAR OF SERVICE FOR A
15 VEHICLE IN ITS THIRD THROUGH SEVENTEENTH YEAR OF SERVICE; AND

16 (D) TEN DOLLARS FOR A VEHICLE IN ITS EIGHTEENTH YEAR OF
17 SERVICE OR ANY LATER YEAR OF SERVICE;

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