

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

**ENGROSSED**

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

LLS NO. 23-0270.02 Pierce Lively x2059

**SENATE BILL 23-280**

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**SENATE SPONSORSHIP**

**Mullica,**

**HOUSE SPONSORSHIP**

**Snyder,**

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**Senate Committees**

Finance  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101     **C O N C E R N I N G     T H E     M I T I G A T I O N     O F     C E R T A I N**  
102             **T R A N S P O R T A T I O N - R E L A T E D E N V I R O N M E N T A L H A Z A R D S , A N D , I N**  
103             **C O N N E C T I O N T H E R E W I T H , C R E A T I N G T H E F U E L S I M P A C T**  
104             **E N T E R P R I S E T O A D M I N I S T E R P R O G R A M S A N D I M P O S E F E E S T H A T**  
105             **A R E R E L A T E D T O T H E T R A N S P O R T A T I O N O F F U E L W I T H I N T H E**  
106             **S T A T E , M O D I F Y I N G T H E C L E A N F L E E T E N T E R P R I S E S O T H A T I T**  
107             **A D M I N I S T E R S P R O G R A M S A N D I M P O S E S F E E S T H A T A R E**  
108             **D E S I G N E D T O R E D U C E E M I S S I O N S F R O M D I E S E L T R U C K S ,**  
109             **C R E A T I N G A T A X C R E D I T F O R T H E C O N V E R S I O N , L E A S E , O R**  
110             **P U R C H A S E O F C L E A N C O M M E R C I A L V E H I C L E S , M O D I F Y I N G T H E**  
111             **F E E C O L L E C T E D F O R T H E D I S T R I B U T I O N T O T H E**  
112             **P E R F L U O R O A L K Y L A N D P O L Y F L U O R O A L K Y L S U B S T A N C E S C A S H**  
113             **F U N D , M O D I F Y I N G T H E P E T R O L E U M S T O R A G E T A N K F U N D ,**

*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.*

SENATE  
Amended 2nd Reading  
April 24, 2023

101 ALLOWING THE COLORADO STATE PATROL TO CONFORM  
102 HAZARD MATERIALS ROUTING REGULATIONS TO  
103 TRANSPORTATION COMMISSION RULES, PHASING OUT THE USE  
104 OF CERTAIN DIESEL TRUCKS ON STATE PROJECTS, AND MAKING  
105 AN APPROPRIATION.

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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>.)*

The bill creates the fuels impact enterprise. The enterprise imposes a new fuels impact reduction fee on fuel product manufacturers to fund the fuels impact reduction grant program that the fuels impact enterprise administers. The fuels impact reduction fee is equal to \$.06125 per gallon of fuel products delivered during the previous calendar month for sale or use in Colorado. The fee is collected and deposited in the fuels impact enterprise hazardous materials infrastructure cash fund until the fund has an available balance of \$15 million or more.

Under the fuels impact reduction grant program, the fuels impact enterprise provides grants to certain critically impacted communities, governments, and transportation corridors for the improvement of hazardous mitigation corridors and to support key commercial freight corridors, local and state government projects related to emergency responses, environmental mitigation, or projects related to the transportation of fuel within the state.

The bill also amends the clean fleet enterprise so that the clean fleet enterprise imposes, between January 1, 2024, and December 31, 2032, a heavy-duty diesel vehicle registration fee of \$10 for heavy-duty diesel vehicles that are model year 2014 through 2016, \$20 for heavy-duty diesel vehicles that are model year 2010 through 2013, and \$50 for heavy-duty diesel vehicles that are model year 2009 or older.

Under the diesel truck emissions reduction grant program, the clean fleet enterprise, along with the division of administration in the department of public health and environment (division), awards grant money to certain private and public entities to decommission diesel trucks and replace them with newer model trucks through. The clean fleet enterprise and the division are required to determine eligibility for the grant money and the eligible fuel types for qualifying as a replacement vehicle under the grant program.

The bill also replaces a tax credit for a qualified investment in a commercial truck, truck tractor, or semitrailer that is used solely and exclusively in an enterprise zone with a tax credit for the conversion, lease, or purchase of a bi-fuel renewable fuel truck, electric, hybrid, low nitrogen oxides, plug-in hybrid electric, or renewable fuel truck that is predominantly housed and based at a taxpayer's business facility within an enterprise zone for the 12-month period following its purchase and is not used for personal use. The new credit:

- Is available between tax years 2023 and 2029;
- May be assigned to the financial entity that finances the lease or purchase of the truck;
- May not be carried forward, but may be refunded; and
- Is available in an amount that depends on the type of truck the taxpayer converts, leases, or purchases and when that conversion, lease, or purchase occurs.

Beginning October 1, 2023, the bill modifies the fee that is currently collected for distribution to the perfluoroalkyl and polyfluoroalkyl substances cash fund by extending the collection of the fee to 2036 and by changing the distribution of the fee revenue. Under the new distribution, the state treasurer shall credit:

- An amount equal to the cost of administering the fee to the department of revenue;
- \$2 million of the fee revenue to the department of public safety to support the regulation of hazardous materials on highways in the state as well as the enforcement of commercial and hazardous materials critical corridors determined by the chief of the Colorado state patrol;
- 70% of the amount remaining to the perfluoroalkyl and polyfluoroalkyl substances cash fund; and
- 30% of the amount remaining to the department of transportation to support functions related to the transportation of hazardous materials and the safe and efficient movement of freight as well as to support infrastructure projects that enhance the safety of movement of freight and hazardous materials.

The bill also increases the amount of fee revenue that can be held annually in the perfluoroalkyl and polyfluoroalkyl substances cash fund from \$8 million to \$9 million.

Additionally, the bill:

- Extends authorization for the division of oil and public safety to use the petroleum storage tank fund for costs related to petroleum storage tank facility inspections and meter calibrations from September 1, 2023, to September 1, 2033;
- Delays the effective date of the \$8 million cap on the

petroleum storage tank fund from September 1, 2023, to September 1, 2033;

- Allows the director of the division of oil and public safety, in consultation with the petroleum storage tank committee, to establish rules that allow an operator of petroleum storage tanks to apply to the petroleum storage tank fund for reimbursement even if the total remediation expenses do not exceed \$10,000;
- Allows the director of the division of oil and public safety to annually transfer up to \$500,000 from the petroleum storage tank fund to the petroleum cleanup and redevelopment fund;
- Allows the Colorado state patrol to conform hazardous materials routing regulations to transportation commission rules; and
- Phases out the use of certain diesel trucks on state projects.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-20.5-103, **amend**  
3 (3) introductory portion, (3)(f)(II), (9)(a)(III), and (9)(a)(IV); and **add**  
4 (3.7) and (9)(a)(V) as follows:

5 **8-20.5-103. Petroleum storage tank fund - petroleum cleanup**  
6 **and redevelopment fund - creation - rules - repeal.** (3) The moneys  
7 MONEY in the petroleum storage tank fund ~~are~~ IS continuously  
8 appropriated to the division of oil and public safety; except that moneys  
9 THE EXPENDITURE OF MONEY for the purposes specified in paragraphs ~~(b)~~;  
10 ~~(f), and (g) of this subsection (3) are~~ SUBSECTIONS (3)(b), (3)(f), AND  
11 (3)(g) OF THIS SECTION IS subject to annual appropriation by the general  
12 assembly. The fund shall be used for:

13 (f) (II) This ~~paragraph (f)~~ SUBSECTION (3)(f) is repealed, effective  
14 ~~September 1, 2023~~ SEPTEMBER 1, 2033.

15 (3.7) THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY  
16 MAY ANNUALLY TRANSFER UP TO FIVE HUNDRED THOUSAND DOLLARS

1 ANNUALLY FROM THE PETROLEUM STORAGE TANK FUND TO THE  
2 PETROLEUM CLEANUP AND REDEVELOPMENT FUND.

3 (9) (a) There is hereby created in the state treasury the petroleum  
4 cleanup and redevelopment fund, which is referred to in this subsection  
5 (9) as the redevelopment fund. The redevelopment fund's sources of  
6 revenue are:

7 (III) Any legislative appropriations made to the redevelopment  
8 fund; ~~and~~

9 (IV) Earned interest, which the state treasurer shall deposit in the  
10 redevelopment fund; AND

11 (V) MONEY TRANSFERRED FROM THE PETROLEUM STORAGE TANK  
12 FUND PURSUANT TO SUBSECTION (3.7) OF THIS SECTION.

13 **SECTION 2.** In Colorado Revised Statutes, 8-20.5-206, **add**  
14 (1)(f) as follows:

15 **8-20.5-206. Financial responsibility for petroleum**  
16 **underground storage tanks.** (1) (f) THE DIRECTOR OF THE DIVISION OF  
17 OIL AND PUBLIC SAFETY, IN CONSULTATION WITH THE PETROLEUM  
18 STORAGE TANK COMMITTEE ESTABLISHED PURSUANT TO SECTION  
19 8-20.5-104, MAY ESTABLISH RULES THAT ALLOW THE PAYMENT REQUIRED  
20 BY SUBSECTION (1)(b)(I) OF THIS SECTION TO BE BASED ON A PERCENTAGE  
21 THAT IS LESS THAN ONE HUNDRED PERCENT OF THE REMEDIATION  
22 AMOUNT.

23 **SECTION 3.** In Colorado Revised Statutes, 8-20-206.5, **amend**  
24 (1)(c), (6)(a) introductory portion, (6)(b), (6)(d) introductory portion,  
25 (6)(e), and (6)(f); and **add** (6)(d.5) and (8) as follows:

26 **8-20-206.5. Environmental response surcharge - liquefied**  
27 **petroleum gas and natural gas inspection fund - perfluoroalkyl and**

1 **polyfluoroalkyl substances cash fund - hazardous materials**  
2 **infrastructure cash fund - fuels impact reduction grant program -**  
3 **definitions.** (1) (c) Notwithstanding ~~paragraph (b) of this subsection (1)~~  
4 SUBSECTION (1)(b) OF THIS SECTION, on and after ~~September 1, 2023,~~  
5 SEPTEMBER 1, 2033, if the available fund balance in the petroleum storage  
6 tank fund is greater than eight million dollars, no surcharge shall be  
7 imposed, but if the available fund balance in the fund is less than eight  
8 million dollars, the fee imposed by ~~paragraph (a) of this subsection (1)~~  
9 SUBSECTION (1)(a) OF THIS SECTION is twenty-five dollars per tank  
10 truckload.

11 (6) (a) In addition to the ~~payment~~ PAYMENTS collected ~~under~~  
12 ~~subsection~~ PURSUANT TO SUBSECTIONS (1)(a) AND (8)(a) of this section,  
13 the executive director of the department of revenue shall also collect a fee  
14 to:

15 (b) On and after September 1, 2020, but before ~~September 1, 2026~~  
16 SEPTEMBER 1, 2031, every manufacturer of fuel products who  
17 manufactures such products for sale within Colorado or who ships such  
18 products from any point outside of Colorado to a distributor within  
19 Colorado and every distributor who ships such products from any point  
20 outside of Colorado to a point within Colorado shall pay to the executive  
21 director of the department of revenue, each calendar month, twenty-five  
22 dollars per tank truckload of fuel products delivered during the previous  
23 calendar month for sale or use in Colorado. This section does not apply  
24 to fuel that is used in aviation or to odorized liquefied petroleum gas and  
25 natural gas.

26 (d) On and after October 1, 2021, but before ~~October 1, 2026~~  
27 OCTOBER 1, 2023, the executive director of the department of revenue

1 shall transmit any fee collected in accordance with this subsection (6) to  
2 the state treasurer, who shall credit:

3 (d.5) ON AND AFTER OCTOBER 1, 2023, BUT BEFORE OCTOBER 1,  
4 2031, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL  
5 TRANSMIT ANY FEE COLLECTED IN ACCORDANCE WITH THIS SUBSECTION  
6 (6) TO THE STATE TREASURER, WHO SHALL CREDIT:

7 (I) FIRST, THE COSTS TO THE DEPARTMENT OF REVENUE FOR  
8 ADMINISTERING THE FEE AND THE COSTS TO THE DEPARTMENT OF  
9 REVENUE FOR ADMINISTERING THE TAX CREDIT CREATED IN SECTION  
10 39-30-104 (7):

11 (II) SECOND, TWO MILLION DOLLARS TO THE DEPARTMENT OF  
12 PUBLIC SAFETY FOR USE BY THE COLORADO STATE PATROL TO SUPPORT  
13 THE REGULATION OF AND RESPONSE TO HAZARDOUS MATERIALS ON  
14 HIGHWAYS IN THE STATE, TO MAKE EMPLOYER CONTRIBUTIONS TO A  
15 MULTIPLE EMPLOYER HEALTH TRUST IN ORDER TO PARTICIPATE IN THE  
16 VOLUNTARY FIREFIGHTER CANCER BENEFITS PROGRAM PURSUANT TO PART  
17 4 OF ARTICLE 5 OF TITLE 29, AND AS WELL AS ENFORCEMENT OF  
18 COMMERCIAL AND HAZARDOUS MATERIALS CRITICAL CORRIDORS  
19 DESIGNATED BY THE CHIEF OF THE COLORADO STATE PATROL; AND

20 (III) THIRD, OF THE AMOUNT REMAINING:

21 (A) SEVENTY PERCENT TO THE PERFLUOROALKYL AND  
22 POLYFLUOROALKYL SUBSTANCES CASH FUND; AND

23 (B) THIRTY PERCENT TO THE DEPARTMENT OF TRANSPORTATION  
24 TO SUPPORT FUNCTIONS RELATED TO THE TRANSPORTATION OF  
25 HAZARDOUS MATERIALS AND THE SAFE AND EFFICIENT MOVEMENT OF  
26 FREIGHT, AS WELL AS TO SUPPORT INFRASTRUCTURE PROJECTS THAT  
27 ENHANCE THE SAFETY OF THE MOVEMENT OF FREIGHT AND HAZARDOUS

1 MATERIALS SUCH AS THE INSTALLATION OF FOAM SUPPRESSION SYSTEMS  
2 IN THE EISENHOWER-JOHNSON TUNNELS, THE MITIGATION OF HAZARDS IN  
3 GLENWOOD CANYON, AND OTHER USES NECESSARY TO SECURE THE SAFE  
4 TRANSPORT OF FUELS THROUGH THE I-70 MOUNTAIN CORRIDOR.

5 (e) (I) BEFORE OCTOBER 1, 2023, notwithstanding subsection  
6 (6)(b) of this section, if the available fund balance in the perfluoroalkyl  
7 and polyfluoroalkyl substances cash fund is greater than eight million  
8 dollars, the executive director of the department of revenue shall not  
9 collect the fee described in subsection (6)(b) of this section, but if the  
10 available balance in the fund is less than eight million dollars within a  
11 fiscal year, the executive director of the department of revenue shall  
12 impose a fee in accordance with subsection (6)(b) of this section.

13 (II) ON OR AFTER OCTOBER 1, 2023, NOTWITHSTANDING  
14 SUBSECTION (6)(b) OF THIS SECTION, IF THE AVAILABLE FUND BALANCE IN  
15 THE PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES CASH FUND  
16 IS GREATER THAN NINE MILLION DOLLARS, THE EXECUTIVE DIRECTOR OF  
17 THE DEPARTMENT OF REVENUE SHALL NOT COLLECT THE FEE DESCRIBED  
18 IN SUBSECTION (6)(b) OF THIS SECTION, BUT IF THE AVAILABLE BALANCE  
19 IN THE FUND IS LESS THAN NINE MILLION DOLLARS WITHIN A FISCAL YEAR,  
20 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL  
21 IMPOSE A FEE IN ACCORDANCE WITH SUBSECTION (6)(b) OF THIS SECTION.

22 (f) As used in this subsection (6) AND SUBSECTION (8) OF THIS  
23 SECTION, "fuel products" means all gasoline; diesel; biodiesel; biodiesel  
24 blends; kerosene; and all alcohol blended fuels that are produced,  
25 compounded, and offered for sale or used for the purpose of generating  
26 heat, light, or power in internal combustion engines or fuel cells, for  
27 cleaning, or for any other similar usage. "Fuel products" does not mean



1 INCLUDE fuel that is used in aviation or odorized liquefied petroleum gas  
2 and natural gas.

3 (8) (a) IN ADDITION TO THE PAYMENTS COLLECTED UNDER  
4 SUBSECTIONS (1)(a) AND (6) OF THIS SECTION, BEGINNING SEPTEMBER 1,  
5 2023, THE FUELS IMPACT ENTERPRISE CREATED IN SECTION 43-4-1503  
6 SHALL IMPOSE A FUELS IMPACT REDUCTION FEE, THE EXECUTIVE DIRECTOR  
7 OF THE DEPARTMENT OF REVENUE SHALL COLLECT THE FEE ON BEHALF OF  
8 THE FUELS IMPACT ENTERPRISE, AND THE STATE TREASURER SHALL CREDIT  
9 AN AMOUNT OF THE FEE REVENUE TO THE DEPARTMENT OF REVENUE TO  
10 COVER THE COSTS OF COLLECTING THE FEE.

11 (b) (I) ON AND AFTER SEPTEMBER 1, 2023, A   TAX DISTRIBUTOR  
12 WITHIN COLORADO, AND A   DISTRIBUTOR WHO SHIPS FUEL PRODUCTS  
13 FROM ANY POINT OUTSIDE OF COLORADO TO A POINT WITHIN COLORADO,  
14 SHALL PAY THE FUELS IMPACT REDUCTION FEE TO THE EXECUTIVE  
15 DIRECTOR OF THE DEPARTMENT OF REVENUE. TO PAY THIS FEE, EACH  
16 CALENDAR MONTH THE DISTRIBUTOR SHALL PAY THE EXECUTIVE  
17 DIRECTOR OF THE DEPARTMENT OF REVENUE SIX THOUSAND ONE HUNDRED  
18 TWENTY-FIVE MILLIONTHS OF A DOLLAR PER GALLON OF FUEL PRODUCTS  
19 DELIVERED DURING THE PREVIOUS CALENDAR MONTH FOR SALE OR USE IN  
20 COLORADO OR A LESSER AMOUNT DETERMINED BY THE FUELS IMPACT  
21 ENTERPRISE. THE DISTRIBUTOR SHALL PAY THIS FEE ON A PER GALLON  
22 BASIS AND AT THE SAME TIME AND ON THE SAME FORM AS THE FEES  
23 COLLECTED PURSUANT TO SUBSECTIONS (1) AND (6) OF THIS SECTION.

24 (II) FOR PURPOSES OF THIS SUBSECTION (8)(b), "DISTRIBUTOR"  
25 MEANS THE PERSON WHO REMITS THE APPLICABLE STATE FEE IMPOSED  
26 PURSUANT TO SUBSECTION (1) OR (6) OF THIS SECTION.

27 (c) ON AND AFTER SEPTEMBER 1, 2023, THE EXECUTIVE DIRECTOR

1 OF THE DEPARTMENT OF REVENUE SHALL TRANSMIT ANY FUELS IMPACT  
2 REDUCTION FEE REVENUE THAT IT COLLECTS ON BEHALF OF THE FUELS  
3 IMPACT ENTERPRISE PURSUANT TO THIS SUBSECTION (8) TO THE STATE  
4 TREASURER, WHO SHALL CREDIT:

5 (I) THE TOTAL AMOUNT OF FUELS IMPACT REDUCTION FEE  
6 REVENUE COLLECTED BY THE DEPARTMENT OF REVENUE, MINUS THE  
7 COSTS TO THE DEPARTMENT OF REVENUE FOR ADMINISTERING THE FEE, TO  
8 THE FUELS IMPACT ENTERPRISE FUND CREATED IN SECTION 43-4-1504;  
9 AND

10 (II) THE COSTS TO THE DEPARTMENT OF REVENUE FOR  
11 ADMINISTERING THE FEE TO THE DEPARTMENT OF REVENUE.

12 **SECTION 4.** In Colorado Revised Statutes, 8-20.5-303, **add**  
13 (1)(f) as follows:

14 **8-20.5-303. Financial responsibility for aboveground storage**  
15 **tanks.** (1) (f) THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY,  
16 IN CONSULTATION WITH THE PETROLEUM STORAGE TANK COMMITTEE  
17 ESTABLISHED PURSUANT TO SECTION 8-20.5-104, MAY ESTABLISH RULES  
18 THAT ALLOW THE PAYMENT OF REMEDIATION EXPENSES FOR CERTAIN  
19 OWNERS AND OPERATORS OF ABOVEGROUND STORAGE TANKS FROM THE  
20 PETROLEUM STORAGE TANK FUND TO BE BASED ON A PERCENTAGE THAT  
21 IS LESS THAN ONE HUNDRED PERCENT OF THE REMEDIATION AMOUNT.

22 **SECTION 5.** In Colorado Revised Statutes, 25-5-1312, **amend**  
23 (1) introductory portion as follows:

24 **25-5-1312. Reporting requirement.** (1) Notwithstanding section  
25 24-1-136 (11)(a)(I), the department shall annually report by February 1,  
26 2021, and February 1 of each year until ~~February 1, 2027~~ FEBRUARY 1,  
27 2036, to the general assembly's committees of reference with jurisdiction

1 over public health regarding:

2 **SECTION 6.** In Colorado Revised Statutes, 25-7.5-103, **amend**  
3 (3) introductory portion, (3)(b), (5)(a), (6)(f), (6)(g), and (6)(h); and **add**  
4 (3)(a.5), (5.5), (6.5), (8.5), and (9.5) as follows:

5 **25-7.5-103. Clean fleet enterprise - creation - board - powers**  
6 **and duties - fees - fund.** (3) The business purpose of the enterprise is to  
7 incentivize and support the use of electric motor vehicles, including  
8 motor vehicles that originally were powered exclusively by internal  
9 combustion engines but have been converted into electric motor vehicles,  
10 and, to the extent temporarily necessitated by the limitations of current  
11 electric motor vehicle technology for certain fleet uses, compressed  
12 natural gas motor vehicles that are fueled by recovered methane, by  
13 businesses and governmental entities that own or operate fleets of motor  
14 vehicles, including fleets composed of personal motor vehicles owned or  
15 leased by individual contractors who provide prearranged rides for  
16 transportation network companies or deliver goods for a third-party  
17 delivery service, AND TO INCENTIVIZE AND SUPPORT THE REPLACEMENT OF  
18 OLDER DIESEL TRUCKS WITH NEWER TRUCKS WITH NEWER SAFETY  
19 SYSTEMS AND LOWER EMISSIONS. To allow the enterprise to accomplish  
20 this purpose and fully exercise its powers and duties through the board,  
21 the enterprise may:

22 (a.5) IMPOSE A HEAVY-DUTY DIESEL VEHICLE REGISTRATION FEE  
23 AS AUTHORIZED BY SUBSECTION (8.5) OF THIS SECTION;

24 (b) Issue grants, loans, and rebates as authorized by ~~subsection~~  
25 SUBSECTIONS (9) AND (9.5) of this section; and

26 (5) (a) The clean fleet enterprise fund is hereby created in the state  
27 treasury. The fund consists of clean fleet per ride fee revenue and clean

1 fleet retail delivery fee revenue credited to the fund pursuant to  
2 subsections (7) and (8) of this section, any monetary gifts, grants,  
3 donations, or other payments received by the enterprise, any federal  
4 money that may be credited to the fund, and any other money that the  
5 general assembly may appropriate or transfer to the fund. The state  
6 treasurer shall credit all interest and income derived from the deposit and  
7 investment of money in the fund to the fund. Money in the fund is  
8 continuously appropriated to the enterprise for the purposes set forth in  
9 this article 7.5, EXCEPT FOR THE PURPOSES SET FORTH IN SUBSECTIONS  
10 (5.5), (8.5), AND (9.5) OF THIS SECTION, and to pay the enterprise's  
11 reasonable and necessary operating expenses, including the repayment of  
12 any loan received pursuant to subsection (5)(b) of this section.

13 (5.5) (a) THE CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS  
14 REDUCTION GRANT PROGRAM CASH FUND IS CREATED IN THE STATE  
15 TREASURY. THE CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS  
16 REDUCTION GRANT PROGRAM CASH FUND CONSISTS OF HEAVY-DUTY  
17 DIESEL VEHICLE REGISTRATION FEE REVENUE CREDITED TO THE CLEAN  
18 FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM  
19 CASH FUND PURSUANT TO SUBSECTION (8.5) OF THIS SECTION AND ANY  
20 MONEY THAT THE GENERAL ASSEMBLY MAY TRANSFER OR APPROPRIATE  
21 TO THE CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION  
22 GRANT PROGRAM CASH FUND FOR IMPLEMENTATION OF THE DIESEL TRUCK  
23 EMISSIONS REDUCTION GRANT PROGRAM CREATED IN SUBSECTION (9.5) OF  
24 THIS SECTION. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
25 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
26 CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION GRANT  
27 PROGRAM CASH FUND TO THE CLEAN FLEET ENTERPRISE DIESEL TRUCK

1 EMISSIONS REDUCTION GRANT PROGRAM CASH FUND. ANY UNEXPENDED  
2 AND UNENCUMBERED MONEY REMAINING IN THE CLEAN FLEET ENTERPRISE  
3 DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM CASH FUND AT THE  
4 END OF A STATE FISCAL YEAR REMAINS IN THE CLEAN FLEET ENTERPRISE  
5 DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM CASH FUND.

6 (b) MONEY IN THE CLEAN FLEET ENTERPRISE DIESEL TRUCK  
7 EMISSIONS REDUCTION GRANT PROGRAM CASH FUND IS CONTINUOUSLY  
8 APPROPRIATED TO THE ENTERPRISE FOR THE DIRECT AND INDIRECT COSTS  
9 OF IMPLEMENTING THE DIESEL TRUCK EMISSIONS REDUCTION GRANT  
10 PROGRAM CREATED IN SUBSECTION (9.5) OF THIS SECTION.

11 (c) THE ENTERPRISE SHALL USE ONLY MONEY FROM THE CLEAN  
12 FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM  
13 CASH FUND, AND NOT MONEY FROM THE CLEAN FLEET ENTERPRISE FUND,  
14 FOR THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING THE DIESEL  
15 TRUCK EMISSIONS REDUCTION GRANT PROGRAM.

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

18 (f) To provide services as set forth in ~~subsection~~ SUBSECTIONS (9)  
19 AND (9.5) of this section;

20 (g) To publish the processes by which the enterprise accepts  
21 applications, the criteria for evaluating applications, and a list of grantees  
22 or program participants pursuant to ~~subsection~~ SUBSECTIONS (9) AND (9.5)  
23 of this section;

24 (g.5) TO IMPOSE THE HEAVY-DUTY DIESEL VEHICLE REGISTRATION  
25 FEE AT THE MAXIMUM AMOUNT AUTHORIZED IN THIS SECTION AND TO  
26 PROMULGATE RULES TO ADJUST THE FEE AT OR BELOW THE MAXIMUM  
27 AMOUNT AUTHORIZED IN THIS SECTION AS REQUIRED;

1 (h) To promulgate rules for the sole purpose of setting the  
2 amounts of the clean fleet per ride fee and the clean fleet retail delivery  
3 fee, AND ADJUSTING THE AMOUNT OF THE HEAVY-DUTY DIESEL VEHICLE  
4 REGISTRATION FEE, at or below the maximum amounts authorized in this  
5 section; and

6 (6.5) THE BOARD MAY CONTRACT FOR GOODS AND SERVICES  
7 NEEDED TO EXERCISE ITS POWERS AND DUTIES, AS SET FORTH IN THIS  
8 ARTICLE 7.5, WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES  
9 101 TO 112 OF TITLE 24.

10 (8.5) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, THE  
11 ENTERPRISE SHALL IMPOSE THE HEAVY-DUTY DIESEL VEHICLE  
12 REGISTRATION FEE TO BE PAID BY A PERSON WHO REGISTERS A  
13 HEAVY-DUTY DIESEL VEHICLE. FOR THE PURPOSE OF MINIMIZING  
14 COMPLIANCE COSTS FOR DISTRIBUTORS AND ADMINISTRATIVE COSTS FOR  
15 THE STATE, THE DEPARTMENT OF REVENUE SHALL COLLECT THE  
16 HEAVY-DUTY DIESEL VEHICLE REGISTRATION FEE ON BEHALF OF THE  
17 ENTERPRISE, AND A PERSON WHO REGISTERS A HEAVY-DUTY DIESEL  
18 VEHICLE SHALL PAY THE FEE TO THE DEPARTMENT OF REVENUE AS  
19 REQUIRED BY SECTION 42-3-304 (20.5)(a).

20 (b) FOR A PERSON WHO REGISTERS A HEAVY-DUTY DIESEL  
21 VEHICLE, THE ENTERPRISE SHALL IMPOSE THE HEAVY-DUTY DIESEL  
22 VEHICLE REGISTRATION FEE \_\_\_\_\_ THAT IS \_\_\_\_\_ NO MORE THAN THIRTY  
23 DOLLARS FOR HEAVY-DUTY DIESEL VEHICLES THAT ARE MODEL YEAR 2010  
24 THROUGH 2014, AND NO MORE THAN FIFTY DOLLARS FOR HEAVY-DUTY  
25 DIESEL VEHICLES THAT ARE MODEL YEAR 2009 OR OLDER. THE FEE APPLIES  
26 TO BOTH INTRASTATE AND INTERSTATE HEAVY-DUTY DIESEL VEHICLES.  
27 FOR INTERSTATE HEAVY-DUTY DIESEL VEHICLES, THE FEE IS PRORATED

1       BASED ON THE FLEET OWNER'S PERCENTAGE OF MILEAGE IN COLORADO.

2           (c)   AS REQUIRED BY SECTION 42-3-304 (20.5)(b), THE  
3       DEPARTMENT OF REVENUE SHALL TRANSMIT THE HEAVY-DUTY DIESEL  
4       VEHICLE REGISTRATION FEE REVENUE IT COLLECTS ON BEHALF OF THE  
5       ENTERPRISE TO THE STATE TREASURER, WHO SHALL TRANSFER THE FEE TO  
6       THE CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION  
7       GRANT PROGRAM CASH FUND.

8           (9.5) (a) (I)   THE GENERAL ASSEMBLY HEREBY FINDS AND  
9       DECLARES THAT:

10          (A)   OLDER DIESEL TRUCKS CONTRIBUTE DISPROPORTIONATE  
11       AMOUNTS OF LOCALIZED EMISSIONS OF PARTICULATE MATTER AND  
12       NITROGEN OXIDES IN DISADVANTAGED COMMUNITIES WHERE MAJOR  
13       INTERSTATES BRING TRUCK TRAFFIC TO WAREHOUSES, REFINERIES, FLEET  
14       YARDS, AND FUEL DEPOTS;

15          (B)   THESE LOCALIZED EMISSIONS OF PARTICULATE MATTER AND  
16       NITROGEN OXIDES HAVE DISPROPORTIONATELY NEGATIVE EFFECTS ON THE  
17       HEALTH OF CHILDREN, SENSITIVE POPULATIONS, AND AT-RISK ADULTS;

18          (C)   SUCH NEGATIVE HEALTH EFFECTS CAN INCLUDE ASTHMA,  
19       SUSCEPTIBILITY TO RESPIRATORY ILLNESS, LUNG CANCER, AND  
20       PREMATURE DEATH;

21          (D)   OLDER DIESEL TRUCKS CAN BE REPLACED BY NEWER TRUCKS  
22       TO REDUCE FUEL USAGE AND RELATED EMISSIONS OF HAZARDOUS AIR  
23       POLLUTANTS AND CRITERIA EMISSIONS THAT NEGATIVELY IMPACT AIR  
24       QUALITY;

25          (E)   OLDER DIESEL TRUCKS ARE MORE LIKELY THAN NEWER  
26       TRUCKS TO BREAK DOWN AND CAUSE CONGESTION AND SAFETY ISSUES IN  
27       COLORADO'S URBAN AREAS AND ALONG COLORADO'S MOUNTAIN

1 HIGHWAYS AND INTERSTATES;

2 (F) SMALL BUSINESSES AND SOLE PROPRIETORS THAT OWN OLDER  
3 DIESEL TRUCKS ARE LESS LIKELY THAN OTHER VEHICLE OWNERS TO HAVE  
4 ACCESS TO THE CAPITAL OR FINANCING REQUIRED TO INVEST IN NEWER,  
5 CLEANER MODELS;

6 (G) REPLACING OLDER DIESEL TRUCKS WITH NEWER TRUCKS WITH  
7 NEWER SAFETY SYSTEMS WILL REDUCE THE CHANCE OF BREAKDOWNS AND  
8 VEHICLE CRASHES ON COLORADO'S MOUNTAIN HIGHWAYS AND  
9 INTERSTATES; AND

10 (H) REPLACING OLDER DIESEL TRUCKS WITH NEWER TRUCKS WILL  
11 ALSO REDUCE FUEL USAGE, INCREASE FUEL ECONOMY, AND REDUCE  
12 EMISSIONS, WHICH WILL HELP COLORADO COMPLY WITH AIR QUALITY  
13 ATTAINMENT STANDARDS AND REDUCE GREENHOUSE GAS POLLUTION TO  
14 HELP COLORADO MEET ITS GREENHOUSE GAS POLLUTION TARGETS.

15 (II) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS  
16 APPROPRIATE TO ESTABLISH THE DIESEL TRUCK EMISSIONS REDUCTION  
17 GRANT PROGRAM TO ASSIST PRIVATE AND PUBLIC ENTITIES IN  
18 DECOMMISSIONING OLDER DIESEL TRUCKS AND REPLACING THOSE TRUCKS  
19 WITH NEWER TRUCKS AND TO FUND THAT GRANT PROGRAM BY CHARGING  
20 THE OWNERS OF OLDER HEAVY-DUTY DIESEL VEHICLES A MINOR FEE.

21 (b) (I) THERE IS HEREBY CREATED THE DIESEL TRUCK EMISSIONS  
22 REDUCTION GRANT PROGRAM TO PROVIDE GRANTS TO CERTAIN PRIVATE  
23 AND PUBLIC ENTITIES FOR DECOMMISSIONING AND REPLACING DIESEL  
24 TRUCKS.

25 (II) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH  
26 THE GRANT PROGRAM TO DECOMMISSION AND REPLACE DIESEL TRUCKS IN  
27 ACCORDANCE WITH POLICIES AND PROCEDURES ESTABLISHED BY THE



1 ENTERPRISE AND THE DIVISION.

2 (III) THE ENTERPRISE SHALL WORK WITH THE DIVISION TO  
3 ADMINISTER THE DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM  
4 AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS  
5 PROVIDED IN THIS SECTION. SUBJECT TO AVAILABLE APPROPRIATIONS,  
6 GRANTS SHALL BE PAID OUT OF THE CLEAN FLEET ENTERPRISE DIESEL  
7 TRUCK EMISSIONS REDUCTION GRANT PROGRAM CASH FUND.

8 (IV) TO ADMINISTER THE DIESEL TRUCK EMISSIONS REDUCTION  
9 GRANT PROGRAM, THE ENTERPRISE AND THE DIVISION SHALL DETERMINE  
10 THE FOLLOWING:

11 (A) WHO MAY QUALIFY AS AN ELIGIBLE ENTITY;

12 (B) ELIGIBLE FUEL TYPES FOR REPLACEMENT VEHICLES;

13 (C) THE TIME FRAMES FOR APPLYING FOR GRANTS;

14 (D) THE CRITERIA USED TO EVALUATE AND PRIORITIZE  
15 APPLICATIONS FOR GRANTS, INCLUDING A PRIORITY FOR APPLICATIONS  
16 CONCERNING VEHICLES THAT ARE OPERATED WITHIN  
17 DISPROPORTIONATELY IMPACTED COMMUNITIES, NONATTAINMENT AREAS,  
18 OR BOTH;

19 (E) THE FORM OF THE GRANT PROGRAM APPLICATION;

20 (F) THE TIME FRAME FOR AWARDING GRANTS; AND

21 (G) ANY OTHER COMPONENTS OF THE DIESEL TRUCK EMISSIONS  
22 REDUCTION GRANT PROGRAM NECESSARY FOR ITS IMPLEMENTATION.

23 (c) (I) TO RECEIVE A GRANT, AN ELIGIBLE ENTITY MUST SUBMIT AN  
24 APPLICATION IN ACCORDANCE WITH THE POLICIES AND PROCEDURES  
25 ESTABLISHED BY THE ENTERPRISE AND THE DIVISION. AT A MINIMUM, THE  
26 APPLICATION MUST INCLUDE THE FOLLOWING INFORMATION:

27 (A) THE GRANT APPLICANT'S ORGANIZATIONAL AND CONTACT

1 INFORMATION;

2 (B) THE FUNDING REQUESTED PER VEHICLE;

3 (C) THE MAKE, MODEL, MODEL YEAR, AND MILEAGE OF THE DIESEL  
4 TRUCKS TO BE DECOMMISSIONED ONCE THE GRANT IS AWARDED;

5 (D) THE LOCATION OF THE DIESEL TRUCKS TO BE  
6 DECOMMISSIONED AND REPLACED;

7 (E) THE OPERATING AREA OF THE DIESEL TRUCKS TO BE  
8 DECOMMISSIONED AND REPLACED; AND

9 (F) THE MAKE, MODEL, MODEL YEAR, MILEAGE, AND FUEL TYPE OF  
10 THE PROPOSED REPLACEMENT VEHICLES.

11 (II) THE ENTERPRISE AND THE DIVISION MAY CONSULT WITH THE  
12 GRANT APPLICANT REGARDING REPLACEMENT VEHICLE OPTIONS. ==

13 (III) THE ENTERPRISE SHALL USE ONLY MONEY FROM THE CLEAN  
14 FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM  
15 CASH FUND, AND NOT MONEY FROM THE CLEAN FLEET ENTERPRISE FUND,  
16 TO PROVIDE FUNDING TO DECOMMISSION AND REPLACE DIESEL TRUCKS,  
17 AND A GRANTEE SHALL USE THE MONEY RECEIVED THROUGH THE DIESEL  
18 TRUCK EMISSIONS REDUCTION GRANT PROGRAM ONLY IN ACCORDANCE  
19 WITH THIS SUBSECTION (9.5).

20 (IV) THE DIVISION AND THE ENTERPRISE SHALL DEVELOP A POLICY  
21 REGARDING A GRANTEE'S NONCOMPLIANCE WITH A GRANT AWARD  
22 AGREEMENT ENTERED INTO BY THE GRANTEE AND THE ENTERPRISE. THIS  
23 POLICY MAY INCLUDE A MECHANISM FOR THE ENTERPRISE TO CONVERT  
24 THE GRANT TO A LOAN WITH INTEREST.

25 (V) THE ENTERPRISE SHALL NOT AWARD GRANTS AFTER 2032.

26 (d) (I) ON OR BEFORE JUNE 30, 2025, AND ON OR BEFORE JUNE 30  
27 OF EACH YEAR THEREAFTER THROUGH 2032, EACH ELIGIBLE ENTITY THAT

1 RECEIVES A GRANT THROUGH THE GRANT PROGRAM SHALL SUBMIT A  
2 REPORT TO THE DIVISION. AT A MINIMUM, THE REPORT MUST INCLUDE THE  
3 FOLLOWING INFORMATION:

4 (A) THE GRANT APPLICANT'S ORGANIZATIONAL AND CONTACT  
5 INFORMATION;

6 (B) THE MAKE, MODEL, MODEL YEAR, AND MILEAGE OF THE  
7 REPLACEMENT VEHICLES;

8 (C) THE PURCHASE DATES OF THE REPLACEMENT VEHICLES;

9 (D) THE FUEL TYPE OF THE REPLACEMENT VEHICLES;

10 (E) THE MONTHLY MILEAGE PER REPLACEMENT VEHICLE;

11 (F) THE MONTHLY FUEL USAGE PER REPLACEMENT VEHICLE;

12 (G) CERTIFICATION THAT THE AWARDED VEHICLES ARE STILL  
13 ROADWORTHY, OPERATIONAL, AND OWNED BY THE ORIGINAL AWARDEE;

14 (H) THE MAKE, MODEL, MODEL YEAR, AND MILEAGE OF THE DIESEL  
15 TRUCKS DECOMMISSIONED;

16 (I) THE LOCATION OF DIESEL TRUCKS DECOMMISSIONED;

17 (J) THE OPERATING AREA OF THE DIESEL TRUCKS  
18 DECOMMISSIONED; AND

19 (K) ANY ADDITIONAL INFORMATION REQUIRED BY THE DIVISION.

20 (II) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR  
21 BEFORE DECEMBER 1, 2025, AND ON OR BEFORE DECEMBER 1 OF EACH  
22 YEAR THEREAFTER THROUGH 2032, THE DIVISION SHALL PREPARE A  
23 REPORT SUMMARIZING THE PROGRESS OF THE DIESEL TRUCK EMISSIONS  
24 REDUCTION GRANT PROGRAM AND SUBMIT THE REPORT TO THE  
25 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE AND THE  
26 ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF  
27 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE DIVISION SHALL

1 POST A COPY OF EACH REPORT ON ITS WEBSITE. AT A MINIMUM, THE  
2 REPORT MUST INCLUDE:

3 (A) THE AMOUNT OF MONEY EXPENDED ON GRANTS DURING THE  
4 IMMEDIATELY PRECEDING STATE FISCAL YEAR;

5 (B) THE NUMBER OF DIESEL TRUCKS DECOMMISSIONED AND  
6 REPLACED DURING THE IMMEDIATELY PRECEDING STATE FISCAL YEAR;

7 (C) THE ESTIMATED REDUCTION OF ANNUAL EMISSIONS OF  
8 PARTICULATE MATTER, NITROGEN OXIDES, AND GREENHOUSE GASES, AS  
9 A RESULT OF DIESEL TRUCK REPLACEMENTS FUNDED DURING THE  
10 PRECEDING FISCAL YEAR; AND

11 (D) A BREAKDOWN OF THE DIESEL TRUCK CLASSES  
12 DECOMMISSIONED AND REPLACED DURING THE IMMEDIATELY PRECEDING  
13 STATE FISCAL YEAR.

14 (e) AS USED IN THIS SUBSECTION (9.5), UNLESS THE CONTEXT  
15 OTHERWISE REQUIRES:

16 (I) "DECOMMISSION" MEANS RENDERING BOTH THE ENGINE AND  
17 THE CHASSIS OF A DIESEL TRUCK INOPERABLE BY CUTTING A THREE INCH  
18 HOLE THROUGH THE WALL OF THE ENGINE BLOCK AND CUTTING THE  
19 CHASSIS RAILS IN HALF OR BY SIMILARLY EFFECTIVE MEANS, AS  
20 DETERMINED BY THE DIVISION.

21 (II) "DIESEL-POWERED MOTOR VEHICLE" MEANS A MOTOR VEHICLE  
22 POWERED BY AN INTERNAL COMBUSTION, COMPRESSION IGNITION,  
23 DIESEL-FUELED ENGINE. THIS DOES NOT INCLUDE HYBRID DIESEL FUEL  
24 TYPES.

25 (III) "DIESEL TRUCK" MEANS A TRUCK POWERED BY AN INTERNAL  
26 COMBUSTION, COMPRESSION IGNITION, DIESEL-FUELED ENGINE, OVER A  
27 GROSS VEHICLE WEIGHT RATING OF MORE THAN SIXTEEN THOUSAND

1 POUNDS. THIS DOES NOT INCLUDE HYBRID DIESEL FUEL TYPES.

2 (IV) NOTWITHSTANDING SECTION 25-7.5-102 (7),  
3 "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE SAME MEANING  
4 AS SET FORTH IN SECTION 24-4-109 (2)(b)(II).

5 (V) "DIVISION" MEANS THE DIVISION OF ADMINISTRATION IN THE  
6 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

7 (VI) "ELIGIBLE ENTITY" MEANS ANY PUBLIC ENTITY OR PRIVATE  
8 COMPANY THAT OWNS OR LEASES AND USES A QUALIFIED DIESEL TRUCK AS  
9 SPECIFIED BY THE DIVISION.

10 (VII) "FUEL PRODUCT" MEANS GASOLINE, BLENDED GASOLINE,  
11 GASOLINE SOLD FOR GASOHOL PRODUCTION, GASOHOL, DIESEL, BIODIESEL  
12 BLENDS, NATURAL GAS, SPECIAL FUELS, AND SPECIAL FUEL MIXES WITH  
13 ALCOHOL.

14 (VIII) "HEAVY-DUTY DIESEL VEHICLE" MEANS A DIESEL-POWERED  
15 MOTOR VEHICLE WITH A GROSS VEHICLE WEIGHT RATING OF MORE THAN  
16 SIXTEEN THOUSAND POUNDS.

17 (IX) "REPLACEMENT" OR "REPLACE" MEANS THE REPLACEMENT OF  
18 AN EXISTING IN-USE MODEL YEAR 2015 OR OLDER DIESEL TRUCK THAT HAS  
19 BEEN REGISTERED IN COLORADO FOR AT LEAST TWO YEARS, WITH A  
20 MODEL YEAR 2016 OR NEWER TRUCK REGISTERED IN COLORADO TO BE  
21 USED FOR THE SAME OR SIMILAR PURPOSE.

22 **SECTION 7.** In Colorado Revised Statutes, 29-5-402, **amend (2)**  
23 **and (3); and add (4.5) as follows:**

24 **29-5-402. Definitions.** As used in this part 4, unless the context  
25 **otherwise requires:**

26 (2) **"Covered individual" means a firefighter, HAZARDOUS**  
27 **MATERIALS TROOPER, part-time firefighter, or volunteer firefighter who**

1 meets the coverage requirements in section 29-5-403 (12).

2 (3) "Employer" means a municipality, special district, fire  
3 authority, or county improvement district that employs one or more  
4 firefighters, part-time firefighters, or volunteer firefighters. Beginning  
5 July 1, 2020, "employer" also means the division of fire prevention and  
6 control created in section 24-33.5-1201 AND THE DEPARTMENT OF PUBLIC  
7 SAFETY CREATED IN SECTION 24-33.5-1603. "Employer" does not include  
8 a power authority created pursuant to section 29-1-204 or a municipally  
9 owned utility.

10 (4.5) "HAZARDOUS MATERIALS TROOPER" MEANS A PERSON  
11 EMPLOYED BY THE COLORADO STATE PATROL TO SUPPORT THE  
12 REGULATION OF HAZARDOUS MATERIALS ON HIGHWAYS IN THE STATE.

13 **SECTION 8.** In Colorado Revised Statutes, 29-5-403, amend  
14 (12)(a); and add (12)(b)(I.5) as follows:

15 **29-5-403. Required benefits - conditions of receiving benefits.**

16 (12) (a) In order for a covered individual to be eligible for the benefits in  
17 this section, prior to the diagnosis of cancer and no more than five years  
18 for a firefighter or HAZARDOUS MATERIALS TROOPER AND no more than  
19 ten years for a volunteer firefighter or part-time firefighter after the  
20 firefighter, volunteer firefighter, or part-time firefighter became employed  
21 by an employer, the firefighter, HAZARDOUS MATERIALS TROOPER,  
22 volunteer firefighter, or part-time firefighter must have had a medical  
23 examination that would reasonably have found an illness or injury that  
24 could have caused the cancer and no illness or injury was found.

25 (b) In addition to subsection (12)(a) of this section, in order for a  
26 covered individual to be eligible for the benefits in this section, the  
27 following conditions must be met:

- 1           (I.5) THE HAZARDOUS MATERIALS TROOPER:
- 2           (A) HAS AT LEAST FIVE YEARS OF CONTINUOUS, FULL-TIME
- 3           EMPLOYMENT AS A HAZARDOUS MATERIALS TROOPER; AND
- 4           (B) IS DIAGNOSED WITH CANCER WITHIN TEN YEARS AFTER
- 5           CEASING EMPLOYMENT AS A HAZARDOUS MATERIALS TROOPER; OR

6           **SECTION 9.** In Colorado Revised Statutes, 39-30-104, **amend**  
7           (1)(b)(II); and **add** (1)(b)(VIII) and (7) as follows:

8           **39-30-104. Credit against tax - investment in certain property**  
9           **- definitions - repeal.** (1) (b) (II) FOR INCOME TAX YEARS BEGINNING ON  
10           OR BEFORE JANUARY 1, 2023, the income tax credit for a qualified  
11           investment in a commercial truck, truck tractor, tractor, or semitrailer  
12           with a gross vehicle weight rating of fifty-four thousand pounds or greater  
13           that is model year 2010 or newer and is designated as Class A personal  
14           property as specified in section 42-3-106 (2)(a), ~~C.R.S.~~; as well as any  
15           parts associated with the vehicle at the time of purchase, shall be allowed  
16           in an amount equal to one and one-half of one percent of the total  
17           qualified investment if the model year of the commercial truck, truck  
18           tractor, tractor, or semitrailer was sold as new during such income tax  
19           year;

20           (VIII) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE JULY 1,  
21           2030.

22           (7) (a) IN ACCORDANCE WITH SECTION 39-21-304 (1), WHICH  
23           REQUIRES EACH BILL THAT CREATES A NEW TAX EXPENDITURE TO INCLUDE  
24           A TAX PREFERENCE PERFORMANCE STATEMENT AS PART OF A STATUTORY  
25           LEGISLATIVE DECLARATION, THE GENERAL ASSEMBLY HEREBY FINDS AND  
26           DECLARES THAT:

27           (I) THE GENERAL LEGISLATIVE PURPOSES OF THE TAX CREDIT

1 ALLOWED BY THIS SUBSECTION (7) ARE:

2 (A) TO INDUCE CERTAIN DESIGNATED BEHAVIOR BY TAXPAYERS,  
3 SPECIFICALLY THE CONVERSION, LEASE, OR PURCHASE OF CLEAN  
4 COMMERCIAL TRUCKS; AND

5 (B) TO PROVIDE TAX RELIEF FOR CERTAIN BUSINESSES THAT  
6 CONVERT, LEASE, OR PURCHASE CLEAN COMMERCIAL TRUCKS;

7 (II) THE SPECIFIC LEGISLATIVE PURPOSE OF THE TAX CREDIT  
8 ALLOWED BY THIS SUBSECTION (7) IS TO INCREASE THE USE OF CLEAN  
9 COMMERCIAL TRUCKS BY PROVIDING AN INCENTIVE FOR THE CONVERSION,  
10 LEASE, OR PURCHASE OF THESE VEHICLES. IN ORDER TO ALLOW THE  
11 GENERAL ASSEMBLY AND THE STATE AUDITOR TO MEASURE THE  
12 EFFECTIVENESS OF THE CREDIT, THE DEPARTMENT OF REVENUE, WHEN  
13 ADMINISTERING THE CREDIT, SHALL COLLECT THE INFORMATION REQUIRED  
14 BY SUBSECTION (7)(h) OF THIS SECTION AND SHALL REQUIRE EACH  
15 EMPLOYER THAT CLAIMS THE CREDIT TO CERTIFY, AT A MINIMUM, THAT IN  
16 THE CASE OF A RENEWABLE FUEL TRUCK, THE TRUCK WILL OPERATE ON  
17 RENEWABLE FUEL FOR AT LEAST EIGHTY PERCENT OF THE TIME AND, IN  
18 THE CASE OF A PLUG-IN ELECTRIC TRUCK OR BI-FUEL RENEWABLE FUEL  
19 TRUCK, THE TRUCK WILL OPERATE ON ELECTRICITY OR RENEWABLE FUEL  
20 AT LEAST FIFTY PERCENT OF THE TIME.

21 (b) AS USED IN THIS SUBSECTION (7), UNLESS THE CONTEXT  
22 OTHERWISE REQUIRES:

23 (I) "ACTUAL COST INCURRED" MEANS THE ACTUAL COST PAID BY  
24 THE ELIGIBLE TAXPAYER FOR A COMMERCIAL CLEAN VEHICLE.

25 (II) "BATTERY ELECTRIC TRUCK" MEANS A TRUCK THAT IS  
26 POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY PACK THAT CAN  
27 BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL SOURCE OF



1 ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF PROPULSION.

2 (III) "BI-FUEL RENEWABLE FUEL TRUCK" MEANS A RENEWABLE  
3 FUEL TRUCK THAT IS ALSO CAPABLE OF OPERATING ON TRADITIONAL FUEL.

4 (IV) "CLEAN COMMERCIAL TRUCK" MEANS AN ELECTRIC TRUCK,  
5 LOW NITROGEN OXIDES TRUCK, PLUG-IN HYBRID ELECTRIC TRUCK, BI-FUEL  
6 RENEWABLE FUEL TRUCK, OR RENEWABLE FUEL TRUCK PURCHASED BY AN  
7 ELIGIBLE TAXPAYER THAT IS:

8 (A) EITHER TITLED AND REGISTERED IN THE STATE OR REGISTERED  
9 UNDER THE INTERNATIONAL REGISTRATION PLAN AND BASE PLATED IN THE  
10 STATE;

11 (B) PREDOMINANTLY HOUSED AND BASED AT THE ELIGIBLE  
12 TAXPAYER'S BUSINESS FACILITY WITHIN AN ENTERPRISE ZONE FOR THE  
13 TWELVE-MONTH PERIOD FOLLOWING ITS PURCHASE; AND

14 (C) IS CLASSIFIED AS CLASS A, CLASS B, OR CLASS C PROPERTY  
15 UNDER SECTION 42-3-106 (2).

16 (V) "CONVERSION" MEANS ADDING EQUIPMENT TO A TRADITIONAL  
17 FUEL TRUCK AFTER IT IS MANUFACTURED TO ENABLE IT TO OPERATE AS A  
18 BI-FUEL RENEWABLE FUEL TRUCK, ELECTRIC TRUCK, HYBRID TRUCK,  
19 PLUG-IN HYBRID ELECTRIC TRUCK, OR RENEWABLE FUEL TRUCK.

20 (VI) "ELECTRIC TRUCK" MEANS A BATTERY ELECTRIC TRUCK OR  
21 A HYDROGEN FUEL CELL TRUCK.

22 (VII) "ELIGIBLE TAXPAYER" MEANS A BUYER OR LESSEE OF A  
23 CLEAN COMMERCIAL TRUCK FOR A USE OTHER THAN PERSONAL USE THAT  
24 HAS NOT CLAIMED THE TAX CREDIT FOR INNOVATIVE TRUCKS CREATED IN  
25 SECTION 39-22-516.8 FOR THE CONVERSION, LEASE, OR PURCHASE OF AN  
26 ELECTRIC TRUCK OR PLUG-IN ELECTRIC TRUCK IN THAT SAME TAX YEAR.  
27 A LESSEE SEEKING TO CLAIM A CREDIT ALLOWED BY THIS SUBSECTION (7)

1 MUST ENTER INTO A LEASE WITH A TERM OF NOT LESS THAN TWO YEARS.

2 (VIII) "FINANCING ENTITY" MEANS THE ENTITY THAT FINANCES  
3 THE PURCHASE OR LEASE OF A CLEAN COMMERCIAL TRUCK.

4 (IX) "GROSS VEHICLE WEIGHT RATING" HAS THE SAME MEANING  
5 AS SET FORTH IN SECTION 42-2-402 (6).

6 (X) "HEAVY-DUTY TRUCK" MEANS A TRUCK WITH A GROSS  
7 VEHICLE WEIGHT RATING GREATER THAN TWENTY-SIX THOUSAND POUNDS.

8 (XI) "HYBRID TRUCK" MEANS A TRUCK THAT IS BOTH A PLUG-IN  
9 ELECTRIC TRUCK AND CAPABLE OF OPERATING ON RENEWABLE FUELS OR  
10 HYDROGEN.

11 (XII) "HYDROGEN FUEL CELL TRUCK" MEANS A TRUCK THAT IS  
12 POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL THAT USES  
13 HYDROGEN GAS AS FUEL.

14 (XIII) "LEASE" MEANS THE LEASE OF EITHER THE CONVERSION OR  
15 PURCHASE OF A CLEAN COMMERCIAL TRUCK.

16 (XIV) "LIGHT-DUTY TRUCK" MEANS A TRUCK WITH A GROSS  
17 VEHICLE WEIGHT GREATER THAN OR EQUAL TO TEN THOUSAND POUNDS  
18 AND LESS THAN SIXTEEN THOUSAND ONE POUNDS.

19 (XV) "LOW NITROGEN OXIDES TRADITIONAL FUEL TRUCK" MEANS  
20 A TRUCK THAT IS POWERED BY FUEL THAT SATISFIES THE UNITED STATES  
21 ENVIRONMENTAL PROTECTION AGENCY'S RULE "CONTROL OF AIR  
22 POLLUTION FROM NEW MOTOR VEHICLES: HEAVY-DUTY ENGINE AND  
23 VEHICLE STANDARDS AND HIGHWAY DIESEL FUEL SULFUR CONTROL  
24 REQUIREMENTS" 40 CFR, 69, 80, AND 86.

25 (XVI) "MEDIUM-DUTY TRUCK" MEANS A TRUCK WITH A GROSS  
26 VEHICLE WEIGHT OF SIXTEEN THOUSAND ONE POUNDS OR MORE AND NO  
27 MORE THAN TWENTY-SIX THOUSAND POUNDS.

1 (XVII) "MOTOR VEHICLE DEALER" HAS THE SAME MEANING AS SET  
2 FORTH IN SECTION 44-20-102 (18).

3 (XVIII) "PLUG-IN HYBRID ELECTRIC TRUCK" MEANS A TRUCK THAT  
4 HAS BOTH A RECHARGEABLE BATTERY PACK THAT CAN BE RECHARGED BY  
5 BEING PLUGGED INTO AN EXTERNAL SOURCE OF ELECTRICITY AND AN  
6 INTERNAL COMBUSTION ENGINE USING TRADITIONAL FUEL AND IS CAPABLE  
7 OF BEING POWERED BY THE BATTERY PACK, THE INTERNAL COMBUSTION  
8 ENGINE, OR BOTH.

9 (XIX) "PURCHASE" MEANS THE PURCHASE OF AN ORIGINAL  
10 EQUIPMENT MANUFACTURER TRUCK THAT IS A BI-FUEL RENEWABLE FUEL  
11 TRUCK, ELECTRIC TRUCK, HYBRID TRUCK, LOW NITROGEN OXIDES TRUCK,  
12 PLUG-IN HYBRID ELECTRIC TRUCK, OR RENEWABLE FUEL TRUCK.

13 (XX) "RENEWABLE FUEL TRUCK" MEANS A TRUCK THAT IS  
14 POWERED BY FUEL THAT IS EITHER:

15 (A) COMPRESSED NATURAL GAS, LIQUEFIED NATURAL GAS, OR  
16 LIQUEFIED PETROLEUM GAS FROM A PRODUCTION SOURCE THAT IS ELIGIBLE  
17 FOR A RENEWABLE IDENTIFICATION NUMBER PURSUANT TO THE UNITED  
18 STATES ENVIRONMENTAL PROTECTION AGENCY'S RENEWAL FUEL  
19 STANDARD PROGRAM ESTABLISHED IN 40 CFR 80; OR

20 (B) RECOVERED METHANE, AS DEFINED IN SECTION 25-7.5-102  
21 (20).

22 (XXI) "TRADITIONAL FUEL" MEANS A PETROLEUM-BASED MOTOR  
23 FUEL COMMONLY USED ON THE HIGHWAYS OF THE STATE IN THE YEAR  
24 2008.

25 (XXII) "TRUCK" HAS THE SAME MEANING AS THE TERM IS DEFINED  
26 IN SECTION 42-1-102 (108).

27 (c) FOR INCOME TAX YEARS BEGINNING ON OR AFTER JULY 1, 2023,

1 BUT BEFORE JANUARY 1, 2029, THERE IS ALLOWED A CREDIT TO EACH  
2 ELIGIBLE TAXPAYER IN THE FOLLOWING AMOUNTS:

3 (I) FOR THE CONVERSION, LEASE, OR PURCHASE OF A TRUCK  
4 DURING THE 2023, 2024, AND 2025 TAX YEARS:

5 (A) THREE THOUSAND FIVE HUNDRED DOLLARS FOR THE PURCHASE  
6 OF A LIGHT-DUTY TRUCK THAT IS AN ELECTRIC TRUCK, HYBRID TRUCK, OR  
7 RENEWABLE FUEL TRUCK;

8 (B) ONE THOUSAND SEVEN HUNDRED FIFTY DOLLARS FOR THE  
9 PURCHASE OF A LIGHT-DUTY TRUCK THAT IS A BI-FUEL RENEWABLE FUELS  
10 TRUCK, LOW NITROGEN OXIDES TRUCK, OR PLUG-IN HYBRID ELECTRIC  
11 TRUCK;

12 (C) FIVE THOUSAND DOLLARS FOR THE PURCHASE OF A  
13 MEDIUM-DUTY TRUCK THAT IS AN ELECTRIC TRUCK, HYBRID TRUCK, OR  
14 RENEWABLE FUEL TRUCK;

15 (D) TWO THOUSAND FIVE HUNDRED DOLLARS FOR THE PURCHASE  
16 OF A MEDIUM-DUTY TRUCK THAT IS A BI-FUEL RENEWABLE FUELS TRUCK,  
17 LOW NITROGEN OXIDES TRUCK, OR PLUG-IN HYBRID ELECTRIC TRUCK;

18 (E) TEN THOUSAND DOLLARS FOR THE PURCHASE OF A  
19 HEAVY-DUTY TRUCK THAT IS AN ELECTRIC TRUCK, HYBRID TRUCK, OR  
20 RENEWABLE FUEL TRUCK; OR

21 (F) FIVE THOUSAND DOLLARS FOR THE PURCHASE OF A  
22 HEAVY-DUTY TRUCK THAT IS A BI-FUEL RENEWABLE FUELS TRUCK, LOW  
23 NITROGEN OXIDES TRUCK, OR PLUG-IN HYBRID ELECTRIC TRUCK;

24 (II) FOR THE CONVERSION, LEASE, OR PURCHASE OF AN ELIGIBLE  
25 TRUCK DURING THE 2026, 2027, 2028, AND 2029 TAX YEARS:

26 (A) ONE THOUSAND FIVE HUNDRED DOLLARS FOR THE PURCHASE  
27 OF A LIGHT-DUTY TRUCK THAT IS AN ELECTRIC TRUCK, HYBRID TRUCK, OR

1 RENEWABLE FUEL TRUCK;

2 (B) SEVEN HUNDRED FIFTY DOLLARS FOR THE PURCHASE OF A  
3 LIGHT-DUTY TRUCK THAT IS A BI-FUEL RENEWABLE FUELS TRUCK, LOW  
4 NITROGEN OXIDES TRUCK, OR PLUG-IN HYBRID ELECTRIC TRUCK;

5 (C) THREE THOUSAND FIVE HUNDRED DOLLARS FOR THE PURCHASE  
6 OF A MEDIUM-DUTY TRUCK THAT IS AN ELECTRIC TRUCK, HYBRID TRUCK,  
7 OR RENEWABLE FUEL TRUCK;

8 (D) ONE THOUSAND SEVEN HUNDRED FIFTY DOLLARS FOR THE  
9 PURCHASE OF A MEDIUM-DUTY TRUCK THAT IS A BI-FUEL RENEWABLE  
10 FUELS TRUCK, LOW NITROGEN OXIDES TRUCK, OR PLUG-IN HYBRID  
11 ELECTRIC TRUCK;

12 (E) SEVEN THOUSAND FIVE HUNDRED DOLLARS FOR THE PURCHASE  
13 OF A HEAVY-DUTY TRUCK THAT IS AN ELECTRIC TRUCK, HYBRID TRUCK, OR  
14 RENEWABLE FUEL TRUCK; OR

15 (F) THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS FOR THE  
16 PURCHASE OF A HEAVY-DUTY TRUCK THAT IS A BI-FUEL RENEWABLE FUELS  
17 TRUCK, LOW NITROGEN OXIDES TRUCK, OR PLUG-IN HYBRID ELECTRIC  
18 TRUCK.

19 (d) A TAXPAYER CLAIMING THE CREDIT AUTHORIZED BY THIS  
20 SUBSECTION (7) SHALL NOT CLAIM THE CREDIT IN AN AMOUNT THAT  
21 EXCEEDS THE DIFFERENCE BETWEEN THE MANUFACTURER'S SUGGESTED  
22 RETAIL PRICE FOR THE CLEAN COMMERCIAL TRUCK AND A COMPARABLE  
23 TRADITIONAL FUEL TRUCK; EXCEPT THAT, FOR A CONVERSION, THE PRICE  
24 OF THE CONVERSION SERVES AS THE AMOUNT THAT THE CREDIT MAY NOT  
25 EXCEED.

26 (e) (I) AN ELIGIBLE TAXPAYER MAY ASSIGN THE TAX CREDIT  
27 ALLOWED IN THIS SUBSECTION (7) FOR THE PURCHASE OR LEASE OF A

1 CLEAN COMMERCIAL TRUCK COMPLETED ON OR AFTER JULY 1, 2023, TO A  
2 FINANCING ENTITY OR MOTOR VEHICLE DEALER AS FOLLOWS:

3 (A) THE ASSIGNMENT TO THE FINANCING ENTITY OR MOTOR  
4 VEHICLE DEALER MUST BE COMPLETED AT THE TIME OF PURCHASE OR  
5 LEASE BY ENTERING INTO AN ELECTION STATEMENT AS SET FORTH IN  
6 SUBSECTION (7)(e)(III) OF THIS SECTION;

7 (B) THE ELIGIBLE TAXPAYER MUST TITLE AND REGISTER THE  
8 VEHICLE IN THE STATE OR REGISTER THE VEHICLE UNDER THE  
9 INTERNATIONAL REGISTRATION PLAN AND BASE PLATE THE VEHICLE IN THE  
10 STATE AS REQUIRED BY STATE LAW;

11 (C) THE ELIGIBLE TAXPAYER MUST ASSIGN THE TAX CREDIT TO THE  
12 FINANCING ENTITY OR MOTOR VEHICLE DEALER AND FORFEIT THE RIGHT  
13 TO CLAIM THE TAX CREDIT ON THE ELIGIBLE TAXPAYER'S TAX RETURN IN  
14 EXCHANGE FOR GOOD AND VALUABLE CONSIDERATION AS DESCRIBED IN  
15 SUBSECTION (7)(e)(I)(D) OF THIS SECTION; AND

16 (D) THE FINANCING ENTITY OR MOTOR VEHICLE DEALER SHALL  
17 COMPENSATE THE ELIGIBLE TAXPAYER FOR THE FULL NOMINAL VALUE OF  
18 THE TAX CREDIT; EXCEPT THAT THE FINANCING ENTITY OR MOTOR VEHICLE  
19 DEALER MAY COLLECT AN ADMINISTRATIVE FEE NOT TO EXCEED ONE  
20 HUNDRED FIFTY DOLLARS FOR PROCESSING THE ASSIGNMENT. THE  
21 COMPENSATION PAID TO THE ELIGIBLE TAXPAYER IS CONSIDERED A  
22 REFUND OF STATE TAXES AND IS NOT INCOME.

23 (II) NOTWITHSTANDING SECTION 39-21-108 (3), IF AN ELIGIBLE  
24 TAXPAYER ASSIGNS THE TAX CREDIT TO A FINANCING ENTITY OR MOTOR  
25 VEHICLE DEALER PURSUANT TO THIS SUBSECTION (7)(e), THE FINANCING  
26 ENTITY OR MOTOR VEHICLE DEALER RECEIVES THE FULL AMOUNT OF THE  
27 TAX CREDIT THAT THE ELIGIBLE TAXPAYER IS ALLOWED IN THIS

1 SUBSECTION (7). ANY UNPAID BALANCE OR UNPAID DEBT OF THE ELIGIBLE  
2 TAXPAYER MAY NOT BE CREDITED FROM THE AMOUNT OF THE TAX CREDIT  
3 ALLOWED IN THIS SUBSECTION (7).

4 (III) TO COMPLETE THE TAX CREDIT ASSIGNMENT, THE ELIGIBLE  
5 TAXPAYER AND THE FINANCING ENTITY OR MOTOR VEHICLE DEALER SHALL  
6 ENTER INTO AN ELECTION STATEMENT THAT:

7 (A) IDENTIFIES THE VEHICLE IDENTIFICATION NUMBER OF THE  
8 VEHICLE FOR WHICH A CREDIT IS ALLOWED IN THIS SUBSECTION (7);

9 (B) IDENTIFIES THE MANUFACTURER'S SUGGESTED RETAIL PRICE  
10 FOR THE CLEAN COMMERCIAL TRUCK FOR WHICH A CREDIT IS ALLOWED IN  
11 THIS SECTION;

12 (C) IDENTIFIES THE MANUFACTURER'S SUGGESTED RETAIL PRICE  
13 FOR A TRADITIONAL FUEL TRUCK COMPARABLE TO THE RELEVANT CLEAN  
14 COMMERCIAL TRUCK; AND

15 (D) AFFIRMS THAT THE REQUIREMENTS SPECIFIED IN SUBSECTION  
16 (7)(e)(I) OF THIS SECTION WERE MET.

17 (IV) THE FINANCING ENTITY OR MOTOR VEHICLE DEALER MAY  
18 AUTHORIZE AN AGENT OR A DESIGNEE TO SIGN THE ELECTION STATEMENT  
19 ON ITS BEHALF.

20 (V) FOR THE PURCHASE OR LEASE OF A CLEAN COMMERCIAL TRUCK  
21 ON OR AFTER JULY 1, 2023, THE FINANCING ENTITY OR MOTOR VEHICLE  
22 DEALER SHALL ELECTRONICALLY SUBMIT A REPORT CONTAINING THE  
23 INFORMATION CONTAINED IN THE ELECTION STATEMENT DESCRIBED IN  
24 SUBSECTION (7)(e)(III) OF THIS SECTION TO THE DEPARTMENT OF REVENUE  
25 IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT AND WITHIN  
26 THIRTY DAYS OF THE ELIGIBLE TAXPAYER PURCHASING OR LEASING A  
27 CLEAN COMMERCIAL TRUCK.

1           (VI) THE FINANCING ENTITY OR MOTOR VEHICLE DEALER SHALL  
2 ALSO FILE THE ELECTION STATEMENT DESCRIBED IN SUBSECTION (7)(e)(III)  
3 OF THIS SECTION WITH THE ORIGINAL TAX RETURN FOR THE TAXABLE YEAR  
4 IN WHICH THE ELIGIBLE TAXPAYER LEASES OR PURCHASES THE CLEAN  
5 COMMERCIAL TRUCK.

6           (VII) THE DEPARTMENT OF REVENUE, IN CONSULTATION WITH THE  
7 COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101, SHALL  
8 DEVELOP A MODEL REPORT AND ELECTION STATEMENT NO LATER THAN  
9 DECEMBER 1, 2023.

10          (f) IF A CREDIT AUTHORIZED IN THIS SUBSECTION (7) EXCEEDS THE  
11 INCOME TAX DUE ON THE INCOME OF THE TAXPAYER FOR THE TAXABLE  
12 YEAR, THE EXCESS CREDIT MAY NOT BE CARRIED FORWARD AND MUST BE  
13 REFUNDED TO THE TAXPAYER.

14          (g) (I) NO MORE THAN ONE TAX CREDIT SHALL BE GRANTED  
15 PURSUANT TO THIS SUBSECTION (7) FOR ANY INDIVIDUAL CLEAN  
16 COMMERCIAL TRUCK.

17          (II) AN ELIGIBLE TAXPAYER THAT CLAIMS A CREDIT ALLOWED IN  
18 THIS SUBSECTION (7) SHALL NOT CLAIM ANY OTHER CREDIT OTHERWISE  
19 ALLOWED IN THIS SECTION FOR THE SAME CLEAN COMMERCIAL TRUCK.

20          (h) WITH RESPECT TO TAX YEARS COMMENCING ON OR AFTER  
21 JANUARY 1, 2023, THE TAXPAYER CLAIMING A CREDIT ALLOWED IN THIS  
22 SUBSECTION (7) SHALL PROVIDE THE DEPARTMENT OF REVENUE WITH, AND  
23 THE DEPARTMENT SHALL COMMENCE TRACKING OF, THE VEHICLE  
24 IDENTIFICATION NUMBER OF THE CLEAN COMMERCIAL TRUCK FOR WHICH  
25 A CREDIT IS CLAIMED AS ALLOWED IN THIS SUBSECTION (7).

26          (i) MAKING THE ELIGIBLE TAXPAYER AWARE OF THE INCOME TAX  
27 CREDIT ALLOWED IN THIS SUBSECTION (7) OR HELPING THE ELIGIBLE



1 TAXPAYER ASSIGN THE INCOME TAX CREDIT TO A FINANCING ENTITY OR  
2 MOTOR VEHICLE DEALER AS ALLOWED IN THIS SUBSECTION (7) DOES NOT  
3 RISE TO THE LEVEL OF PROVIDING THE ELIGIBLE TAXPAYER WITH  
4 UNAUTHORIZED TAX ADVICE.

5 (j) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE DECEMBER 31,  
6 2034.

7 **SECTION 10.** In Colorado Revised Statutes, 42-3-304, **add**  
8 (20.5) as follows:

9 **42-3-304. Registration fees - passenger-mile taxes - pilot**  
10 **program - report - rules - definitions.** (20.5) (a) BEGINNING JANUARY  
11 1, 2024, AND THROUGH DECEMBER 31, 2032, IN ADDITION TO ANY OTHER  
12 FEE IMPOSED BY THIS SECTION, THE CLEAN FLEET ENTERPRISE SHALL  
13 IMPOSE, AND THE DEPARTMENT SHALL COLLECT, AT THE TIME OF  
14 REGISTRATION, A HEAVY-DUTY DIESEL VEHICLE REGISTRATION FEE THAT  
15 IS NO MORE THAN THIRTY DOLLARS FOR HEAVY-DUTY DIESEL VEHICLES  
16 THAT ARE MODEL YEAR 2010 THROUGH 2014, AND NO MORE THAN FIFTY  
17 DOLLARS FOR HEAVY-DUTY DIESEL VEHICLES THAT ARE MODEL YEAR 2009  
18 OR OLDER. THIS FEE APPLIES TO BOTH INTRASTATE AND INTERSTATE  
19 HEAVY-DUTY DIESEL VEHICLES. FOR INTERSTATE HEAVY-DUTY DIESEL  
20 VEHICLES, THE FEE IS PRORATED BASED ON THE FLEET OWNER'S  
21 PERCENTAGE OF MILEAGE IN COLORADO.

22 (b) THE DEPARTMENT SHALL TRANSMIT THE HEAVY-DUTY DIESEL  
23 VEHICLE REGISTRATION FEE REVENUE IT COLLECTS ON BEHALF OF THE  
24 CLEAN FLEET ENTERPRISE PURSUANT TO THIS SUBSECTION (20.5) TO THE  
25 STATE TREASURER, WHO SHALL TRANSFER THE FEE REVENUE TO THE  
26 CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION GRANT  
27 PROGRAM CASH FUND CREATED IN SECTION 25-7.5-103 (5.5).

1 (c) AS USED IN THIS SUBSECTION (20.5), UNLESS THE CONTEXT  
2 OTHERWISE REQUIRES:

3 (I) "DIESEL-POWERED MOTOR VEHICLE" MEANS A MOTOR VEHICLE  
4 POWERED BY AN INTERNAL COMBUSTION, COMPRESSION IGNITION,  
5 DIESEL-FUELED ENGINE. THIS DOES NOT INCLUDE HYBRID DIESEL FUEL  
6 TYPES.

7 (II) "HEAVY-DUTY DIESEL VEHICLE" MEANS A DIESEL-POWERED  
8 MOTOR VEHICLE WITH A GROSS VEHICLE WEIGHT RATING OF MORE THAN  
9 SIXTEEN THOUSAND POUNDS.

10 **SECTION 11.** In Colorado Revised Statutes, **add** 42-4-318 as  
11 follows:

12 **42-4-318. Restrictions on types of trucks used in state projects**  
13 **- fine - legislative declaration - definition.** (1) THE GENERAL ASSEMBLY  
14 HEREBY FINDS AND DECLARES THAT:

15 (a) COLORADO'S STATE GOVERNMENT IS COMMITTED TO  
16 IMPROVING COLORADO'S AIR QUALITY AND REDUCING OVERALL EMISSIONS  
17 AND GREENHOUSE GASES WITHIN COLORADO;

18 (b) COLORADO'S STATE GOVERNMENT HAS POLICIES AND  
19 PROGRAMS TO REDUCE EMISSIONS AND THE GREENHOUSE GAS FOOTPRINT  
20 OF STATE AGENCIES;

21 (c) COLORADO'S STATE GOVERNMENT SHOULD BE A LEADER IN  
22 PROMOTING AND IMPLEMENTING MEASURES TO IMPROVE AIR QUALITY;

23 (d) ALTHOUGH COLORADO'S STATE GOVERNMENT IS PURSUING  
24 ACTIONS TO REDUCE EMISSIONS AND GREENHOUSE GASES IN ITS VEHICLE  
25 FLEETS, MANY OLDER HIGH-EMITTING TRUCKS TRAVEL TO AND FROM  
26 STATE PROJECT SITES AS CONTRACTORS AND SUBCONTRACTORS; AND

27 (e) THEREFORE, IT IS IN THE BEST INTEREST OF BOTH COLORADO'S

1 STATE GOVERNMENT AND COLORADO'S CITIZENS THAT THE STATE TAKE  
2 ACTION AND CREATE POLICIES THAT PRECLUDE HIGH EMITTING DIESEL  
3 TRUCKS FROM OPERATING ON STATE AWARDED PROJECTS.

4 (2) STATE AGENCIES SHALL BEGIN TO PHASE OUT OLDER HIGH  
5 EMITTING DIESEL TRUCKS FROM OPERATING ON STATE AWARDED PROJECTS  
6 IN A NONATTAINMENT AREA OF THE STATE, AS DESIGNATED BY THE  
7 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO  
8 SECTION 24-38.5-116 (2)(h), ON THE FOLLOWING SCHEDULE:

9 (a) ON AND AFTER JANUARY 1, 2025, DIESEL TRUCKS WITH A  
10 GROSS VEHICLE WEIGHT OF SIXTEEN THOUSAND ONE POUNDS OR GREATER  
11 THAT ARE OLDER THAN MODEL YEAR 2002 SHALL NOT BE PERMITTED ON  
12 ANY STATE PROJECT SITE IN A NONATTAINMENT AREA OF THE STATE, AS  
13 DESIGNATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION  
14 AGENCY PURSUANT TO SECTION 24-38.5-116 (2)(h);

15 (b) ON AND AFTER JANUARY 1, 2027, DIESEL TRUCKS WITH A  
16 GROSS VEHICLE WEIGHT OF SIXTEEN THOUSAND ONE POUNDS OR GREATER  
17 THAT ARE OLDER THAN MODEL YEAR 2007 SHALL NOT BE PERMITTED ON  
18 ANY STATE PROJECT SITE IN A NONATTAINMENT AREA OF THE STATE, AS  
19 DESIGNATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION  
20 AGENCY PURSUANT TO SECTION 24-38.5-116 (2)(h); AND

21 (c) ON AND AFTER JANUARY 1, 2029, DIESEL TRUCKS WITH A  
22 GROSS VEHICLE WEIGHT OF SIXTEEN THOUSAND ONE POUND OR GREATER  
23 THAT ARE OLDER THAN MODEL YEAR 2010 SHALL NOT BE PERMITTED ON  
24 ANY STATE PROJECT SITE IN A NONATTAINMENT AREA OF THE STATE, AS  
25 DESIGNATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION  
26 AGENCY PURSUANT TO SECTION 24-38.5-116 (2)(h).

27 (3) ON AND AFTER JANUARY 1, 2024, ALL STATE PROJECT BID

1 REQUESTS AND PROJECT AWARDS MUST INCLUDE LANGUAGE SPECIFYING  
2 THE MODEL YEAR OF DIESEL TRUCKS PERMITTED TO OPERATE ON THE  
3 STATE PROJECT SITE. THE DEPARTMENT OF TRANSPORTATION SHALL BOTH  
4 DEVELOP A PROCEDURE FOR ENSURING COMPLIANCE WITH THIS SECTION  
5 AND OUTLINE PENALTIES FOR FAILING TO COMPLY WITH THIS SECTION.

6 (4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
7 CONTRARY, THIS SECTION SHALL NOT APPLY TO DIESEL TRUCKS USED BY  
8 THE DEPARTMENT OF TRANSPORTATION, OTHER STATE AGENCIES, OR  
9 LOCAL GOVERNMENTS TO PERFORM ROUTINE MAINTENANCE ON OR  
10 INCIDENTAL TRAVEL TO STATE PROJECTS.

11 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
12 REQUIRES, "DIESEL TRUCK" MEANS A TRUCK POWERED BY AN INTERNAL,  
13 COMBUSTION, COMPRESSION IGNITION, DIESEL-FUELED ENGINE. THIS DOES  
14 NOT INCLUDE HYBRID DIESEL FUEL TYPES.

15 **SECTION 12.** In Colorado Revised Statutes, 42-20-301, **amend**  
16 (3) as follows:

17 **42-20-301. Route designation.** (3) (a) Notwithstanding any other  
18 provision of this part 3 or part 1 or 2 of this ~~article~~ ARTICLE 20 to the  
19 contrary, the transportation commission may regulate hours of operation  
20 of the Eisenhower-Johnson tunnels, structure numbers F13Y and F13X,  
21 respectively, on interstate 70.

22 (b) THE PATROL MAY CONFORM HAZARDOUS MATERIALS ROUTING  
23 REGULATIONS MADE PURSUANT TO THIS SECTION TO TRANSPORTATION  
24 COMMISSION REGULATIONS MADE PURSUANT TO SUBSECTION (3)(a) OF  
25 THIS SECTION.

26 **SECTION 13.** In Colorado Revised Statutes, **add** part 15 to  
27 article 4 of title 43 as follows:

1 PART 15

2 FUELS IMPACT ENTERPRISE

3 **43-4-1501. Legislative declaration.** (1) (a) (I) THE GENERAL  
4 ASSEMBLY FINDS AND DECLARES THAT:

5 (A) CERTAIN COMMUNITIES IN THE STATE SERVE AS THE  
6 DISTRIBUTION POINTS FOR ALMOST ALL OF THE FUEL TRANSPORTED IN THE  
7 STATE;

8 (B) LICENSED FUEL DISTRIBUTORS RELY ON THE HAZARDOUS  
9 MITIGATION CORRIDOR INFRASTRUCTURE IN THESE COMMUNITIES TO  
10 SUPPORT THE ECONOMIC FUNCTIONS OF THE STATE; AND

11 (C) INCREASING REQUIREMENTS ON FUEL COMPOSITION AND  
12 BLENDS WILL CAUSE THE INFRASTRUCTURE IN THESE COMMUNITIES TO BE  
13 RELIED UPON EVEN MORE.

14 (II) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS  
15 APPROPRIATE TO ESTABLISH THE FUELS IMPACT REDUCTION GRANT  
16 PROGRAM TO PROVIDE GRANTS TO THOSE COMMUNITIES FOR THE  
17 IMPROVEMENT OF THEIR HAZARDOUS MITIGATION CORRIDOR  
18 INFRASTRUCTURE AND FOR PROJECTS RELATED TO THE TRANSPORTATION  
19 OF FUEL WITHIN THE STATE.

20 (b) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS  
21 REASONABLE TO ESTABLISH THE FUELS IMPACT ENTERPRISE TO ASSIST IN  
22 THE ADMINISTRATION OF THE PROGRAMS DESCRIBED IN THIS SUBSECTION  
23 (1) AND TO COLLECT THE FEES NECESSARY TO IMPLEMENT THESE  
24 PROGRAMS.

25 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

26 (a) THE FUELS IMPACT ENTERPRISE PROVIDES IMPACT REDUCTION  
27 SERVICES WHEN, IN EXCHANGE FOR THE PAYMENT OF THE FUELS IMPACT

1 REDUCTION FEE BY LICENSED FUEL EXCISE TAX DISTRIBUTORS AND  
2 LICENSED FUEL DISTRIBUTORS, IT ACTS AS AUTHORIZED BY THIS SECTION  
3 TO PROVIDE ASSISTANCE IN IMPROVING HAZARDOUS MITIGATION  
4 CORRIDORS AND PROJECTS RELATED TO THE TRANSPORTATION OF FUEL  
5 WITHIN THE STATE;

6 (b) BY PROVIDING IMPACT REDUCTION SERVICES AS AUTHORIZED  
7 BY THIS SECTION, THE FUELS IMPACT ENTERPRISE PROVIDES A BENEFIT TO  
8 FEE PAYERS BY IMPROVING THE TRANSPORTATION OF FUEL IN THE STATE,  
9 AND MONITORING VEHICLE EMISSIONS, AND, THEREFORE OPERATES AS A  
10 BUSINESS IN ACCORDANCE WITH THE DETERMINATION OF THE COLORADO  
11 SUPREME COURT IN *COLORADO UNION OF TAXPAYERS FOUNDATION V. CITY*  
12 *OF ASPEN*, 2018 CO 36;

13 (c) CONSISTENT WITH THE DETERMINATION OF THE COLORADO  
14 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896  
15 P.2D 859 (COLO. 1995), THE POWER TO IMPOSE TAXES IS INCONSISTENT  
16 WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE X OF THE STATE  
17 CONSTITUTION, AND, THEREFORE, IT IS THE CONCLUSION OF THE GENERAL  
18 ASSEMBLY THAT THE REVENUE COLLECTED BY THE FUELS IMPACT  
19 ENTERPRISE IS GENERATED BY FEES, NOT TAXES, BECAUSE THE FUELS  
20 IMPACT REDUCTION FEE IMPOSED BY THE ENTERPRISE IS:

21 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE  
22 ENTERPRISE TO DEFRAID THE COSTS OF PROVIDING THE SERVICES SPECIFIED  
23 IN THIS SECTION; AND

24 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED  
25 BASED ON THE COSTS OF THE SERVICES PROVIDED BY THE ENTERPRISE;  
26 AND

27 (d) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR

1 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE  
2 REVENUE FROM THE FUELS IMPACT REDUCTION FEE IS NOT STATE FISCAL  
3 YEAR SPENDING, AS DEFINED IN SECTION 24-77-102 (17), OR STATE  
4 REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c), AND DOES NOT  
5 COUNT AGAINST EITHER THE STATE FISCAL YEAR SPENDING LIMIT IMPOSED  
6 BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS  
7 STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(G).

8 **43-4-1502. Definitions.** AS USED IN THIS PART 15, UNLESS THE  
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "ENTERPRISE" MEANS THE FUELS IMPACT ENTERPRISE CREATED  
11 IN SECTION 43-4-1503.

12 (2) "FUEL PRODUCT" MEANS GASOLINE, BLENDED GASOLINE,  
13 GASOLINE SOLD FOR GASOHOL PRODUCTION, GASOHOL, DIESEL, BIODIESEL  
14 BLENDS, NATURAL GAS, AND SPECIAL FUELS, AND SPECIAL FUEL MIXES  
15 WITH ALCOHOL.

16 (3) "FUELS IMPACT REDUCTION FEE" MEANS THE FEE IMPOSED BY  
17 THE ENTERPRISE PURSUANT TO SECTION 43-4-1505 (1).

18 (4) "FUND" MEANS THE FUELS IMPACT ENTERPRISE FUND CREATED  
19 IN SECTION 43-4-1504.

20 (5) "GRANT PROGRAM" MEANS THE FUELS IMPACT REDUCTION  
21 GRANT PROGRAM CREATED IN SECTION 43-4-1506.

22 **43-4-1503. Fuels impact enterprise - creation - powers and**  
23 **duties.** (1) (a) THE FUELS IMPACT ENTERPRISE IS CREATED IN THE  
24 DEPARTMENT. THE ENTERPRISE IS AND OPERATES AS A  
25 GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER TO  
26 EXECUTE ITS BUSINESS PURPOSES AS SPECIFIED IN SUBSECTION (2) OF THIS  
27 SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES AND

1 FUNCTIONS SET FORTH IN THIS SECTION.

2 (b) THE ENTERPRISE IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
3 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND  
4 FUNCTIONS UNDER THE DEPARTMENT. THE GOVERNING BOARD OF THE  
5 ENTERPRISE IS MADE UP OF THE TRANSPORTATION COMMISSION CREATED  
6 IN SECTION 43-1-106 (1).

7 (2) THE BUSINESS PURPOSES OF THE ENTERPRISE ARE TO IMPROVE  
8 THE TRANSPORTATION OF FUEL IN THE STATE AND MONITOR VEHICLE  
9 EMISSIONS. TO ALLOW THE ENTERPRISE TO ACCOMPLISH THESE BUSINESS  
10 PURPOSES AND FULLY EXERCISE ITS POWERS AND DUTIES, THE ENTERPRISE  
11 MAY:

12 (a) IMPOSE A FUELS IMPACT REDUCTION FEE AS AUTHORIZED BY  
13 SECTION 43-4-1505 (1);

14 (b) ISSUE GRANTS AS AUTHORIZED BY THE FUELS IMPACT  
15 REDUCTION GRANT PROGRAM CREATED IN SECTION 43-4-1506; AND

16 (c) ISSUE REVENUE BONDS PAYABLE FROM FUELS IMPACT  
17 REDUCTION FEE REVENUE AND OTHER AVAILABLE MONEY OF THE  
18 ENTERPRISE.

19 (3) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES  
20 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT  
21 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS  
22 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL  
23 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT  
24 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (3), THE  
25 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE  
26 CONSTITUTION.

27 (4) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN



1 THIS SECTION, THE ENTERPRISE HAS THE FOLLOWING GENERAL POWERS  
2 AND DUTIES:

3 (a) TO PROVIDE SERVICES AS SET FORTH IN SECTION 43-4-1506;  
4 AND

5 (b) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
6 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
7 GRANTED BY THIS SECTION.

8 **43-4-1504. Fuels impact enterprise cash fund - definition.**

9 (1) (a) (I) THE FUELS IMPACT ENTERPRISE CASH FUND IS CREATED IN THE  
10 STATE TREASURY. THE FUND CONSISTS OF FUELS IMPACT REDUCTION FEE  
11 REVENUE CREDITED TO THE FUND PURSUANT TO SECTION 43-4-1505 (1),  
12 ANY MONEY THAT THE GENERAL ASSEMBLY MAY TRANSFER OR  
13 APPROPRIATE TO THE FUND FOR THE IMPLEMENTATION OF THE GRANT  
14 PROGRAM, AND ANY FEDERAL MONEY OR GIFTS, GRANTS, OR DONATIONS  
15 RECEIVED. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
16 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
17 FUND TO THE FUND.

18 (II) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE  
19 ENTERPRISE FOR THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING THE  
20 GRANT PROGRAM.

21 (III) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
22 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
23 FUND TO THE FUND.

24 (b) (I) NOTWITHSTANDING SECTION 8-20-206.5 (8)(b), IF THE  
25 AVAILABLE FUND BALANCE IN THE FUND IS GREATER THAN FIFTEEN  
26 MILLION DOLLARS, THE ENTERPRISE SHALL NOT IMPOSE, AND THE  
27 DEPARTMENT OF REVENUE SHALL NOT COLLECT, THE FUELS IMPACT

1 REDUCTION FEE DESCRIBED IN SECTION 8-20-206.5 (8), BUT IF THE  
2 AVAILABLE BALANCE IN THE FUND IS LESS THAN FIFTEEN MILLION  
3 DOLLARS WITHIN A FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE, AND THE  
4 DEPARTMENT OF REVENUE SHALL COLLECT, THE FUELS IMPACT REDUCTION  
5 FEE IN ACCORDANCE WITH SECTION 8-20-206.5 (8)(b).

6 (II) FOR THE PURPOSES OF THIS SUBSECTION (1)(b), "AVAILABLE  
7 FUND BALANCE" MEANS THE SUM OF THE CURRENT YEAR REVENUES AND  
8 THE PREVIOUS FUND BALANCE MINUS THE SUM OF THE OBLIGATIONS  
9 APPROVED BY THE ENTERPRISE AND THE COSTS INCURRED BY THE  
10 DEPARTMENT OF REVENUE IN COLLECTING THE FUELS IMPACT REDUCTION  
11 FEE REVENUE.

12 (c) FOR PURPOSES OF THIS PART 15, THE ENTERPRISE MAY SEEK,  
13 ACCEPT, AND EXPEND MONEY FROM FEDERAL SOURCES.

14 (2) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY  
15 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING  
16 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE  
17 REVENUE OR REVENUE BOND PROCEEDS. THE ENTERPRISE MAY ACCEPT  
18 AND EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY  
19 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE  
20 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY  
21 CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE DEPARTMENT TO THE  
22 ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR  
23 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE  
24 CONSTITUTION, OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY  
25 TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE  
26 FUND. LOAN LIABILITIES THAT ARE RECORDED IN THE FUELS IMPACT FUND  
27 BUT THAT ARE NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR

1 SHALL NOT BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY  
2 FUND BALANCE FOR PURPOSES OF SECTION 24-75-109. AS THE ENTERPRISE  
3 RECEIVES SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE ENTERPRISE  
4 SHALL REIMBURSE THE DEPARTMENT FOR THE PRINCIPAL AMOUNT OF ANY  
5 LOAN MADE BY THE DEPARTMENT PLUS INTEREST AT A RATE SET BY THE  
6 DEPARTMENT.

7 **43-4-1505. Fuels impact reduction fee.** (1) (a) IN FURTHERANCE  
8 OF ITS BUSINESS PURPOSE, BEGINNING SEPTEMBER 1, 2023, THE  
9 ENTERPRISE SHALL IMPOSE A FUELS IMPACT REDUCTION FEE PER GALLON  
10 TO BE PAID BY A LICENSED FUEL EXCISE TAX DISTRIBUTOR WITHIN  
11 COLORADO AND A LICENSED FUEL DISTRIBUTOR WHO SHIPS PRODUCTS  
12 FROM OUTSIDE OF COLORADO TO A POINT WITHIN COLORADO. FOR THE  
13 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR DISTRIBUTORS AND  
14 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE  
15 SHALL COLLECT THE FUELS IMPACT REDUCTION FEE ON BEHALF OF THE  
16 ENTERPRISE, AND A FUEL DISTRIBUTOR SHALL PAY THE FEE TO THE  
17 DEPARTMENT OF REVENUE AS REQUIRED BY SECTION 8-20-206.5 (8)(a).

18 (b) FOR A LICENSED FUEL EXCISE TAX DISTRIBUTOR WITHIN  
19 COLORADO AND A LICENSED FUEL DISTRIBUTOR WHO SHIPS PRODUCTS  
20 FROM OUTSIDE OF COLORADO TO A POINT WITHIN COLORADO, BEGINNING  
21 SEPTEMBER 1, 2023, THE ENTERPRISE SHALL IMPOSE THE FUELS IMPACT  
22 REDUCTION FEE IN A REASONABLE AMOUNT THAT IS NO MORE THAN SIX  
23 THOUSAND ONE HUNDRED TWENTY-FIVE MILLIONTHS OF A DOLLAR PER  
24 GALLON OF FUEL PRODUCTS DELIVERED FOR SALE OR USE IN COLORADO.

25 (c) AS REQUIRED BY SECTION 8-20-206.5 (8)(c), THE EXECUTIVE  
26 DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL TRANSMIT ANY FUELS  
27 IMPACT REDUCTION FEE REVENUE IT COLLECTS TO THE STATE TREASURER

1 WHO SHALL CREDIT THE REVENUE, MINUS THE COSTS TO THE DEPARTMENT  
2 OF REVENUE FOR COLLECTING THE FEE, TO THE FUND.

3 **43-4-1506. Fuels impact reduction grant program.** (1) THERE  
4 IS HEREBY CREATED THE FUELS IMPACT REDUCTION GRANT PROGRAM TO  
5 PROVIDE GRANTS TO CERTAIN CRITICALLY IMPACTED COMMUNITIES,  
6 GOVERNMENTS, AND TRANSPORTATION CORRIDORS FOR THE  
7 IMPROVEMENT OF HAZARDOUS MITIGATION CORRIDORS AND TO SUPPORT  
8 LOCAL AND STATE GOVERNMENT PROJECTS RELATED TO EMERGENCY  
9 RESPONSES, ENVIRONMENTAL MITIGATION, OR PROJECTS RELATED TO THE  
10 TRANSPORTATION OF FUEL WITHIN THE STATE.

11 (2) (a) AS PART OF THE FUELS IMPACT REDUCTION GRANT  
12 PROGRAM, THE ENTERPRISE SHALL ANNUALLY DISTRIBUTE TEN MILLION  
13 DOLLARS FROM THE FUND TO THE FOLLOWING POLITICAL SUBDIVISIONS  
14 FOR THE IMPROVEMENT OF HAZARDOUS MITIGATION CORRIDORS IN THE  
15 STATE PRIORITIZING USES RELATED TO SAFETY AND ENVIRONMENTAL  
16 IMPACTS:

17 (I) SIX MILLION FOUR HUNDRED THOUSAND DOLLARS TO ADAMS  
18 COUNTY;

19 (II) TWO MILLION DOLLARS TO THE CITY OF AURORA;

20 (III) ONE MILLION THREE HUNDRED THOUSAND DOLLARS TO EL  
21 PASO COUNTY;

22 (IV) TWO HUNDRED FORTY THOUSAND DOLLARS TO MESA  
23 COUNTY; AND

24 (V) SIXTY THOUSAND DOLLARS TO OTERO COUNTY.

25 (b) IF THE ENTERPRISE IS UNABLE TO DISTRIBUTE TEN MILLION  
26 DOLLARS PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, THE  
27 ENTERPRISE SHALL DISTRIBUTE THE DOLLARS IT CAN DISTRIBUTE IN THE

1 SAME PROPORTION AS DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION.

2 (c) IF A POLITICAL SUBDIVISION IS UNABLE TO ACCEPT THE ANNUAL  
3 DISTRIBUTION MADE PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION,  
4 THE ENTERPRISE SHALL DISTRIBUTE THE UNACCEPTED AMOUNTS TO THE  
5 OTHER POLITICAL SUBDIVISIONS ON A PROPORTIONATE BASIS.

6 (3) THE ENTERPRISE SHALL ANNUALLY DISTRIBUTE UP TO FIVE  
7 MILLION DOLLARS FROM THE FUND, AFTER MAKING THE TRANSFERS  
8 REQUIRED BY SUBSECTION (2) OF THIS SECTION AND AFTER PROVIDING FOR  
9 THE ADMINISTRATIVE EXPENSES OF THE ENTERPRISE, TO KEY COMMERCIAL  
10 FREIGHT CORRIDORS, TO SUPPORT STATE GOVERNMENT PROJECTS RELATED  
11 TO EMERGENCY RESPONSES, ENVIRONMENTAL MITIGATION, OR TO SUPPORT  
12 PROJECTS RELATED TO THE TRANSPORTATION OF FUEL WITHIN THE STATE  
13 ON ROUTES NECESSARY FOR THE TRANSPORTATION OF HAZARDOUS  
14 MATERIALS.

15 **43-4-1507. Repeal of part.** THIS PART 15 IS REPEALED, EFFECTIVE  
16 JANUARY 1, 2030.

17 **SECTION 14. Appropriation.** (1) For the 2023-24 state fiscal  
18 year, \$576,346 is appropriated to the department of revenue. This  
19 appropriation is from General Fund. To implement this act, the  
20 department may use this appropriation as follows:

21 (a) \$166,239 for personal services related to taxation services,  
22 which amount is based on an assumption that the division will require an  
23 additional 2.5 FTE;

24 (b) \$22,845 for operating expenses related to taxation services;

25 (c) \$333,303 for tax administration IT system (GenTax) support;

26 (d) \$29,912 for DRIVES maintenance and support; and

27 (e) \$24,047 for the purchase of document management services.

1           (2) For the 2023-24 state fiscal year, \$24,047 is appropriated to  
2 the department of personnel. This appropriation is from reappropriated  
3 funds received from the department of revenue under subsection (1)(e) of  
4 this section. To implement this act, the department of personnel may use  
5 this appropriation to provide document management services for the  
6 department of revenue.

7           (3) For the 2023-24 state fiscal year, \$224,592 is appropriated to  
8 the department of law. This appropriation is from the legal services cash  
9 fund created in section 24-31-108 (4), C.R.S., from revenue received  
10 from the department of public health and environment that is  
11 continuously appropriated to the department from the clean fleet  
12 enterprise diesel truck emissions reduction grant program cash fund  
13 created in section 25-7.5-103 (5)(a), C.R.S. The appropriation to the  
14 department of law is based on an assumption that the department of law  
15 will require an additional 1.0 FTE. To implement this act, the department  
16 of law may use this appropriation to provide legal services for the  
17 department of public health and environment.

18           **SECTION 15. Act subject to petition - effective date.** This act  
19 takes effect at 12:01 a.m. on the day following the expiration of the  
20 ninety-day period after final adjournment of the general assembly; except  
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
22 of the state constitution against this act or an item, section, or part of this  
23 act within such period, then the act, item, section, or part will not take  
24 effect unless approved by the people at the general election to be held in  
25 November 2024 and, in such case, will take effect on the date of the  
26 official declaration of the vote thereon by the governor.