

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

INTRODUCED

LLS NO. 25-0880.01 Christopher McMichael x4775

HOUSE BILL 25-1295

HOUSE SPONSORSHIP

Rutinel,

SENATE SPONSORSHIP

(None),

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE OPERATION OF FOOD TRUCKS, AND, IN CONNECTION**
102 **THEREWITH, ESTABLISHING A RECIPROCAL LICENSING AND**
103 **PERMITTING SYSTEM BETWEEN LOCAL GOVERNMENT**
104 **JURISDICTIONS FOR THE OPERATION OF FOOD TRUCKS.**

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 a reciprocal licensing and permitting system for the operation of food trucks within the jurisdictions of local governments in the state. The bill requires a local government to grant the owner or

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.

operator of a food truck a reciprocal business license, reciprocal health department permit, and reciprocal fire safety permit (reciprocal license and reciprocal permits), which reciprocal license and reciprocal permits allow the owner or operator of a food truck to operate within the local government's jurisdiction, if the owner or operator of a food truck:

- Has an active business license from another local government;
- Has an active health department permit from another local government;
- Has an active fire safety permit from another local government; and
- Pays applicable application and licensing and permitting fees.

A local government must review an application for the reciprocal license and reciprocal permits within 14 calendar days after receiving the application and decide whether to approve or deny the application. The local government may deny the application under certain circumstances. The local government may collect an application fee and charge reduced licensing and permitting fees for granting the reciprocal license and reciprocal permits.

The bill prohibits the governing body of a local government from adopting an ordinance, resolution, regulation, zoning code, or other code that:

- Prohibits the operation of a food truck in a zone in which a food establishment is considered a permitted or conditional use;
- Restricts the total number of days a food truck may be operated within the local government's jurisdiction during a calendar year; or
- Prohibits the operation of a food truck within a certain distance of another food establishment, unless the specified distance is less than 50 feet.

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

2 **SECTION 1.** In Colorado Revised Statutes, **recreate and**
3 **reenact, with amendments,** article 11.6 of title 29 as follows:

4 **29-11.6-101. Legislative declaration.** (1) THE GENERAL
5 ASSEMBLY FINDS AND DECLARES THAT:

6 (a) FOOD TRUCKS ARE A GROWING PART OF THE COLORADO
7 ECONOMY;

1 (b) FOOD TRUCKS ARE INHERENTLY MOBILE AND INTENDED TO
2 OPERATE IN VARIOUS LOCATIONS ACROSS THE STATE; AND

3 (c) LAWS IMPOSED AND ADMINISTERED AT THE LOCAL LEVEL
4 REQUIRING FOOD TRUCK BUSINESSES TO OBTAIN SEPARATE PERMITS OR
5 LICENSES TO OPERATE WITHIN A LOCAL GOVERNMENT'S JURISDICTION
6 IMPOSE INORDINATE BURDENS ON THOSE BUSINESSES.

7 **29-11.6-102. Definitions.** AS USED IN THIS ARTICLE 11.6, UNLESS
8 THE CONTEXT OTHERWISE REQUIRES:

9 (1) "BUSINESS LICENSE" MEANS A PERMIT OR DOCUMENT ISSUED
10 BY A LOCAL GOVERNMENT THAT AUTHORIZES A FOOD TRUCK TO OPERATE
11 AS A BUSINESS WITHIN THE JURISDICTIONAL BOUNDARIES OF THE LOCAL
12 GOVERNMENT.

13 (2) "FIRE SAFETY PERMIT" MEANS A PERMIT OR DOCUMENT ISSUED
14 BY A LOCAL GOVERNMENT THAT CERTIFIES THAT A FOOD TRUCK MEETS
15 THE LOCAL GOVERNMENT'S FIRE AND SAFETY STANDARDS AND
16 AUTHORIZES AN INDIVIDUAL TO OPERATE THE FOOD TRUCK.

17 (3) "FOOD TRUCK" MEANS A RETAIL FOOD ESTABLISHMENT THAT
18 IS PART OF A MOTOR VEHICLE OR IS ON A TRAILER PULLED BY A MOTOR
19 VEHICLE FROM WHICH AN INDIVIDUAL PREPARES, COOKS, SELLS, OR
20 SERVES FOOD OR BEVERAGES.

21 (4) "GOVERNING BODY" MEANS A BOARD, A COUNCIL, OR ANOTHER
22 ELECTED OR APPOINTED BODY IN WHICH THE LEGISLATIVE POWERS OF A
23 LOCAL GOVERNMENT ARE VESTED.

24 (5) "HEALTH DEPARTMENT PERMIT" MEANS A PERMIT OR
25 DOCUMENT ISSUED BY A LOCAL GOVERNMENT THAT CERTIFIES THAT A
26 FOOD TRUCK MEETS THE LOCAL GOVERNMENT'S HEALTH STANDARDS AND
27 AUTHORIZES AN INDIVIDUAL TO OPERATE THE FOOD TRUCK.

1 (6) "LOCAL GOVERNMENT" MEANS AN AUTHORITY, A COUNTY, A
2 MUNICIPALITY, A CITY AND COUNTY, A DISTRICT, OR ANOTHER POLITICAL
3 SUBDIVISION OF THE STATE OR ANY DEPARTMENT, AGENCY, INSTITUTION,
4 OR AUTHORITY OF A COUNTY, A MUNICIPALITY, A CITY AND COUNTY, A
5 DISTRICT, OR ANOTHER POLITICAL SUBDIVISION OF THE STATE.

6 (7) "MOTOR VEHICLE" HAS THE MEANING SET FORTH IN SECTION
7 42-1-102 (58).

8 (8) "RECIPROCAL LICENSE AND RECIPROCAL PERMITS" MEANS A
9 BUSINESS LICENSE, FIRE SAFETY PERMIT, AND HEALTH DEPARTMENT
10 PERMIT, AS THOSE TERMS ARE DEFINED IN THIS SECTION, THAT ARE
11 GRANTED BY A LOCAL GOVERNMENT PURSUANT TO SECTION 29-11.6-103
12 AND THAT TOGETHER ALLOW A FOOD TRUCK TO OPERATE WITHIN THE
13 LOCAL GOVERNMENT'S JURISDICTION.

14 (9) "RETAIL FOOD ESTABLISHMENT" HAS THE MEANING SET FORTH
15 IN SECTION 25-4-1602 (14).

16 **29-11.6-103. Food truck operations - reciprocal license and**
17 **reciprocal permits - zoning - fees. (1) Reciprocal license and**
18 **reciprocal permits - fees. (a)** UPON APPLICATION TO A LOCAL
19 GOVERNMENT BY AN OWNER OR OPERATOR OF A FOOD TRUCK AND
20 SUBJECT TO THE LIMITATIONS SET FORTH IN SUBSECTION (1)(b) OF THIS
21 SECTION, A LOCAL GOVERNMENT SHALL GRANT A RECIPROCAL BUSINESS
22 LICENSE, A RECIPROCAL HEALTH DEPARTMENT PERMIT, AND A RECIPROCAL
23 FIRE SAFETY PERMIT TO THE OWNER OR OPERATOR OF THE FOOD TRUCK,
24 WHICH RECIPROCAL LICENSE AND RECIPROCAL PERMITS ALLOW THE
25 OWNER OR OPERATOR OF THE FOOD TRUCK TO OPERATE WITHIN THE
26 JURISDICTION OF THE LOCAL GOVERNMENT, IF THE OWNER OR OPERATOR
27 OF THE FOOD TRUCK SUBMITS THE FOLLOWING DOCUMENTATION TO THE

1 LOCAL GOVERNMENT:

2 (I) AN ACTIVE BUSINESS LICENSE FROM ANOTHER LOCAL
3 GOVERNMENT;

4 (II) AN ACTIVE HEALTH DEPARTMENT PERMIT FROM ANOTHER
5 LOCAL GOVERNMENT;

6 (III) AN ACTIVE FIRE SAFETY PERMIT FROM ANOTHER LOCAL
7 GOVERNMENT; AND

8 (IV) PAYMENT OF THE APPLICATION FEE, LICENSING FEE, AND
9 PERMITTING FEES CHARGED BY THE LOCAL GOVERNMENT PURSUANT TO
10 SUBSECTION (1)(c) OF THIS SECTION.

11 (b) (I) UPON REVIEW OF AN APPLICATION SUBMITTED IN
12 ACCORDANCE WITH SUBSECTION (1)(a) OF THIS SECTION, A LOCAL
13 GOVERNMENT MAY DENY AN APPLICATION IF:

14 (A) THE OWNER OR OPERATOR OF A FOOD TRUCK HAS NOT
15 OBTAINED OR RENEWED A HEALTH DEPARTMENT PERMIT OR FIRE SAFETY
16 PERMIT WITHIN THE PAST CALENDAR YEAR;

17 (B) THE BUSINESS LICENSE SUBMITTED BY THE OWNER OR
18 OPERATOR OF A FOOD TRUCK IS EXPIRED;

19 (C) THE OWNER OR OPERATOR OF A FOOD TRUCK HAS
20 OUTSTANDING FEES, FINES, OR PENALTIES IN ANOTHER LOCAL
21 JURISDICTION; OR

22 (D) THE OWNER OR OPERATOR OF A FOOD TRUCK HAS FAILED A
23 HEALTH DEPARTMENT OR FIRE SAFETY INSPECTION WITHIN THE PAST
24 CALENDAR YEAR.

25 (II) IF A LOCAL GOVERNMENT DENIES AN APPLICATION IN
26 ACCORDANCE WITH SUBSECTION (1)(b)(I) OF THIS SECTION, THE LOCAL
27 GOVERNMENT SHALL PROVIDE WRITTEN NOTICE TO THE APPLICANT

1 STATING THE REASON THAT THE APPLICATION WAS DENIED AND PROVIDE
2 THE APPLICANT A CHANCE TO RESUBMIT THE APPLICATION WITH UPDATED
3 OR ADDITIONAL INFORMATION.

4 (c) (I) A LOCAL GOVERNMENT THAT GRANTS A RECIPROCAL
5 LICENSE AND RECIPROCAL PERMITS PURSUANT TO SUBSECTION (1)(a) OF
6 THIS SECTION MAY CHARGE AN APPLICATION FEE TO AN OWNER OR
7 OPERATOR OF A FOOD TRUCK THAT APPLIES FOR THE RECIPROCAL LICENSE
8 AND RECIPROCAL PERMITS. THE APPLICATION FEE CHARGED BY A LOCAL
9 GOVERNMENT MUST NOT EXCEED THE ADMINISTRATIVE COST INCURRED
10 BY THE LOCAL GOVERNMENT TO REVIEW THE APPLICATION.

11 (II) A LOCAL GOVERNMENT MAY CHARGE A FEE TO THE OWNER OR
12 OPERATOR OF A FOOD TRUCK TO OBTAIN THE RECIPROCAL LICENSE AND
13 RECIPROCAL PERMITS; EXCEPT THAT THE FEE MUST NOT EXCEED
14 TWENTY-FIVE PERCENT OF THE CUMULATIVE COST OF OBTAINING A
15 TYPICAL BUSINESS LICENSE, HEALTH DEPARTMENT PERMIT, AND FIRE
16 SAFETY PERMIT FROM THE LOCAL GOVERNMENT.

17 (d) (I) AN OWNER OR OPERATOR OF A FOOD TRUCK THAT HAS BEEN
18 GRANTED THE RECIPROCAL LICENSE AND RECIPROCAL PERMITS FROM A
19 LOCAL GOVERNMENT IN ACCORDANCE WITH SUBSECTION (1)(a) OF THIS
20 SECTION MAY OPERATE THE FOOD TRUCK WITHIN THE LOCAL
21 GOVERNMENT'S JURISDICTION UNTIL THE EARLIEST EXPIRATION DATE
22 STATED ON THE LICENSE OR PERMITS SUBMITTED AS PART OF THE
23 APPLICATION SUBMITTED PURSUANT TO SUBSECTION (1)(a) OF THIS
24 SECTION.

25 (II) A LOCAL GOVERNMENT MAY REVOKE THE RECIPROCAL
26 LICENSE AND RECIPROCAL PERMITS GRANTED TO THE OWNER OR
27 OPERATOR OF A FOOD TRUCK IF THE LOCAL GOVERNMENT FINDS THAT THE

1 FOOD TRUCK IS BEING OPERATED IN VIOLATION OF THE ORDINANCES,
2 RESOLUTIONS, REGULATIONS, ZONING CODES, OR OTHER CODES OF THE
3 LOCAL GOVERNMENT.

4 (e) A LOCAL GOVERNMENT SHALL REVIEW AN APPLICATION
5 SUBMITTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION AND ISSUE
6 THE DECISION TO APPROVE OR DENY THE APPLICATION WITHIN FOURTEEN
7 CALENDAR DAYS AFTER RECEIVING THE APPLICATION.

8 (2) **Food truck operations - zoning.** (a) THE GOVERNING BODY
9 OF A LOCAL GOVERNMENT SHALL NOT ADOPT OR ENFORCE A RESOLUTION,
10 ORDINANCE, REGULATION, ZONING CODE, OR OTHER CODE THAT:

11 (I) PROHIBITS OR CONSTRUCTIVELY PROHIBITS AN OWNER OR
12 OPERATOR FROM OPERATING A FOOD TRUCK IN A ZONE IN WHICH A FOOD
13 ESTABLISHMENT IS A PERMITTED USE OR CONDITIONAL USE;

14 (II) RESTRICTS THE TOTAL NUMBER OF DAYS A FOOD TRUCK MAY
15 BE OPERATED WITHIN THE LOCAL GOVERNMENT'S JURISDICTION DURING A
16 CALENDAR YEAR; OR

17 (III) PROHIBITS THE OPERATION OF A FOOD TRUCK WITHIN A
18 CERTAIN DISTANCE OF A FOOD ESTABLISHMENT, UNLESS THE SPECIFIED
19 DISTANCE IS LESS THAN FIFTY FEET.

20 (b) A RESOLUTION, ORDINANCE, REGULATION, ZONING CODE, OR
21 OTHER CODE THAT CONFLICTS WITH SUBSECTION (2)(a) OF THIS SECTION
22 AND THAT WAS ADOPTED BY THE GOVERNING BODY OF A LOCAL
23 GOVERNMENT PRIOR TO THE EFFECTIVE DATE OF THIS SECTION IS ONLY
24 ENFORCEABLE TO THE EXTENT THAT THE ENFORCEMENT COMPLIES WITH
25 SUBSECTION (2)(a) OF THIS SECTION.

26 (3) **Enforcement.** EXCEPT AS PROVIDED IN SUBSECTION (2)(a) OF
27 THIS SECTION, NOTHING IN THIS SECTION PROHIBITS A LOCAL GOVERNMENT

1 FROM ENFORCING THE LOCAL GOVERNMENT'S ORDINANCES, RESOLUTIONS,
2 REGULATIONS, ZONING CODES, OR OTHER CODES RELATED TO THE
3 OPERATION OF A FOOD TRUCK.

4 **SECTION 2. Act subject to petition - effective date -**
5 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
6 the expiration of the ninety-day period after final adjournment of the
7 general assembly; except that, if a referendum petition is filed pursuant
8 to section 1 (3) of article V of the state constitution against this act or an
9 item, section, or part of this act within such period, then the act, item,
10 section, or part will not take effect unless approved by the people at the
11 general election to be held in November 2026 and, in such case, will take
12 effect on the date of the official declaration of the vote thereon by the
13 governor.

14 (2) This act applies to applications submitted and conduct
15 occurring on or after the applicable effective date of this act.