

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0615.01 Jery Payne x2157

HOUSE BILL 23-1233

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HOUSE SPONSORSHIP

Mauro and Valdez, Brown, Woodrow

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House Committees  
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A BILL FOR AN ACT

101 CONCERNING ENERGY EFFICIENCY, AND, IN CONNECTION THEREWITH,  
102 REQUIRING THE STATE ELECTRICAL BOARD TO ADOPT RULES  
103 FACILITATING ELECTRIC VEHICLE CHARGING AT MULTIFAMILY  
104 BUILDINGS, LIMITING THE ABILITY OF THE STATE ELECTRICAL  
105 BOARD TO PROHIBIT THE INSTALLATION OF ELECTRIC VEHICLE  
106 CHARGING STATIONS, FORBIDDING PRIVATE PROHIBITIONS ON  
107 ELECTRIC VEHICLE CHARGING AND PARKING, REQUIRING LOCAL  
108 GOVERNMENTS TO COUNT CERTAIN SPACES SERVED BY AN  
109 ELECTRIC VEHICLE CHARGING STATION FOR MINIMUM PARKING  
110 REQUIREMENTS, FORBIDDING LOCAL GOVERNMENTS FROM  
111 PROHIBITING THE INSTALLATION OF ELECTRIC VEHICLE  
112 CHARGING STATIONS, EXEMPTING ELECTRIC VEHICLE  
113 CHARGERS FROM BUSINESS PERSONAL PROPERTY TAX, AND

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.*

### 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>.)*

**Section 2** of the bill requires the state electrical board (board) to adopt rules requiring compliance, starting January 1, 2024, with the provisions of the model electric ready and solar ready code that require multifamily buildings to be electric vehicle (EV) capable and EV ready and to have EV supply equipment installed. The board is precluded from adopting rules that prohibit the installation or use of EV charging stations unless the rules address a bona fide safety concern.

Current law prohibits a landlord from unreasonably prohibiting the installation of EV charging equipment in the leased premises. This prohibition applies only to residential rental property. **Section 3** broadens this prohibition to apply to an assigned or a deeded parking space for the leased premises, to parking spaces accessible to both the tenant and other tenants, and to commercial rental property. **Section 3** also requires a landlord to allow an EV or a plug-in hybrid vehicle to park on the premises.

Current law prohibits, when a person owns a unit in a common interest community, such as a condominium, the association that manages the community (association) from unreasonably prohibiting the installation of EV charging equipment in the unit. **Section 4** broadens this prohibition to apply to assigned or deeded parking spaces for the unit or parking spaces accessible to both the unit owner and other unit owners. **Section 4** also requires a common interest community to allow an EV or a plug-in hybrid vehicle to park at the premises.

Current law grants a local government the ability to regulate parking, and this regulation includes requiring that buildings meet minimum parking standards. **Sections 5, 6, and 7** require the local government, when counting minimum parking spaces, to count:

- Any parking space that is served by an EV charging station as at least one standard automobile parking space; and
- Any van-accessible parking space that is wheelchair accessible and served by an EV charging station as at least 2 standard automobile parking spaces.

**Sections 8 and 9** prohibit local governments from adopting an

ordinance or a resolution that prohibits the installation or use of EV charging stations unless the ordinance or resolution addresses a bona fide safety concern.

**Section 10** exempts, until 2030, EV charging systems from the levy and collection of property tax.

Federal law prohibits the construction of automotive service stations or other commercial establishments for serving motor vehicle users along interstate highway rights-of-way, including rest areas. Due to this prohibition, the state cannot construct EV charging systems along interstate highway rights-of-way, including rest areas, in the state.

**Section 11** specifies that, when the federal law no longer prohibits the construction of EV charging systems along interstate highway rights-of-way, the department of transportation may collaborate with public or private entities to develop projects for the construction of EV charging systems along interstate highway rights-of-way.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Sales of electric vehicles currently account for more than 10%  
5 of all new vehicle sales in Colorado, and this market share is projected to  
6 increase to more than 80% by 2032;

7 (b) Multifamily housing that is constructed today will need to  
8 accommodate much higher levels of electric vehicles within the lifetime  
9 of these buildings;

10 (c) Availability of electric vehicle charging infrastructure is a  
11 critical component of electric vehicle adoption and use;

12 (d) Including sufficient electric vehicle charging infrastructure in  
13 places where people live is critical to the adoption and use of electric  
14 vehicles, and new multifamily housing is a top priority for developing this  
15 infrastructure; and

16 (e) It is far less expensive to build electric-vehicle-capable  
17 parking spaces at the time of initial construction than in retrofits.

1 Requiring new buildings to include electric vehicle charging  
2 infrastructure will enable faster and more equitable adoption of electric  
3 vehicles and avoid costly future retrofits for electric vehicle charging  
4 infrastructure.

5 (2) Therefore, it is important for the state of Colorado to:

6 (a) Adopt electric vehicle charging infrastructure requirements,  
7 including provisions for:

8 (I) Available electrical capacity;

9 (II) Space for future electrical infrastructure in new multifamily  
10 housing; and

11 (III) Major renovations to existing multifamily housing; and

12 (b) Consider cost-effective electric vehicle ready standards and  
13 installed electric vehicle charging standards.

14 **SECTION 2.** In Colorado Revised Statutes, 12-115-107, **add** (3)  
15 and (4) as follows:

16 **12-115-107. Board powers and duties - rules - definitions.**

17 (3) (a) NO LATER THAN SEPTEMBER 1, 2023, THE BOARD SHALL  
18 PROMULGATE RULES REQUIRING THAT, TO OBTAIN AN ELECTRICAL PERMIT  
19 UNDER THIS ARTICLE 115 ON OR AFTER JANUARY 1, 2024, A PERMIT  
20 APPLICANT MUST COMPLY WITH THE PROVISIONS OF THE MODEL ELECTRIC  
21 READY AND SOLAR READY CODE THAT REQUIRE MULTIFAMILY BUILDINGS  
22 TO BE EV CAPABLE AND EV READY AND TO HAVE EV SUPPLY EQUIPMENT  
23 INSTALLED.

24 (b) THE RULES ADOPTED IN ACCORDANCE WITH THIS SUBSECTION  
25 (3) PREVAIL OVER A BUILDING OR ZONING CODE ADOPTED BY A LOCAL  
26 GOVERNMENT IF THE RULES CONFLICT WITH THE BUILDING OR ZONING  
27 CODE AND THE CONFLICT WOULD PREVENT THE PROJECT FROM

1 OCCURRING.

2 (c) (I) THIS SUBSECTION (3) APPLIES TO ELECTRICAL PERMITS FOR  
3 NEW CONSTRUCTION OF OR FOR MAJOR RENOVATIONS OF MULTIFAMILY  
4 BUILDINGS THAT THE MODEL ELECTRIC READY AND SOLAR READY CODE  
5 REQUIRES TO BE EV CAPABLE OR EV READY OR TO HAVE EV SUPPLY  
6 EQUIPMENT INSTALLED.

7 (II) THE BOARD AND THE DEPARTMENT SHALL NOT ENFORCE THE  
8 RULES PROMULGATED UNDER SUBSECTION (3)(a) OF THIS SECTION BEFORE  
9 JANUARY 1, 2024.

10 (d) AS USED IN THIS SUBSECTION (3) AND IN SUBSECTION (4) OF  
11 THIS SECTION:

12 (I) "ELECTRIC VEHICLE CHARGING SYSTEM" HAS THE MEANING SET  
13 FORTH IN SECTION 38-12-601 (6)(a).

14 (II) "EV CAPABLE" HAS THE MEANING SET FORTH IN SECTION  
15 24-38.5-401 (1)(d).

16 (III) "EV READY" HAS THE MEANING SET FORTH IN SECTION  
17 24-38.5-401 (1)(e).

18 (IV) "EV SUPPLY EQUIPMENT" HAS THE MEANING SET FORTH IN  
19 SECTION 24-38.5-401 (1)(f).

20 (V) "MODEL ELECTRIC READY AND SOLAR READY CODE" MEANS  
21 THE CODE DEVELOPED BY THE ENERGY CODE BOARD UNDER SECTION  
22 24-38.5-401 (5)(a) TO MAKE BUILDINGS ELECTRIC READY AS SPECIFIED IN  
23 SECTION 24-38.5-401 (5)(b).

24 (4) (a) NOTWITHSTANDING ANY AUTHORITY GRANTED TO THE  
25 BOARD BY THIS SECTION, THE BOARD SHALL NOT PROMULGATE RULES  
26 PROHIBITING THE INSTALLATION OF ELECTRIC VEHICLE CHARGING  
27 SYSTEMS UNLESS THE RULES ARE NARROWLY DRAFTED TO ADDRESS A

1 BONA FIDE SAFETY CONCERN.

2 (b) ANY RULE PROMULGATED BY THE BOARD THAT PROHIBITS THE  
3 INSTALLATION OF ELECTRIC VEHICLE CHARGING SYSTEMS IS SUBJECT TO  
4 JUDICIAL REVIEW AS AUTHORIZED IN ARTICLE 4 OF TITLE 24.

5 **SECTION 3.** In Colorado Revised Statutes, 38-12-601, **amend**  
6 (1)(a) and (7); and **add** (1)(c) as follows:

7 **38-12-601. Unreasonable restrictions on electric vehicle**  
8 **charging systems and electrical vehicle parking - definitions.**

9 (1) Notwithstanding any provision in the lease to the contrary, and  
10 subject to subsection (2) of this section:

11 (a) A tenant may install, at the tenant's expense for the tenant's  
12 own use, a level 1 or level 2 electric vehicle charging system on or in:

13 (I) The leased premises; **and**

14 (II) AN ASSIGNED OR DEEDED PARKING SPACE THAT IS PART OF OR  
15 ASSIGNED TO THE LEASED PREMISES; OR

16 (III) A PARKING SPACE THAT IS ACCESSIBLE TO BOTH THE TENANT  
17 AND OTHER TENANTS;

18 (c) A LANDLORD SHALL NOT RESTRICT PARKING BASED ON A  
19 VEHICLE BEING A PLUG-IN HYBRID VEHICLE OR PLUG-IN ELECTRIC VEHICLE.

20 (7) This section applies ~~only~~ to residential rental properties AND  
21 COMMERCIAL RENTAL PROPERTIES.

22 **SECTION 4.** In Colorado Revised Statutes, 38-33.3-106.8,  
23 **amend** (1)(d), (2)(a), and (4) introductory portion; and **add** (2)(c) as  
24 follows:

25 **38-33.3-106.8. Unreasonable restrictions on electric vehicle**  
26 **charging systems and electrical vehicle parking - legislative**  
27 **declaration - definitions.** (1) The general assembly finds, determines,

1 and declares that:

2 (d) The general assembly encourages common interest  
3 communities not only to allow electric vehicle charging stations AND THE  
4 PARKING OF ELECTRIC VEHICLES in accordance with this section, but also  
5 to apply for grants from the electric vehicle grant fund created in section  
6 24-38.5-103 ~~C.R.S.~~, or otherwise fund the installation of charging stations  
7 on common property as an amenity for residents and guests.

8 (2) Notwithstanding any provision in the declaration, bylaws, or  
9 rules and regulations of the association to the contrary, and except as  
10 provided in subsection (3) or (3.5) of this section, an association shall not:

11 (a) Prohibit a unit owner from using, or installing at the unit  
12 owner's expense for the unit owner's own use, a level 1 or level 2 electric  
13 vehicle charging system on or in:

14 (I) A unit; ~~or~~

15 (II) AN ASSIGNED OR DEEDED PARKING SPACE THAT IS PART OF OR  
16 ASSIGNED TO A UNIT; OR

17 (III) A PARKING SPACE THAT IS ACCESSIBLE TO BOTH THE UNIT  
18 OWNER AND OTHER UNIT OWNERS;

19 (c) RESTRICT PARKING BASED ON A VEHICLE BEING A PLUG-IN  
20 HYBRID VEHICLE OR PLUG-IN ELECTRIC VEHICLE.

21 (4) An association shall consent to a unit owner's placement AND  
22 USE of an electric vehicle charging system on a limited common element  
23 parking space, carport, or garage owned by the unit owner or otherwise  
24 assigned to the owner in the declaration or other recorded document if:

25 **SECTION 5.** In Colorado Revised Statutes, 30-15-401, **amend**  
26 (1)(h) as follows:

27 **30-15-401. General regulations - definitions.** (1) In addition to

1 those powers granted by sections 30-11-101 and 30-11-107 and by parts  
2 1, 2, and 3 of this article 15, the board of county commissioners may  
3 adopt ordinances for control or licensing of those matters of purely local  
4 concern that are described in the following enumerated powers:

5 (h) (I) To control and regulate the movement and parking of  
6 vehicles and motor vehicles on public property; except that:

7 (A) Misdemeanor traffic offenses and the posted speed limit on  
8 any state highway located within the county ~~shall be deemed a matter~~ ARE  
9 MATTERS of statewide interest;

10 (B) FOR THE PURPOSES OF ANY MINIMUM PARKING REQUIREMENT  
11 A BOARD OF COUNTY COMMISSIONERS IMPOSES, THE BOARD OF COUNTY  
12 COMMISSIONERS IS SUBJECT TO SECTION 30-28-140; AND

13 (C) FOR THE PURPOSE OF REGULATING THE INSTALLATION OF  
14 ELECTRIC VEHICLE CHARGING STATIONS, THE BOARD OF COUNTY  
15 COMMISSIONERS IS SUBJECT TO SECTION 30-28-212.

16 (II) The county may establish fire lanes and emergency vehicle  
17 access on public or private property zoned commercial or residential and  
18 provide for fines and punishment of violators.

19 **SECTION 6.** In Colorado Revised Statutes, **add** 30-28-140 as  
20 follows:

21 **30-28-140. Parking and electric vehicle charging stations -**  
22 **legislative declaration.** (1) (a) THE GENERAL ASSEMBLY FINDS THAT:

23 (I) MOTOR VEHICLE POLLUTION DOES NOT STAY WITHIN THE  
24 GEOGRAPHIC BOUNDARIES OF THE LOCAL GOVERNMENT WHERE IT IS  
25 EMITTED;

26 (II) ACCORDING TO THE UNITED STATES DEPARTMENT OF ENERGY,  
27 AN ELECTRIC VEHICLE PRODUCES AN AVERAGE OF LESS THAN ONE-FOURTH



1 OF THE EMISSIONS OVER ITS LIFETIME THAN THE AVERAGE EMISSIONS OF  
2 A MOTOR VEHICLE POWERED BY AN INTERNAL COMBUSTION ENGINE;

3 (III) PEOPLE MAY FORGO PURCHASING OR DRIVING AN ELECTRIC  
4 VEHICLE BECAUSE THEY ARE CONCERNED ABOUT THE AVAILABILITY OF  
5 CHARGING STATIONS;

6 (IV) LOCAL GOVERNMENT PROVISIONS THAT SET MINIMUM  
7 REQUIREMENTS FOR PARKING MAY CREATE A DISINCENTIVE TO INSTALL  
8 CHARGING STATIONS IF A PARKING SPACE SERVED BY A CHARGING STATION  
9 IS NOT COUNTED TOWARD MEETING THE MINIMUM PARKING REQUIREMENT;  
10 AND

11 (V) FEWER CHARGING STATIONS ACT AS A DISINCENTIVE TO  
12 PURCHASE OR DRIVE AN ELECTRIC VEHICLE.

13 (b) THE GENERAL ASSEMBLY DECLARES THAT MINIMUM PARKING  
14 REQUIREMENTS, TO THE DEGREE THAT THEY LOWER THE NUMBER OF  
15 CHARGING STATIONS AVAILABLE TO ELECTRIC VEHICLE DRIVERS,  
16 DECREASE ELECTRIC VEHICLE USE, WHICH CAUSES MORE POLLUTANTS TO  
17 BE EMITTED INTO THE ENVIRONMENT AND LOWERS THE AIR QUALITY OF  
18 OTHER LOCAL GOVERNMENT JURISDICTIONS AND COLORADO AS A WHOLE.  
19 THEREFORE, MINIMUM PARKING REQUIREMENTS ARE A MATTER OF MIXED  
20 LOCAL AND STATEWIDE CONCERN TO THE DEGREE THAT THEY LOWER THE  
21 NUMBER OF CHARGING STATIONS AVAILABLE TO ELECTRIC VEHICLE  
22 DRIVERS.

23 (2) FOR THE PURPOSES OF ANY MINIMUM PARKING REQUIREMENT  
24 IMPOSED BY A BOARD OF COUNTY COMMISSIONERS:

25 (a) ANY PARKING SPACE SERVED BY AN ELECTRIC VEHICLE  
26 CHARGING STATION OR ANY PARKING SPACE USED TO SITE ELECTRIC  
27 VEHICLE CHARGING EQUIPMENT MUST BE COUNTED AS AT LEAST ONE

1 STANDARD AUTOMOBILE PARKING SPACE; AND

2 (b) ANY VAN-ACCESSIBLE PARKING SPACE THAT IS DESIGNED TO  
3 ACCOMMODATE A PERSON IN A WHEELCHAIR, IS SERVED BY AN ELECTRIC  
4 VEHICLE CHARGING STATION, AND IS NOT DESIGNATED AS PARKING  
5 RESERVED FOR A PERSON WITH A DISABILITY UNDER SECTION 42-4-1208  
6 MUST BE COUNTED AS AT LEAST TWO STANDARD AUTOMOBILE PARKING  
7 SPACES.

8 **SECTION 7.** In Colorado Revised Statutes, **add** 31-23-315 as  
9 follows:

10 **31-23-315. Parking and electric vehicle charging stations -**  
11 **legislative declaration - conflict of law.** (1) (a) THE GENERAL ASSEMBLY  
12 FINDS THAT:

13 (I) MOTOR VEHICLE POLLUTION DOES NOT STAY WITHIN THE  
14 GEOGRAPHIC BOUNDARIES OF THE LOCAL GOVERNMENT WHERE IT IS  
15 EMITTED;

16 (II) ACCORDING TO THE UNITED STATES DEPARTMENT OF ENERGY,  
17 AN ELECTRIC VEHICLE PRODUCES AN AVERAGE OF LESS THAN ONE-FOURTH  
18 OF THE EMISSIONS OVER ITS LIFETIME THAN THE AVERAGE EMISSIONS OF  
19 A MOTOR VEHICLE POWERED BY AN INTERNAL COMBUSTION ENGINE;

20 (III) PEOPLE MAY FORGO PURCHASING OR DRIVING AN ELECTRIC  
21 VEHICLE BECAUSE THEY ARE CONCERNED ABOUT THE AVAILABILITY OF  
22 CHARGING STATIONS;

23 (IV) LOCAL GOVERNMENT PROVISIONS THAT SET MINIMUM  
24 REQUIREMENTS FOR PARKING MAY CREATE A DISINCENTIVE TO INSTALL  
25 CHARGING STATIONS IF A PARKING SPACE SERVED BY A CHARGING STATION  
26 IS NOT COUNTED TOWARD MEETING THE MINIMUM PARKING REQUIREMENT;  
27 AND

1 (V) FEWER CHARGING STATIONS ACT AS A DISINCENTIVE TO  
2 PURCHASE OR DRIVE AN ELECTRIC VEHICLE.

3 (b) THE GENERAL ASSEMBLY DECLARES THAT MINIMUM PARKING  
4 REQUIREMENTS, TO THE DEGREE THAT THEY LOWER THE NUMBER OF  
5 CHARGING STATIONS AVAILABLE TO ELECTRIC VEHICLE DRIVERS,  
6 DECREASE ELECTRIC VEHICLE USE, WHICH CAUSES MORE POLLUTANTS TO  
7 BE EMITTED INTO THE ENVIRONMENT AND LOWERS THE AIR QUALITY OF  
8 OTHER LOCAL GOVERNMENT JURISDICTIONS AND COLORADO AS A WHOLE.  
9 THEREFORE, MINIMUM PARKING REQUIREMENTS ARE A MATTER OF MIXED  
10 LOCAL AND STATEWIDE CONCERN TO THE DEGREE THAT THEY LOWER THE  
11 NUMBER OF CHARGING STATIONS AVAILABLE TO ELECTRIC VEHICLE  
12 DRIVERS.

13 (2) FOR THE PURPOSES OF ANY MINIMUM PARKING REQUIREMENT  
14 IMPOSED BY THE GOVERNING BODY OF A MUNICIPALITY:

15 (a) ANY PARKING SPACE SERVED BY AN ELECTRIC VEHICLE  
16 CHARGING STATION OR ANY PARKING SPACE USED TO SITE ELECTRIC  
17 VEHICLE CHARGING EQUIPMENT MUST BE COUNTED AS AT LEAST ONE  
18 STANDARD AUTOMOBILE PARKING SPACE; AND

19 (b) ANY VAN-ACCESSIBLE PARKING SPACE THAT IS DESIGNED TO  
20 ACCOMMODATE A PERSON IN A WHEELCHAIR, IS SERVED BY AN ELECTRIC  
21 VEHICLE CHARGING STATION, AND IS NOT DESIGNATED AS PARKING  
22 RESERVED FOR A PERSON WITH A DISABILITY UNDER SECTION 42-4-1208  
23 MUST BE COUNTED AS AT LEAST TWO STANDARD AUTOMOBILE PARKING  
24 SPACES.

25 (3) NOTWITHSTANDING SECTION 31-23-309, THIS SECTION  
26 CONTROLS IF THERE IS A CONFLICT BETWEEN THIS SECTION AND ANOTHER  
27 SECTION IN THIS PART 3 OR BETWEEN THIS SECTION AND A REGULATION

1 MADE UNDER AUTHORITY OF THIS PART 3.

2 **SECTION 8.** In Colorado Revised Statutes, **add** 30-28-212 as  
3 follows:

4 **30-28-212. Charging station rules prohibited.**

5 (1) NOTWITHSTANDING ANY AUTHORITY GRANTED TO A BOARD OF  
6 COUNTY COMMISSIONERS BY THIS PART 2, THE BOARD SHALL NOT ADOPT  
7 AN ORDINANCE OR A RESOLUTION PROHIBITING THE INSTALLATION OF OR  
8 UTILIZATION OF ELECTRIC VEHICLE CHARGING STATIONS UNLESS THE  
9 ORDINANCE OR RESOLUTION IS NARROWLY DRAFTED TO ADDRESS A BONA  
10 FIDE SAFETY CONCERN.

11 (2) A COUNTY OFFICIAL SHALL NOT PROHIBIT THE INSTALLATION  
12 OF OR UTILIZATION OF AN ELECTRIC VEHICLE CHARGING STATION UNLESS  
13 EXPRESSLY AUTHORIZED BY ORDINANCE OR RESOLUTION.

14 (3) ANY ORDINANCE OR RESOLUTION PROMULGATED BY THE  
15 BOARD OF COUNTY COMMISSIONERS THAT PROHIBITS THE INSTALLATION  
16 OF OR UTILIZATION OF ELECTRIC VEHICLE CHARGING STATIONS IS SUBJECT  
17 TO JUDICIAL REVIEW IN THE DISTRICT COURT WITH JURISDICTION OVER THE  
18 COUNTY.

19 **SECTION 9.** In Colorado Revised Statutes, **add** 31-15-603 as  
20 follows:

21 **31-15-603. Charging station rules prohibited.**

22 (1) NOTWITHSTANDING ANY AUTHORITY GRANTED TO THE GOVERNING  
23 BODY OF A MUNICIPALITY BY THIS PART 6, THE GOVERNING BODY OF THE  
24 MUNICIPALITY SHALL NOT ADOPT AN ORDINANCE OR RESOLUTION  
25 PROHIBITING THE INSTALLATION OF OR UTILIZATION OF ELECTRIC VEHICLE  
26 CHARGING STATIONS UNLESS THE ORDINANCE OR RESOLUTION IS  
27 NARROWLY DRAFTED TO ADDRESS A BONA FIDE SAFETY CONCERN.

1 (2) A MUNICIPAL OFFICIAL SHALL NOT PROHIBIT THE INSTALLATION  
2 OF OR UTILIZATION OF AN ELECTRIC VEHICLE CHARGING STATION UNLESS  
3 EXPRESSLY AUTHORIZED BY ORDINANCE OR RESOLUTION.

4 (3) ANY ORDINANCE OR RESOLUTION PROMULGATED BY THE  
5 GOVERNING BODY OF A MUNICIPALITY THAT PROHIBITS THE INSTALLATION  
6 OF OR UTILIZATION OF ELECTRIC VEHICLE CHARGING STATIONS IS SUBJECT  
7 TO JUDICIAL REVIEW IN A DISTRICT COURT WITH JURISDICTION OVER THE  
8 MUNICIPALITY.

9 **SECTION 10.** In Colorado Revised Statutes, **add** 39-3-138 as  
10 follows:

11 **39-3-138. EV supply equipment - exemption.** FOR PROPERTY  
12 TAX YEARS COMMENCING ON AND AFTER JANUARY 1, 2023, BUT BEFORE  
13 JANUARY 1, 2030, AN ELECTRIC VEHICLE CHARGING SYSTEM, AS DEFINED  
14 IN SECTION 38-12-601 (6)(a), IS EXEMPT FROM THE LEVY AND COLLECTION  
15 OF PROPERTY TAX.

16 **SECTION 11.** In Colorado Revised Statutes, 43-3-101, **amend**  
17 (3); and **add** (4) as follows:

18 **43-3-101. Freeways - how declared - commercial enterprises**  
19 **prohibited - definition.** (3) Except as provided in SUBSECTION (4) OF  
20 THIS SECTION, section 32-9-119.8, ~~C.R.S.~~, and part 15 of article 1 of this  
21 ~~title, no~~ TITLE 43, A commercial enterprise or activity for serving  
22 motorists, other than emergency services for disabled vehicles, shall NOT  
23 be conducted or authorized on any property designated as or acquired for  
24 or in connection with a freeway or highway by the department of  
25 transportation or any other governmental agency. At locations deemed  
26 appropriate by the transportation commission, the department of  
27 transportation shall construct local service roads, which open into or

1 connect with a freeway, in such manner as to facilitate the establishment  
2 and operation of competitive commercial enterprises for serving users of  
3 the freeway on private property abutting such local service roads.

4 (4) (a) IF THE REQUIREMENTS OF SUBSECTION (4)(b) OF THIS  
5 SECTION ARE SATISFIED, THE DEPARTMENT OF TRANSPORTATION MAY  
6 COLLABORATE WITH PUBLIC OR PRIVATE ENTITIES TO DEVELOP PROJECTS  
7 FOR THE CONSTRUCTION OF ELECTRIC VEHICLE CHARGING SYSTEMS ALONG  
8 INTERSTATE HIGHWAY RIGHTS-OF-WAY, INCLUDING REST AREAS, AS  
9 PRIORITIZED BY THE DEPARTMENT.

10 (b) THE PROVISIONS OF SUBSECTION (4)(a) OF THIS SECTION APPLY  
11 WHEN 23 U.S.C. SEC. 111, OR ITS SUCCESSOR STATUTE, IS MODIFIED, OR  
12 WHEN ANY OTHER FEDERAL LAW IS ENACTED, TO EXPAND THE ALLOWABLE  
13 COMMERCIAL SERVICES ALONG INTERSTATE HIGHWAY RIGHTS-OF-WAY,  
14 INCLUDING REST AREAS, AND THE MODIFIED OR NEWLY ENACTED LAW NO  
15 LONGER PROHIBITS THE CONSTRUCTION OF ELECTRIC VEHICLE CHARGING  
16 SYSTEMS ALONG INTERSTATE HIGHWAY RIGHTS-OF-WAY, INCLUDING REST  
17 AREAS.

18 (c) AS USED IN THIS SUBSECTION (4), "ELECTRIC VEHICLE  
19 CHARGING SYSTEM" HAS THE MEANING SET FORTH IN SECTION 38-12-601  
20 (6)(a).

21 **SECTION 12. Safety clause.** The general assembly hereby finds,  
22 determines, and declares that this act is necessary for the immediate  
23 preservation of the public peace, health, or safety.