

CHAPTER 56

HEALTH AND ENVIRONMENT

HOUSE BILL 20-1167

BY REPRESENTATIVE(S) Arndt, Valdez D., Van Winkle;
also SENATOR(S) Moreno, Tate, Woodward, Zenzinger.**AN ACT****CONCERNING THE RELOCATION OF THE DEFINITION OF "ALTERNATIVE FUEL" FROM A PART OF THE STATUTES IN WHICH THE DEFINITION IS NO LONGER REFERENCED TO A PART OF THE STATUTES IN WHICH THE DEFINITION IS REFERENCED.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** In Colorado Revised Statutes, 24-30-1104, **amend** (2)(c)(III) introductory portion and (2)(c)(III)(A) as follows:

24-30-1104. Functions of the department - definitions - rules. (2) In addition to the county-specific functions set forth in subsection (1) of this section, the department of personnel shall take such steps as are necessary to fully implement a central state motor vehicle fleet system by January 1, 1993. The provisions of the motor vehicle fleet system created pursuant to this subsection (2) apply to the executive branch of the state of Colorado, its departments, its institutions, and its agencies; except that the governing board of each institution of higher education, by formal action of the board, and the Colorado commission on higher education, by formal action of the commission, may elect to be exempt from the provisions of this subsection (2) and may obtain a motor vehicle fleet system independent of the state motor vehicle fleet system. Under the direction of the executive director, the department of personnel shall perform the following functions pertaining to the motor vehicle fleet system throughout the state:

(c) (III) For purposes of this ~~paragraph (c)~~ SUBSECTION (2)(c):

(A) "Alternative fuel" ~~has the meaning established in section 25-7-106.8, C.R.S.~~ MEANS COMPRESSED NATURAL GAS, PROPANE, ETHANOL, OR ANY MIXTURE OF ETHANOL CONTAINING EIGHTY-FIVE PERCENT OR MORE ETHANOL BY VOLUME WITH GASOLINE OR OTHER FUELS, ELECTRICITY, OR ANY OTHER FUELS, WHICH FUELS MAY

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.

INCLUDE, BUT ARE NOT LIMITED TO, CLEAN DIESEL AND REFORMULATED GASOLINE SO LONG AS THESE OTHER FUELS MAKE COMPARABLE REDUCTIONS IN CARBON MONOXIDE EMISSIONS AND BROWN CLOUD POLLUTANTS AS DETERMINED BY THE AIR QUALITY CONTROL COMMISSION CREATED IN SECTION 25-7-104. "ALTERNATIVE FUEL" DOES NOT INCLUDE ANY FUEL PRODUCT, AS DEFINED IN SECTION 25-7-139 (3)(c), THAT CONTAINS OR IS TREATED WITH METHYL TERTIARY BUTYL ETHER (MTBE).

SECTION 2. In Colorado Revised Statutes, **repeal** 25-7-106.8 as follows:

25-7-106.8. Colorado clean vehicle fleet program. ~~(1) As used in this section, unless the context otherwise requires:~~

~~(a) "Alternative fuel" means compressed natural gas, propane, ethanol, or any mixture of ethanol containing eighty-five percent or more ethanol by volume with gasoline or other fuels, electricity, or any other fuels, which fuels may include, but are not limited to, clean diesel and reformulated gasoline so long as these other fuels make comparable reductions in carbon monoxide emissions and brown cloud pollutants as determined by the air quality control commission. "Alternative fuel" does not include any fuel product, as defined in section 25-7-139 (3), that contains or is treated with methyl tertiary butyl ether (MTBE).~~

~~(b) to (f) Repealed.~~

~~(2) to (7) Repealed.~~

SECTION 3. In Colorado Revised Statutes, 39-22-516.7, **amend** (1)(b) as follows:

39-22-516.7. Tax credit for innovative motor vehicles - definitions - repeal. (1) As used in this section, unless the context otherwise requires:

~~(b) "Alternative fuel" means an alternative fuel as defined in section 25-7-106.8 (1)(a), C.R.S. HAS THE MEANING SET FORTH IN SECTION 24-30-1104 (2)(c)(III)(A).~~

SECTION 4. In Colorado Revised Statutes, 39-22-516.8, **amend** (1)(c) as follows:

39-22-516.8. Tax credit for innovative trucks - definitions - repeal. (1) As used in this section, unless the context otherwise requires:

~~(c) "Alternative fuel" means an alternative fuel as defined in section 25-7-106.8 (1)(a), C.R.S. HAS THE MEANING SET FORTH IN SECTION 24-30-1104 (2)(c)(III)(A).~~

SECTION 5. In Colorado Revised Statutes, 42-4-508, **amend** (1.5) as follows:

42-4-508. Gross weight of vehicles and loads - definition. (1.5) The gross weight limits provided in subsection (1) of this section increase, but by no more than two thousand pounds, for any vehicle or combination of vehicles if the vehicle or combination of vehicles contains an alternative fuel system and operates on alternative fuel or both alternative and conventional fuel. For the purposes of this

subsection (1.5), "alternative fuel" has the same meaning provided in section ~~25-7-106.8 (1)(a)~~, C.R.S. 24-30-1104 (2)(c)(III)(A).

SECTION 6. In Colorado Revised Statutes, 25-7-122, **amend** (1) introductory portion and (1)(b) as follows:

25-7-122. Civil penalties. (1) Upon application of the division, THE DIVISION MAY COLLECT penalties as determined under this ~~article may be collected by the division~~ ARTICLE 7 by INSTITUTING AN action ~~instituted~~ in the district court for the district in which ~~is located~~ the air pollution source affected IS LOCATED, in accordance with the following provisions:

(b) Any person who violates any requirement or prohibition of an applicable emission control regulation of the commission, the state implementation plan, a construction permit, any provision for the prevention of significant deterioration under part 2 of this ~~article~~ ARTICLE 7, any provision related to attainment under part 3 of this ~~article~~ ARTICLE 7, or ~~any provision of section 25-7-105, 25-7-106, 25-7-106.3, 25-7-106.8, 25-7-106.9, 25-7-108, 25-7-109, 25-7-111, 25-7-112, 25-7-113, 25-7-114.2, 25-7-114.5, 25-7-118, 25-7-206, 25-7-403, 25-7-404, 25-7-405, 25-7-407, 42-4-403, 42-4-404, 42-4-405, 42-4-406, 42-4-407, 42-4-409, 42-4-410, or 42-4-414 C.R.S., shall be~~ is subject to a civil penalty of not more than fifteen thousand dollars per day for each day of ~~such~~ THE violation; except that ~~there shall be no~~ civil penalties SHALL NOT BE assessed or collected against persons who violate emission regulations promulgated by the commission for the control of odor until a compliance order issued pursuant to section 25-7-115 and ordering compliance with the odor regulation has been violated.

SECTION 7. In Colorado Revised Statutes, 25-7-122.1, **amend** (1)(a) and (1)(b) as follows:

25-7-122.1. Criminal penalties. (1) **General provisions.** (a) Whenever the division has reason to believe that a person has knowingly, as defined in section 18-1-501 (6), ~~C.R.S.~~, violated any requirement or prohibition of an applicable emission control regulation of the commission, state implementation plan, permit required under this ~~article~~ ARTICLE 7, or any provision for the prevention of significant deterioration under part 2 of this ~~article~~, ARTICLE 7; any provision related to attainment under part 3 of this ~~article~~, ARTICLE 7; or ~~any provision of section 25-7-105, 25-7-106, 25-7-106.3, 25-7-106.8, 25-7-106.9, 25-7-108, 25-7-109, 25-7-111, 25-7-112, 25-7-113, 25-7-114.2, 25-7-114.5, 25-7-118, 25-7-206, 25-7-403, 25-7-404, 25-7-405, 25-7-407, 42-4-403, 42-4-404, 42-4-405, 42-4-406, 42-4-407, 42-4-409, or 42-4-410, C.R.S.~~, the division may request either the attorney general or the district attorney for the district in which the alleged violation occurs to pursue criminal penalties under this section.

(b) Except for those violations identified in ~~paragraph (c) of this subsection (1) and subsections (1)(c), (2), and (3) of this section,~~ any person who knowingly, as defined in section 18-1-501 (6), ~~C.R.S.~~, violates any requirement or prohibition of an applicable emission control regulation of the commission, state implementation plan, permit required under this ~~article~~ ARTICLE 7, or any provision for the prevention of significant deterioration under part 2 of this ~~article~~, ARTICLE 7; any provision related to attainment under part 3 of this ~~article~~, ARTICLE 7; or ~~any~~

~~provision of section 25-7-105, 25-7-106, 25-7-106.3, 25-7-106.8, 25-7-106.9, 25-7-108, 25-7-109, 25-7-109.6, 25-7-111, 25-7-112, 25-7-113, 25-7-114.2, 25-7-114.5, 25-7-118, 25-7-206, 25-7-403, 25-7-404, 25-7-405, 25-7-407, 42-4-403, 42-4-404, 42-4-405, 42-4-406, 42-4-407, 42-4-409, or 42-4-410 C.R.S., is guilty of~~ COMMITS a misdemeanor and, upon conviction thereof, may be punished by a fine of not more than twenty-five thousand dollars per day for each day of violation. Upon a second conviction for a violation of this ~~paragraph (b)~~ SUBSECTION (1)(b) within two years, the maximum punishment shall be doubled.

SECTION 8. 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 (August 5, 2020, if adjournment sine die is on May 6, 2020); 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 20, 2020