

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 23-0270.02 Pierce Lively x2059

**SENATE BILL 23-280**

**SENATE SPONSORSHIP**

**Mullica, Priola, Rodriguez**

**HOUSE SPONSORSHIP**

**Snyder,**

**Senate Committees**

Finance  
Appropriations

**House Committees**

Finance  
Appropriations

**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  
3rd Reading Unamended  
April 25, 2023

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 CREDITS CREATED IN SECTIONS  
10 39-22-516.8 (2.7), (3.7), AND (9.7);

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

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

1 (c) ON AND AFTER SEPTEMBER 1, 2023, THE EXECUTIVE DIRECTOR  
2 OF THE DEPARTMENT OF REVENUE SHALL TRANSMIT ANY FUELS IMPACT  
3 REDUCTION FEE REVENUE THAT IT COLLECTS ON BEHALF OF THE FUELS  
4 IMPACT ENTERPRISE PURSUANT TO THIS SUBSECTION (8) TO THE STATE  
5 TREASURER, WHO SHALL CREDIT:

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

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

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

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

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

25 **25-5-1312. Reporting requirement.** (1) Notwithstanding section  
26 24-1-136 (11)(a)(I), the department shall annually report by February 1,  
27 2021, and February 1 of each year until ~~February 1, 2027~~ FEBRUARY 1,

1 2036, to the general assembly's committees of reference with jurisdiction  
2 over public health regarding:

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

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

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

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

27 (5) (a) The clean fleet enterprise fund is hereby created in the state

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

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

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

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

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

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

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

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

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

1 AMOUNT AUTHORIZED IN THIS SECTION AS REQUIRED;

2

3 (6.5) THE BOARD MAY CONTRACT FOR GOODS AND SERVICES  
4 NEEDED TO EXERCISE ITS POWERS AND DUTIES, AS SET FORTH IN THIS  
5 ARTICLE 7.5, WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES  
6 101 TO 112 OF TITLE 24.

7 (8.5) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, THE  
8 ENTERPRISE SHALL IMPOSE THE HEAVY-DUTY DIESEL VEHICLE  
9 REGISTRATION FEE TO BE PAID BY A PERSON WHO REGISTERS A  
10 HEAVY-DUTY DIESEL VEHICLE. FOR THE PURPOSE OF MINIMIZING  
11 COMPLIANCE COSTS FOR DISTRIBUTORS AND ADMINISTRATIVE COSTS FOR  
12 THE STATE, THE DEPARTMENT OF REVENUE SHALL COLLECT THE  
13 HEAVY-DUTY DIESEL VEHICLE REGISTRATION FEE ON BEHALF OF THE  
14 ENTERPRISE, AND A PERSON WHO REGISTERS A HEAVY-DUTY DIESEL  
15 VEHICLE SHALL PAY THE FEE TO THE DEPARTMENT OF REVENUE AS  
16 REQUIRED BY SECTION 42-3-304 (20.5)(a).

17 (b) FOR A PERSON WHO REGISTERS A HEAVY-DUTY DIESEL  
18 VEHICLE, THE ENTERPRISE SHALL IMPOSE A HEAVY-DUTY DIESEL VEHICLE  
19 REGISTRATION FEE \_\_\_ THAT IS \_\_\_ NO MORE THAN THIRTY DOLLARS FOR  
20 HEAVY-DUTY DIESEL VEHICLES THAT ARE MODEL YEAR 2010 THROUGH  
21 2014, AND NO MORE THAN FIFTY DOLLARS FOR HEAVY-DUTY DIESEL  
22 VEHICLES THAT ARE MODEL YEAR 2009 OR OLDER. THE FEE APPLIES TO  
23 BOTH INTRASTATE AND INTERSTATE HEAVY-DUTY DIESEL VEHICLES. FOR  
24 INTERSTATE HEAVY-DUTY DIESEL VEHICLES, THE FEE IS PRORATED BASED  
25 ON THE FLEET OWNER'S PERCENTAGE OF MILEAGE IN COLORADO.

26 (c) AS REQUIRED BY SECTION 42-3-304 (20.5)(b), THE  
27 DEPARTMENT OF REVENUE SHALL TRANSMIT THE HEAVY-DUTY DIESEL

1 VEHICLE REGISTRATION FEE REVENUE IT COLLECTS ON BEHALF OF THE  
2 ENTERPRISE TO THE STATE TREASURER, WHO SHALL TRANSFER THE FEE TO  
3 THE CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION  
4 GRANT PROGRAM CASH FUND.

5 (9.5) (a) (I) THE GENERAL ASSEMBLY HEREBY FINDS AND  
6 DECLARES THAT:

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

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

15 (C) SUCH NEGATIVE HEALTH EFFECTS CAN INCLUDE ASTHMA,  
16 SUSCEPTIBILITY TO RESPIRATORY ILLNESS, LUNG CANCER, AND  
17 PREMATURE DEATH;

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

22 (E) OLDER DIESEL TRUCKS ARE MORE LIKELY THAN NEWER  
23 ELIGIBLE TRUCKS TO BREAK DOWN AND CAUSE CONGESTION AND SAFETY  
24 ISSUES IN COLORADO'S URBAN AREAS AND ALONG COLORADO'S MOUNTAIN  
25 HIGHWAYS AND INTERSTATES;

26 (F) SMALL BUSINESSES AND SOLE PROPRIETORS THAT OWN OLDER  
27 DIESEL TRUCKS ARE LESS LIKELY THAN OTHER VEHICLE OWNERS TO HAVE

1 ACCESS TO THE CAPITAL OR FINANCING REQUIRED TO INVEST IN NEWER  
2 ELIGIBLE TRUCKS;

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

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

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

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

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



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

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

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

11

12 (B) THE TIME FRAMES FOR APPLYING FOR GRANTS;

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

18 (D) THE FORM OF THE GRANT PROGRAM APPLICATION;

19 (E) THE TIME FRAME FOR AWARDING GRANTS; AND

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

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

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

1 (B) THE FUNDING REQUESTED PER REPLACEMENT NEWER ELIGIBLE  
2 TRUCK;

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 NEWER ELIGIBLE TRUCKS.

11 (II) THE ENTERPRISE AND THE DEPARTMENT MAY CONSULT WITH  
12 THE GRANT APPLICANT REGARDING REPLACEMENT NEWER ELIGIBLE TRUCK  
13 OPTIONS.

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

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

26 (V) THE ENTERPRISE SHALL NOT AWARD GRANTS AFTER 2033.

27 (d) (I) ON OR BEFORE JUNE 30, 2025, AND ON OR BEFORE JUNE 30

1 OF EACH YEAR THEREAFTER THROUGH 2033, EACH ELIGIBLE ENTITY THAT  
2 RECEIVES A GRANT THROUGH THE GRANT PROGRAM SHALL SUBMIT A  
3 REPORT TO THE DEPARTMENT. AT A MINIMUM, THE REPORT MUST INCLUDE  
4 THE FOLLOWING INFORMATION:

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

7 (B) THE MAKE, MODEL, MODEL YEAR, AND MILEAGE OF THE  
8 REPLACEMENT NEWER ELIGIBLE TRUCKS;

9 (C) THE PURCHASE DATES OF THE REPLACEMENT NEWER ELIGIBLE  
10 TRUCKS;

11 (D) THE FUEL TYPE OF THE REPLACEMENT NEWER ELIGIBLE  
12 TRUCKS;

13 (E) THE MONTHLY MILEAGE PER REPLACEMENT NEWER ELIGIBLE  
14 TRUCK;

15 (F) THE MONTHLY FUEL USAGE PER REPLACEMENT NEWER  
16 ELIGIBLE TRUCK;

17 (G) CERTIFICATION THAT THE AWARDED NEWER ELIGIBLE TRUCKS  
18 ARE STILL ROADWORTHY, OPERATIONAL, AND OWNED BY THE ORIGINAL  
19 AWARDEE;

20 (H) THE MAKE, MODEL, MODEL YEAR, AND MILEAGE OF THE DIESEL  
21 TRUCKS DECOMMISSIONED;

22 (I) THE LOCATION OF DIESEL TRUCKS DECOMMISSIONED;

23 (J) THE OPERATING AREA OF THE DIESEL TRUCKS  
24 DECOMMISSIONED; AND

25 (K) ANY ADDITIONAL INFORMATION REQUIRED BY THE  
26 DEPARTMENT.

27 (II) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR

1 BEFORE DECEMBER 1, 2025, AND ON OR BEFORE DECEMBER 1 OF EACH  
2 YEAR THEREAFTER THROUGH 2033, THE DEPARTMENT SHALL PREPARE A  
3 REPORT SUMMARIZING THE PROGRESS OF THE DIESEL TRUCK EMISSIONS  
4 REDUCTION GRANT PROGRAM AND SUBMIT THE REPORT TO THE  
5 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE AND THE  
6 ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF  
7 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE DEPARTMENT  
8 SHALL POST A COPY OF EACH REPORT ON ITS WEBSITE. AT A MINIMUM, THE  
9 REPORT MUST INCLUDE:

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

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

14 (C) THE ESTIMATED REDUCTION OF ANNUAL EMISSIONS OF  
15 PARTICULATE MATTER, NITROGEN OXIDES, AND GREENHOUSE GASES, AS  
16 A RESULT OF DIESEL TRUCK REPLACEMENTS FUNDED DURING THE  
17 PRECEDING FISCAL YEAR; AND

18 (D) A BREAKDOWN OF THE DIESEL TRUCK CLASSES  
19 DECOMMISSIONED AND REPLACED DURING THE IMMEDIATELY PRECEDING  
20 STATE FISCAL YEAR.

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

23 (I) "DECOMMISSION" MEANS RENDERING BOTH THE ENGINE AND  
24 THE CHASSIS OF A DIESEL TRUCK INOPERABLE BY CUTTING A THREE INCH  
25 HOLE THROUGH THE WALL OF THE ENGINE BLOCK AND CUTTING THE  
26 CHASSIS RAILS IN HALF OR BY SIMILARLY EFFECTIVE MEANS, AS  
27 DETERMINED BY THE DEPARTMENT.

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

5 (III) "DIESEL TRUCK" MEANS A TRUCK POWERED BY AN INTERNAL  
6 COMBUSTION, COMPRESSION IGNITION, DIESEL-FUELED ENGINE, OVER A  
7 GROSS VEHICLE WEIGHT RATING OF MORE THAN SIXTEEN THOUSAND  
8 POUNDS. THIS DOES NOT INCLUDE HYBRID DIESEL FUEL TYPES.

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

12 [REDACTED]  
13 (V) "ELIGIBLE ENTITY" MEANS ANY PUBLIC ENTITY OR PRIVATE  
14 COMPANY THAT OWNS OR LEASES AND USES A QUALIFIED DIESEL TRUCK AS  
15 SPECIFIED BY THE DEPARTMENT.

16 (VI) "FUEL PRODUCT" MEANS GASOLINE, BLENDED GASOLINE,  
17 GASOLINE SOLD FOR GASOHOL PRODUCTION, GASOHOL, DIESEL, BIODIESEL  
18 BLENDS, NATURAL GAS, SPECIAL FUELS, AND SPECIAL FUEL MIXES WITH  
19 ALCOHOL.

20 (VII) "HEAVY-DUTY DIESEL VEHICLE" MEANS A DIESEL-POWERED  
21 MOTOR VEHICLE WITH A GROSS VEHICLE WEIGHT RATING OF MORE THAN  
22 SIXTEEN THOUSAND POUNDS.

23 (VIII) "NEWER ELIGIBLE TRUCK" MEANS ANY TRUCK THAT IS  
24 MODEL YEAR 2017 OR LATER AND DOES NOT QUALIFY FOR ACQUISITION  
25 FUNDING OR FINANCING ASSISTANCE FROM THE FUND.

26 (IX) "REPLACEMENT" OR "REPLACE" MEANS THE REPLACEMENT OF  
27 AN EXISTING IN-USE MODEL YEAR 2014 OR OLDER DIESEL TRUCK THAT HAS

1 BEEN REGISTERED IN COLORADO FOR AT LEAST TWO YEARS, WITH A  
2 MODEL YEAR 2017 OR NEW ELIGIBLE TRUCK REGISTERED IN COLORADO TO  
3 BE USED FOR THE SAME OR SIMILAR PURPOSE.

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

6 **29-5-402. Definitions.** As used in this part 4, unless the context  
7 otherwise requires:

8 (2) "Covered individual" means a firefighter, HAZARDOUS  
9 MATERIALS TROOPER, part-time firefighter, or volunteer firefighter who  
10 meets the coverage requirements in section 29-5-403 (12).

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

19 (4.5) "HAZARDOUS MATERIALS TROOPER" MEANS A PERSON  
20 EMPLOYED BY THE COLORADO STATE PATROL TO SUPPORT THE  
21 REGULATION OF HAZARDOUS MATERIALS ON HIGHWAYS IN THE STATE.

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

24 **29-5-403. Required benefits - conditions of receiving benefits.**  
25 (12) (a) In order for a covered individual to be eligible for the benefits in  
26 this section, prior to the diagnosis of cancer and no more than five years  
27 for a firefighter or HAZARDOUS MATERIALS TROOPER AND no more than

1 ten years for a volunteer firefighter or part-time firefighter after the  
2 firefighter, volunteer firefighter, or part-time firefighter became employed  
3 by an employer, the firefighter, HAZARDOUS MATERIALS TROOPER,  
4 volunteer firefighter, or part-time firefighter must have had a medical  
5 examination that would reasonably have found an illness or injury that  
6 could have caused the cancer and no illness or injury was found.

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

10 (I.5) THE HAZARDOUS MATERIALS TROOPER:

11 (A) HAS AT LEAST FIVE YEARS OF CONTINUOUS, FULL-TIME  
12 EMPLOYMENT AS A HAZARDOUS MATERIALS TROOPER; AND

13 (B) IS DIAGNOSED WITH CANCER WITHIN TEN YEARS AFTER  
14 CEASING EMPLOYMENT AS A HAZARDOUS MATERIALS TROOPER; OR

15 ■ ■

16 **SECTION 9.** In Colorado Revised Statutes, 39-22-516.8, **amend**  
17 (1)(a)(I), (1)(a)(III)(G), (1)(f), (1)(g), (1)(r.5), (1)(ee)(II) introductory  
18 portion, (12), and (15); and **add** (1)(bb.7), (2.7), (3.7), and (9.7) as  
19 follows:

20 **39-22-516.8. Tax credit for innovative trucks - definitions -**  
21 **repeal.** (1) As used in this section, unless the context otherwise requires:

22 (a) (I) "Actual cost incurred" means the actual cost paid by the  
23 purchaser for a new or used truck or clean fuel refrigerated trailer,  
24 conversion of a truck or clean fuel refrigerated trailer, idling reduction  
25 technologies, or aerodynamic technologies, minus any credits, grants, or  
26 rebates, including federal credits, grants, or rebates for which the  
27 purchaser is eligible, but excluding the credit specified in this section AND

1 ANY INCENTIVE PROVIDED BY THE CLEAN FLEET ENTERPRISE AS ALLOWED  
2 IN SECTION 25-7.5-103 (3).

3 (II) For purposes of a lease, "actual cost incurred" means the total  
4 of payments contracted in the lease for the truck minus:

5 (G) Any credits, grants, or rebates, including federal credits,  
6 grants, or rebates for which the lessee or lessor is eligible, but excluding  
7 the credit specified in this section AND ANY INCENTIVE PROVIDED BY THE  
8 CLEAN FLEET ENTERPRISE AS ALLOWED IN SECTION 25-7.5-103 (3).

9 (f) "Category 4" means AN original equipment manufacturer  
10 ~~trucks that are~~ TRUCK THAT IS equipped to operate on ~~compressed natural~~  
11 ~~gas or on liquefied petroleum gas.~~ For purposes of this paragraph (f),  
12 "operate on compressed natural gas or on liquefied petroleum gas" means  
13 A RENEWABLE FUEL, INCLUDING a truck that operates exclusively on  
14 ~~compressed natural gas or on liquefied petroleum gas~~ A RENEWABLE FUEL,  
15 or a bi-fuel truck with a multi-fuel engine capable of running on either  
16 ~~compressed natural gas~~ RENEWABLE FUEL or traditional fuel. ~~or on either~~  
17 ~~liquefied petroleum gas or traditional fuel,~~ or a dual-fuel truck with a  
18 ~~multi-fuel engine capable of running on both compressed natural gas and~~  
19 ~~traditional fuel, or on both liquefied petroleum gas and traditional fuel.~~

20 (g) "Category 4 A" means ~~compressed natural gas or liquefied~~  
21 ~~petroleum gas~~ RENEWABLE FUEL conversions certified by the United  
22 States environmental protection agency For purposes of this paragraph  
23 (g), "~~compressed natural gas or liquefied petroleum gas conversions~~"  
24 means INCLUDING a conversion to a truck that operates exclusively on  
25 ~~compressed natural gas or on liquefied petroleum gas~~ RENEWABLE FUEL,  
26 or a bi-fuel truck with a multi-fuel engine capable of running on either  
27 ~~compressed natural gas~~ RENEWABLE FUEL or traditional fuel. ~~or on either~~



1 ~~liquefied petroleum gas or traditional fuel, or a dual-fuel truck with a~~  
2 ~~multi-fuel engine capable of running on both compressed natural gas and~~  
3 ~~traditional fuel, or on both liquefied petroleum gas and traditional fuel.~~

4 (r.5) "Financing entity" means the entity that finances the  
5 purchase or lease of a ~~category 4, category 4 A, category 4 B, category 4~~  
6 ~~C, category 7, category 7 A, or category 9~~ vehicle eligible for a credit  
7 allowed by this section.

8 (bb.7) "RENEWABLE FUEL" MEANS:

9 (I) COMPRESSED NATURAL GAS, LIQUEFIED NATURAL GAS, OR  
10 LIQUEFIED PETROLEUM GAS FROM A PRODUCTION SOURCE THAT IS  
11 ELIGIBLE FOR A RENEWABLE IDENTIFICATION NUMBER PURSUANT TO THE  
12 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S RENEWABLE  
13 FUEL STANDARDS PROGRAM ESTABLISHED UNDER 40 C.F.R. PART 80  
14 SUBPART M, AS AMENDED; OR

15 (II) RECOVERED METHANE, AS DEFINED IN SECTION 25-7.5-102  
16 (20).

17 (ee) (II) "Truck", for tax years commencing on or after January 1,  
18 2017, has the same meaning as in section 42-1-102 (108), ~~C.R.S.~~, and  
19 includes ~~a hybrid truck~~, a light-duty passenger motor vehicle, and a bus,  
20 has a maximum speed capability of at least fifty-five miles per hour, is  
21 licensed or subject to licensing for operation upon the highways of the  
22 state, is new, not used, unless the truck is being converted, and is either:

23 (2.7) **Category 4 lease or purchase.** (a) (I) WITH RESPECT TO  
24 INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2024, BUT  
25 BEFORE JANUARY 1, 2029, FOR EACH PURCHASE OR LEASE OF A CATEGORY  
26 4 LIGHT-DUTY TRUCK SOLD OR LEASED DURING THE TAX YEAR, THERE IS  
27 ALLOWED TO ANY PERSON A CREDIT AGAINST THE TAX IMPOSED BY THIS

1 ARTICLE 22 IN AN AMOUNT AS FOLLOWS:

2 (A) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
3 1, 2024, BUT BEFORE JANUARY 1, 2026, THREE THOUSAND FIVE HUNDRED  
4 DOLLARS; AND

5 (B) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
6 1, 2026, BUT BEFORE JANUARY 1, 2029, ONE THOUSAND FIVE HUNDRED  
7 DOLLARS;

8 (II) WITH RESPECT TO INCOME TAX YEARS COMMENCING ON OR  
9 AFTER JANUARY 1, 2024, BUT BEFORE JANUARY 1, 2029, FOR EACH  
10 PURCHASE OR LEASE OF A CATEGORY 4 MEDIUM-DUTY TRUCK SOLD OR  
11 LEASED DURING THE TAX YEAR, THERE IS ALLOWED TO ANY PERSON A  
12 CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE 22 IN AN AMOUNT AS  
13 FOLLOWS:

14 (A) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
15 1, 2024, BUT BEFORE JANUARY 1, 2026, SEVEN THOUSAND DOLLARS; AND

16 (B) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
17 1, 2026, BUT BEFORE JANUARY 1, 2029, FOUR THOUSAND FIVE HUNDRED  
18 DOLLARS; AND

19 (III) WITH RESPECT TO INCOME TAX YEARS COMMENCING ON OR  
20 AFTER JANUARY 1, 2024, BUT BEFORE JANUARY 1, 2029, FOR EACH  
21 PURCHASE OR LEASE OF A CATEGORY 4 HEAVY-DUTY TRUCK SOLD OR  
22 LEASED DURING THE TAX YEAR, THERE IS ALLOWED TO ANY PERSON A  
23 CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE 22 IN AN AMOUNT AS  
24 FOLLOWS:

25 (A) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
26 1, 2024, BUT BEFORE JANUARY 1, 2026, TWELVE THOUSAND DOLLARS;  
27 AND

1 (B) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
2 1, 2026, BUT BEFORE JANUARY 1, 2029, EIGHT THOUSAND DOLLARS.

3 (3.7) **Category 4 A conversion.** (a) (I) WITH RESPECT TO THE  
4 INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2024, BUT  
5 BEFORE JANUARY 1, 2029, THERE IS ALLOWED TO ANY PERSON A CREDIT  
6 AGAINST THE TAX IMPOSED BY THIS ARTICLE IN AN AMOUNT EQUAL TO THE  
7 ACTUAL COST INCURRED BY THE TAXPAYER DURING THE TAX YEAR FOR  
8 THE CONVERSION OF A LIGHT-DUTY TRADITIONAL FUEL TRUCK TO A  
9 CATEGORY 4 A LIGHT-DUTY TRUCK, NOT TO EXCEED:

10 (A) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
11 1, 2024, BUT BEFORE JANUARY 1, 2026, THREE THOUSAND FIVE HUNDRED  
12 DOLLARS; AND

13 (B) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
14 1, 2026, BUT BEFORE JANUARY 1, 2029, ONE THOUSAND FIVE HUNDRED  
15 DOLLARS;

16 (II) WITH RESPECT TO THE INCOME TAX YEARS COMMENCING ON  
17 OR AFTER JANUARY 1, 2024, BUT BEFORE JANUARY 1, 2029, THERE IS  
18 ALLOWED TO ANY PERSON A CREDIT AGAINST THE TAX IMPOSED BY THIS  
19 ARTICLE IN AN AMOUNT EQUAL TO THE ACTUAL COST INCURRED BY THE  
20 TAXPAYER DURING THE TAX YEAR FOR THE CONVERSION OF A  
21 MEDIUM-DUTY TRADITIONAL FUEL TRUCK TO A CATEGORY 4 A  
22 MEDIUM-DUTY TRUCK, NOT TO EXCEED:

23 (A) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
24 1, 2024, BUT BEFORE JANUARY 1, 2026, SEVEN THOUSAND DOLLARS; AND

25 (B) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
26 1, 2026, BUT BEFORE JANUARY 1, 2029, FOUR THOUSAND FIVE HUNDRED  
27 DOLLARS; AND

1 (III) WITH RESPECT TO THE INCOME TAX YEARS COMMENCING ON  
2 OR AFTER JANUARY 1, 2024, BUT BEFORE JANUARY 1, 2029, THERE IS  
3 ALLOWED TO ANY PERSON A CREDIT AGAINST THE TAX IMPOSED BY THIS  
4 ARTICLE IN AN AMOUNT EQUAL TO THE ACTUAL COST INCURRED BY THE  
5 TAXPAYER DURING THE TAX YEAR FOR THE CONVERSION OF A  
6 HEAVY-DUTY TRADITIONAL FUEL TRUCK TO A CATEGORY 4 A  
7 HEAVY-DUTY TRUCK, NOT TO EXCEED:

8 (A) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
9 1, 2024, BUT BEFORE JANUARY 1, 2026, TWELVE THOUSAND DOLLARS;  
10 AND

11 (A) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
12 1, 2026, BUT BEFORE JANUARY 1, 2029, EIGHT THOUSAND DOLLARS.

13 (9.7) **Category 7 A conversion.** (a) (I) WITH RESPECT TO THE  
14 INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2024, BUT  
15 BEFORE JANUARY 1, 2029, THERE IS ALLOWED TO ANY PERSON A CREDIT  
16 AGAINST THE TAX IMPOSED BY THIS ARTICLE IN AN AMOUNT EQUAL TO THE  
17 ACTUAL COST INCURRED BY THE TAXPAYER DURING THE TAX YEAR FOR  
18 THE CONVERSION OF A LIGHT-DUTY TRADITIONAL FUEL TRUCK TO A  
19 CATEGORY 7 A LIGHT-DUTY TRUCK, NOT TO EXCEED:

20 (A) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
21 1, 2024, BUT BEFORE JANUARY 1, 2026, THREE THOUSAND FIVE HUNDRED  
22 DOLLARS; AND

23 (B) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
24 1, 2026, BUT BEFORE JANUARY 1, 2029, ONE THOUSAND FIVE HUNDRED  
25 DOLLARS;

26 (II) WITH RESPECT TO THE INCOME TAX YEARS COMMENCING ON  
27 OR AFTER JANUARY 1, 2024, BUT BEFORE JANUARY 1, 2029, THERE IS

1 ALLOWED TO ANY PERSON A CREDIT AGAINST THE TAX IMPOSED BY THIS  
2 ARTICLE IN AN AMOUNT EQUAL TO THE ACTUAL COST INCURRED BY THE  
3 TAXPAYER DURING THE TAX YEAR FOR THE CONVERSION OF A  
4 MEDIUM-DUTY TRADITIONAL FUEL TRUCK TO A CATEGORY 7 A  
5 MEDIUM-DUTY TRUCK, NOT TO EXCEED:

6 (A) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
7 1, 2024, BUT BEFORE JANUARY 1, 2026, SEVEN THOUSAND DOLLARS; AND

8 (B) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
9 1, 2026, BUT BEFORE JANUARY 1, 2029, FOUR THOUSAND FIVE HUNDRED  
10 DOLLARS; AND

11 (III) WITH RESPECT TO THE INCOME TAX YEARS COMMENCING ON  
12 OR AFTER JANUARY 1, 2024, BUT BEFORE JANUARY 1, 2029, THERE IS  
13 ALLOWED TO ANY PERSON A CREDIT AGAINST THE TAX IMPOSED BY THIS  
14 ARTICLE IN AN AMOUNT EQUAL TO THE ACTUAL COST INCURRED BY THE  
15 TAXPAYER DURING THE TAX YEAR FOR THE CONVERSION OF A  
16 HEAVY-DUTY TRADITIONAL FUEL TRUCK TO A CATEGORY 7 A  
17 HEAVY-DUTY TRUCK, NOT TO EXCEED:

18 (A) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
19 1, 2024, BUT BEFORE JANUARY 1, 2026, TWELVE THOUSAND DOLLARS;  
20 AND

21 (B) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
22 1, 2026, BUT BEFORE JANUARY 1, 2029, EIGHT THOUSAND DOLLARS.

23 (12) (a) A taxpayer claiming the credit authorized by this section  
24 shall not claim the credit in an amount that exceeds the incremental cost  
25 of the actual cost incurred for the category 4, 4 A, 4 B, 4 C, 7, or 7 A a  
26 CATEGORY 4 OR 7 truck or motor vehicle over the manufacturer's  
27 suggested retail price of a comparable traditional fuel truck or light-duty

1 passenger motor vehicle.

2 (b) (I) FOR TAX YEARS BEGINNING ON OR AFTER JANUARY 1, 2024,  
3 THE CREDIT ALLOWED BY SUBSECTION (2.7) OF THIS SECTION FOR A  
4 CATEGORY 4 TRUCK AND THE CREDIT ALLOWED BY SUBSECTION (3.7) OF  
5 THIS SECTION FOR A CATEGORY 4 A TRUCK ARE SUBJECT TO RECAPTURE IN  
6 THE TAX YEAR OF PURCHASE OR CONVERSION, OR ANY OF THE FOLLOWING  
7 FOUR TAX YEARS OR UNTIL THE CATEGORY 4 OR 4 A TRUCK IS SOLD, IF THE  
8 RENEWABLE FUEL ENERGY AND ANY ELECTRICITY OR HYDROGEN USED BY  
9 THE PURCHASER TO POWER THE TRUCK COMPRISES LESS THAN EIGHTY  
10 PERCENT OF THE TOTAL ENERGY USED TO POWER THE TRUCK DURING THE  
11 TAX YEAR. IF A CREDIT IS RECAPTURED UNDER THIS SUBSECTION  
12 (12)(b)(I), THE PURCHASER SHALL ADD THE FULL NOMINAL AMOUNT OF  
13 THE CREDIT ALLOWED UNDER SUBSECTION (2.7) OR (3.7) OF THIS SECTION  
14 FOR THE TAX YEAR OF THE PURCHASE OR CONVERSION TO THE  
15 PURCHASER'S RETURN FOR THE RECAPTURE YEAR REGARDLESS OF  
16 WHETHER THE CREDIT WAS ASSIGNED PURSUANT TO SUBSECTION (13.7) OF  
17 THIS SECTION.

18 (II) FOR TAX YEARS BEGINNING ON OR AFTER JANUARY 1, 2024,  
19 THE CREDIT ALLOWED BY SUBSECTION (9.7) OF THIS SECTION FOR A  
20 CATEGORY 7 A TRUCK IS SUBJECT TO RECAPTURE IN THE TAX YEAR OF  
21 CONVERSION, OR ANY OF THE FOLLOWING FOUR TAX YEARS OR UNTIL THE  
22 CATEGORY 7 A TRUCK IS SOLD, IF THE ELECTRIC ENERGY AND ANY  
23 RENEWABLE FUEL OR HYDROGEN USED BY THE PURCHASER TO POWER THE  
24 TRUCK COMPRISES LESS THAN EIGHTY PERCENT OF THE TOTAL ENERGY  
25 USED TO POWER THE TRUCK DURING THE TAX YEAR. IF A CREDIT IS  
26 RECAPTURED UNDER THIS SUBSECTION (12)(b)(II), THE PURCHASER SHALL  
27 ADD THE FULL NOMINAL AMOUNT OF THE CREDIT ALLOWED UNDER

1 SUBSECTION (9.7) OF THIS SECTION FOR THE TAX YEAR OF THE  
2 CONVERSION TO THE PURCHASER'S RETURN FOR THE RECAPTURE YEAR.

3 (15) No more than one tax credit shall be granted pursuant to this  
4 section and ~~sections 39-22-516.5 and~~ SECTION 39-22-516.7 for any  
5 individual motor vehicle or truck.

6 SECTION 10. In Colorado Revised Statutes, 39-22-516.8,  
7 amend as added by House Bill 23-1272 (1.5)(a), (13.7)(a) introductory  
8 portion, and (13.7)(e) as follows:

9 **39-22-516.8. Tax credit for innovative trucks - definitions -**  
10 **repeal.** (1.5) (a) In accordance with section 39-21-304 (1), which  
11 requires each bill that extends an expiring tax expenditure to include a tax  
12 preference performance statement as part of a statutory legislative  
13 declaration, the general assembly finds and declares that the purpose of  
14 the tax credit provided in this section is to induce certain designated  
15 behavior by ~~taxpayers, specifically the sale and purchase or lease of~~  
16 ~~electric medium-duty, or heavy-duty trucks,~~ TAXPAYERS by providing a  
17 reduction in income tax liability to the purchaser or lessee or to a  
18 financing entity OR MOTOR VEHICLE DEALER in connection with the sale  
19 and purchase or lease of an electric light-duty, medium-duty, or  
20 heavy-duty truck, OR THE SALE, LEASE, OR CONVERSION OF CLEAN  
21 TRUCKS.

22 (13.7) (a) A purchaser may assign the tax credit allowed in this  
23 section for the purchase or lease of a CATEGORY 4, CATEGORY 4 A,  
24 category 7, OR CATEGORY 7 A vehicle sold or leased on or after January  
25 1, 2024, to a financing entity or to a motor vehicle dealer as follows:

26 (e) For the purchase or lease of a CATEGORY 4, CATEGORY 4 A,  
27 category 7, OR CATEGORY 7 A vehicle completed on or after January 1,

1 2024, the financing entity or the motor vehicle dealer shall electronically  
2 submit a report containing the information contained in the election  
3 statement described in subsection (13.7)(c) of this section to the  
4 department on a quarterly basis in a form and manner required by the  
5 department.

6 **SECTION 11.** In Colorado Revised Statutes, 39-22-516.8,  
7 **amend** (13.5)(a) introductory portion and (18); and **add** (1)(bb.1),  
8 (1)(q.5), (1.5), (13.5)(h), and (13.7) as follows:

9 **39-22-516.8. Tax credit for innovative trucks - definitions -**  
10 **repeal.** (1) As used in this section, unless the context otherwise requires:

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

13 (q.5) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

14 (1.5) (a) IN ACCORDANCE WITH SECTION 39-21-304 (1), WHICH  
15 REQUIRES EACH BILL THAT EXTENDS AN EXPIRING TAX EXPENDITURE TO  
16 INCLUDE A TAX PREFERENCE PERFORMANCE STATEMENT AS PART OF A  
17 STATUTORY LEGISLATIVE DECLARATION, THE GENERAL ASSEMBLY FINDS  
18 AND DECLARES THAT THE PURPOSE OF THE TAX CREDIT PROVIDED IN THIS  
19 SECTION IS TO INDUCE CERTAIN DESIGNATED BEHAVIOR BY TAXPAYERS, BY  
20 PROVIDING A REDUCTION IN INCOME TAX LIABILITY TO THE PURCHASER OR  
21 LESSEE OR TO A FINANCING ENTITY OR MOTOR VEHICLE IN CONNECTION  
22 WITH THE SALE, LEASE, OR CONVERSION OF CLEAN TRUCKS.

23 (b) THE GENERAL ASSEMBLY AND THE STATE AUDITOR SHALL  
24 MEASURE THE EFFECTIVENESS OF THE CREDIT IN ACHIEVING THE PURPOSE  
25 SPECIFIED IN SUBSECTION (1.5)(a) OF THIS SECTION BASED ON THE NUMBER  
26 AND VALUE OF CREDITS CLAIMED.

27 (13.5) (a) A purchaser may assign the tax credit allowed in this



1 section for the purchase or lease of a category 4, category 4 A, category  
2 4 B, category 4 C, category 7, category 7 A, or category 9 vehicle  
3 completed on or after January 1, 2017, BUT BEFORE JANUARY 1, 2024, to  
4 a financing entity as follows:

5 (h) THIS SUBSECTION (13.5) IS REPEALED, EFFECTIVE DECEMBER  
6 31, 2028.

7 (13.7) (a) A PURCHASER MAY ASSIGN THE TAX CREDIT ALLOWED  
8 IN SUBSECTIONS (2.7), (3.7), AND (9.7) OF THIS SECTION FOR THE  
9 PURCHASE OR LEASE OF A CATEGORY 4, CATEGORY 4 A, OR CATEGORY 7  
10 A VEHICLE MADE AND DELIVERED ON OR AFTER JANUARY 1, 2024, TO A  
11 FINANCING ENTITY OR TO A MOTOR VEHICLE DEALER AS FOLLOWS:

12 (I) THE ASSIGNMENT TO THE FINANCING ENTITY OR THE MOTOR  
13 VEHICLE DEALER MUST BE COMPLETED AT THE TIME OF PURCHASE OR  
14 LEASE BY ENTERING INTO AN ELECTION STATEMENT AS SET FORTH IN  
15 SUBSECTION (13.7)(c) OF THIS SECTION;

16 (II) THE PURCHASER MUST TITLE AND REGISTER THE VEHICLE IN  
17 THE STATE OR REGISTER THE VEHICLE UNDER THE INTERNATIONAL  
18 REGISTRATION PLAN AND BASE PLATE THE VEHICLE IN THE STATE AS  
19 REQUIRED BY STATE LAW;

20 (III) THE PURCHASER MUST ASSIGN THE TAX CREDIT TO THE  
21 FINANCING ENTITY OR THE MOTOR VEHICLE DEALER AND FORFEIT THE  
22 RIGHT TO CLAIM THE TAX CREDIT ON THE PURCHASER'S TAX RETURN IN  
23 EXCHANGE FOR THE GOOD AND VALUABLE CONSIDERATION; AND

24 (IV) THE FINANCING ENTITY OR THE MOTOR VEHICLE DEALER  
25 SHALL COMPENSATE THE PURCHASER FOR THE FULL NOMINAL VALUE OF  
26 THE TAX CREDIT; EXCEPT THAT THE FINANCING ENTITY OR THE MOTOR  
27 VEHICLE DEALER MAY COLLECT AN ADMINISTRATIVE FEE NOT TO EXCEED

1 TWO HUNDRED FIFTY DOLLARS FOR PROCESSING THE ASSIGNMENT. THE  
2 COMPENSATION PAID TO THE PURCHASER IS CONSIDERED A REFUND OF  
3 STATE TAXES AND IS NOT INCOME.

4 (b) NOTWITHSTANDING SECTION 39-21-108 (3), IF A PURCHASER  
5 ASSIGNS THE TAX CREDIT TO A FINANCING ENTITY OR TO A MOTOR VEHICLE  
6 DEALER PURSUANT TO THIS SUBSECTION (13.7), THE FINANCING ENTITY OR  
7 THE MOTOR VEHICLE DEALER RECEIVES THE FULL AMOUNT OF THE TAX  
8 CREDIT THAT THE PURCHASER IS ALLOWED IN THIS SECTION. ANY UNPAID  
9 BALANCE OR UNPAID DEBT OF THE PURCHASER MAY NOT BE CREDITED  
10 FROM THE AMOUNT OF THE TAX CREDIT ALLOWED IN THIS SECTION.

11 (c) TO COMPLETE THE TAX CREDIT ASSIGNMENT, THE PURCHASER  
12 AND THE FINANCING ENTITY OR THE MOTOR VEHICLE DEALER SHALL ENTER  
13 INTO AN ELECTION STATEMENT THAT:

14 (I) IDENTIFIES THE VEHICLE IDENTIFICATION NUMBER OF THE  
15 CATEGORY 7 VEHICLE FOR WHICH A CREDIT IS ALLOWED IN THIS SECTION;

16 (II) SPECIFIES THE VALUE OF THE CREDIT ALLOWED; AND

17 (III) AFFIRMS THAT THE REQUIREMENTS SPECIFIED IN SUBSECTION  
18 (13.7)(a) OF THIS SECTION WERE MET.

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

22 (e) FOR THE PURCHASE OR LEASE OF A CATEGORY 4, CATEGORY 4  
23 A, OR CATEGORY 7 A VEHICLE COMPLETED ON OR AFTER JANUARY 1,  
24 2024, THE FINANCING ENTITY OR THE MOTOR VEHICLE DEALER SHALL  
25 ELECTRONICALLY SUBMIT A REPORT CONTAINING THE INFORMATION  
26 CONTAINED IN THE ELECTION STATEMENT DESCRIBED IN SUBSECTION  
27 (13.7)(c) OF THIS SECTION TO THE DEPARTMENT ON A QUARTERLY BASIS

1 IN A FORM AND MANNER REQUIRED BY THE DEPARTMENT.

2 (f) THE FINANCING ENTITY OR THE MOTOR VEHICLE DEALER SHALL  
3 MAINTAIN THE ELECTION STATEMENT DESCRIBED IN SUBSECTION (13.7)(c)  
4 OF THIS SECTION AND PRODUCE IT UPON REQUEST OR AUDIT BY THE  
5 DEPARTMENT.

6 (g) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
7 1, 2025, THE FINANCING ENTITY OR MOTOR VEHICLE DEALER MAY ELECT  
8 ADVANCE PAYMENTS OF CREDITS ASSIGNED UNDER THIS SUBSECTION  
9 (13.7) AS SPECIFIED IN SECTION 39-22-629.

10 (18) This section is repealed, effective ~~December 31, 2030~~  
11 DECEMBER 31, 2037.

12 **SECTION 12.** In Colorado Revised Statutes, 39-22-516.8, **repeal**  
13 (1)(b), (1)(c), (1)(d), (1)(h), (1)(i), (1)(j), (1)(k), (1)(n), (1)(o), (1)(p),  
14 (1)(q), (1)(u), (1)(v), (1)(w), (1)(dd), (2), (2.3), (2.5), (3), (3.5), (4), (4.3),  
15 (4.5), (5), (5.5), (6), (7), (8), (9), (9.5), (10), (11), (11.5), (11.6), and (14).

16 **SECTION 13.** In Colorado Revised Statutes, **add** 39-22-629 as  
17 follows:

18 **39-22-629. Advance payments of income tax credits -**  
19 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
20 OTHERWISE REQUIRES:

21 (a) "APPLICABLE CREDIT" MEANS THE CREDIT ALLOWED IN  
22 SECTION 39-22-516.8.

23 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

24 (c) "TAXPAYER" MEANS THE PERSON AUTHORIZED TO ELECT  
25 ADVANCE PAYMENTS OF AN APPLICABLE CREDIT.

26 (2) A TAXPAYER MAY ELECT TO RECEIVE ADVANCE PAYMENTS FOR  
27 APPLICABLE CREDITS AS FOLLOWS:

1 (a) THE TAXPAYER SHALL ANNUALLY REGISTER WITH THE  
2 DEPARTMENT FOR ADVANCE PAYMENTS OF ONE OR MORE APPLICABLE  
3 CREDITS NO LATER THAN THIRTY DAYS BEFORE THE DUE DATE OF THE  
4 FIRST QUARTERLY REPORT FILED BY THE TAXPAYER UNDER SUBSECTION  
5 (2)(b) OF THIS SECTION, IN A FORM AND MANNER PRESCRIBED BY THE  
6 DEPARTMENT; AND

7 (b) (I) THE TAXPAYER SHALL ELECTRONICALLY FILE QUARTERLY  
8 REPORTS IN A FORM AND MANNER PRESCRIBED BY THE DEPARTMENT NO  
9 LATER THAN APRIL 15, JUNE 15, SEPTEMBER 15, AND DECEMBER 15 OF  
10 EACH TAX YEAR FOR WHICH THE TAXPAYER REGISTERS FOR ADVANCE  
11 PAYMENTS; EXCEPT THAT:

12 (A) FOR A TAXPAYER WITH A TAXABLE YEAR BEGINNING ON ANY  
13 DATE OTHER THAN JANUARY 1, THE CORRESPONDING MONTHS SHALL BE  
14 SUBSTITUTED FOR THE MONTHS SPECIFIED IN SUBSECTION (2)(b)(I) OF THIS  
15 SECTION.

16 (B) FOR A TAXPAYER WITH A TAXABLE YEAR LESS THAN TWELVE  
17 MONTHS, THE DUE DATES SHALL BE DETERMINED IN ACCORDANCE WITH  
18 RULES PRESCRIBED BY THE DEPARTMENT.

19 (II) THE QUARTERLY REPORT MUST INCLUDE THE CUMULATIVE  
20 TOTAL OF APPLICABLE CREDIT THAT THE TAXPAYER IS SEEKING ADVANCE  
21 PAYMENT FOR IN THE QUARTER AND ANY INFORMATION REQUIRED TO BE  
22 INCLUDED IN THE QUARTERLY REPORT AS SPECIFIED IN THE STATUTE  
23 UNDER WHICH THE APPLICABLE CREDIT IS ALLOWED.

24 (3) AFTER RECEIPT OF A COMPLETED QUARTERLY REPORT, THE  
25 DEPARTMENT SHALL MAKE AN ADVANCE PAYMENT OF THE APPLICABLE  
26 CREDIT TO THE TAXPAYER IN THE FORM OF A REFUND OF THE TAXPAYER'S  
27 OVERPAYMENT OF TAX IMPOSED UNDER THIS ARTICLE 22; EXCEPT THAT

1 THE ADVANCE PAYMENT DOES NOT ACCRUE INTEREST PURSUANT TO  
2 SECTION 39-21-108 (2) BUT IS SUBJECT TO INTERCEPT FOR THE TAXPAYER'S  
3 UNPAID BALANCE OR UNPAID DEBTS, IF ANY, PURSUANT TO SECTION  
4 39-21-108 (3).

5 (4) THE TAXPAYER SHALL REDUCE THE AMOUNT OF AN APPLICABLE  
6 CREDIT CLAIMED BY THE TAXPAYER FOR ANY TAXABLE YEAR BY THE  
7 AGGREGATE AMOUNT OF ADVANCE PAYMENTS THAT THE TAXPAYER  
8 CLAIMED FOR THE APPLICABLE CREDIT DURING THE TAXABLE YEAR, AND:

9 (a) IF THE AGGREGATE AMOUNT OF ADVANCE PAYMENTS CLAIMED  
10 FOR THE APPLICABLE TAX YEAR EXCEEDS THE AMOUNT OF THE CREDIT  
11 ALLOWED TO THE TAXPAYER, THE AMOUNT OF THE EXCESS IS SUBJECT TO  
12 RECAPTURE; OR

13 (b) IF THE AGGREGATE AMOUNT OF ADVANCE PAYMENTS FOR THE  
14 APPLICABLE TAX YEAR IS LESS THAN THE AMOUNT OF THE CREDIT  
15 ALLOWED TO THE TAXPAYER, THE AMOUNT OF THE DIFFERENCE MAY BE  
16 CLAIMED BY THE TAXPAYER AS A CREDIT IN THE TAXABLE YEAR IN THE  
17 SAME MANNER AS THE APPLICABLE CREDIT.

18 (5) IN THE CASE OF A PARTNERSHIP OR S CORPORATION ELECTING  
19 ADVANCE PAYMENTS UNDER THIS SECTION, THE PARTNERSHIP OR S  
20 CORPORATION SHALL MAKE THE ELECTION AND THE DEPARTMENT SHALL  
21 MAKE THE ADVANCE PAYMENTS TO THE PARTNERSHIP OR S CORPORATION.  
22 IN THE EVENT OF AN EXCESS AMOUNT PURSUANT TO SUBSECTION (4)(a) OF  
23 THIS SECTION, THE PARTNERSHIP OR S CORPORATION SHALL PAY THE  
24 AMOUNT OF THE EXCESS ON BEHALF OF THE PARTNERS OR SHAREHOLDERS.  
25 IN THE EVENT OF AN AMOUNT OF DIFFERENCE PURSUANT TO SUBSECTION  
26 (4)(b) OF THIS SECTION, THE DEPARTMENT SHALL REFUND THE AMOUNT OF  
27 THE DIFFERENCE TO THE PARTNERSHIP OR S CORPORATION.

1           **SECTION 14.** In Colorado Revised Statutes, 42-3-304, **add**  
2 (20.5) as follows:

3           **42-3-304. Registration fees - passenger-mile taxes - pilot**  
4 **program - report - rules - definitions.** (20.5) (a) BEGINNING JANUARY  
5 1, 2024, AND THROUGH DECEMBER 31, 2032, IN ADDITION TO ANY OTHER  
6 FEE IMPOSED BY THIS SECTION, THE CLEAN FLEET ENTERPRISE SHALL  
7 IMPOSE, AND THE DEPARTMENT SHALL COLLECT, AT THE TIME OF  
8 REGISTRATION, A HEAVY-DUTY DIESEL VEHICLE REGISTRATION FEE THAT  
9 IS NO MORE THAN THIRTY DOLLARS FOR HEAVY-DUTY DIESEL VEHICLES  
10 THAT ARE MODEL YEAR 2010 THROUGH 2014, AND NO MORE THAN FIFTY  
11 DOLLARS FOR HEAVY-DUTY DIESEL VEHICLES THAT ARE MODEL YEAR 2009  
12 OR OLDER. THIS FEE APPLIES TO BOTH INTRASTATE AND INTERSTATE  
13 HEAVY-DUTY DIESEL VEHICLES. FOR INTERSTATE HEAVY-DUTY DIESEL  
14 VEHICLES, THE FEE IS PRORATED BASED ON THE FLEET OWNER'S  
15 PERCENTAGE OF MILEAGE IN COLORADO.

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

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

24           (I) "DIESEL-POWERED MOTOR VEHICLE" MEANS A MOTOR VEHICLE  
25 POWERED BY AN INTERNAL COMBUSTION, COMPRESSION IGNITION,  
26 DIESEL-FUELED ENGINE. THIS DOES NOT INCLUDE HYBRID DIESEL FUEL  
27 TYPES.

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

4 [REDACTED]

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

7 **42-20-301. Route designation.** (3) (a) Notwithstanding any other  
8 provision of this part 3 or part 1 or 2 of this ~~article~~ ARTICLE 20 to the  
9 contrary, the transportation commission may regulate hours of operation  
10 of the Eisenhower-Johnson tunnels, structure numbers F13Y and F13X,  
11 respectively, on interstate 70.

12 (b) THE PATROL MAY CONFORM HAZARDOUS MATERIALS ROUTING  
13 REGULATIONS MADE PURSUANT TO THIS SECTION TO TRANSPORTATION  
14 COMMISSION REGULATIONS MADE PURSUANT TO SUBSECTION (3)(a) OF  
15 THIS SECTION.

16 **SECTION 16.** In Colorado Revised Statutes, **add** part 15 to  
17 article 4 of title 43 as follows:

18 PART 15

19 FUELS IMPACT ENTERPRISE

20 **43-4-1501. Legislative declaration.** (1) (a) (I) THE GENERAL  
21 ASSEMBLY FINDS AND DECLARES THAT:

22 (A) CERTAIN COMMUNITIES IN THE STATE SERVE AS THE  
23 DISTRIBUTION POINTS FOR ALMOST ALL OF THE FUEL TRANSPORTED IN THE  
24 STATE;

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

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

4 (II) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS  
5 APPROPRIATE TO ESTABLISH THE FUELS IMPACT REDUCTION GRANT  
6 PROGRAM TO PROVIDE GRANTS TO THOSE COMMUNITIES FOR THE  
7 IMPROVEMENT OF THEIR HAZARDOUS MITIGATION CORRIDOR  
8 INFRASTRUCTURE AND FOR PROJECTS RELATED TO THE TRANSPORTATION  
9 OF FUEL WITHIN THE STATE.

10 (b) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS  
11 REASONABLE TO ESTABLISH THE FUELS IMPACT ENTERPRISE TO ASSIST IN  
12 THE ADMINISTRATION OF THE PROGRAMS DESCRIBED IN THIS SUBSECTION  
13 (1) AND TO COLLECT THE FEES NECESSARY TO IMPLEMENT THESE  
14 PROGRAMS.

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

16 (a) THE FUELS IMPACT ENTERPRISE PROVIDES IMPACT REDUCTION  
17 SERVICES WHEN, IN EXCHANGE FOR THE PAYMENT OF THE FUELS IMPACT  
18 REDUCTION FEE BY LICENSED FUEL EXCISE TAX DISTRIBUTORS AND  
19 LICENSED FUEL DISTRIBUTORS, IT ACTS AS AUTHORIZED BY THIS SECTION  
20 TO PROVIDE ASSISTANCE IN IMPROVING HAZARDOUS MITIGATION  
21 CORRIDORS AND PROJECTS RELATED TO THE TRANSPORTATION OF FUEL  
22 WITHIN THE STATE;

23 (b) BY PROVIDING IMPACT REDUCTION SERVICES AS AUTHORIZED  
24 BY THIS SECTION, THE FUELS IMPACT ENTERPRISE PROVIDES A BENEFIT TO  
25 FEE PAYERS BY IMPROVING THE TRANSPORTATION OF FUEL IN THE STATE,  
26 AND MONITORING VEHICLE EMISSIONS, AND, THEREFORE OPERATES AS A  
27 BUSINESS IN ACCORDANCE WITH THE DETERMINATION OF THE COLORADO



1 SUPREME COURT IN *COLORADO UNION OF TAXPAYERS FOUNDATION V. CITY*  
2 *OF ASPEN*, 2018 CO 36;

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

11 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE  
12 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE SERVICES SPECIFIED  
13 IN THIS SECTION; AND

14 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED  
15 BASED ON THE COSTS OF THE SERVICES PROVIDED BY THE ENTERPRISE;  
16 AND

17 (d) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR  
18 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE  
19 REVENUE FROM THE FUELS IMPACT REDUCTION FEE IS NOT STATE FISCAL  
20 YEAR SPENDING, AS DEFINED IN SECTION 24-77-102 (17), OR STATE  
21 REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c), AND DOES NOT  
22 COUNT AGAINST EITHER THE STATE FISCAL YEAR SPENDING LIMIT IMPOSED  
23 BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS  
24 STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(G).

25 **43-4-1502. Definitions.** AS USED IN THIS PART 15, UNLESS THE  
26 CONTEXT OTHERWISE REQUIRES:

27 (1) "ENTERPRISE" MEANS THE FUELS IMPACT ENTERPRISE CREATED

1 IN SECTION 43-4-1503.

2 (2) "FUEL PRODUCT" MEANS GASOLINE, BLENDED GASOLINE,  
3 GASOLINE SOLD FOR GASOHOL PRODUCTION, GASOHOL, DIESEL, BIODIESEL  
4 BLENDS, NATURAL GAS, AND SPECIAL FUELS, AND SPECIAL FUEL MIXES  
5 WITH ALCOHOL.

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

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

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

12 **43-4-1503. Fuels impact enterprise - creation - powers and**  
13 **duties.** (1) (a) THE FUELS IMPACT ENTERPRISE IS CREATED IN THE  
14 DEPARTMENT. THE ENTERPRISE IS AND OPERATES AS A  
15 GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER TO  
16 EXECUTE ITS BUSINESS PURPOSES AS SPECIFIED IN SUBSECTION (2) OF THIS  
17 SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES AND  
18 FUNCTIONS SET FORTH IN THIS SECTION.

19 (b) THE ENTERPRISE IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
20 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND  
21 FUNCTIONS UNDER THE DEPARTMENT. THE GOVERNING BOARD OF THE  
22 ENTERPRISE IS MADE UP OF THE TRANSPORTATION COMMISSION CREATED  
23 IN SECTION 43-1-106 (1).

24 (2) THE BUSINESS PURPOSES OF THE ENTERPRISE ARE TO IMPROVE  
25 THE TRANSPORTATION OF FUEL IN THE STATE AND MONITOR VEHICLE  
26 EMISSIONS. TO ALLOW THE ENTERPRISE TO ACCOMPLISH THESE BUSINESS  
27 PURPOSES AND FULLY EXERCISE ITS POWERS AND DUTIES, THE ENTERPRISE

1 MAY:

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

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

6 (c) ISSUE REVENUE BONDS PAYABLE FROM FUELS IMPACT  
7 REDUCTION FEE REVENUE AND OTHER AVAILABLE MONEY OF THE  
8 ENTERPRISE.

9 (3) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES  
10 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT  
11 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS  
12 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL  
13 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT  
14 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (3), THE  
15 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE  
16 CONSTITUTION.

17 (4) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN  
18 THIS SECTION, THE ENTERPRISE HAS THE FOLLOWING GENERAL POWERS  
19 AND DUTIES:

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

22 (b) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
23 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
24 GRANTED BY THIS SECTION.

25 **43-4-1504. Fuels impact enterprise cash fund - definition.**

26 (1) (a) (I) THE FUELS IMPACT ENTERPRISE CASH FUND IS CREATED IN THE  
27 STATE TREASURY. THE FUND CONSISTS OF FUELS IMPACT REDUCTION FEE

1 REVENUE CREDITED TO THE FUND PURSUANT TO SECTION 43-4-1505 (1),  
2 ANY MONEY THAT THE GENERAL ASSEMBLY MAY TRANSFER OR  
3 APPROPRIATE TO THE FUND FOR THE IMPLEMENTATION OF THE GRANT  
4 PROGRAM, AND ANY FEDERAL MONEY OR GIFTS, GRANTS, OR DONATIONS  
5 RECEIVED. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
6 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
7 FUND TO THE FUND.

8 (II) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE  
9 ENTERPRISE FOR THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING THE  
10 GRANT PROGRAM.

11 (III) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
12 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
13 FUND TO THE FUND.

14 (b) (I) NOTWITHSTANDING SECTION 8-20-206.5 (8)(b), IF THE  
15 AVAILABLE FUND BALANCE IN THE FUND IS GREATER THAN FIFTEEN  
16 MILLION DOLLARS, THE ENTERPRISE SHALL NOT IMPOSE, AND THE  
17 DEPARTMENT OF REVENUE SHALL NOT COLLECT, THE FUELS IMPACT  
18 REDUCTION FEE DESCRIBED IN SECTION 8-20-206.5 (8), BUT IF THE  
19 AVAILABLE BALANCE IN THE FUND IS LESS THAN FIFTEEN MILLION  
20 DOLLARS WITHIN A FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE, AND THE  
21 DEPARTMENT OF REVENUE SHALL COLLECT, THE FUELS IMPACT REDUCTION  
22 FEE IN ACCORDANCE WITH SECTION 8-20-206.5 (8)(b).

23 (II) FOR THE PURPOSES OF THIS SUBSECTION (1)(b), "AVAILABLE  
24 FUND BALANCE" MEANS THE SUM OF THE CURRENT YEAR REVENUES AND  
25 THE PREVIOUS FUND BALANCE MINUS THE SUM OF THE OBLIGATIONS  
26 APPROVED BY THE ENTERPRISE AND THE COSTS INCURRED BY THE  
27 DEPARTMENT OF REVENUE IN COLLECTING THE FUELS IMPACT REDUCTION

1 FEE REVENUE.

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

4 (2) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY  
5 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING  
6 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE  
7 REVENUE OR REVENUE BOND PROCEEDS. THE ENTERPRISE MAY ACCEPT  
8 AND EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY  
9 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE  
10 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY  
11 CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE DEPARTMENT TO THE  
12 ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR  
13 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE  
14 CONSTITUTION, OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY  
15 TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE  
16 FUND. LOAN LIABILITIES THAT ARE RECORDED IN THE FUELS IMPACT FUND  
17 BUT THAT ARE NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR  
18 SHALL NOT BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY  
19 FUND BALANCE FOR PURPOSES OF SECTION 24-75-109. AS THE ENTERPRISE  
20 RECEIVES SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE ENTERPRISE  
21 SHALL REIMBURSE THE DEPARTMENT FOR THE PRINCIPAL AMOUNT OF ANY  
22 LOAN MADE BY THE DEPARTMENT PLUS INTEREST AT A RATE SET BY THE  
23 DEPARTMENT.

24 **43-4-1505. Fuels impact reduction fee.** (1) (a) IN FURTHERANCE  
25 OF ITS BUSINESS PURPOSE, BEGINNING SEPTEMBER 1, 2023, THE  
26 ENTERPRISE SHALL IMPOSE A FUELS IMPACT REDUCTION FEE PER GALLON  
27 TO BE PAID BY A LICENSED FUEL EXCISE TAX DISTRIBUTOR WITHIN

1 COLORADO AND A LICENSED FUEL DISTRIBUTOR WHO SHIPS PRODUCTS  
2 FROM OUTSIDE OF COLORADO TO A POINT WITHIN COLORADO. FOR THE  
3 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR DISTRIBUTORS AND  
4 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE  
5 SHALL COLLECT THE FUELS IMPACT REDUCTION FEE ON BEHALF OF THE  
6 ENTERPRISE, AND A FUEL DISTRIBUTOR SHALL PAY THE FEE TO THE  
7 DEPARTMENT OF REVENUE AS REQUIRED BY SECTION 8-20-206.5 (8)(a).

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

15 (c) AS REQUIRED BY SECTION 8-20-206.5 (8)(c), THE EXECUTIVE  
16 DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL TRANSMIT ANY FUELS  
17 IMPACT REDUCTION FEE REVENUE IT COLLECTS TO THE STATE TREASURER  
18 WHO SHALL CREDIT THE REVENUE, MINUS THE COSTS TO THE DEPARTMENT  
19 OF REVENUE FOR COLLECTING THE FEE, TO THE FUND.

20 **43-4-1506. Fuels impact reduction grant program.** (1) THERE  
21 IS HEREBY CREATED THE FUELS IMPACT REDUCTION GRANT PROGRAM TO  
22 PROVIDE GRANTS TO CERTAIN CRITICALLY IMPACTED COMMUNITIES,  
23 GOVERNMENTS, AND TRANSPORTATION CORRIDORS FOR THE  
24 IMPROVEMENT OF HAZARDOUS MITIGATION CORRIDORS AND TO SUPPORT  
25 LOCAL AND STATE GOVERNMENT PROJECTS RELATED TO EMERGENCY  
26 RESPONSES, ENVIRONMENTAL MITIGATION, OR PROJECTS RELATED TO THE  
27 TRANSPORTATION OF FUEL WITHIN THE STATE.

1           (2) (a) AS PART OF THE FUELS IMPACT REDUCTION GRANT  
2 PROGRAM, THE ENTERPRISE SHALL ANNUALLY DISTRIBUTE TEN MILLION  
3 DOLLARS FROM THE FUND TO THE FOLLOWING POLITICAL SUBDIVISIONS  
4 FOR THE IMPROVEMENT OF HAZARDOUS MITIGATION CORRIDORS IN THE  
5 STATE PRIORITIZING USES RELATED TO SAFETY AND ENVIRONMENTAL  
6 IMPACTS:

7           (I) SIX MILLION FOUR HUNDRED THOUSAND DOLLARS TO ADAMS  
8 COUNTY;

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

10          (III) ONE MILLION THREE HUNDRED THOUSAND DOLLARS TO EL  
11 PASO COUNTY;

12          (IV) TWO HUNDRED FORTY THOUSAND DOLLARS TO MESA  
13 COUNTY; AND

14          (V) SIXTY THOUSAND DOLLARS TO OTERO COUNTY.

15          **(b) IF THE ENTERPRISE IS UNABLE TO DISTRIBUTE TEN MILLION**  
16 **DOLLARS PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, THE**  
17 **ENTERPRISE SHALL DISTRIBUTE THE DOLLARS IT CAN DISTRIBUTE IN THE**  
18 **SAME PROPORTION AS DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION.**

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

23          (3) THE ENTERPRISE SHALL ANNUALLY DISTRIBUTE UP TO FIVE  
24 MILLION DOLLARS FROM THE FUND, AFTER MAKING THE TRANSFERS  
25 REQUIRED BY SUBSECTION (2) OF THIS SECTION AND AFTER PROVIDING FOR  
26 THE ADMINISTRATIVE EXPENSES OF THE ENTERPRISE, TO KEY COMMERCIAL  
27 FREIGHT CORRIDORS, TO SUPPORT STATE GOVERNMENT PROJECTS RELATED

1 TO EMERGENCY RESPONSES, ENVIRONMENTAL MITIGATION, OR TO SUPPORT  
2 PROJECTS RELATED TO THE TRANSPORTATION OF FUEL WITHIN THE STATE  
3 ON ROUTES NECESSARY FOR THE TRANSPORTATION OF HAZARDOUS  
4 MATERIALS.

5 **43-4-1507. Repeal of part.** THIS PART 15 IS REPEALED, EFFECTIVE  
6 JANUARY 1, 2030.

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

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

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

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

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

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

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

24 (3) For the 2023-24 state fiscal year, \$224,592 is appropriated to  
25 the department of law. This appropriation is from the legal services cash  
26 fund created in section 24-31-108 (4), C.R.S., from revenue received  
27 from the department of public health and environment that is



1 continuously appropriated to the department from the clean fleet  
2 enterprise diesel truck emissions reduction grant program cash fund  
3 created in section 25-7.5-103 (5)(a), C.R.S. The appropriation to the  
4 department of law is based on an assumption that the department of law  
5 will require an additional 1.0 FTE. To implement this act, the department  
6 of law may use this appropriation to provide legal services for the  
7 department of public health and environment.

8 **SECTION 18. Act subject to petition - effective date.**

9 (1) Except as provided in subsections (2) and (3) of this section, this act  
10 takes effect at 12:01 a.m. on the day following the expiration of the  
11 ninety-day period after final adjournment of the general assembly; except  
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
13 of the state constitution against this act or an item, section, or part of this  
14 act within such period, then the act, item, section, or part will not take  
15 effect unless approved by the people at the general election to be held in  
16 November 2024 and, in such case, will take effect on the date of the  
17 official declaration of the vote thereon by the governor.

18 (2) Section 10 of this act takes effect only if House Bill 23-1272  
19 becomes law, in which case section 10 of this act takes effect on the  
20 effective date of this act or House Bill 23-1272, whichever is later.

21 (3) Sections 11 and 13 of this act take effect only if House Bill  
22 23-1272 does not become law.