

**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,**

**HOUSE SPONSORSHIP**

**Snyder,**

---

**Senate Committees**

Finance  
Appropriations

**House Committees**

---

**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.*

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

---

### 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.

---

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  
 17 ANNUALLY FROM THE PETROLEUM STORAGE TANK FUND TO THE

1 PETROLEUM CLEANUP AND REDEVELOPMENT FUND.

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

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

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

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

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

14 **8-20.5-206. Financial responsibility for petroleum**  
15 **underground storage tanks.** (1) (f) THE DIRECTOR OF THE DIVISION OF  
16 OIL AND PUBLIC SAFETY, IN CONSULTATION WITH THE PETROLEUM  
17 STORAGE TANK COMMITTEE ESTABLISHED PURSUANT TO SECTION  
18 8-20.5-104, MAY ESTABLISH RULES THAT ALLOW THE PAYMENT REQUIRED  
19 BY SUBSECTION (1)(b)(I) OF THIS SECTION TO BE BASED ON A PERCENTAGE  
20 THAT IS LESS THAN ONE HUNDRED PERCENT OF THE REMEDIATION  
21 AMOUNT.

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

25 **8-20-206.5. Environmental response surcharge - liquefied**  
26 **petroleum gas and natural gas inspection fund - perfluoroalkyl and**  
27 **polyfluoroalkyl substances cash fund - hazardous materials**

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

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

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

25 (d) On and after October 1, 2021, but before ~~October 1, 2026~~  
26 OCTOBER 1, 2023, the executive director of the department of revenue  
27 shall transmit any fee collected in accordance with this subsection (6) to

1 the state treasurer, who shall credit:

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

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

10 (II) SECOND, TWO MILLION DOLLARS TO THE DEPARTMENT OF  
11 PUBLIC SAFETY FOR USE BY THE COLORADO STATE PATROL TO SUPPORT  
12 THE REGULATION OF AND RESPONSE TO HAZARDOUS MATERIALS ON  
13 HIGHWAYS IN THE STATE AS WELL AS ENFORCEMENT OF COMMERCIAL AND  
14 HAZARDOUS MATERIALS CRITICAL CORRIDORS DESIGNATED BY THE CHIEF  
15 OF THE COLORADO STATE PATROL; AND

16 (III) THIRD, OF THE AMOUNT REMAINING:

17 (A) SEVENTY PERCENT TO THE PERFLUOROALKYL AND  
18 POLYFLUOROALKYL SUBSTANCES CASH FUND; AND

19 (B) THIRTY PERCENT TO THE DEPARTMENT OF TRANSPORTATION  
20 TO SUPPORT FUNCTIONS RELATED TO THE TRANSPORTATION OF  
21 HAZARDOUS MATERIALS AND THE SAFE AND EFFICIENT MOVEMENT OF  
22 FREIGHT, AS WELL AS TO SUPPORT INFRASTRUCTURE PROJECTS THAT  
23 ENHANCE THE SAFETY OF THE MOVEMENT OF FREIGHT AND HAZARDOUS  
24 MATERIALS SUCH AS THE INSTALLATION OF FOAM SUPPRESSION SYSTEMS  
25 IN THE EISENHOWER-JOHNSON TUNNELS, THE MITIGATION OF HAZARDS IN  
26 GLENWOOD CANYON, AND OTHER USES NECESSARY TO SECURE THE SAFE  
27 TRANSPORT OF FUELS THROUGH THE I-70 MOUNTAIN CORRIDOR.

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

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

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

26 (8) (a) IN ADDITION TO THE PAYMENTS COLLECTED UNDER  
27 SUBSECTIONS (1)(a) AND (6) OF THIS SECTION, BEGINNING SEPTEMBER 1,



1 2023, THE FUELS IMPACT ENTERPRISE CREATED IN SECTION 43-4-1503  
2 SHALL IMPOSE A FUELS IMPACT REDUCTION FEE, THE EXECUTIVE DIRECTOR  
3 OF THE DEPARTMENT OF REVENUE SHALL COLLECT THE FEE ON BEHALF OF  
4 THE FUELS IMPACT ENTERPRISE, AND THE STATE TREASURER SHALL CREDIT  
5 AN AMOUNT OF THE FEE REVENUE TO THE DEPARTMENT OF REVENUE TO  
6 COVER THE COSTS OF COLLECTING THE FEE.

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

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

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

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

6 (II) THE COSTS TO THE DEPARTMENT OF REVENUE FOR  
7 ADMINISTERING THE FEE TO THE DEPARTMENT OF REVENUE.

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

10 **8-20.5-303. Financial responsibility for aboveground storage**  
11 **tanks.** (1) (f) THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY,  
12 IN CONSULTATION WITH THE PETROLEUM STORAGE TANK COMMITTEE  
13 ESTABLISHED PURSUANT TO SECTION 8-20.5-104, MAY ESTABLISH RULES  
14 THAT ALLOW THE PAYMENT OF REMEDIATION EXPENSES FOR CERTAIN  
15 OWNERS AND OPERATORS OF ABOVEGROUND STORAGE TANKS FROM THE  
16 PETROLEUM STORAGE TANK FUND TO BE BASED ON A PERCENTAGE THAT  
17 IS LESS THAN ONE HUNDRED PERCENT OF THE REMEDIATION AMOUNT.

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

20 **25-5-1312. Reporting requirement.** (1) Notwithstanding section  
21 24-1-136 (11)(a)(I), the department shall annually report by February 1,  
22 2021, and February 1 of each year until ~~February 1, 2027~~ FEBRUARY 1,  
23 2036, to the general assembly's committees of reference with jurisdiction  
24 over public health regarding:

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

1           **25-7.5-103. Clean fleet enterprise - creation - board - powers**

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

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

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

22                 (5) (a) The clean fleet enterprise fund is hereby created in the state  
23                 treasury. The fund consists of clean fleet per ride fee revenue and clean  
24                 fleet retail delivery fee revenue credited to the fund pursuant to  
25                 subsections (7) and (8) of this section, any monetary gifts, grants,  
26                 donations, or other payments received by the enterprise, any federal  
27                 money that may be credited to the fund, and any other money that the

1 general assembly may appropriate or transfer to the fund. The state  
2 treasurer shall credit all interest and income derived from the deposit and  
3 investment of money in the fund to the fund. Money in the fund is  
4 continuously appropriated to the enterprise for the purposes set forth in  
5 this article 7.5, EXCEPT FOR THE PURPOSES SET FORTH IN SUBSECTIONS  
6 (5.5), (8.5), AND (9.5) OF THIS SECTION, and to pay the enterprise's  
7 reasonable and necessary operating expenses, including the repayment of  
8 any loan received pursuant to subsection (5)(b) of this section.

9 (5.5) (a) THE CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS  
10 REDUCTION GRANT PROGRAM CASH FUND IS CREATED IN THE STATE  
11 TREASURY. THE CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS  
12 REDUCTION GRANT PROGRAM CASH FUND CONSISTS OF HEAVY-DUTY  
13 DIESEL VEHICLE REGISTRATION FEE REVENUE CREDITED TO THE CLEAN  
14 FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM  
15 CASH FUND PURSUANT TO SUBSECTION (8.5) OF THIS SECTION AND ANY  
16 MONEY THAT THE GENERAL ASSEMBLY MAY TRANSFER OR APPROPRIATE  
17 TO THE CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION  
18 GRANT PROGRAM CASH FUND FOR IMPLEMENTATION OF THE DIESEL TRUCK  
19 EMISSIONS REDUCTION GRANT PROGRAM CREATED IN SUBSECTION (9.5) OF  
20 THIS SECTION. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
21 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
22 CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION GRANT  
23 PROGRAM CASH FUND TO THE CLEAN FLEET ENTERPRISE DIESEL TRUCK  
24 EMISSIONS REDUCTION GRANT PROGRAM CASH FUND. ANY UNEXPENDED  
25 AND UNENCUMBERED MONEY REMAINING IN THE CLEAN FLEET ENTERPRISE  
26 DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM CASH FUND AT THE  
27 END OF A STATE FISCAL YEAR REMAINS IN THE CLEAN FLEET ENTERPRISE

1 DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM CASH FUND.

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

7 (c) THE ENTERPRISE SHALL USE ONLY MONEY FROM THE CLEAN  
8 FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM  
9 CASH FUND, AND NOT MONEY FROM THE CLEAN FLEET ENTERPRISE FUND,  
10 FOR THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING THE DIESEL  
11 TRUCK EMISSIONS REDUCTION GRANT PROGRAM.

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

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

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

20 (g.5) TO IMPOSE THE HEAVY-DUTY DIESEL VEHICLE REGISTRATION  
21 FEE AT THE MAXIMUM AMOUNT AUTHORIZED IN THIS SECTION AND TO  
22 PROMULGATE RULES TO ADJUST THE FEE AT OR BELOW THE MAXIMUM  
23 AMOUNT AUTHORIZED IN THIS SECTION AS REQUIRED;

24 (h) To promulgate rules for the sole purpose of setting the  
25 amounts of the clean fleet per ride fee and the clean fleet retail delivery  
26 fee, AND ADJUSTING THE AMOUNT OF THE HEAVY-DUTY DIESEL VEHICLE  
27 REGISTRATION FEE, at or below the maximum amounts authorized in this

1 section; and

2 (6.5) THE BOARD MAY CONTRACT FOR GOODS AND SERVICES  
3 NEEDED TO EXERCISE ITS POWERS AND DUTIES, AS SET FORTH IN THIS  
4 ARTICLE 7.5, WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES  
5 101 TO 112 OF TITLE 24.

6 (8.5) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, THE  
7 ENTERPRISE SHALL IMPOSE THE HEAVY-DUTY DIESEL VEHICLE  
8 REGISTRATION FEE TO BE PAID BY A PERSON WHO REGISTERS A  
9 HEAVY-DUTY DIESEL VEHICLE. FOR THE PURPOSE OF MINIMIZING  
10 COMPLIANCE COSTS FOR DISTRIBUTORS AND ADMINISTRATIVE COSTS FOR  
11 THE STATE, THE DEPARTMENT OF REVENUE SHALL COLLECT THE  
12 HEAVY-DUTY DIESEL VEHICLE REGISTRATION FEE ON BEHALF OF THE  
13 ENTERPRISE, AND A PERSON WHO REGISTERS A HEAVY-DUTY DIESEL  
14 VEHICLE SHALL PAY THE FEE TO THE DEPARTMENT OF REVENUE AS  
15 REQUIRED BY SECTION 42-3-304 (20.5)(a).

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

25 (c) AS REQUIRED BY SECTION 42-3-304 (20.5)(b), THE  
26 DEPARTMENT OF REVENUE SHALL TRANSMIT THE HEAVY-DUTY DIESEL  
27 VEHICLE REGISTRATION FEE REVENUE IT COLLECTS ON BEHALF OF THE

1 ENTERPRISE TO THE STATE TREASURER, WHO SHALL TRANSFER THE FEE TO  
2 THE CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION  
3 GRANT PROGRAM CASH FUND.

4 (9.5) (a) (I) THE GENERAL ASSEMBLY HEREBY FINDS AND  
5 DECLARES THAT:

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

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

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

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

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

25 (F) SMALL BUSINESSES AND SOLE PROPRIETORS THAT OWN OLDER  
26 DIESEL TRUCKS ARE LESS LIKELY THAN OTHER VEHICLE OWNERS TO HAVE  
27 ACCESS TO THE CAPITAL OR FINANCING REQUIRED TO INVEST IN NEWER,

1 CLEANER MODELS;

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

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

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

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

21 (II) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH  
22 THE GRANT PROGRAM TO DECOMMISSION AND REPLACE DIESEL TRUCKS IN  
23 ACCORDANCE WITH POLICIES AND PROCEDURES ESTABLISHED BY THE  
24 ENTERPRISE AND THE DIVISION.

25 (III) THE ENTERPRISE SHALL WORK WITH THE DIVISION TO  
26 ADMINISTER THE DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM  
27 AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS



1 PROVIDED IN THIS SECTION. SUBJECT TO AVAILABLE APPROPRIATIONS,  
2 GRANTS SHALL BE PAID OUT OF THE CLEAN FLEET ENTERPRISE DIESEL  
3 TRUCK EMISSIONS REDUCTION GRANT PROGRAM CASH FUND.

4 (IV) TO ADMINISTER THE DIESEL TRUCK EMISSIONS REDUCTION  
5 GRANT PROGRAM, THE ENTERPRISE AND THE DIVISION SHALL DETERMINE  
6 THE FOLLOWING:

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

8 (B) ELIGIBLE FUEL TYPES FOR REPLACEMENT VEHICLES;

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

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

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

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

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

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

23 (A) THE GRANT APPLICANT'S ORGANIZATIONAL AND CONTACT  
24 INFORMATION;

25 (B) THE FUNDING REQUESTED PER VEHICLE;

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

1 (D) THE LOCATION OF THE DIESEL TRUCKS TO BE  
2 DECOMMISSIONED AND REPLACED;

3 (E) THE OPERATING AREA OF THE DIESEL TRUCKS TO BE  
4 DECOMMISSIONED AND REPLACED; AND

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

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

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

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

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

22 (d) (I) ON OR BEFORE JUNE 30, 2025, AND ON OR BEFORE JUNE 30  
23 OF EACH YEAR THEREAFTER THROUGH 2032, EACH ELIGIBLE ENTITY THAT  
24 RECEIVES A GRANT THROUGH THE GRANT PROGRAM SHALL SUBMIT A  
25 REPORT TO THE DIVISION. AT A MINIMUM, THE REPORT MUST INCLUDE THE  
26 FOLLOWING INFORMATION:

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

1 INFORMATION;

2 (B) THE MAKE, MODEL, MODEL YEAR, AND MILEAGE OF THE  
3 REPLACEMENT VEHICLES;

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

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

6 (E) THE MONTHLY MILEAGE PER REPLACEMENT VEHICLE;

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

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

10 (H) THE MAKE, MODEL, MODEL YEAR, AND MILEAGE OF THE DIESEL  
11 TRUCKS DECOMMISSIONED;

12 (I) THE LOCATION OF DIESEL TRUCKS DECOMMISSIONED;

13 (J) THE OPERATING AREA OF THE DIESEL TRUCKS  
14 DECOMMISSIONED; AND

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

16 (II) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR  
17 BEFORE DECEMBER 1, 2025, AND ON OR BEFORE DECEMBER 1 OF EACH  
18 YEAR THEREAFTER THROUGH 2032, THE DIVISION SHALL PREPARE A  
19 REPORT SUMMARIZING THE PROGRESS OF THE DIESEL TRUCK EMISSIONS  
20 REDUCTION GRANT PROGRAM AND SUBMIT THE REPORT TO THE  
21 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE AND THE  
22 ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF  
23 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE DIVISION SHALL  
24 POST A COPY OF EACH REPORT ON ITS WEBSITE. AT A MINIMUM, THE  
25 REPORT MUST INCLUDE:

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

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

3 (C) THE ESTIMATED REDUCTION OF ANNUAL EMISSIONS OF  
4 PARTICULATE MATTER, NITROGEN OXIDES, AND GREENHOUSE GASES, AS  
5 A RESULT OF DIESEL TRUCK REPLACEMENTS FUNDED DURING THE  
6 PRECEDING FISCAL YEAR; AND

7 (D) A BREAKDOWN OF THE DIESEL TRUCK CLASSES  
8 DECOMMISSIONED AND REPLACED DURING THE IMMEDIATELY PRECEDING  
9 STATE FISCAL YEAR.

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

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

17 (II) "DIESEL-POWERED MOTOR VEHICLE" MEANS A MOTOR VEHICLE  
18 POWERED BY AN INTERNAL COMBUSTION, COMPRESSION IGNITION,  
19 DIESEL-FUELED ENGINE. THIS DOES NOT INCLUDE HYBRID DIESEL FUEL  
20 TYPES.

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

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

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

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

6 (VII) "FUEL PRODUCT" MEANS GASOLINE, BLENDED GASOLINE,  
7 GASOLINE SOLD FOR GASOHOL PRODUCTION, GASOHOL, DIESEL, BIODIESEL  
8 BLENDS, NATURAL GAS, SPECIAL FUELS, AND SPECIAL FUEL MIXES WITH  
9 ALCOHOL.

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

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

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

20 **39-30-104. Credit against tax - investment in certain property**  
21 **- definitions - repeal.** (1) (b) (II) FOR INCOME TAX YEARS BEGINNING ON  
22 OR BEFORE JANUARY 1, 2023, the income tax credit for a qualified  
23 investment in a commercial truck, truck tractor, tractor, or semitrailer  
24 with a gross vehicle weight rating of fifty-four thousand pounds or greater  
25 that is model year 2010 or newer and is designated as Class A personal  
26 property as specified in section 42-3-106 (2)(a), ~~C.R.S.~~; as well as any  
27 parts associated with the vehicle at the time of purchase, shall be allowed

1 in an amount equal to one and one-half of one percent of the total  
2 qualified investment if the model year of the commercial truck, truck  
3 tractor, tractor, or semitrailer was sold as new during such income tax  
4 year;

5 (VIII) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE JULY 1,  
6 2030.

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

12 (I) THE GENERAL LEGISLATIVE PURPOSES OF THE TAX CREDIT  
13 ALLOWED BY THIS SUBSECTION (7) ARE:

14 (A) TO INDUCE CERTAIN DESIGNATED BEHAVIOR BY TAXPAYERS,  
15 SPECIFICALLY THE CONVERSION, LEASE, OR PURCHASE OF CLEAN  
16 COMMERCIAL TRUCKS; AND

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

19 (II) THE SPECIFIC LEGISLATIVE PURPOSE OF THE TAX CREDIT  
20 ALLOWED BY THIS SUBSECTION (7) IS TO INCREASE THE USE OF CLEAN  
21 COMMERCIAL TRUCKS BY PROVIDING AN INCENTIVE FOR THE CONVERSION,  
22 LEASE, OR PURCHASE OF THESE VEHICLES. IN ORDER TO ALLOW THE  
23 GENERAL ASSEMBLY AND THE STATE AUDITOR TO MEASURE THE  
24 EFFECTIVENESS OF THE CREDIT, THE DEPARTMENT OF REVENUE, WHEN  
25 ADMINISTERING THE CREDIT, SHALL COLLECT THE INFORMATION REQUIRED  
26 BY SUBSECTION (7)(h) OF THIS SECTION AND SHALL REQUIRE EACH  
27 EMPLOYER THAT CLAIMS THE CREDIT TO CERTIFY, AT A MINIMUM, THAT IN

1 THE CASE OF A RENEWABLE FUEL TRUCK, THE TRUCK WILL OPERATE ON  
2 RENEWABLE FUEL FOR AT LEAST EIGHTY PERCENT OF THE TIME AND, IN  
3 THE CASE OF A PLUG-IN ELECTRIC TRUCK OR BI-FUEL RENEWABLE FUEL  
4 TRUCK, THE TRUCK WILL OPERATE ON ELECTRICITY OR RENEWABLE FUEL  
5 AT LEAST FIFTY PERCENT OF THE TIME.

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

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

10 (II) "BATTERY ELECTRIC TRUCK" MEANS A TRUCK THAT IS  
11 POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY PACK THAT CAN  
12 BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL SOURCE OF  
13 ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF PROPULSION.

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

16 (IV) "CLEAN COMMERCIAL TRUCK" MEANS AN ELECTRIC TRUCK,  
17 LOW NITROGEN OXIDES TRUCK, PLUG-IN HYBRID ELECTRIC TRUCK, BI-FUEL  
18 RENEWABLE FUEL TRUCK, OR RENEWABLE FUEL TRUCK PURCHASED BY AN  
19 ELIGIBLE TAXPAYER THAT IS:

20 (A) EITHER TITLED AND REGISTERED IN THE STATE OR REGISTERED  
21 UNDER THE INTERNATIONAL REGISTRATION PLAN AND BASE PLATED IN THE  
22 STATE;

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

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

1 (V) "CONVERSION" MEANS ADDING EQUIPMENT TO A TRADITIONAL  
2 FUEL TRUCK AFTER IT IS MANUFACTURED TO ENABLE IT TO OPERATE AS A  
3 BI-FUEL RENEWABLE FUEL TRUCK, ELECTRIC TRUCK, HYBRID TRUCK,  
4 PLUG-IN HYBRID ELECTRIC TRUCK, OR RENEWABLE FUEL TRUCK.

5 (VI) "ELECTRIC TRUCK" MEANS A BATTERY ELECTRIC TRUCK OR  
6 A HYDROGEN FUEL CELL TRUCK.

7 (VII) "ELIGIBLE TAXPAYER" MEANS A BUYER OR LESSEE OF A  
8 CLEAN COMMERCIAL TRUCK FOR A USE OTHER THAN PERSONAL USE THAT  
9 HAS NOT CLAIMED THE TAX CREDIT FOR INNOVATIVE TRUCKS CREATED IN  
10 SECTION 39-22-516.8 FOR THE CONVERSION, LEASE, OR PURCHASE OF AN  
11 ELECTRIC TRUCK OR PLUG-IN ELECTRIC TRUCK IN THAT SAME TAX YEAR.  
12 A LESSEE SEEKING TO CLAIM A CREDIT ALLOWED BY THIS SUBSECTION (7)  
13 MUST ENTER INTO A LEASE WITH A TERM OF NOT LESS THAN TWO YEARS.

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

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

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

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

23 (XII) "HYDROGEN FUEL CELL TRUCK" MEANS A TRUCK THAT IS  
24 POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL THAT USES  
25 HYDROGEN GAS AS FUEL.

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



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

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

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

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

15 (XVIII) "PLUG-IN HYBRID ELECTRIC TRUCK" MEANS A TRUCK THAT  
16 HAS BOTH A RECHARGEABLE BATTERY PACK THAT CAN BE RECHARGED BY  
17 BEING PLUGGED INTO AN EXTERNAL SOURCE OF ELECTRICITY AND AN  
18 INTERNAL COMBUSTION ENGINE USING TRADITIONAL FUEL AND IS CAPABLE  
19 OF BEING POWERED BY THE BATTERY PACK, THE INTERNAL COMBUSTION  
20 ENGINE, OR BOTH.

21 (XIX) "PURCHASE" MEANS THE PURCHASE OF AN ORIGINAL  
22 EQUIPMENT MANUFACTURER TRUCK THAT IS A BI-FUEL RENEWABLE FUEL  
23 TRUCK, ELECTRIC TRUCK, HYBRID TRUCK, LOW NITROGEN OXIDES TRUCK,  
24 PLUG-IN HYBRID ELECTRIC TRUCK, OR RENEWABLE FUEL TRUCK.

25 (XX) "RENEWABLE FUEL TRUCK" MEANS A TRUCK THAT IS  
26 POWERED BY FUEL THAT IS EITHER:

27 (A) COMPRESSED NATURAL GAS, LIQUEFIED NATURAL GAS, OR

1 LIQUIFIED PETROLEUM GAS FROM A PRODUCTION SOURCE THAT IS ELIGIBLE  
2 FOR A RENEWABLE IDENTIFICATION NUMBER PURSUANT TO THE UNITED  
3 STATES ENVIRONMENTAL PROTECTION AGENCY'S RENEWAL FUEL  
4 STANDARD PROGRAM ESTABLISHED IN 40 CFR 80; OR

5 (B) RECOVERED METHANE, AS DEFINED IN SECTION 25-7.5-102  
6 (20).

7 (XXI) "TRADITIONAL FUEL" MEANS A PETROLEUM-BASED MOTOR  
8 FUEL COMMONLY USED ON THE HIGHWAYS OF THE STATE IN THE YEAR  
9 2008.

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

12 (c) FOR INCOME TAX YEARS BEGINNING ON OR AFTER JULY 1, 2023,  
13 BUT BEFORE JANUARY 1, 2029, THERE IS ALLOWED A CREDIT TO EACH  
14 ELIGIBLE TAXPAYER IN THE FOLLOWING AMOUNTS:

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

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

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

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

27 (D) TWO THOUSAND FIVE HUNDRED DOLLARS FOR THE PURCHASE

1 OF A MEDIUM-DUTY TRUCK THAT IS A BI-FUEL RENEWABLE FUELS TRUCK,  
2 LOW NITROGEN OXIDES TRUCK, OR PLUG-IN HYBRID ELECTRIC TRUCK;

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

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

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

11 (A) ONE THOUSAND FIVE HUNDRED DOLLARS FOR THE PURCHASE  
12 OF A LIGHT-DUTY TRUCK THAT IS AN ELECTRIC TRUCK, HYBRID TRUCK, OR  
13 RENEWABLE FUEL TRUCK;

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

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

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

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

27 (F) THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS FOR THE

1 PURCHASE OF A HEAVY-DUTY TRUCK THAT IS A BI-FUEL RENEWABLE FUELS  
2 TRUCK, LOW NITROGEN OXIDES TRUCK, OR PLUG-IN HYBRID ELECTRIC  
3 TRUCK.

4 (d) A TAXPAYER CLAIMING THE CREDIT AUTHORIZED BY THIS  
5 SUBSECTION (7) SHALL NOT CLAIM THE CREDIT IN AN AMOUNT THAT  
6 EXCEEDS THE DIFFERENCE BETWEEN THE MANUFACTURER'S SUGGESTED  
7 RETAIL PRICE FOR THE CLEAN COMMERCIAL TRUCK AND A COMPARABLE  
8 TRADITIONAL FUEL TRUCK; EXCEPT THAT, FOR A CONVERSION, THE PRICE  
9 OF THE CONVERSION SERVES AS THE AMOUNT THAT THE CREDIT MAY NOT  
10 EXCEED.

11 (e) (I) AN ELIGIBLE TAXPAYER MAY ASSIGN THE TAX CREDIT  
12 ALLOWED IN THIS SUBSECTION (7) FOR THE PURCHASE OR LEASE OF A  
13 CLEAN COMMERCIAL TRUCK COMPLETED ON OR AFTER JULY 1, 2023, TO A  
14 FINANCING ENTITY OR MOTOR VEHICLE DEALER AS FOLLOWS:

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

19 (B) THE ELIGIBLE TAXPAYER MUST TITLE AND REGISTER THE  
20 VEHICLE IN THE STATE OR REGISTER THE VEHICLE UNDER THE  
21 INTERNATIONAL REGISTRATION PLAN AND BASE PLATE THE VEHICLE IN THE  
22 STATE AS REQUIRED BY STATE LAW;

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

1           (D) THE FINANCING ENTITY OR MOTOR VEHICLE DEALER SHALL  
2 COMPENSATE THE ELIGIBLE TAXPAYER FOR THE FULL NOMINAL VALUE OF  
3 THE TAX CREDIT; EXCEPT THAT THE FINANCING ENTITY OR MOTOR VEHICLE  
4 DEALER MAY COLLECT AN ADMINISTRATIVE FEE NOT TO EXCEED ONE  
5 HUNDRED FIFTY DOLLARS FOR PROCESSING THE ASSIGNMENT. THE  
6 COMPENSATION PAID TO THE ELIGIBLE TAXPAYER IS CONSIDERED A  
7 REFUND OF STATE TAXES AND IS NOT INCOME.

8           (II) NOTWITHSTANDING SECTION 39-21-108 (3), IF AN ELIGIBLE  
9 TAXPAYER ASSIGNS THE TAX CREDIT TO A FINANCING ENTITY OR MOTOR  
10 VEHICLE DEALER PURSUANT TO THIS SUBSECTION (7)(e), THE FINANCING  
11 ENTITY OR MOTOR VEHICLE DEALER RECEIVES THE FULL AMOUNT OF THE  
12 TAX CREDIT THAT THE ELIGIBLE TAXPAYER IS ALLOWED IN THIS  
13 SUBSECTION (7). ANY UNPAID BALANCE OR UNPAID DEBT OF THE ELIGIBLE  
14 TAXPAYER MAY NOT BE CREDITED FROM THE AMOUNT OF THE TAX CREDIT  
15 ALLOWED IN THIS SUBSECTION (7).

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

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

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

24           (C) IDENTIFIES THE MANUFACTURER'S SUGGESTED RETAIL PRICE  
25 FOR A TRADITIONAL FUEL TRUCK COMPARABLE TO THE RELEVANT CLEAN  
26 COMMERCIAL TRUCK; AND

27           (D) AFFIRMS THAT THE REQUIREMENTS SPECIFIED IN SUBSECTION

1 (7)(e)(I) OF THIS SECTION WERE MET.

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

5 (V) FOR THE PURCHASE OR LEASE OF A CLEAN COMMERCIAL TRUCK  
6 ON OR AFTER JULY 1, 2023, THE FINANCING ENTITY OR MOTOR VEHICLE  
7 DEALER SHALL ELECTRONICALLY SUBMIT A REPORT CONTAINING THE  
8 INFORMATION CONTAINED IN THE ELECTION STATEMENT DESCRIBED IN  
9 SUBSECTION (7)(e)(III) OF THIS SECTION TO THE DEPARTMENT OF REVENUE  
10 IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT AND WITHIN  
11 THIRTY DAYS OF THE ELIGIBLE TAXPAYER PURCHASING OR LEASING A  
12 CLEAN COMMERCIAL TRUCK.

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

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

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

26 (g) (I) NO MORE THAN ONE TAX CREDIT SHALL BE GRANTED  
27 PURSUANT TO THIS SUBSECTION (7) FOR ANY INDIVIDUAL CLEAN

1 COMMERCIAL TRUCK.

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

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

11 (i) MAKING THE ELIGIBLE TAXPAYER AWARE OF THE INCOME TAX  
12 CREDIT ALLOWED IN THIS SUBSECTION (7) OR HELPING THE ELIGIBLE  
13 TAXPAYER ASSIGN THE INCOME TAX CREDIT TO A FINANCING ENTITY OR  
14 MOTOR VEHICLE DEALER AS ALLOWED IN THIS SUBSECTION (7) DOES NOT  
15 RISE TO THE LEVEL OF PROVIDING THE ELIGIBLE TAXPAYER WITH  
16 UNAUTHORIZED TAX ADVICE.

17 (j) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE DECEMBER 31,  
18 2034.

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

21 **42-3-304. Registration fees - passenger-mile taxes - pilot**  
22 **program - report - rules - definitions.** (20.5) (a) BEGINNING JANUARY  
23 1, 2024, AND THROUGH DECEMBER 31, 2032, IN ADDITION TO ANY OTHER  
24 FEE IMPOSED BY THIS SECTION, THE CLEAN FLEET ENTERPRISE SHALL  
25 IMPOSE, AND THE DEPARTMENT SHALL COLLECT, AT THE TIME OF  
26 REGISTRATION, A HEAVY-DUTY DIESEL VEHICLE REGISTRATION FEE THAT  
27 IS NO MORE THAN THIRTY DOLLARS FOR HEAVY-DUTY DIESEL VEHICLES

1 THAT ARE MODEL YEAR 2010 THROUGH 2014, AND NO MORE THAN FIFTY  
2 DOLLARS FOR HEAVY-DUTY DIESEL VEHICLES THAT ARE MODEL YEAR 2009  
3 OR OLDER. THIS FEE APPLIES TO BOTH INTRASTATE AND INTERSTATE  
4 HEAVY-DUTY DIESEL VEHICLES. FOR INTERSTATE HEAVY-DUTY DIESEL  
5 VEHICLES, THE FEE IS PRORATED BASED ON THE FLEET OWNER'S  
6 PERCENTAGE OF MILEAGE IN COLORADO.

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

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

15 (I) "DIESEL-POWERED MOTOR VEHICLE" MEANS A MOTOR VEHICLE  
16 POWERED BY AN INTERNAL COMBUSTION, COMPRESSION IGNITION,  
17 DIESEL-FUELED ENGINE. THIS DOES NOT INCLUDE HYBRID DIESEL FUEL  
18 TYPES.

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

22 **SECTION 9.** In Colorado Revised Statutes, **add** 42-4-318 as  
23 follows:

24 **42-4-318. Restrictions on types of trucks used in state projects**  
25 **- fine - legislative declaration - definition.** (1) THE GENERAL ASSEMBLY  
26 HEREBY FINDS AND DECLARES THAT:

27 (a) COLORADO'S STATE GOVERNMENT IS COMMITTED TO



1 IMPROVING COLORADO'S AIR QUALITY AND REDUCING OVERALL EMISSIONS  
2 AND GREENHOUSE GASES WITHIN COLORADO;

3 (b) COLORADO'S STATE GOVERNMENT HAS POLICIES AND  
4 PROGRAMS TO REDUCE EMISSIONS AND THE GREENHOUSE GAS FOOTPRINT  
5 OF STATE AGENCIES;

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

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

12 (e) THEREFORE, IT IS IN THE BEST INTEREST OF BOTH COLORADO'S  
13 STATE GOVERNMENT AND COLORADO'S CITIZENS THAT THE STATE TAKE  
14 ACTION AND CREATE POLICIES THAT PRECLUDE HIGH EMITTING DIESEL  
15 TRUCKS FROM OPERATING ON STATE AWARDED PROJECTS.

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

21 (a) ON AND AFTER JANUARY 1, 2025, DIESEL TRUCKS WITH A  
22 GROSS VEHICLE WEIGHT OF SIXTEEN THOUSAND ONE POUNDS OR GREATER  
23 THAT ARE OLDER THAN MODEL YEAR 2002 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 (b) ON AND AFTER JANUARY 1, 2027, DIESEL TRUCKS WITH A

1 GROSS VEHICLE WEIGHT OF SIXTEEN THOUSAND ONE POUNDS OR GREATER  
2 THAT ARE OLDER THAN MODEL YEAR 2007 SHALL NOT BE PERMITTED ON  
3 ANY STATE PROJECT SITE IN A NONATTAINMENT AREA OF THE STATE, AS  
4 DESIGNATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION  
5 AGENCY PURSUANT TO SECTION 24-38.5-116 (2)(h); AND

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

12 (3) ON AND AFTER JANUARY 1, 2024, ALL STATE PROJECT BID  
13 REQUESTS AND PROJECT AWARDS MUST INCLUDE LANGUAGE SPECIFYING  
14 THE MODEL YEAR OF DIESEL TRUCKS PERMITTED TO OPERATE ON THE  
15 STATE PROJECT SITE. THE DEPARTMENT OF TRANSPORTATION SHALL BOTH  
16 DEVELOP A PROCEDURE FOR ENSURING COMPLIANCE WITH THIS SECTION  
17 AND OUTLINE PENALTIES FOR FAILING TO COMPLY WITH THIS SECTION.

18 (4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
19 CONTRARY, THIS SECTION SHALL NOT APPLY TO DIESEL TRUCKS USED BY  
20 THE DEPARTMENT OF TRANSPORTATION, OTHER STATE AGENCIES, OR  
21 LOCAL GOVERNMENTS TO PERFORM ROUTINE MAINTENANCE ON OR  
22 INCIDENTAL TRAVEL TO STATE PROJECTS.

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

27 **SECTION 10.** In Colorado Revised Statutes, 42-20-301, **amend**

1 (3) as follows:

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

7 (b) THE PATROL MAY CONFORM HAZARDOUS MATERIALS ROUTING  
8 REGULATIONS MADE PURSUANT TO THIS SECTION TO TRANSPORTATION  
9 COMMISSION REGULATIONS MADE PURSUANT TO SUBSECTION (3)(a) OF  
10 THIS SECTION.

11 **SECTION 11.** In Colorado Revised Statutes, **add** part 15 to  
12 article 4 of title 43 as follows:

13 **PART 15**

14 **FUELS IMPACT ENTERPRISE**

15 **43-4-1501. Legislative declaration.** (1) (a) (I) THE GENERAL  
16 ASSEMBLY FINDS AND DECLARES THAT:

17 (A) CERTAIN COMMUNITIES IN THE STATE SERVE AS THE  
18 DISTRIBUTION POINTS FOR ALMOST ALL OF THE FUEL TRANSPORTED IN THE  
19 STATE;

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

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

26 (II) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS  
27 APPROPRIATE TO ESTABLISH THE FUELS IMPACT REDUCTION GRANT

1 PROGRAM TO PROVIDE GRANTS TO THOSE COMMUNITIES FOR THE  
2 IMPROVEMENT OF THEIR HAZARDOUS MITIGATION CORRIDOR  
3 INFRASTRUCTURE AND FOR PROJECTS RELATED TO THE TRANSPORTATION  
4 OF FUEL WITHIN THE STATE.

5 (b) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS  
6 REASONABLE TO ESTABLISH THE FUELS IMPACT ENTERPRISE TO ASSIST IN  
7 THE ADMINISTRATION OF THE PROGRAMS DESCRIBED IN THIS SUBSECTION  
8 (1) AND TO COLLECT THE FEES NECESSARY TO IMPLEMENT THESE  
9 PROGRAMS.

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

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

18 (b) BY PROVIDING IMPACT REDUCTION SERVICES AS AUTHORIZED  
19 BY THIS SECTION, THE FUELS IMPACT ENTERPRISE PROVIDES A BENEFIT TO  
20 FEE PAYERS BY IMPROVING THE TRANSPORTATION OF FUEL IN THE STATE,  
21 AND MONITORING VEHICLE EMISSIONS, AND, THEREFORE OPERATES AS A  
22 BUSINESS IN ACCORDANCE WITH THE DETERMINATION OF THE COLORADO  
23 SUPREME COURT IN *COLORADO UNION OF TAXPAYERS FOUNDATION V. CITY*  
24 *OF ASPEN*, 2018 CO 36;

25 (c) CONSISTENT WITH THE DETERMINATION OF THE COLORADO  
26 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896  
27 P.2D 859 (COLO. 1995), THE POWER TO IMPOSE TAXES IS INCONSISTENT

1 WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE X OF THE STATE  
2 CONSTITUTION, AND, THEREFORE, IT IS THE CONCLUSION OF THE GENERAL  
3 ASSEMBLY THAT THE REVENUE COLLECTED BY THE FUELS IMPACT  
4 ENTERPRISE IS GENERATED BY FEES, NOT TAXES, BECAUSE THE FUELS  
5 IMPACT REDUCTION FEE IMPOSED BY THE ENTERPRISE IS:

6 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE  
7 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE SERVICES SPECIFIED  
8 IN THIS SECTION; AND

9 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED  
10 BASED ON THE COSTS OF THE SERVICES PROVIDED BY THE ENTERPRISE;  
11 AND

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

20 **43-4-1502. Definitions.** AS USED IN THIS PART 15, UNLESS THE  
21 CONTEXT OTHERWISE REQUIRES:

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

24 (2) "FUEL PRODUCT" MEANS GASOLINE, BLENDED GASOLINE,  
25 GASOLINE SOLD FOR GASOHOL PRODUCTION, GASOHOL, DIESEL, BIODIESEL  
26 BLENDS, NATURAL GAS, AND SPECIAL FUELS, AND SPECIAL FUEL MIXES  
27 WITH ALCOHOL.

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

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

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

7 **43-4-1503. Fuels impact enterprise - creation - powers and**  
8 **duties.** (1) (a) THE FUELS IMPACT ENTERPRISE IS CREATED IN THE  
9 DEPARTMENT. THE ENTERPRISE IS AND OPERATES AS A  
10 GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER TO  
11 EXECUTE ITS BUSINESS PURPOSES AS SPECIFIED IN SUBSECTION (2) OF THIS  
12 SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES AND  
13 FUNCTIONS SET FORTH IN THIS SECTION.

14 (b) THE ENTERPRISE IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
15 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND  
16 FUNCTIONS UNDER THE DEPARTMENT. THE GOVERNING BOARD OF THE  
17 ENTERPRISE IS MADE UP OF THE TRANSPORTATION COMMISSION CREATED  
18 IN SECTION 43-1-106 (1).

19 (2) THE BUSINESS PURPOSES OF THE ENTERPRISE ARE TO IMPROVE  
20 THE TRANSPORTATION OF FUEL IN THE STATE AND MONITOR VEHICLE  
21 EMISSIONS. TO ALLOW THE ENTERPRISE TO ACCOMPLISH THESE BUSINESS  
22 PURPOSES AND FULLY EXERCISE ITS POWERS AND DUTIES, THE ENTERPRISE  
23 MAY:

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

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

1 (c) ISSUE REVENUE BONDS PAYABLE FROM FUELS IMPACT  
2 REDUCTION FEE REVENUE AND OTHER AVAILABLE MONEY OF THE  
3 ENTERPRISE.

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

12 (4) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN  
13 THIS SECTION, THE ENTERPRISE HAS THE FOLLOWING GENERAL POWERS  
14 AND DUTIES:

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

17 (b) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
18 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
19 GRANTED BY THIS SECTION.

20 **43-4-1504. Fuels impact enterprise cash fund - definition.**

21 (1) (a) (I) THE FUELS IMPACT ENTERPRISE CASH FUND IS CREATED IN THE  
22 STATE TREASURY. THE FUND CONSISTS OF FUELS IMPACT REDUCTION FEE  
23 REVENUE CREDITED TO THE FUND PURSUANT TO SECTION 43-4-1505 (1),  
24 ANY MONEY THAT THE GENERAL ASSEMBLY MAY TRANSFER OR  
25 APPROPRIATE TO THE FUND FOR THE IMPLEMENTATION OF THE GRANT  
26 PROGRAM, AND ANY FEDERAL MONEY OR GIFTS, GRANTS, OR DONATIONS  
27 RECEIVED. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND

1 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
2 FUND TO THE FUND.

3 (II) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE  
4 ENTERPRISE FOR THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING THE  
5 GRANT PROGRAM.

6 (III) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
7 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
8 FUND TO THE FUND.

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

18 (II) FOR THE PURPOSES OF THIS SUBSECTION (1)(b), "AVAILABLE  
19 FUND BALANCE" MEANS THE SUM OF THE CURRENT YEAR REVENUES AND  
20 THE PREVIOUS FUND BALANCE MINUS THE SUM OF THE OBLIGATIONS  
21 APPROVED BY THE ENTERPRISE AND THE COSTS INCURRED BY THE  
22 DEPARTMENT OF REVENUE IN COLLECTING THE FUELS IMPACT REDUCTION  
23 FEE REVENUE.

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

26 (2) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY  
27 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING



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

19 **43-4-1505. Fuels impact reduction fee.** (1) (a) IN FURTHERANCE  
20 OF ITS BUSINESS PURPOSE, BEGINNING SEPTEMBER 1, 2023, THE  
21 ENTERPRISE SHALL IMPOSE A FUELS IMPACT REDUCTION FEE PER GALLON  
22 TO BE PAID BY A LICENSED FUEL EXCISE TAX DISTRIBUTOR WITHIN  
23 COLORADO AND A LICENSED FUEL DISTRIBUTOR WHO SHIPS PRODUCTS  
24 FROM OUTSIDE OF COLORADO TO A POINT WITHIN COLORADO. FOR THE  
25 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR DISTRIBUTORS AND  
26 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE  
27 SHALL COLLECT THE FUELS IMPACT REDUCTION FEE ON BEHALF OF THE

1 ENTERPRISE, AND A FUEL DISTRIBUTOR SHALL PAY THE FEE TO THE  
2 DEPARTMENT OF REVENUE AS REQUIRED BY SECTION 8-20-206.5 (8)(a).

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

10 (c) AS REQUIRED BY SECTION 8-20-206.5 (8)(c), THE EXECUTIVE  
11 DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL TRANSMIT ANY FUELS  
12 IMPACT REDUCTION FEE REVENUE IT COLLECTS TO THE STATE TREASURER  
13 WHO SHALL CREDIT THE REVENUE, MINUS THE COSTS TO THE DEPARTMENT  
14 OF REVENUE FOR COLLECTING THE FEE, TO THE FUND.

15 **43-4-1506. Fuels impact reduction grant program.** (1) THERE  
16 IS HEREBY CREATED THE FUELS IMPACT REDUCTION GRANT PROGRAM TO  
17 PROVIDE GRANTS TO CERTAIN CRITICALLY IMPACTED COMMUNITIES,  
18 GOVERNMENTS, AND TRANSPORTATION CORRIDORS FOR THE  
19 IMPROVEMENT OF HAZARDOUS MITIGATION CORRIDORS AND TO SUPPORT  
20 LOCAL AND STATE GOVERNMENT PROJECTS RELATED TO EMERGENCY  
21 RESPONSES, ENVIRONMENTAL MITIGATION, OR PROJECTS RELATED TO THE  
22 TRANSPORTATION OF FUEL WITHIN THE STATE.

23 (2) (a) AS PART OF THE FUELS IMPACT REDUCTION GRANT  
24 PROGRAM, THE ENTERPRISE SHALL ANNUALLY DISTRIBUTE TEN MILLION  
25 DOLLARS FROM THE FUND TO THE FOLLOWING POLITICAL SUBDIVISIONS  
26 FOR THE IMPROVEMENT OF HAZARDOUS MITIGATION CORRIDORS IN THE  
27 STATE PRIORITIZING USES RELATED TO SAFETY AND ENVIRONMENTAL

1     IMPACTS:

2             (I) SIX MILLION FOUR HUNDRED THOUSAND DOLLARS TO ADAMS  
3 COUNTY;

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

5             (III) ONE MILLION THREE HUNDRED THOUSAND DOLLARS TO EL  
6 PASO COUNTY;

7             (IV) TWO HUNDRED FORTY THOUSAND DOLLARS TO MESA  
8 COUNTY; AND

9             (V) SIXTY THOUSAND DOLLARS TO OTERO COUNTY.

10            (b) IF THE ENTERPRISE IS UNABLE TO DISTRIBUTE TEN MILLION  
11 DOLLARS PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, THE  
12 ENTERPRISE SHALL DISTRIBUTE THE DOLLARS IT CAN DISTRIBUTE IN THE  
13 SAME PROPORTION AS DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION.

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

18            (3) THE ENTERPRISE SHALL ANNUALLY DISTRIBUTE UP TO FIVE  
19 MILLION DOLLARS FROM THE FUND, AFTER MAKING THE TRANSFERS  
20 REQUIRED BY SUBSECTION (2) OF THIS SECTION AND AFTER PROVIDING FOR  
21 THE ADMINISTRATIVE EXPENSES OF THE ENTERPRISE, TO KEY COMMERCIAL  
22 FREIGHT CORRIDORS, TO SUPPORT STATE GOVERNMENT PROJECTS RELATED  
23 TO EMERGENCY RESPONSES, ENVIRONMENTAL MITIGATION, OR TO SUPPORT  
24 PROJECTS RELATED TO THE TRANSPORTATION OF FUEL WITHIN THE STATE  
25 ON ROUTES NECESSARY FOR THE TRANSPORTATION OF HAZARDOUS  
26 MATERIALS.

27            **43-4-1507. Repeal of part.** THIS PART 15 IS REPEALED, EFFECTIVE

1     JANUARY 1, 2030.

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