

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0960.02 Jason Gelender x4330

SENATE BILL 19-239

SENATE SPONSORSHIP

Winter and Bridges,

HOUSE SPONSORSHIP

Gray and Hansen,

Senate Committees
Transportation & Energy

House Committees
Business Affairs & Labor

A BILL FOR AN ACT

101 **CONCERNING MEANS OF ADDRESSING THE IMPACTS OF**
102 **TECHNOLOGICAL AND BUSINESS MODEL CHANGES RELATED TO**
103 **COMMERCIAL VEHICLES, AND, IN CONNECTION THEREWITH,**
104 **REQUIRING THE DEPARTMENT OF TRANSPORTATION TO**
105 **CONVENE AND CONSULT WITH A STAKEHOLDER GROUP TO**
106 **EXAMINE IMPACTS OF NEW TRANSPORTATION TECHNOLOGIES**
107 **AND BUSINESS MODELS, IDENTIFY MEANS OF ADDRESSING**
108 **IMPACTS, AND REPORT FINDINGS AND MAKE RECOMMENDATIONS**
109 **TO THE GENERAL ASSEMBLY.**

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

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.*

HOUSE
Amended 2nd Reading
May 1, 2019

SENATE
3rd Reading Unamended
April 27, 2019

SENATE
Amended 2nd Reading
April 26, 2019

applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the department of transportation (CDOT) to convene and engage in robust consultation with a stakeholder group comprised of representatives of specified industries, workers, governmental entities, planning organizations, and interest groups that will potentially be affected by the adoption of new and emerging transportation technologies and business models. The stakeholder group is required to:

- ! Examine the economic, environmental, and transportation system impacts of the adoption of new and emerging transportation technologies and business models;
- ! Identify potential means of addressing the impacts that increase positive impacts and mitigate negative impacts; and
- ! Present to CDOT, no later than November 1, 2019, a report of policy recommendations regarding the impacts examined and means of addressing those impacts with funding from the imposition of fees on the use of motor vehicles used for commercial purposes, as defined by the bill. The report must identify potential fees that are structured and reasonably calculated to:
 - ! Avoid causing the state to incur new or additional obligations to refund excess state revenue;
 - ! Generate sufficient revenue for the state and local governments to mitigate specified impacts to the transportation system;
 - ! Fund needed transportation infrastructure, including multimodal infrastructure and the infrastructure needed to support the adoption of zero-emissions vehicles;
 - ! Defray the administrative costs of fee collection;
 - ! Incentivize the adoption of zero-emissions vehicles for utilization as motor vehicles used for commercial purposes; and
 - ! Incentivize multiple passenger ride sharing for motor vehicles used for commercial purposes and the use of such vehicles as a first and last mile solution for users of public transit.

CDOT is required to report on the progress and policy recommendations of the stakeholder group, CDOT's preliminary plans and recommendations regarding the development and promulgation of rules, and any recommendations that CDOT has regarding the need for related legislation during its 2019 annual presentation to legislative

oversight committees required by the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act". No later than October 1, 2020, within any statutory parameters established by the general assembly through legislation enacted during the 2020 legislative session, and giving strong consideration to the policy recommendations report provided by the stakeholder group, CDOT is required to promulgate rules to the extent necessary to effectively implement the bill. If the general assembly does not impose fees on motor vehicles used for commercial purposes through legislation enacted during the 2020 legislative session and instead enacts legislation that authorizes CDOT or any CDOT enterprise to impose such fees, the rules may impose fees to the extent authorized by the legislation. During the 2020 legislative interim, CDOT must present a final written report regarding the stakeholder group, rule-making processes, and rules promulgated to the transportation legislation review committee.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 43-1-125 as
3 follows:

4 **43-1-125. Motor vehicles used for commercial purposes -**
5 **stakeholder group - reporting - rules - legislative declaration -**

6 **definition.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES
7 THAT:

8 (a) THE WAY IN WHICH COLORADANS TRAVEL IS RAPIDLY
9 CHANGING, AND THE ADOPTION OF NEW TECHNOLOGIES IMPACTS BOTH THE
10 MANNER IN WHICH PEOPLE TRAVEL AND THE NUMBER OF VEHICLES ON
11 COLORADO ROADS, PRESENTS OPPORTUNITIES FOR INCREASED EFFICIENCY,
12 AND REQUIRES THOROUGH REVIEW;

13 (b) THE STATE MUST ADAPT TO THESE CHANGES BY ENCOURAGING
14 THEM TO THE EXTENT THAT THEY BENEFIT THE ENVIRONMENT AND
15 FACILITATE THE EFFECTIVE MOVEMENT OF PEOPLE WHILE BEING
16 PROACTIVE IN ADDRESSING ANY NEGATIVE IMPACTS. SPECIFICALLY, THE
17 STATE MUST:

1 (I) ENSURE ONGOING FUNDING FOR THE TRANSPORTATION
2 INFRASTRUCTURE NEEDED TO SUPPORT THE CHANGES, INCLUDING THE
3 INFRASTRUCTURE NEEDED TO SUPPORT THE ADOPTION OF NEW
4 TRANSPORTATION TECHNOLOGIES INCLUDING ZERO-EMISSIONS VEHICLES;
5 AND

6 (II) REDUCE AND MITIGATE THE IMPACT ON THE ENVIRONMENT
7 AND THE TRANSPORTATION SYSTEM RESULTING FROM THE INCREASING
8 COMMERCIAL USE OF PERSONAL VEHICLES FOR THE PURPOSES OF RIDE
9 SHARING PROVIDED THROUGH TRANSPORTATION NETWORK COMPANIES, AS
10 DEFINED IN SECTION 40-10.1-602 (3), AND CAR SHARING AND PERSONAL
11 AND FLEET VEHICLES FOR CERTAIN OTHER COMMERCIAL PURPOSES BY
12 INCENTIVIZING AMELIORATIVE PRACTICES SUCH AS THE ADOPTION OF
13 ZERO-EMISSIONS VEHICLES FOR SUCH COMMERCIAL USE, MULTIPLE
14 PASSENGER RIDE SHARING, AND THE USE OF RIDE SHARING AS A FIRST AND
15 LAST MILE SOLUTION FOR USERS OF PUBLIC TRANSIT.

16 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
17 IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF THE STATE
18 TO:

19 (a) REQUIRE THE DEPARTMENT TO CONVENE, ENGAGE IN ROBUST
20 CONSULTATION WITH, AND STRONGLY CONSIDER THE FORMAL POLICY
21 RECOMMENDATIONS OF A STAKEHOLDER GROUP COMPRISED OF
22 REPRESENTATIVES OF POTENTIALLY AFFECTED INDUSTRIES, WORKERS,
23 GOVERNMENTAL ENTITIES, PLANNING ORGANIZATIONS, AND INTEREST
24 GROUPS FOR THE PURPOSES OF:

25 (I) EXAMINING THE ECONOMIC, ENVIRONMENTAL, AND
26 TRANSPORTATION SYSTEM IMPACTS OF THE ADOPTION OF NEW AND
27 EMERGING TECHNOLOGIES AND TRANSPORTATION BUSINESS MODELS; _____

1 (II) RECEIVE INFORMATION AND RECOMMENDATIONS FROM THE
2 FREIGHT ADVISORY COUNCIL REGARDING CURRENT AND EVOLVING
3 PRACTICES RELATED TO THE RESIDENTIAL DELIVERY OF GOODS; AND

4 (III) RECOMMENDING TO THE DEPARTMENT:

5 (A) MEANS OF ADDRESSING THE IMPACTS THAT INCREASE POSITIVE
6 IMPACTS AND MITIGATE NEGATIVE IMPACTS; AND

7 (B) WHETHER FEES SHOULD BE LEVIED UPON THE USE OF MOTOR
8 VEHICLES USED FOR COMMERCIAL PURPOSES; AND

9 (b) AUTHORIZE THE DEPARTMENT TO PROMULGATE RULES THAT
10 IMPLEMENT STAKEHOLDER GROUP AND LEGISLATIVE RECOMMENDATIONS.

11 (3) (a) AS USED IN THIS SECTION, UNLESS THE CONTEXT
12 OTHERWISE REQUIRES, "MOTOR VEHICLE USED FOR COMMERCIAL
13 PURPOSES" MEANS A MOTOR VEHICLE THAT IS USED TO PROVIDE
14 PASSENGER TRANSPORTATION SERVICES PURCHASED THROUGH A
15 TRANSPORTATION NETWORK COMPANY, AS DEFINED IN SECTION
16 40-10.1-602 (3), A PEER-TO-PEER CAR SHARING COMPANY, A CAR SHARING
17 COMPANY THAT DOES NOT USE A PEER-TO-PEER BUSINESS MODEL, OR A
18 COMPANY THAT PROVIDES TAXICAB SERVICE, AS DEFINED IN SECTION
19 40-10.1-101 (19), A MOTOR VEHICLE THAT IS RENTED OUT BY A RENTAL
20 CAR COMPANY, AND A MOTOR VEHICLE THAT IS USED FOR RESIDENTIAL
21 DELIVERY OF GOODS.

22 (b) "MOTOR VEHICLE USED FOR COMMERCIAL PURPOSES" DOES
23 NOT INCLUDE:

24 (I) A MOTOR VEHICLE USED TO DELIVER GOODS THAT IS USED ONLY
25 TO DELIVER GOODS:

26 (A) TO ADDRESSES OTHER THAN RESIDENCES; OR

27 (B) THAT ARE DELIVERED AS FREIGHT; ■

1 (II) A MOTOR VEHICLE THAT HAS A GROSS VEHICLE WEIGHT
2 RATING OF MORE THAN FOURTEEN THOUSAND POUNDS; OR

3 (III) A MOTOR VEHICLE THAT IS OPERATED FOR THE PURPOSE OF
4 TRANSPORTING PASSENGERS:

5 (A) UNDER A CONTRACT WITH THE REGIONAL TRANSPORTATION
6 DISTRICT CREATED IN SECTION 32-9-105, A REGIONAL TRANSPORTATION
7 AUTHORITY CREATED PURSUANT TO PART 6 OF ARTICLE 4 OF THIS TITLE 43,
8 OR ANY OTHER GOVERNMENTAL OR PUBLIC ENTITY; OR

9 (B) BY A COMMON CARRIER, AS DEFINED IN SECTION 40-1-102 (3),
10 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)(a) OF THIS SECTION.

11 (4) THE DEPARTMENT SHALL CONVENE AND ENGAGE IN ROBUST
12 CONSULTATION WITH A STAKEHOLDER GROUP CONSISTING OF:

13 (a) THE FOLLOWING STATE GOVERNMENT EMPLOYEES:

14 (I) AN EMPLOYEE OF THE DEPARTMENT WHO IS NOT AN EMPLOYEE
15 OF THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE CREATED IN
16 SECTION 43-4-806 (2)(a)(I);

17 _____
18 (II) AN EMPLOYEE OF THE COLORADO ENERGY OFFICE CREATED IN
19 SECTION 24-38.5-101 (1); _____

20 (III) AN EMPLOYEE OF THE DEPARTMENT OF REVENUE; AND

21 (IV) THE CHIEF OF THE COLORADO STATE PATROL OR THE CHIEF'S
22 DESIGNEE.

23 (b) THE FOLLOWING REPRESENTATIVES OF STATE AND LOCAL
24 GOVERNMENTS AND TRANSPORTATION PLANNING ENTITIES:

25 (I) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT
26 REPRESENTS THE INTERESTS OF COUNTIES;

27 (II) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT

- 1 REPRESENTS THE INTERESTS OF MUNICIPALITIES;
- 2 (III) A REPRESENTATIVE OF METROPOLITAN PLANNING
3 ORGANIZATIONS, AS DEFINED IN SECTION 43-1-1102 (4); AND
- 4 (IV) A REPRESENTATIVE OF RURAL TRANSPORTATION PLANNING
5 ORGANIZATIONS;
- 6 ==
- 7 (c) REPRESENTATIVES OF THE FOLLOWING TYPES OF BUSINESSES:
- 8 (I) TWO REPRESENTATIVES OF TRANSPORTATION NETWORK
9 COMPANIES, AS DEFINED IN SECTION 40-10.1-602 (3);
- 10 (II) A REPRESENTATIVE OF A BUSINESS THAT HAS EXPERTISE
11 REGARDING THE TECHNOLOGY AND PROCESSES REQUIRED TO DEVELOP,
12 IMPLEMENT, AND ADMINISTER A ROAD USAGE CHARGE PROGRAM;
- 13 (III) A REPRESENTATIVE OF CERTIFICATED TAXI CARRIERS;
- 14 (IV) A REPRESENTATIVE OF A RENTAL CAR COMPANY;
- 15 (V) A REPRESENTATIVE OF A BUSINESS THAT IS A PEER-TO-PEER
16 CAR SHARING PROGRAM;
- 17 (VI) A REPRESENTATIVE OF A CAR SHARING NETWORK COMPANY
18 THAT DOES NOT USE A PEER-TO-PEER CAR SHARING BUSINESS MODEL;
- 19 (VII) A REPRESENTATIVE OF THE FREIGHT ADVISORY COUNCIL;
- 20 (VIII) A REPRESENTATIVE OF THE CONTRACTING INDUSTRY THAT
21 WORKS ON OR REPRESENTS BUSINESSES THAT WORK ON TRANSPORTATION
22 INFRASTRUCTURE PROJECTS;
- 23 (IX) A REPRESENTATIVE OF THE ENGINEERING INDUSTRY;
- 24 (X) A REPRESENTATIVE OF BUSINESSES THAT PROVIDE PACKAGE
25 DELIVERY SERVICES TO END USERS OF THE GOODS IN THE PACKAGES FOR
26 OTHER BUSINESSES;
- 27 (XI) A REPRESENTATIVE OF BUSINESSES THAT HIRE DRIVERS TO

1 USE THEIR PERSONAL MOTOR VEHICLES TO DELIVER THEIR OWN GOODS TO
2 END USERS OF THE GOODS; _____

3 (XII) A REPRESENTATIVE OF TOWING AND RECOVERY
4 PROFESSIONALS OF COLORADO;

5 (XIII) A REPRESENTATIVE OF AUTONOMOUS VEHICLE
6 MANUFACTURERS; AND

7 (XIV) A REPRESENTATIVE OF AUTONOMOUS VEHICLE
8 TECHNOLOGY COMPANIES.

9 (d) A LABOR REPRESENTATIVE;

10 (e) A REPRESENTATIVE OF PERSONS WITH DISABILITIES;

11 (f) A REPRESENTATIVE OF PERSONS WHO ADVOCATE FOR THE
12 PROTECTION OF THE ENVIRONMENT;

13 (g) A TRANSPORTATION NETWORK COMPANY DRIVER, AS DEFINED
14 IN SECTION 40-10.1-602 (4); AND

15 (h) ANY OTHER INDIVIDUALS WHO THE DEPARTMENT DEEMS
16 NECESSARY OR APPROPRIATE TO INCLUDE IN THE STAKEHOLDER GROUP.

17 (5) THE STAKEHOLDER GROUP CONVENED AS REQUIRED BY
18 SUBSECTION (4) OF THIS SECTION SHALL:

19 (a) EXAMINE THE ECONOMIC, ENVIRONMENTAL, AND
20 TRANSPORTATION SYSTEM IMPACTS OF THE ADOPTION OF NEW AND
21 EMERGING TRANSPORTATION TECHNOLOGIES AND BUSINESS MODELS AND
22 IDENTIFY POTENTIAL MEANS OF ADDRESSING THE IMPACTS THAT INCREASE
23 POSITIVE IMPACTS AND MITIGATE NEGATIVE IMPACTS. NEITHER THE
24 DEPARTMENT NOR THE STAKEHOLDER GROUP SHALL OBTAIN OR EXAMINE
25 ANY PERSONAL OR PRIVATE INFORMATION CONCERNING USERS OF RIDE
26 SHARING SERVICES AS PART OF THE EXAMINATION. THE EXAMINATION
27 SHALL INCLUDE, AT A MINIMUM:

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(I) QUANTIFICATION OF THE AMOUNT OF == CARBON EMISSIONS THAT CAN BE ELIMINATED THROUGH DIFFERENT MEANS OF INCENTIVIZING AND SUPPORTING THE USE OF ZERO-EMISSIONS VEHICLES AS MOTOR VEHICLES USED FOR COMMERCIAL PURPOSES;

(II) EXAMINATION OF THE EFFECTS OF DIFFERENT MEANS OF INCENTIVIZING MULTIPLE OCCUPANT TRIPS IN MOTOR VEHICLES USED FOR COMMERCIAL PURPOSES;

(III) IDENTIFICATION OF THE ADDITIONAL OR IMPROVED TRANSPORTATION INFRASTRUCTURE, INCLUDING MULTIMODAL INFRASTRUCTURE AND INFRASTRUCTURE NEEDED TO SUPPORT THE ADOPTION AND USE OF ZERO-EMISSIONS VEHICLES, THAT IS REQUIRED TO ACCOMMODATE THE IMPACTS ON TRANSPORTATION INFRASTRUCTURE RESULTING FROM == UTILIZATION OF MOTOR VEHICLES USED FOR COMMERCIAL PURPOSES;

(IV) EXAMINATION OF REPEALING THE REQUIREMENT OF SECTION 40-10.1-605 (1)(d)(IV) THAT A TRANSPORTATION NETWORK COMPANY, AS DEFINED IN SECTION 40-10.1-602 (3), POSSESS PROOF THAT A TRANSPORTATION NETWORK COMPANY DRIVER, AS DEFINED IN SECTION 40-10.1-602 (4) IS MEDICALLY FIT TO DRIVE; AND

(V) ASSESSMENT OF THE COSTS OF IMPLEMENTING IDENTIFIED POTENTIAL MEANS OF ADDRESSING THE IMPACTS; AND

(b) PRESENT TO THE DEPARTMENT NO LATER THAN NOVEMBER 1, 2019, A REPORT OF POLICY RECOMMENDATIONS REGARDING THE IMPACTS EXAMINED AS REQUIRED BY SUBSECTION (5)(a) OF THIS SECTION AND MEANS OF ADDRESSING THOSE IMPACTS WITH FUNDING FROM THE IMPOSITION OF FEES ON THE USE OF MOTOR VEHICLES USED FOR

1 COMMERCIAL PURPOSES. THE REPORT MUST, AT A MINIMUM:

2 (I) IDENTIFY POTENTIAL FEES TO:

3 (A) GENERATE SUFFICIENT REVENUE FOR THE STATE AND LOCAL
4 GOVERNMENTS TO MITIGATE THE IMPACTS TO THE TRANSPORTATION
5 SYSTEM RESULTING FROM THE INCREASING USE OF MOTOR VEHICLES
6 USED FOR COMMERCIAL PURPOSES, FUND NEEDED TRANSPORTATION
7 INFRASTRUCTURE, INCLUDING MULTIMODAL INFRASTRUCTURE AND THE
8 INFRASTRUCTURE NEEDED TO SUPPORT THE ADOPTION OF ZERO-EMISSIONS
9 VEHICLES, AND DEFRAID THE ADMINISTRATIVE COSTS OF FEE COLLECTION;

10 (B) INCENTIVIZE THE ADOPTION OF ZERO-EMISSIONS VEHICLES FOR
11 UTILIZATION AS MOTOR VEHICLES USED FOR COMMERCIAL PURPOSES; AND

12 (C) INCENTIVIZE MULTIPLE PASSENGER RIDE SHARING FOR MOTOR
13 VEHICLES USED FOR COMMERCIAL PURPOSES AND THE USE OF SUCH
14 VEHICLES AS A FIRST AND LAST MILE SOLUTION FOR PUBLIC TRANSIT
15 USERS;

16 (II) SUBJECT TO THE REQUIREMENT THAT FEES BE IMPOSED ONLY
17 ON BUSINESS ENTITIES AND NOT UPON INDIVIDUALS USING MOTOR
18 VEHICLES THAT ARE OWNED PRIMARILY AS PERSONAL VEHICLES BUT ARE
19 ALSO USED FOR COMMERCIAL PURPOSES, PROVIDE RECOMMENDATIONS AS
20 TO WHETHER FEES SHOULD BE IMPOSED ON SUCH MOTOR VEHICLES USED
21 FOR COMMERCIAL PURPOSES.

22 (III) PROVIDE RECOMMENDATIONS REGARDING THE MANNER IN
23 WHICH FEES SHOULD BE CALCULATED AND IMPOSED, INCLUDING BUT NOT
24 LIMITED TO ANALYSIS OF WHETHER FEES SHOULD BE:

25 (A) FLAT OR VARIABLE;

26 (B) CALCULATED AND IMPOSED ON A PER TRIP BASIS, A MILEAGE
27 BASIS, OR A COMBINATION OF SUCH BASES, OR IN SOME OTHER MANNER;

1 (C) IMPOSED AT DIFFERENT RATES ON DIFFERENT CLASSES OF
2 MOTOR VEHICLES;

3 (D) IMPOSED AT DIFFERENT RATES IN DIFFERENT LOCATIONS, AT
4 DIFFERENT TIMES OF DAY, OR BASED ON REAL-TIME ANALYSIS OF TRAFFIC
5 CONGESTION;

6 (E) WAIVED OR REDUCED FOR TRIPS FOR WHICH A MOTOR VEHICLE
7 USED FOR COMMERCIAL PURPOSES IS USED AS A FIRST AND LAST MILE
8 SOLUTION FOR USERS OF PUBLIC TRANSIT; OR

9 (F) CAPPED AT ONE OR MORE SPECIFIED MAXIMUM AMOUNTS; AND

10 (IV) PROVIDE RECOMMENDATIONS REGARDING THE RATE OR
11 RATES AT WHICH OR THE RANGE OR RANGES OF RATES WITHIN WHICH FEES
12 SHOULD BE IMPOSED.

13 (6) THE DEPARTMENT SHALL REPORT ON THE PROGRESS AND
14 POLICY RECOMMENDATIONS OF THE STAKEHOLDER GROUP, THE
15 PRELIMINARY PLANS AND RECOMMENDATIONS OF THE DEPARTMENT
16 REGARDING THE DEVELOPMENT AND PROMULGATION OF RULES AS
17 REQUIRED BY SUBSECTION (7)(a) OF THIS SECTION, AND ANY
18 RECOMMENDATIONS THAT THE DEPARTMENT HAS REGARDING THE NEED
19 FOR RELATED LEGISLATION DURING ITS 2019 ANNUAL PRESENTATION TO
20 LEGISLATIVE OVERSIGHT COMMITTEES REQUIRED BY SECTION 2-7-203
21 (2)(a). IN PREPARATION FOR THE PRESENTATION, THE DEPARTMENT SHALL
22 GIVE STRONG CONSIDERATION TO THE POLICY RECOMMENDATIONS REPORT
23 PROVIDED BY THE STAKEHOLDER GROUP AS REQUIRED BY SUBSECTION
24 (5)(b) OF THIS SECTION.

25 (7) (a) NO LATER THAN OCTOBER 1, 2020, WITHIN ANY STATUTORY
26 PARAMETERS ESTABLISHED BY THE GENERAL ASSEMBLY THROUGH
27 LEGISLATION ENACTED DURING THE 2020 LEGISLATIVE SESSION, AND

1 CONTINUING TO GIVE STRONG CONSIDERATION TO THE POLICY
2 RECOMMENDATIONS REPORT PROVIDED BY THE STAKEHOLDER GROUP AS
3 REQUIRED BY SUBSECTION (5)(b) OF THIS SECTION, THE DEPARTMENT
4 SHALL PROMULGATE RULES TO THE EXTENT NECESSARY TO EFFECTIVELY
5 IMPLEMENT THIS SECTION. IF THE GENERAL ASSEMBLY DOES NOT IMPOSE
6 FEES ON MOTOR VEHICLES USED FOR COMMERCIAL PURPOSES THROUGH
7 LEGISLATION ENACTED DURING THE 2020 LEGISLATIVE SESSION AND
8 INSTEAD ENACTS LEGISLATION THAT AUTHORIZES THE DEPARTMENT OR
9 ANY ENTERPRISE OF THE DEPARTMENT TO IMPOSE SUCH FEES, THE RULES
10 MAY IMPOSE FEES TO THE EXTENT AUTHORIZED BY THE LEGISLATION.

11 (b) DURING THE 2020 LEGISLATIVE INTERIM, THE DEPARTMENT
12 SHALL PRESENT A FINAL WRITTEN REPORT REGARDING THE STAKEHOLDER
13 GROUP AND RULE-MAKING PROCESSES AND ANY RULES PROMULGATED
14 PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION TO THE
15 TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION
16 43-2-145.

17 (8) NOTHING IN THIS SECTION SHALL SUPPLANT THE ACTIVITIES OR
18 WORK BEING CONDUCTED BY THE FREIGHT ADVISORY COUNCIL.

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