

## CHAPTER 273

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**HEALTH AND ENVIRONMENT**

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**SENATE BILL 02-198**

BY SENATOR(S) Reeves and Epps;  
also REPRESENTATIVE(S) Mitchell, Fritz, and Scott.

**AN ACT**

**CONCERNING THE ADMINISTRATIVE REPEAL OF THOSE PORTIONS OF STATE LAW REGARDING THE CLEAN VEHICLE FLEET PROGRAM THAT ARE NO LONGER ENFORCEABLE AS A PART OF COLORADO'S STATE IMPLEMENTATION PLAN.**

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

**SECTION 1.** 25-7-105 (14), Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**25-7-105. Duties of commission.** (14) THE COMMISSION SHALL REPEAL THE CLEAN VEHICLE FLEET PROGRAM MANDATED BY SECTION 246 OF THE FEDERAL ACT AND SHALL REPLACE SUCH PROGRAM IF REQUIRED BY FEDERAL LAW. NOTHING IN THIS SUBSECTION (14) SHALL BE DEEMED TO IMPAIR THE AVAILABILITY OF THE INCOME TAX CREDIT ESTABLISHED PURSUANT TO SECTION 39-22-516, C.R.S., OR THE REBATE ESTABLISHED PURSUANT TO ARTICLE 33 OF TITLE 39, C.R.S.

**SECTION 2. Repeal.** 25-7-106.8 (1) (b), (1) (c), (1) (d), (1) (e), (1) (f), (2), (3), (4), (5), (6), and (7), Colorado Revised Statutes, are repealed.

**SECTION 3.** 39-22-516 (2.5) (a) (II), (2.5) (e), and (2.5) (i), Colorado Revised Statutes, are amended to read:

**39-22-516. Tax credit for purchase of vehicles using alternative fuels - repeal.** (2.5) (a) As used in this subsection (2.5), unless the context otherwise requires:

(II) "~~Clean fuel fleet program~~" means the Colorado clean vehicle fleet program set forth in section 25-7-106.8, C.R.S., and the clean fuel fleet program set forth in the regulations of the air quality control commission.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(e) The certification levels set forth in paragraph (d) of this subsection (2.5) shall have the same meaning as set forth in the ~~air quality control commission~~ regulations PROMULGATED BY THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY IN 40 CFR PART 88 governing ~~the clean fuel fleet program~~ VEHICLES.

(i) For income tax years commencing on and after January 1, 1999, but prior to July 1, 2011, a motor vehicle, conversion, or power source certified to the low-emitting vehicle emissions standard that is purchased by a person ~~covered by the clean fuel fleet program in order to satisfy the minimum requirements of such program~~ shall be eligible for a credit pursuant to this subsection (2.5).

**SECTION 4. Repeal.** 39-33-101 (2), Colorado Revised Statutes, is repealed as follows:

**39-33-101. Definitions.** As used in this article, unless the context otherwise requires:

(2) ~~"Clean fuel fleet program" means the Colorado clean vehicle fleet program set forth in section 25-7-106.8, C.R.S., and the clean fuel fleet program set forth in the regulations of the air quality control commission.~~

**SECTION 5.** 39-33-103 (2) (b), Colorado Revised Statutes, is amended to read:

**39-33-103. Amount of rebate.** (2) (b) The certification levels set forth in paragraph (a) of this subsection (2) shall have the same meaning as set forth in the regulations ~~of the air quality control commission~~ PROMULGATED BY THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY IN 40 CFR PART 88 governing ~~the clean fuel fleet program~~ VEHICLES.

**SECTION 6. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 1, 2002