

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
8.30.22

BILL 5

LLS NO. 23-0106.01 Nicole Myers x4326

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

BILL TOPIC: "Electric Vehicle Charging Systems At Rest Areas"

A BILL FOR AN ACT

101 **CONCERNING AUTHORITY FOR THE DEPARTMENT OF TRANSPORTATION**
102 **TO CONSTRUCT ELECTRIC VEHICLE CHARGING SYSTEMS ALONG**
103 **HIGHWAY RIGHTS-OF-WAY INCLUDING REST AREAS WHEN**
104 **FEDERAL LAW NO LONGER PROHIBITS THE CONSTRUCTION OF**
105 **SUCH CHARGING SYSTEMS.**

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/>.)

Transportation Legislation Review Committee. Federal law currently prohibits the construction of automotive service stations or other

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

commercial establishments for serving motor vehicle users along interstate highway rights-of-way, including rest areas. Due to this prohibition, the state cannot construct electric vehicle charging systems along interstate highway rights-of-way, including rest areas, in the state.

The bill specifies that when federal law no longer prohibits the construction of electric vehicle charging systems along interstate highway rights-of-way, including rest areas, the department of transportation may collaborate with such public or private partners or individual donors, as it deems appropriate, to develop projects for the construction of electric vehicle charging systems along state and interstate highway rights-of-way, including rest areas.

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

2 **SECTION 1.** In Colorado Revised Statutes, 43-3-101, **add** (4) as
3 follows:

4 **43-3-101. Freeways - how declared - commercial enterprises**
5 **prohibited - definition.** (4) (a) NOTWITHSTANDING THE PROVISIONS OF
6 SUBSECTION (3) OF THIS SECTION, AND WHEN THE REQUIREMENTS OF
7 SUBSECTION (4)(b) OF THIS SECTION ARE SATISFIED, THE DEPARTMENT OF
8 TRANSPORTATION MAY COLLABORATE WITH SUCH PUBLIC OR PRIVATE
9 PARTNERS OR INDIVIDUAL DONORS, AS IT DEEMS APPROPRIATE, TO
10 DEVELOP PROJECTS FOR THE CONSTRUCTION OF ELECTRIC VEHICLE
11 CHARGING SYSTEMS ALONG STATE AND INTERSTATE HIGHWAY
12 RIGHTS-OF-WAY, INCLUDING REST AREAS, AS PRIORITIZED BY THE
13 DEPARTMENT.

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

1 VEHICLE CHARGING SYSTEMS ALONG INTERSTATE HIGHWAY
2 RIGHTS-OF-WAY, INCLUDING REST AREAS.

3 (c) AS USED IN THIS SUBSECTION (4), "ELECTRIC VEHICLE
4 CHARGING SYSTEM" HAS THE SAME MEANING SET FORTH IN SECTION
5 38-12-601 (6).

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