

**Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0206.01 Jed Franklin x5484

**SENATE BILL 26-021**

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**Senate Committees**

Transportation & Energy

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**A BILL FOR AN ACT**

101      **CONCERNING AUTHORIZING THE CLEAN FLEET ENTERPRISE TO**  
102                    **ENCOURAGE THE REPLACEMENT OF HIGH-EMITTING TRUCKS**  
103                    **WITH LOW-EMITTING TRUCKS IN MOTOR VEHICLE FLEETS.**

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**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://leg.colorado.gov/>.)*

**Transportation Legislation Review Committee.** Currently, the clean fleet enterprise (enterprise) may provide money to help public and private owners and operators of motor vehicle fleets finance acquisitions of compressed natural gas motor vehicles that are trucks if at least 90% of the fuel for the trucks will be recovered methane. Pursuant to current

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

law, starting on January 1, 2027, the enterprise may only provide money for this purpose so long as the enterprise determines that electric motor vehicles are not yet practically available or do not meet the operational requirements such as cargo carrying capacity and driving range for specific categories of trucks (funding limitation). The bill repeals the funding limitation.

The bill authorizes the enterprise to incentivize, support, and accelerate the replacement of a motor vehicle that uses compression ignition to start the engine, has a gross vehicle weight rating of greater than 26,000 pounds, is based in the state, and is part of a fleet with in-state annual miles driven of at least 75% of the fleet's total annual miles driven (heavy-duty truck), that is powered by a diesel-fueled internal combustion engine and is a model year of 2009 or earlier (aging heavy-duty diesel truck) with a heavy-duty truck that is a model year of 2018 or later (new heavy-duty truck) until December 31, 2031. The bill also allows the enterprise to provide funding or financing through grant programs, rebate programs, revolving loan funds, or other strategies to help owners and operators of aging heavy-duty diesel truck fleets finance the replacement of aging heavy-duty diesel trucks with new heavy-duty trucks to reduce the up-front costs of acquiring new heavy-duty trucks until December 31, 2031.

To qualify for any money provided by the enterprise for the replacement of aging heavy-duty diesel trucks with new heavy-duty trucks:

- The purchaser of the new heavy-duty truck must surrender an aging heavy-duty diesel truck to the seller of the new heavy-duty truck at the time of the transaction;
- The seller of the new heavy-duty truck must decommission the aging heavy-duty diesel truck by drilling a hole in the engine's block and cutting the chassis rails in half; and
- The seller must be an authorized dealer of new heavy-duty trucks who must certify that the new heavy-duty truck meets all state and federal emissions and safety standards for its model year.

The enterprise may use the clean fleet enterprise fund (fund) to provide money to support the replacement of aging heavy-duty diesel trucks with new heavy-duty trucks, but the enterprise is required to ensure that it does not expend more than 20% of the fund's income during a state fiscal year for the support.

The enterprise may encourage the department of public health and environment to explore whether decommissioning aging heavy-duty diesel trucks and replacing them with new heavy-duty trucks qualifies as a transportation control measure that offsets growth in emissions from growth in vehicle miles traveled or number of vehicle trips taken pursuant to the federal "Clean Air Act".

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend 25-7.5-102**  
3 as follows:

4 **25-7.5-102. Definitions.**

5 As used in this article 7.5, unless the context otherwise requires:

6 (1) "AGING HEAVY-DUTY DIESEL TRUCK" MEANS A HEAVY-DUTY  
7 DIESEL TRUCK WITH A MODEL YEAR NO LATER THAN 2009 THAT IS  
8 REGISTERED, OPERABLE, AND CAPABLE OF INDEPENDENT ROADWAY  
9 OPERATION AT THE TIME OF APPLICATION.

10 ~~(1)~~ (2) "Battery electric motor vehicle" means a motor vehicle that  
11 is powered exclusively by a rechargeable battery pack that can be  
12 recharged by being plugged into an external source of electricity and that  
13 has no secondary source of propulsion.

14 ~~(2)~~ (3) "Board" means the governing board of the enterprise.

15 ~~(3)~~ (4) "Car share ride" means a prearranged ride for which the  
16 rider agrees, at the time the rider requests the ride through a digital  
17 network, to be transported with another rider who has separately  
18 requested a prearranged ride regardless of whether or not another rider is  
19 actually transported with the rider.

20 ~~(4)~~ (5) "Commission" means the air quality control commission  
21 created in section 25-7-104.

22 ~~(5)~~ (6) "Compressed natural gas motor vehicle" means a vehicle  
23 that is powered by an engine fueled by compressed natural gas.

24 (7) "DECOMMISSION" MEANS RENDERING INOPERABLE BOTH THE  
25 ENGINE AND THE CHASSIS OF AN AGING HEAVY-DUTY DIESEL TRUCK BY  
26 CUTTING A THREE-INCH HOLE THROUGH THE WALL OF THE ENGINE BLOCK

1 AND CUTTING THE CHASSIS RAILS IN HALF OR BY SIMILARLY EFFECTIVE  
2 MEANS.

3 ~~(6)~~ (8) "Department" means the department of public health and  
4 environment created in section 24-1-119 (1).

5 ~~(7)~~ (9) "Disproportionately impacted community" has the meaning  
6 set forth in section 24-4-109 (2)(b)(II).

7 ~~(8)~~ (10) "Electric motor vehicle" means a battery electric motor  
8 vehicle, a hydrogen fuel cell motor vehicle, or a plug-in hybrid electric  
9 motor vehicle.

10 ~~(9)~~ (11) "Enterprise" means the clean fleet enterprise created in  
11 section 25-7.5-103 (1)(a)(I).

12 ~~(10)~~ (12) "Fund" means the clean fleet enterprise fund created in  
13 section 25-7.5-103 (5).

14 (13) "HEAVY-DUTY DIESEL TRUCK" MEANS A HEAVY-DUTY MOTOR  
15 VEHICLE THAT:

16 (a) IS POWERED BY A DIESEL-FUELED INTERNAL COMBUSTION  
17 ENGINE;

18 (b) USES COMPRESSION IGNITION TO START THE DIESEL-FUELED  
19 INTERNAL COMBUSTION ENGINE;

20 (c) IS BASED IN THE STATE; AND

21 (d) IS PART OF A MOTOR VEHICLE FLEET WITH IN-STATE ANNUAL  
22 MILES DRIVEN OF AT LEAST SEVENTY-FIVE PERCENT OF THE MOTOR  
23 VEHICLE FLEET'S TOTAL ANNUAL MILES DRIVEN.

24 ~~(11)~~ (14) "Heavy-duty motor vehicle" means a motor vehicle that  
25 has a gross vehicle weight rating, as defined in section 42-2-402 (6), of  
26 greater than twenty-six thousand pounds.

27 ~~(12)~~ (15) "Hydrogen fuel cell motor vehicle" means a motor

1 vehicle that is powered by electricity produced from a fuel cell that uses  
2 hydrogen gas as fuel.

3 ~~(13)~~ (16) "Inflation" means the average annual percentage change  
4 in the United States department of labor, bureau of labor statistics,  
5 consumer price index for Denver-Aurora-Lakewood for all items and all  
6 urban consumers, or its applicable predecessor or successor index, for the  
7 five years ending on the last December 31 before a state fiscal year for  
8 which an inflation adjustment to be made to the clean fleet per ride fee  
9 imposed by section 25-7.5-103 (7) or the clean fleet retail delivery fee  
10 imposed by section 25-7.5-103 (8) begins.

11 ~~(14)~~ (17) "Medium-duty motor vehicle" means a motor vehicle  
12 that has a gross vehicle weight rating, as defined in section 42-2-402 (6),  
13 of more than ten thousand pounds and not more than twenty-six thousand  
14 pounds.

15 ~~(15)~~ (18) "Motor vehicle" has the meaning set forth in section  
16 42-1-102 (58). The term does not include a personal delivery device.

17 ~~(16)~~ (19) "Motor vehicle fleet" means a group of motor vehicles  
18 that is owned or operated:

19 (a) By a governmental entity for a public purpose including but  
20 not limited to public school transportation or law enforcement; or

21 (b) By a business entity for a business if:

22 (I) The group of motor vehicles is composed primarily of  
23 heavy-duty motor vehicles, medium-duty motor vehicles, or refrigerated  
24 trailer units; or

25 (II) The group of motor vehicles is owned or operated by a  
26 company that rents motor vehicles in the fleet to transportation network  
27 company drivers for use in providing transportation network company

1 services or is owned and operated directly, or indirectly through  
2 independent contractors who own or lease individual motor vehicles in  
3 the group, by a transportation network company or by a retailer for the  
4 purpose of making retail deliveries.

5 (20) "NEW HEAVY-DUTY TRUCK" MEANS A HEAVY-DUTY MOTOR  
6 VEHICLE THAT:

7 (a) IS A MODEL YEAR OF 2018 OR LATER;

8 (b) IS BASED IN THE STATE; AND

9 (c) IS PART OF A MOTOR VEHICLE FLEET WITH IN-STATE ANNUAL  
10 MILES DRIVEN OF AT LEAST SEVENTY-FIVE PERCENT OF THE MOTOR  
11 VEHICLE FLEET'S TOTAL ANNUAL MILES DRIVEN.

12 ~~(17)~~ (21) "Personal delivery device" means an autonomously  
13 operated robot that is:

14 (a) Designed and manufactured for the purpose of transporting  
15 tangible personal property primarily on sidewalks, crosswalks, and other  
16 public rights-of-way that are typically used by pedestrians;

17 (b) Weighs no more than five hundred fifty pounds, excluding any  
18 tangible personal property being transported; and

19 (c) Operates at speeds of less than ten miles per hour when on  
20 sidewalks, crosswalks, and other public rights-of-way that are typically  
21 used by pedestrians.

22 ~~(18)~~ (22) "Plug-in hybrid electric motor vehicle" means a motor  
23 vehicle that is powered by both a rechargeable battery pack that can be  
24 recharged by being plugged into an external source of electricity and a  
25 secondary source of propulsion such as an internal combustion engine.

26 ~~(19)~~ (23) "Prearranged ride" has the same meaning as set forth in  
27 section 40-10.1-602 (2).

1           ~~(20)~~ (24) "Recovered methane" means any of the following if the  
2 air pollution control division determines them to provide a net reduction  
3 in greenhouse gas emissions:

4           (a) Biomethane;

5           (b) Methane derived from:

6           (I) Municipal solid waste;

7           (II) Biomass pyrolysis or enzymatic biomass; or

8           (III) Wastewater treatment; and

9           (c) Coal mine methane, as defined in section 40-2-124 (1)(a)(II).

10          ~~(21)~~ (25) "Retail delivery" has the same meaning as set forth in  
11 section 43-4-218 (2)(e).

12          ~~(22)~~ (26) "Retailer" has the same meaning as set forth in section  
13 39-26-102 (8).

14          ~~(24)~~ (27) "Rider" has the same meaning as set forth in section  
15 40-10.1-602 (5).

16          ~~(25)~~ (28) "Tangible personal property" has the same meaning as  
17 set forth in section 39-26-102 (15).

18          ~~(26)~~ (29) "Transportation network company" has the same  
19 meaning as set forth in section 40-10.1-602 (3).

20          ~~(27)~~ (30) "Transportation network company driver" has the same  
21 meaning as set forth in section 40-10.1-602 (4).

22          ~~(28)~~ (31) "Transportation network company services" has the  
23 same meaning as set forth in section 40-10.1-602 (6).

24          ~~(29)~~ (32) "Zero emissions motor vehicle" means a battery electric  
25 motor vehicle or a hydrogen fuel cell motor vehicle.

26           **SECTION 2.** In Colorado Revised Statutes, 25-7.5-103, **amend**  
27 (3) introductory portion, (6)(i), (9)(a), (9)(b)(I), and (9)(b)(XI); and add

1 (9)(b)(XIII) \_\_\_ as follows:

2 **25-7.5-103. Clean fleet enterprise - creation - board - powers**  
3 **and duties - fees - fund - repeal.**

4 (3) The business purpose of the enterprise is to incentivize and  
5 support the use of electric motor vehicles, including motor vehicles that  
6 originally were powered exclusively by internal combustion engines but  
7 have been converted into electric motor vehicles, and, to the extent  
8 temporarily necessitated by the limitations of current electric motor  
9 vehicle technology for certain fleet uses, compressed natural gas motor  
10 vehicles that are fueled by recovered methane, AND REFRIGERATED  
11 TRANSPORT UNITS POWERED BY ZERO EMISSION TECHNOLOGY, by  
12 businesses and governmental entities that own or operate fleets of motor  
13 vehicles, including fleets composed of personal motor vehicles owned or  
14 leased by individual contractors who provide prearranged rides for  
15 transportation network companies or deliver goods for a third-party  
16 delivery service. To allow the enterprise to accomplish this purpose and  
17 fully exercise its powers and duties through the board, the enterprise may:

18 (6) In addition to any other powers and duties specified in this  
19 section, the board has the following general powers and duties:

20 (i) To have and exercise all rights and powers necessary or  
21 incidental to or implied from the specific powers and duties granted by  
22 this section WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES  
23 101 THROUGH 112 OF TITLE 24.

24 (9) (a) In furtherance of its business purpose, and subject to the  
25 requirements set forth in this subsection (9), the enterprise is authorized  
26 to incentivize, support, and accelerate the adoption of electric motor  
27 vehicles in motor vehicle fleets AND THE REPLACEMENT OF AGING

1 HEAVY-DUTY DIESEL TRUCKS WITH NEW HEAVY-DUTY TRUCKS.

2 (b) The enterprise may provide funding or financing through grant  
3 programs, rebate programs, revolving loan funds, or such other strategies  
4 as the board finds effective:

5 (I) To help public and private owners and operators of motor  
6 vehicle fleets finance electric motor vehicle acquisitions to reduce the  
7 up-front costs of acquiring electric motor vehicles through December 31,  
8 2026, AND to help public and private owners and operators of motor  
9 vehicle fleets finance acquisitions of compressed natural gas motor  
10 vehicles that are trucks if at least ninety percent of the fuel for the trucks  
11 will be recovered methane, and, on and after January 1, 2027, for so long  
12 as the enterprise determines that electric motor vehicles are not yet  
13 practically available or do not meet the operational requirements such as  
14 cargo carrying capacity and driving range for specific categories of  
15 trucks, to help public and private owners and operators of motor vehicle  
16 fleets finance acquisitions of compressed natural gas motor vehicles that  
17 are trucks if at least ninety percent of the fuel for the trucks will be  
18 recovered methane;

19 (XI) To help transportation network companies provide incentives  
20 for transportation network company drivers to provide prearranged rides  
21 in electric motor vehicles; and

22 (XIII) TO HELP PUBLIC AND PRIVATE OWNERS AND OPERATORS OF  
23 MOTOR VEHICLE FLEETS FINANCE THE REPLACEMENT OF AGING  
24 HEAVY-DUTY DIESEL TRUCKS WITH NEW HEAVY-DUTY TRUCKS TO REDUCE  
25 THE UP-FRONT COSTS OF ACQUIRING NEW HEAVY-DUTY TRUCKS THROUGH  
26 DECEMBER 31, 2031, SUBJECT TO THE FOLLOWING:

27 (A) THE PURCHASER OF A NEW HEAVY-DUTY TRUCK MUST

1 SURRENDER AN AGING HEAVY-DUTY DIESEL TRUCK TO THE SELLER OF THE  
2 NEW HEAVY-DUTY TRUCK AT THE TIME OF THE TRANSACTION;

3 (B) THE SELLER OF THE NEW HEAVY-DUTY TRUCK MUST  
4 DECOMMISSION THE AGING HEAVY-DUTY DIESEL TRUCK;

5 (C) THE SELLER MUST BE AN AUTHORIZED DEALER OF NEW  
6 HEAVY-DUTY TRUCKS WHO MUST CERTIFY THAT THE NEW HEAVY-DUTY  
7 TRUCK MEETS ALL STATE AND FEDERAL EMISSIONS AND SAFETY  
8 STANDARDS FOR ITS MODEL YEAR AND THAT THE DEALER WILL  
9 DECOMMISSION THE AGING HEAVY-DUTY DIESEL TRUCK THAT THE  
10 PURCHASER IS REQUIRED TO SURRENDER TO THE SELLER;

11 (D) THE ENTERPRISE SHALL NOT EXPEND MORE THAN TWENTY  
12 PERCENT OF THE FUND'S INCOME DURING A STATE FISCAL YEAR TO  
13 REPLACE AGING HEAVY-DUTY DIESEL TRUCKS WITH NEW HEAVY-DUTY  
14 TRUCKS;

15 (E) THE ENTERPRISE SHALL PRIORITIZE THE REPLACEMENT OF ANY  
16 AGING HEAVY-DUTY DIESEL TRUCK THAT HAS A MODEL YEAR OF NO LATER  
17 THAN 2006; AND

18 (F) THIS SUBSECTION (8)(b)(XIII) IS REPEALED EFFECTIVE JULY 1,  
19 2032; AND

20 == ==

21 **SECTION 3.** In Colorado Revised Statutes, 40-2-138, **amend**  
22 (1)(i)(II) as follows:

23 **40-2-138. Projects for the production of clean hydrogen -**  
24 **proceeding - hydrogen hub projects - rules - reports - definitions.**

25 (1) As used in this section, unless the context otherwise requires:

26 (i) "Qualified use" means the use of clean hydrogen in the state  
27 for:

1 (II) The operation of a heavy-duty motor vehicle, as defined in  
2 ~~section 25-7.5-102 (11)~~ SECTION 25-7.5-102 (14); and

3 **SECTION 4.** In Colorado Revised Statutes, 43-4-1203, **amend**  
4 (8)(b)(IV) as follows:

5 **43-4-1203. Clean transit enterprise - creation - board - powers**  
6 **and duties - rules - fees - fund.**

7 (8) (b) The enterprise may make grants, loans, or rebates to fund:

8 (IV) The replacement of motor vehicles used by public transit  
9 providers that are not electric motor vehicles by electric motor vehicles,  
10 or, if electric motor vehicles are not practically available, by compressed  
11 natural gas motor vehicles, as defined in ~~section 25-7.5-102 (5)~~ SECTION  
12 25-7.5-102 (6), if at least ninety percent of the fuel for the compressed  
13 natural gas motor vehicles will be recovered methane, as defined in  
14 ~~section 25-7.5-102 (20)~~ SECTION 25-7.5-102 (24).

15 **SECTION 5. Act subject to petition - effective date.** This act  
16 takes effect at 12:01 a.m. on the day following the expiration of the  
17 ninety-day period after final adjournment of the general assembly (August  
18 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a  
19 referendum petition is filed pursuant to section 1 (3) of article V of the  
20 state constitution against this act or an item, section, or part of this act  
21 within such period, then the act, item, section, or part will not take effect  
22 unless approved by the people at the general election to be held in  
23 November 2026 and, in such case, will take effect on the date of the  
24 official declaration of the vote thereon by the governor.