

CHAPTER 225

TAXATION

HOUSE BILL 13-1110

BY REPRESENTATIVE(S) Fischer, Court, Duran, Fields, Ginal, Hamner, Hullinghorst, Labuda, Lebsock, Mitsch Bush, Moreno, Pabon, Primavera, Rosenthal, Singer, Williams, Young, McLachlan;
also SENATOR(S) Jones, Heath, Schwartz.

AN ACT

CONCERNING CHARGES RELATED TO MOTOR VEHICLES THAT TRAVEL ON THE PUBLIC HIGHWAYS OF THE STATE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Liquefied petroleum gas and natural gas that are used to propel a motor vehicle on the state highways are currently subject to the state special fuel tax;

(b) Owners or operators of motor vehicles that are powered by liquefied petroleum gas and natural gas who acquire and pay for a decal are exempt from the state special fuel tax;

(c) Removal of this exemption constitutes a tax policy change; and

(d) This tax policy change does not require prior voter approval under section 20 of article X of the state constitution because it would not cause the state to exceed the state fiscal year spending limit.

(2) The general assembly further finds and declares that:

(a) Liquefied petroleum gas and natural gas have different energy contents than gasoline or other special fuels;

(b) The changes to the tax rate for liquefied petroleum gas and natural gas reflect these differences;

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

(c) While the tax rates annually increase over a six-year period, all of these rates are reductions from the current rate of twenty and one-half cents per gallon on liquefied petroleum gas and natural gas;

(d) The establishment of these lower rates is not a tax rate increase that requires prior voter approval under section 20 of article X of the state constitution; and

(e) The intended purpose of this rate reduction is to fairly tax liquefied petroleum gas and natural gas and to create tax parity among special fuels based on the differences in each fuel's energy content.

(3) The general assembly further finds and declares that:

(a) Plug-in electric vehicles have impacts on the public roads and highways, as do other types of vehicles;

(b) While owners of motor vehicles that are propelled by plug-in electricity pay state sales and use tax on their vehicle purchases and annual specific ownership taxes and vehicle registration fees, electricity is not taxed as a special fuel;

(c) Owners of plug-in electric vehicles have the same interest as other vehicle owners in contributing to the construction, improvement, repair, and maintenance of public roads and highways; and

(d) The purpose of a portion of the annual fee for these owners is to provide them with a means to pay their fair share for their vehicles' impacts on the state's public roads and highways.

SECTION 2. In Colorado Revised Statutes, 8-20-102, **add** (3) as follows:

8-20-102. Duties of director of division of oil and public safety. (3) PRIOR TO JANUARY 1, 2014, THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY SHALL PROMULGATE RULES FOR NATURAL GAS SETTING FORTH STANDARDS RELATED TO INSPECTIONS; SPECIFICATIONS; SHIPMENT NOTIFICATION; RECORD KEEPING; LABELING OF CONTAINERS; USE OF METERS OR MECHANICAL DEVICES FOR MEASUREMENT; SUBMITTAL OF INSTALLATION PLANS; AND MINIMUM STANDARDS FOR THE DESIGN, CONSTRUCTION, LOCATION, INSTALLATION, AND OPERATION OF RETAIL NATURAL GAS SYSTEMS. THE DIVISION SHALL BEGIN ENFORCING THE RULES ON JULY 1, 2014. THE DIRECTOR MAY MODIFY OR UPDATE THE RULES IN HIS OR HER DISCRETION. ALL OF THE RULES REQUIRED BY THIS SUBSECTION (3) MUST BE REASONABLY NECESSARY FOR THE PROTECTION OF THE HEALTH, WELFARE, AND SAFETY OF THE PUBLIC AND PERSONS USING SUCH MATERIALS, AND THE RULES MUST BE IN SUBSTANTIAL CONFORMITY WITH THE GENERALLY ACCEPTED STANDARDS OF SAFETY CONCERNING THE SAME SUBJECT MATTER. THE DIRECTOR SHALL ADOPT THE RULES IN COMPLIANCE WITH SECTION 24-4-103, C.R.S.

SECTION 3. In Colorado Revised Statutes, 8-20-201, **amend** (2) as follows:

8-20-201. Definitions. As used in this part 2, unless the context otherwise requires:

(2) "Fuel products" means all gasoline, aviation gasoline, aviation turbine fuel, diesel, jet fuel, fuel oil, biodiesel, biodiesel blends, kerosene, all alcohol blended fuels, ~~liquefied~~ LIQUEFIED petroleum gas, gas or gaseous compounds, NATURAL GAS, INCLUDING COMPRESSED NATURAL GAS AND LIQUEFIED NATURAL GAS, and all other volatile, flammable, or combustible liquids, produced, compounded, and offered for sale or used for the purpose of generating heat, light, or power in internal combustion engines or fuel cells, for cleaning, or for any other similar usage.

SECTION 4. In Colorado Revised Statutes, 8-20-206.5, **amend** (1) (a), (1) (d), (1) (e), (3), and (4) (b); and **add** (4) (c) as follows:

8-20-206.5. Environmental response surcharge - liquefied petroleum gas and natural gas inspection fund - definitions. (1) (a) Every first purchaser of odorized liquefied petroleum gas, every manufacturer of fuel products who manufactures such products for sale within Colorado or who ships such products from any point outside of Colorado to a distributor within Colorado, and every distributor who ships such products from any point outside of Colorado to a point within Colorado shall pay to the executive director of the department of revenue, each calendar month, either twenty-five dollars per tank truckload of fuel products delivered during the previous calendar month for sale or use in Colorado or the fee for odorized liquefied petroleum gas AND NATURAL GAS as specified in paragraph (d) of this subsection (1), whichever is applicable. Such payment shall be made on forms prescribed and furnished by the executive director. The provisions of this section shall not apply to fuel that is especially prepared and sold for use in aircraft or railroad equipment or locomotives.

(d) Notwithstanding paragraph (b) of this subsection (1), the executive director of the department of revenue shall have the authority to determine and adjust a fee for odorized liquefied petroleum gas AND NATURAL GAS, not to exceed ten dollars per tank truckload FOR LIQUEFIED PETROLEUM GAS AND LIQUEFIED NATURAL GAS AND PER EVERY EIGHT THOUSAND GALLON EQUIVALENTS FOR COMPRESSED NATURAL GAS.

(e) (I) There is hereby created the liquefied petroleum gas AND NATURAL GAS inspection fund within the state treasury. Neither this section nor section 8-20.5-103 shall be construed to make the liquefied petroleum gas AND NATURAL GAS inspection fund an enterprise fund. Such fund shall consist of:

(A) Liquefied petroleum gas AND NATURAL GAS inspection moneys collected pursuant to this article;

(B) Civil penalties collected as a result of court actions pursuant to section 8-20-104;

(C) Any moneys appropriated to the fund by the general assembly; and

(D) Any moneys granted to the department from a federal agency or trade association for administration of the department's liquefied petroleum gas AND NATURAL GAS inspection program.

(II) The executive director of the department of revenue shall adjust the fees

collected pursuant to this article so that the balance of unexpended and unencumbered moneys in the liquefied petroleum gas AND NATURAL GAS inspection fund does not exceed the amount necessary to accumulate and maintain in the liquefied petroleum gas AND NATURAL GAS inspection fund a reserve sufficient to defray administrative expenses of the division of oil and public safety for a period of two months.

(III) The moneys in the fund shall be subject to annual appropriation by the general assembly. Moneys in the fund shall only be used for costs related to:

(A) Initial and subsequent inspections of liquefied petroleum gas AND NATURAL GAS installations;

(B) Proving, including calibrating and adjusting, liquefied petroleum gas AND NATURAL GAS meters and dispensers;

(C) Abatement of fire and safety hazards at liquefied petroleum gas AND NATURAL GAS installations;

(D) Investigation of reported liquefied petroleum gas AND NATURAL GAS that requires state matching dollars;

(E) Any federal program pertaining to liquefied petroleum gas AND NATURAL GAS that requires state matching dollars;

(F) Liquefied petroleum gas AND NATURAL GAS product quality testing;

(G) Administrative costs, including costs for contract services; and

(H) Defraying the salaries and operating expenses incurred by the department of labor and employment in the administration of this article as it pertains to liquefied petroleum gas AND NATURAL GAS installations, meters, and dispensers. Such moneys shall be appropriated for such purposes by the general assembly.

(IV) The moneys in the liquefied petroleum gas AND NATURAL GAS inspection fund and all interest earned on the moneys in the fund shall remain in such fund and shall not be credited or transferred to the general fund or any other fund at the end of any fiscal year.

(3) (a) EXCEPT AS SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (3), it is the duty of every manufacturer or distributor as described in subsection (1) of this section to compute the amount of the surcharge payable on all tank truckloads sold by ~~him~~ THE MANUFACTURER OR DISTRIBUTOR and separately state the surcharge due on statements issued with each purchase of fuel. In the event that the manufacturer or distributor sells such fuel to a retailer or consumer or consumes such fuel, ~~he~~ THE MANUFACTURER OR DISTRIBUTOR shall pay to the department of revenue the surcharge imposed in subsection (1) of this section.

(b) FOR COMPRESSED NATURAL GAS, THE FUEL DISTRIBUTOR WHO REPORTS THE GALLONS FOR PURPOSES OF PAYING THE TAX SET FORTH IN ARTICLE 27 OF TITLE 39, C.R.S., SHALL PAY THE SURCHARGE IMPOSED IN SUBSECTION (1) OF THIS SECTION TO

THE DEPARTMENT OF REVENUE.

(4) For the purposes of this section:

(b) "Fuel product" means gasoline, blended gasoline, gasoline sold for gasohol production, gasohol, diesel, biodiesel blends, NATURAL GAS, and special fuels, and special fuel mixes with alcohol.

(c) "TANK TRUCKLOAD" MEANS EIGHT THOUSAND GALLONS OR GALLON EQUIVALENTS.

SECTION 5. In Colorado Revised Statutes, 39-27-101, **amend** (7) and (11) as follows:

39-27-101. Definitions - construction. As used in this part 1, unless the context otherwise requires:

(7) (a) "Distributor" means:

(I) A gasoline or special fuel broker, ~~and~~ any person who sells special fuel to another distributor, broker, or vendor, and any vendor of ~~liquefied petroleum gases~~ LIQUEFIED PETROLEUM GAS OR NATURAL GAS;

(II) Any person who acquires gasoline or special fuel from a supplier, importer, blender, or another distributor for the subsequent sale and distribution by tank cars, tank trucks, or both; ~~or~~

(III) Any person who refines, manufactures, produces, compounds, blends, or imports special fuel or gasoline;

(IV) A PRIVATE COMMERCIAL FLEET OPERATOR THAT USES LIQUEFIED PETROLEUM GAS OR NATURAL GAS FROM A PUBLIC UTILITY, AS DEFINED IN SECTION 40-1-103 (1), C.R.S., IF:

(A) THE PUBLIC UTILITY IS NOT A DISTRIBUTOR WITH RESPECT TO THE SALE OF THE LIQUEFIED PETROLEUM GAS OR NATURAL GAS; AND

(B) THE COMMERCIAL FLEET OPERATOR HAS NOT CONTRACTED WITH ANOTHER PERSON TO BE A DISTRIBUTOR UNDER SUBPARAGRAPH (V) OF THIS PARAGRAPH (a); OR

(V) ANY PERSON WHO CONTRACTS WITH A PRIVATE COMMERCIAL FLEET OPERATOR TO BE A DISTRIBUTOR ON BEHALF OF THE OPERATOR.

(b) "Distributor" includes every person importing gasoline or special fuel by means of a pipeline or in any other manner but does not include persons importing gasoline or special fuel contained only in the fuel tank of a motor vehicle.

(c) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (7) TO THE CONTRARY, A PUBLIC UTILITY AS DEFINED IN SECTION 40-1-103 (1), C.R.S., IS ONLY A DISTRIBUTOR IF IT SELLS SPECIAL FUEL AS A VENDOR THROUGH AN ALTERNATIVE

FUEL VEHICLE CHARGING OR FUELING FACILITY THAT IS UNREGULATED UNDER SECTION 40-1-103.3, C.R.S., BUT ONLY WITH RESPECT TO THOSE SALES.

(11) "Gallons" means gallons as measured on a gross gallons basis, as defined in section 8-20-201 (3), C.R.S.; EXCEPT THAT FOR PURPOSES OF COMPRESSED NATURAL GAS, GALLONS MEANS GALLONS AS MEASURED BY THE VOLUMETRIC REPORTING REQUIREMENTS THAT ARE INCLUDED IN THE FEDERAL EXCISE TAX RETURN, FORM 720, ESTABLISHED BY THE FEDERAL INTERNAL REVENUE SERVICE, OR ANY SUCCESSOR FORM THAT IS USED FOR PAYING THE FEDERAL FUEL TAX.

SECTION 6. In Colorado Revised Statutes, 39-27-102, **amend** (1) (a) (II) (B) and (2) (a); and **add** (1) (a) (VI), (1) (a) (VII), and (1) (a) (VIII) as follows:

39-27-102. Tax imposed on gasoline and special fuel - deposits - penalties. (1) (a) (II) (B) The excise tax imposed on special fuel by subparagraph (I) of this paragraph (a) ~~shall be~~ is twenty and one-half cents per gallon or a fraction thereof for calendar years beginning on and after January 1, 1992. THIS SUB-SUBPARAGRAPH (B) DOES NOT APPLY TO ANY SPECIAL FUEL SPECIFIED IN SUBPARAGRAPHS (VI), (VII), AND (VIII) OF THIS PARAGRAPH (a).

(VI) THE EXCISE TAX IMPOSED ON COMPRESSED NATURAL GAS BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) IS:

(A) THREE CENTS PER GALLON OR A FRACTION THEREOF FOR THE 2014 CALENDAR YEAR;

(B) SIX CENTS PER GALLON OR A FRACTION THEREOF FOR THE 2015 CALENDAR YEAR;

(C) NINE CENTS PER GALLON OR A FRACTION THEREOF FOR THE 2016 CALENDAR YEAR;

(D) TWELVE CENTS PER GALLON OR A FRACTION THEREOF FOR THE 2017 CALENDAR YEAR;

(E) FIFTEEN CENTS PER GALLON OR A FRACTION THEREOF FOR THE 2018 CALENDAR YEAR; AND

(F) EIGHTEEN AND THREE-TENTHS CENTS PER GALLON OR A FRACTION THEREOF FOR CALENDAR YEARS BEGINNING ON AND AFTER JANUARY 1, 2019.

(VII) THE EXCISE TAX IMPOSED ON LIQUEFIED NATURAL GAS BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) IS:

(A) THREE CENTS PER GALLON OR A FRACTION THEREOF FOR THE 2014 CALENDAR YEAR;

(B) FIVE CENTS PER GALLON OR A FRACTION THEREOF FOR THE 2015 CALENDAR YEAR;

(C) SEVEN CENTS PER GALLON OR A FRACTION THEREOF FOR THE 2016 CALENDAR

YEAR;

(D) EIGHT CENTS PER GALLON OR A FRACTION THEREOF FOR THE 2017 CALENDAR YEAR;

(E) TEN CENTS PER GALLON OR A FRACTION THEREOF FOR THE 2018 CALENDAR YEAR; AND

(F) TWELVE CENTS PER GALLON OR A FRACTION THEREOF FOR CALENDAR YEARS BEGINNING ON AND AFTER JANUARY 1, 2019.

(VIII) THE EXCISE TAX IMPOSED ON LIQUEFIED PETROLEUM GAS BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) IS:

(A) THREE CENTS PER GALLON OR A FRACTION THEREOF FOR THE 2014 CALENDAR YEAR;

(B) FIVE CENTS PER GALLON OR A FRACTION THEREOF FOR THE 2015 CALENDAR YEAR;

(C) SEVEN CENTS PER GALLON OR A FRACTION THEREOF FOR THE 2016 CALENDAR YEAR;

(D) NINE CENTS PER GALLON OR A FRACTION THEREOF FOR THE 2017 CALENDAR YEAR;

(E) ELEVEN CENTS PER GALLON OR A FRACTION THEREOF FOR THE 2018 CALENDAR YEAR; AND

(F) THIRTEEN AND ONE-HALF CENTS PER GALLON OR A FRACTION THEREOF FOR CALENDAR YEARS BEGINNING ON AND AFTER JANUARY 1, 2019.

(2)(a) EXCEPT AS SET FORTH IN SECTION 39-27-102.5 (9), every person who uses any gasoline or special fuel for propelling a motor vehicle on the public highways of this state or who is licensed to import any gasoline or special fuel into this state for use or sale in this state, upon which gasoline or special fuel a licensed distributor has not paid or is not liable to pay the tax imposed in this section, is deemed to be a distributor and is liable for and shall pay an excise tax at a rate established by paragraph (a) of subsection (1) of this section on all such gasoline or special fuel so used, or imported for use or sale, in this state. Such person shall pay such tax to the department of revenue, pursuant to section 39-27-105.3, on or before the twenty-sixth day of the calendar month following the month in which such gasoline or special fuel was used or imported and shall, at the time of payment, render to the department, on forms provided by it, an itemized statement, signed under the penalties of perjury in the second degree, as defined in section 18-8-503, C.R.S., of all such gasoline or special fuel so used or imported during such preceding calendar month. When such gasoline or special fuel is delivered from a terminal in a carload lot, the quantity thereof and the amount of tax thereon shall be computed in the same manner as in the case of a distributor.

SECTION 7. In Colorado Revised Statutes, 39-27-102.5, **amend (7); repeal (5),**

(6), and (8); and **add** (9) as follows:

39-27-102.5. Exemptions on tax imposed - ex-tax purchases - repeal.

(5) (a) ~~The tax imposed by section 39-27-102 (1) (a) (II) (B) shall not apply to any motor vehicle that has been registered in this state, that is powered by liquefied petroleum gas or natural gas, and for which a valid decal has been acquired as provided in this subsection (5). The owners or operators of such motor vehicles shall, in lieu of the tax imposed under section 39-27-102 (1) (a) (II) (B), pay an annual license tax fee on each such vehicle in accordance with the following schedule of motor vehicle gross weights:~~

Gross Weight in Pounds	Annual License Tax Fee
(I) 1-10,000	\$ 70.00
(II) 10,001-16,000	100.00
(III) Over 16,000	125.00

(b) ~~The executive director of the department of revenue shall annually, starting January 1 of each year commencing in 1984, collect or cause to be collected from owners or operators of the motor vehicles specified in paragraph (a) of this subsection (5) the annual license tax fee. Applications for such licenses shall be supplied by the department of revenue. In the case of a motor vehicle that is purchased or converted to liquefied petroleum gas or natural gas by January 1 of any year, a license shall be purchased for a fractional period of such year, and the amount of the license tax shall be reduced by one-twelfth for each complete month that shall have elapsed since the beginning of such year.~~

(c) ~~Upon payment of the tax required by this subsection (5), the executive director of the department of revenue shall issue a decal, which shall be valid for the current calendar year and shall be attached to the upper right-hand corner of the front windshield on the motor vehicle for which it was issued.~~

(d) ~~The identifying decal and license tax fee paid for each motor vehicle shall be transferable upon a change of ownership of the motor vehicle. Such transfer shall be accomplished in accordance with rules promulgated by the executive director of the department of revenue.~~

(e) ~~It is unlawful for any person to operate a motor vehicle required to have a liquefied petroleum gas or natural gas decal upon the highways of this state without such decal unless such motor vehicle is titled outside Colorado and all Colorado purchases are taxed pursuant to section 39-27-102 (1) (a) (II) (B) or such vehicle is otherwise exempt from the provisions of this part 1.~~

(f) ~~No person shall put, or cause to be put, liquefied petroleum gas or natural gas into the fuel tank of a motor vehicle required to have a liquefied petroleum gas or natural gas decal unless the motor vehicle has such decal attached to it or written or electronic evidence that a valid decal has been acquired for the motor vehicle and such evidence has been provided to such person or such person's employer. Sales of fuel placed in the fuel tank of a motor vehicle not displaying such decal or~~

~~otherwise evidencing acquisition of a valid decal and for which the distributor is obligated to collect the tax specified by section 39-27-102 (1) (a) (H) (B) shall be recorded upon an invoice, which invoice shall include the date, the motor vehicle license number, the number of gallons or, in the case of natural gas, the energy equivalent in gallons placed in such fuel tank, and the tax due thereon.~~

~~(g) Any person violating any provision of this subsection (5) is subject to the penalty provisions of sections 39-27-114 and 39-27-120.~~

~~(h) Motor vehicles displaying a liquefied petroleum gas or natural gas decal are exempt from the licensing and reporting requirements stated in the remainder of this part 1.~~

~~(6) (a) The department of revenue shall promulgate rules allowing for payment of the annual license tax fee, if applicable, and acquisition of the decal as set forth in subsection (5) of this section by a user directly from a vendor or distributor of liquefied petroleum gas or natural gas.~~

~~(b) Such rules shall permit each vendor or distributor who participates in the program to return decals that are not issued by the vendor or distributor and remit the applicable annual license tax fees collected by the vendor or distributor not earlier than one hundred twenty days from the time decals are supplied to the vendor or distributor by the department of revenue.~~

~~(7) Motor vehicles that are owned or operated by a nonprofit transit agency that receives public funds and that are used exclusively in performing the agency's nonprofit functions and activities shall be exempt from the provisions of subsection (5) of this section and from the special fuel tax imposed by section 39-27-102 (1) (a) (H) (B) SECTION 39-27-102 (1) (a) upon liquefied petroleum gas and natural gas. A person who purchases special fuel for the purposes set forth in this subsection (7) may, in accordance with section 39-27-103, apply to the department of revenue for a refund of the excise tax paid thereon.~~

~~(8) The department of revenue is authorized to promulgate reasonable rules, consistent with this part 1, concerning annual license tax fees collected and decals issued pursuant to subsections (5) and (6) of this section, including, but not limited to, reporting procedures, reporting forms, and the penalties described in sections 39-27-114 and 39-27-120.~~

~~(9) COMPRESSED NATURAL GAS USED TO PROPEL A MOTOR VEHICLE ON THE HIGHWAYS OF THIS STATE THAT IS SUPPLIED TO THE USER AT A RESIDENTIAL HOME IS EXEMPT FROM THE SPECIAL FUEL TAX IMPOSED BY THIS ARTICLE.~~

SECTION 8. In Colorado Revised Statutes, 39-27-103, **amend** (3) (a.3) as follows:

39-27-103. Refunds - penalties - checkoff. (3) (a.3) (I) Any person who purchases or uses gasoline for the propulsion of an aircraft shall be entitled to a refund by the controller if:

(A) The use of such gasoline in such aircraft is subject to the excise tax levied

pursuant to section 39-27-102 (1) (a) (IV) (A); and

(B) The excise tax actually paid was the excise tax levied pursuant to ~~section 39-27-102 (1) (a) (H)~~ ANY PROVISION OF SECTION 39-27-102 (1) (a), EXCLUDING SECTION 39-27-102 (1) (a) (IV) (A).

(II) The amount of such refund shall be the difference between the amount actually paid ~~pursuant to section 39-27-102 (1) (a) (H)~~ and the amount that should have been paid pursuant to section 39-27-102 (1) (a) (IV) as certified by the department of revenue.

SECTION 9. In Colorado Revised Statutes, 39-27-105, **amend** (1.3) (d) as follows:

39-27-105. Collection of tax on gasoline and special fuel. (1.3) (d) Distributors may aggregate figures stated in the reports required by this part 1 for liquefied petroleum gas and natural gas for sales of such fuels to a particular class or type of individual user. ~~or holder of the decals authorized by section 39-27-102.5 (5).~~ Distributors of liquefied petroleum gas and natural gas shall not be required to separately report the amount of sales to individual users.

SECTION 10. In Colorado Revised Statutes, **amend** 39-27-107 as follows:

39-27-107. When users other than distributors must report. Except as otherwise provided in section 39-27-102 for persons that export gasoline, every person not a licensed distributor who uses any gasoline in this state or who has in his or her possession any gasoline, other than that contained in the ordinary fuel tank attached to a motor vehicle or aircraft, upon which a licensed distributor has not paid or is not liable for the tax imposed in this part 1 shall file a sworn statement with the executive director of the department of revenue on or before the ~~twenty-fifth~~ TWENTY-SIXTH day of the calendar month on such form as the executive director prescribes and furnishes, showing the amount of gasoline so used and held, and shall pay to the executive director the tax imposed on all such gasoline. THIS SECTION DOES NOT APPLY TO A USER WHO IS EXEMPT FROM TAXATION UNDER SECTION 39-27-102.5 (9).

SECTION 11. In Colorado Revised Statutes, **add** 39-27-122 and 39-27-123 as follows:

39-27-122. Measurement - liquefied petroleum gas and natural gas - director of division of oil and public safety - rules. PRIOR TO JANUARY 1, 2014, THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY SHALL PROMULGATE REASONABLE RULES RELATED TO THE ACCURATE MEASUREMENT OF LIQUEFIED PETROLEUM GAS AND NATURAL GAS. THEREAFTER, THE DIRECTOR MAY MODIFY OR UPDATE THE RULES IN HIS OR HER DISCRETION.

39-27-123. Department of transportation - special fuels - impact - report. (1) ON OR BEFORE JANUARY 1, 2017, THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF REVENUE, THE DIVISION OF OIL AND PUBLIC SAFETY IN THE DEPARTMENT OF LABOR AND EMPLOYMENT, AND THE COLORADO ENERGY OFFICE SHALL JOINTLY PREPARE AND SUBMIT A REPORT TO THE TRANSPORTATION

LEGISLATION REVIEW COMMITTEE CREATED IN SECTION 43-2-145 (1), C.R.S. THE REPORT MUST INCLUDE:

(a) AN EVALUATION OF THE EFFECTIVENESS OF ANY STATUTORY PROVISION INCLUDED IN HOUSE BILL 13-1110, ENACTED IN 2013;

(b) AN ANALYSIS OF THE IMPACT OF ALTERNATIVE FUELS FOR PROPELLING A MOTOR VEHICLE ON THE PUBLIC ROADS AND HIGHWAYS OF THIS STATE AND ON THE AMOUNT OF EXCISE TAXES COLLECTED RELATED TO THOSE VEHICLES;

(c) A RECOMMENDATION ON WHETHER THE TAX LEVIED PURSUANT TO THIS PART 1 SHOULD BE COLLECTED WHEN THE SPECIAL FUEL IS SUPPLIED TO THE USER AT A RESIDENTIAL HOME, INCLUDING COMPRESSED NATURAL GAS THAT IS EXEMPT FROM TAXATION UNDER SECTION 39-27-102.5 (9), AND IF SO, ANY RECOMMENDATIONS FOR HOW TO COLLECT THIS TAX; AND

(d) RECOMMENDATIONS FOR A TAX SYSTEM THAT FAIRLY AND EQUITABLY TAXES ALL FUELS AND METHODS FOR PROPELLING MOTOR VEHICLES ON THE PUBLIC ROADS AND HIGHWAYS OF THIS STATE AND THAT HELPS PAY FOR THE CONSTRUCTION, IMPROVEMENT, REPAIR, AND MAINTENANCE OF THOSE PUBLIC ROADS AND HIGHWAYS.

(2) SECTION 24-1-136 (11), C.R.S., DOES NOT APPLY TO THE REPORT REQUIRED BY SUBSECTION (1) OF THIS SECTION.

SECTION 12. In Colorado Revised Statutes, 42-3-304, **add** (25) as follows:

42-3-304. Registration fees - passenger and passenger-mile taxes - clean screen fund - definitions - repeal. (25) (a) BEGINNING JANUARY 1, 2014, IN ADDITION TO ANY OTHER FEE IMPOSED BY THIS SECTION, COUNTY CLERKS AND RECORDERS SHALL ANNUALLY COLLECT A FEE OF FIFTY DOLLARS AT THE TIME OF REGISTRATION ON EVERY PLUG-IN ELECTRIC MOTOR VEHICLE. COUNTY CLERKS AND RECORDERS SHALL TRANSMIT THE FEE TO THE STATE TREASURER, WHO SHALL CREDIT THIRTY DOLLARS OF EACH FEE TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201, C.R.S., AND TWENTY DOLLARS OF EACH FEE TO THE ELECTRIC VEHICLE GRANT FUND CREATED IN SECTION 24-38.5-103, C.R.S.

(b) THE DEPARTMENT OF REVENUE SHALL CREATE AN ELECTRIC VEHICLE DECAL, WHICH A COUNTY CLERK AND RECORDER SHALL GIVE TO EACH PERSON WHO PAYS THE FEE CHARGED UNDER PARAGRAPH (a) OF THIS SUBSECTION (25). THE DECAL MUST BE ATTACHED TO THE UPPER RIGHT-HAND CORNER OF THE FRONT WINDSHIELD ON THE MOTOR VEHICLE FOR WHICH IT WAS ISSUED. IF THERE IS A CHANGE OF VEHICLE OWNERSHIP, THE DECAL IS TRANSFERABLE TO THE NEW OWNER.

(c) AS USED IN THIS SECTION, "PLUG-IN ELECTRIC MOTOR VEHICLE" MEANS:

(I) A MOTOR VEHICLE THAT HAS RECEIVED AN ACKNOWLEDGMENT OF CERTIFICATION FROM THE FEDERAL INTERNAL REVENUE SERVICE THAT THE VEHICLE QUALIFIES FOR THE PLUG-IN ELECTRIC DRIVE VEHICLE CREDIT SET FORTH IN 26 U.S.C. SEC. 30D, OR ANY SUCCESSOR SECTION; OR

(II) ANY MOTOR VEHICLE THAT DRAWS ELECTRICITY FROM A BATTERY THAT IS CAPABLE OF BEING CHARGED FROM AN EXTERNAL SOURCE.

SECTION 13. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado state titling and registration account in the highway users tax fund created in section 42-1-211 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2013, the sum of \$82,822, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

(a) \$14,610 to the central department operations division for postage; and

(b) \$68,212 to the information technology division for the purchase of computer center services.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2013, the sum of \$68,212, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made in paragraph (b) of subsection (1) of this section.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the highway users tax fund created in section 43-4-201 (1) (a), Colorado Revised Statutes, and appropriated pursuant to section 43-4-201 (3) (a) (V), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2013, the sum of \$160,675, or so much thereof as may be necessary, for allocation to the taxpayer service division for computer programming services related to the implementation of this act.

(4) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the license plate cash fund created in section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2013, the sum of \$10,599, or so much thereof as may be necessary, for allocation to division of motor vehicles for the purchase of decals related to the implementation of this act.

SECTION 14. Act subject to petition - effective date. Sections 2, 11, and 13 of this act take effect August 15, 2013, and the remainder of this act takes effect January 1, 2014; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 15, 2013