

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 23-0615.01 Jery Payne x2157

HOUSE BILL 23-1233

HOUSE SPONSORSHIP

Mauro and Valdez, Brown, Woodrow, Bacon, Boesenecker, deGruy Kennedy, Dickson, Duran, Epps, Froelich, Garcia, Hamrick, Jodeh, Joseph, Kipp, Lindsay, Mabrey, Michaelson Jenet, Ortiz, Parenti, Sirota, Story

SENATE SPONSORSHIP

Priola and Winter F.,

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ENERGY EFFICIENCY, AND, IN CONNECTION THEREWITH,**
102 **REQUIRING THE STATE ELECTRICAL BOARD TO ADOPT RULES**
103 **FACILITATING ELECTRIC VEHICLE CHARGING AT MULTIFAMILY**
104 **BUILDINGS, LIMITING THE ABILITY OF THE STATE ELECTRICAL**
105 **BOARD TO PROHIBIT THE INSTALLATION OF ELECTRIC VEHICLE**
106 **CHARGING STATIONS, FORBIDDING PRIVATE PROHIBITIONS ON**
107 **ELECTRIC VEHICLE CHARGING AND PARKING, REQUIRING LOCAL**
108 **GOVERNMENTS TO COUNT CERTAIN SPACES SERVED BY AN**
109 **ELECTRIC VEHICLE CHARGING STATION FOR MINIMUM PARKING**
110 **REQUIREMENTS, FORBIDDING LOCAL GOVERNMENTS FROM**
111 **PROHIBITING THE INSTALLATION OF ELECTRIC VEHICLE**
112 **CHARGING STATIONS, EXEMPTING ELECTRIC VEHICLE**
113 **CHARGERS FROM BUSINESS PERSONAL PROPERTY TAX, AND**

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.

HOUSE
3rd Reading Unamended
April 11, 2023

HOUSE
Amended 2nd Reading
April 10, 2023

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>.)

Section 2 of the bill requires the state electrical board (board) to adopt rules requiring compliance, starting January 1, 2024, with the provisions of the model electric ready and solar ready code that require multifamily buildings to be electric vehicle (EV) capable and EV ready and to have EV supply equipment installed. The board is precluded from adopting rules that prohibit the installation or use of EV charging stations unless the rules address a bona fide safety concern.

Current law prohibits a landlord from unreasonably prohibiting the installation of EV charging equipment in the leased premises. This prohibition applies only to residential rental property. **Section 3** broadens this prohibition to apply to an assigned or a deeded parking space for the leased premises, to parking spaces accessible to both the tenant and other tenants, and to commercial rental property. **Section 3** also requires a landlord to allow an EV or a plug-in hybrid vehicle to park on the premises.

Current law prohibits, when a person owns a unit in a common interest community, such as a condominium, the association that manages the community (association) from unreasonably prohibiting the installation of EV charging equipment in the unit. **Section 4** broadens this prohibition to apply to assigned or deeded parking spaces for the unit or parking spaces accessible to both the unit owner and other unit owners. **Section 4** also requires a common interest community to allow an EV or a plug-in hybrid vehicle to park at the premises.

Current law grants a local government the ability to regulate parking, and this regulation includes requiring that buildings meet minimum parking standards. **Sections 5, 6, and 7** require the local government, when counting minimum parking spaces, to count:

- Any parking space that is served by an EV charging station as at least one standard automobile parking space; and
- Any van-accessible parking space that is wheelchair accessible and served by an EV charging station as at least 2 standard automobile parking spaces.

Sections 8 and 9 prohibit local governments from adopting an

ordinance or a resolution that prohibits the installation or use of EV charging stations unless the ordinance or resolution addresses a bona fide safety concern.

Section 10 exempts, until 2030, EV charging systems from the levy and collection of property tax.

Federal law prohibits the construction of automotive service stations or other commercial establishments for serving motor vehicle users along interstate highway rights-of-way, including rest areas. Due to this prohibition, the state cannot construct EV charging systems along interstate highway rights-of-way, including rest areas, in the state.

Section 11 specifies that, when the federal law no longer prohibits the construction of EV charging systems along interstate highway rights-of-way, the department of transportation may collaborate with public or private entities to develop projects for the construction of EV charging systems along interstate highway rights-of-way.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Colorado has adopted economy-wide greenhouse gas emission
5 goals of, at minimum, a 26% reduction by 2025, a 50% reduction by
6 2030, and a 90% reduction by 2050;

7 (b) The governor's "Colorado Greenhouse Gas Pollution
8 Reduction Roadmap", released on January 14, 2021, identified
9 transportation as a leading source of greenhouse gas pollution and
10 identified vehicle electrification as a key strategy for reducing greenhouse
11 gas pollution from the transportation sector;

12 (c) The general assembly has already declared, in SB19-077, that
13 widespread adoption of electric vehicles should provide consumers with
14 fuel cost savings and electric utility customers with potential cost-savings
15 benefits;

16 (d) Sales of electric vehicles currently account for more than 10%
17 of all new vehicle sales in Colorado, and this market share is projected to

1 increase to more than 80% by 2032;

2 (e) Multifamily housing that is constructed today will need to
3 accommodate much higher levels of electric vehicles within the lifetime
4 of these buildings;

5 (f) Availability of electric vehicle charging infrastructure is a
6 critical component of electric vehicle adoption and use;

7 (g) Including sufficient electric vehicle charging infrastructure in
8 places where people live is critical to the adoption and use of electric
9 vehicles, and new multifamily housing is a top priority for developing this
10 infrastructure; and

11 (h) It is far less expensive to build electric-vehicle-capable
12 parking spaces at the time of initial construction than in retrofits.
13 Requiring new buildings to include electric vehicle charging
14 infrastructure will enable faster and more equitable adoption of electric
15 vehicles and avoid costly future retrofits for electric vehicle charging
16 infrastructure.

17 (2) Therefore, it is important for the state of Colorado to:

18 (a) Adopt electric vehicle charging infrastructure requirements,
19 including provisions for:

20 (I) Available electrical capacity;

21 (II) Space for future electrical infrastructure in new multifamily
22 housing; and

23 (III) Major renovations to existing multifamily housing; and

24 (b) Consider cost-effective electric vehicle ready standards and
25 installed electric vehicle charging standards.

26 **SECTION 2.** In Colorado Revised Statutes, 12-115-107, **add** (3)
27 and (4) as follows:

1 **12-115-107. Board powers and duties - rules - definitions.**

2 (3) (a) NO LATER THAN SEPTEMBER 1, 2023, THE BOARD SHALL
3 PROMULGATE RULES REQUIRING THAT, TO OBTAIN AN ELECTRICAL PERMIT
4 UNDER THIS ARTICLE 115 ON OR AFTER MARCH 1, 2024, A PERMIT
5 APPLICANT MUST COMPLY WITH THE EV POWER TRANSFER
6 INFRASTRUCTURE REQUIREMENTS FOR MULTIFAMILY BUILDINGS IN THE
7 MODEL ELECTRIC READY AND SOLAR READY CODE.

8 (b) (I) IF THE RULES ADOPTED IN ACCORDANCE WITH THIS
9 SUBSECTION (3) CONFLICT WITH A PROVISION OF THE BUILDING OR ZONING
10 CODE, THE RULES PREVAIL UNLESS THE PROVISION PROVIDES FOR GREATER
11 ACCESS TO PARKING SUPPLIED BY EV POWER TRANSFER INFRASTRUCTURE
12 THAN IS REQUIRED BY THE RULES.

13 (II) IF A PROVISION OF A LOCAL BUILDING OR ZONING CODE
14 PREVENTS A PROJECT OR DEVELOPMENT FROM COMPLYING WITH THE
15 RULES ADOPTED IN ACCORDANCE WITH THIS SUBSECTION (3), THEN THE
16 RULES PREVAIL.

17 (c) (I) THIS SUBSECTION (3) APPLIES TO ELECTRICAL PERMITS FOR
18 NEW CONSTRUCTION OF OR FOR MAJOR RENOVATIONS OF MULTIFAMILY
19 BUILDINGS THAT MUST COMPLY WITH THE EV POWER TRANSFER
20 INFRASTRUCTURE REQUIREMENTS OF THE MODEL ELECTRIC READY AND
21 SOLAR READY CODE.

22 (II) THE BOARD AND THE DEPARTMENT SHALL NOT ENFORCE THE
23 RULES PROMULGATED UNDER SUBSECTION (3)(a) OF THIS SECTION BEFORE
24 MARCH 1, 2024.

25 (III) IF AN ELECTRICAL PERMIT APPLICATION IS SUBMITTED TO A
26 LOCAL ELECTRICAL INSPECTION AUTHORITY BEFORE THE ENFORCEMENT
27 DATE IN SUBSECTION (3)(c)(II) OF THIS SECTION BUT AN ELECTRICAL

1 PERMIT HAS NOT YET BEEN ISSUED, THE LOCAL ELECTRICAL INSPECTION
2 AUTHORITY MAY DETERMINE HOW TO APPLY THE REQUIREMENTS OF THE
3 RULES DEVELOPED IN ACCORDANCE WITH SUBSECTION (3)(a) OF THIS
4 SECTION.

5 (d) (I) IN PROMULGATING THE RULES REQUIRED UNDER
6 SUBSECTION (3)(a) OF THIS SECTION, THE BOARD SHALL ENSURE ALL
7 REQUIREMENTS ADOPTED IN THE RULES ARE IN COMPLIANCE WITH THE
8 REQUIREMENTS OF THE NATIONAL ELECTRICAL CODE, AS AMENDED UNDER
9 SUBSECTION (2)(a)(I) OF THIS SECTION.

10 (II) WITHIN NINETY DAYS AFTER ANY UPDATE MADE BY THE
11 ENERGY CODE BOARD TO THE EV POWER TRANSFER INFRASTRUCTURE
12 REQUIREMENTS FOR MULTIFAMILY HOUSING IN THE MODEL ELECTRIC
13 READY AND SOLAR READY CODE, THE BOARD SHALL UPDATE THE RULES
14 PROMULGATED UNDER SUBSECTION (3)(a) OF THIS SECTION WITH THE
15 SAME CHANGES. THE BOARD SHALL NOT ENFORCE THE UPDATED RULES
16 UNTIL TWO HUNDRED SEVENTY DAYS AFTER THE UPDATED RULES ARE
17 ADOPTED.

18 (III) THE RULES PROMULGATED UNDER SUBSECTION (3)(a) OF THIS
19 SECTION DO NOT SUPERCEDE OR PREEMPT THE SAFETY REQUIREMENTS OF
20 OTHER BUILDING CODES, WHETHER PROMULGATED BY AN AGENCY OF THE
21 STATE OF COLORADO OR OF A LOCAL GOVERNMENT.

22 (e) ANY INSTALLATIONS OR UPGRADES PERFORMED IN
23 ACCORDANCE WITH THE RULES PROMULGATED UNDER THIS SUBSECTION
24 (3) ON THE LOAD SIDE OF THE UTILITY METER MUST COMPLY WITH THIS
25 ARTICLE 115, INCLUDING SUBSECTION (2)(a) OF THIS SECTION, WHICH
26 REQUIRES COMPLIANCE WITH THE NATIONAL ELECTRICAL CODE, AND
27 SECTIONS 12-115-109 AND 12-115-115, AND ALL RULES OF THE BOARD.

1 (f) FOR ALL ELECTRIC VEHICLE INFRASTRUCTURE OR CHARGING
2 STATIONS OWNED BY AN ELECTRIC UTILITY, THE UTILITY SHALL COMPLY
3 WITH SECTION 40-5-107 (3)(b).

4 (g) AS USED IN THIS SUBSECTION (3) AND IN SUBSECTION (4) OF
5 THIS SECTION:

6 (I) "ELECTRIC VEHICLE CHARGING SYSTEM" HAS THE MEANING SET
7 FORTH IN SECTION 38-12-601 (6)(a).

8 (II) "EV POWER TRANSFER INFRASTRUCTURE" MEANS ANY SYSTEM
9 THAT IS USED TO CHARGE ELECTRIC VEHICLES AND THAT IS ADDRESSED IN
10 OR REQUIRED BY THE MODEL ELECTRIC READY AND SOLAR READY CODE.

11 (III) "MAJOR RENOVATIONS" MEANS RENOVATIONS THAT CHANGE
12 A MINIMUM OF FIFTY PERCENT OR MORE OF THE PARKING AREA.

13 (IV) "MODEL ELECTRIC READY AND SOLAR READY CODE" MEANS
14 THE CODE DEVELOPED BY THE ENERGY CODE BOARD UNDER SECTION
15 24-38.5-401 (5)(a) TO MAKE BUILDINGS ELECTRIC READY AS SPECIFIED IN
16 SECTION 24-38.5-401 (5)(b).

17 (4) (a) NOTWITHSTANDING ANY AUTHORITY GRANTED TO THE
18 BOARD BY THIS SECTION, THE BOARD SHALL NOT PROMULGATE RULES
19 PROHIBITING THE INSTALLATION OF ELECTRIC VEHICLE CHARGING
20 SYSTEMS UNLESS THE RULES ARE NARROWLY DRAFTED TO ADDRESS A
21 BONA FIDE SAFETY CONCERN.

22 (b) ANY RULE PROMULGATED BY THE BOARD THAT PROHIBITS THE
23 INSTALLATION OF ELECTRIC VEHICLE CHARGING SYSTEMS IS SUBJECT TO
24 JUDICIAL REVIEW AS AUTHORIZED IN ARTICLE 4 OF TITLE 24.

25 **SECTION 3.** In Colorado Revised Statutes, 38-12-601, **amend**
26 (1)(a) and (7); and **add** (1)(c) as follows:

27 **38-12-601. Unreasonable restrictions on electric vehicle**

1 **charging systems and electrical vehicle parking - definitions.**

2 (1) Notwithstanding any provision in the lease to the contrary, and
3 subject to subsection (2) of this section:

4 (a) A tenant may install, at the tenant's expense for the tenant's
5 own use, a level 1 or level 2 electric vehicle charging system on or in:

6 (I) The leased premises; ~~and~~

7 (II) AN ASSIGNED OR DEEDED PARKING SPACE THAT IS PART OF OR
8 ASSIGNED TO THE LEASED PREMISES; OR

9 (III) A PARKING SPACE THAT IS ACCESSIBLE TO BOTH THE TENANT
10 AND OTHER TENANTS;

11 (c) A LANDLORD SHALL NOT RESTRICT PARKING BASED ON A
12 VEHICLE BEING A PLUG-IN HYBRID VEHICLE OR PLUG-IN ELECTRIC VEHICLE.

13 (7) This section applies ~~only~~ to residential rental properties AND
14 COMMERCIAL RENTAL PROPERTIES.

15 **SECTION 4.** In Colorado Revised Statutes, 38-33.3-106.8,
16 **amend** (1)(d), (2)(a), and (4) introductory portion; and **add** (2)(c) as
17 follows:

18 **38-33.3-106.8. Unreasonable restrictions on electric vehicle**
19 **charging systems and electrical vehicle parking - legislative**
20 **declaration - definitions.** (1) The general assembly finds, determines,
21 and declares that:

22 (d) The general assembly encourages common interest
23 communities not only to allow electric vehicle charging stations AND THE
24 PARKING OF ELECTRIC VEHICLES in accordance with this section, but also
25 to apply for grants from the electric vehicle grant fund created in section
26 24-38.5-103 ~~C.R.S.~~, or otherwise fund the installation of charging stations
27 on common property as an amenity for residents and guests.

1 (2) Notwithstanding any provision in the declaration, bylaws, or
2 rules and regulations of the association to the contrary, and except as
3 provided in subsection (3) or (3.5) of this section, an association shall not:

4 (a) Prohibit a unit owner from using, or installing at the unit
5 owner's expense for the unit owner's own use, a level 1 or level 2 electric
6 vehicle charging system on or in:

7 (I) A unit; ~~or~~

8 (II) AN ASSIGNED OR DEEDED PARKING SPACE THAT IS PART OF OR
9 ASSIGNED TO A UNIT; OR

10 (III) A PARKING SPACE THAT IS ACCESSIBLE TO BOTH THE UNIT
11 OWNER AND OTHER UNIT OWNERS;

12 (c) RESTRICT PARKING BASED ON A VEHICLE BEING A PLUG-IN
13 HYBRID VEHICLE OR PLUG-IN ELECTRIC VEHICLE.

14 (4) An association shall consent to a unit owner's placement AND
15 USE of an electric vehicle charging system on a limited common element
16 parking space, carport, or garage owned by the unit owner or otherwise
17 assigned to the owner in the declaration or other recorded document if:

18 **SECTION 5.** In Colorado Revised Statutes, 30-15-401, **amend**
19 (1)(h) as follows:

20 **30-15-401. General regulations - definitions.** (1) In addition to
21 those powers granted by sections 30-11-101 and 30-11-107 and by parts
22 1, 2, and 3 of this article 15, the board of county commissioners may
23 adopt ordinances for control or licensing of those matters of purely local
24 concern that are described in the following enumerated powers:

25 (h) (I) To control and regulate the movement and parking of
26 vehicles and motor vehicles on public property; except that:

27 (A) Misdemeanor traffic offenses and the posted speed limit on

1 any state highway located within the county ~~shall be deemed a matter~~ ARE
2 MATTERS of statewide interest;

3 (B) FOR THE PURPOSES OF ANY MINIMUM PARKING REQUIREMENT
4 A BOARD OF COUNTY COMMISSIONERS IMPOSES, THE BOARD OF COUNTY
5 COMMISSIONERS IS SUBJECT TO SECTION 30-28-140; AND

6 (C) FOR THE PURPOSE OF REGULATING THE INSTALLATION OF
7 ELECTRIC VEHICLE CHARGING STATIONS, THE BOARD OF COUNTY
8 COMMISSIONERS IS SUBJECT TO SECTION 30-28-212.

9 (II) The county may establish fire lanes and emergency vehicle
10 access on public or private property zoned commercial or residential and
11 provide for fines and punishment of violators.

12 **SECTION 6.** In Colorado Revised Statutes, **add** 30-28-140 as
13 follows:

14 **30-28-140. Parking and electric vehicle charging stations -**
15 **legislative declaration.** (1) (a) THE GENERAL ASSEMBLY FINDS THAT:

16 (I) COLORADO HAS ADOPTED ECONOMY-WIDE GREENHOUSE GAS
17 EMISSION GOALS OF, AT MINIMUM, A TWENTY-SIX PERCENT REDUCTION BY
18 2025, A FIFTY PERCENT REDUCTION BY 2030, AND A NINETY PERCENT
19 REDUCTION BY 2050;

20 (II) THE GOVERNOR'S "COLORADO GREENHOUSE GAS POLLUTION
21 REDUCTION ROADMAP", RELEASED ON JANUARY 14, 2021, IDENTIFIED
22 TRANSPORTATION AS A LEADING SOURCE OF GREENHOUSE GAS POLLUTION
23 AND IDENTIFIED VEHICLE ELECTRIFICATION AS A KEY STRATEGY FOR
24 REDUCING GREENHOUSE GAS POLLUTION FROM THE TRANSPORTATION
25 SECTOR;

26 (III) MOTOR VEHICLE POLLUTION, INCLUDING GREENHOUSE GAS
27 EMISSIONS, DOES NOT STAY WITHIN THE GEOGRAPHIC BOUNDARIES OF THE

1 LOCAL GOVERNMENT WHERE IT IS EMITTED;

2 (IV) ACCORDING TO THE UNITED STATES DEPARTMENT OF
3 ENERGY, AN ELECTRIC VEHICLE PRODUCES AN AVERAGE OF LESS THAN
4 ONE-FOURTH OF THE EMISSIONS OVER ITS LIFETIME THAN THE AVERAGE
5 EMISSIONS OF A MOTOR VEHICLE POWERED BY AN INTERNAL COMBUSTION
6 ENGINE;

7 (V) SALES OF ELECTRIC VEHICLES CURRENTLY ACCOUNT FOR MORE
8 THAN TEN PERCENT OF ALL NEW VEHICLE SALES IN COLORADO, AND THIS
9 MARKET SHARE IS PROJECTED TO INCREASE TO MORE THAN EIGHTY
10 PERCENT BY 2032;

11 (VI) BUILDINGS CONSTRUCTED TODAY WILL NEED TO
12 ACCOMMODATE HIGHER NUMBERS OF ELECTRIC VEHICLES WITHIN THE
13 LIFETIME OF THESE BUILDINGS;

14 (VII) PEOPLE MAY FORGO PURCHASING OR DRIVING AN ELECTRIC
15 VEHICLE BECAUSE THEY ARE CONCERNED ABOUT THE AVAILABILITY OF
16 CHARGING STATIONS;

17 (VIII) LOCAL GOVERNMENT PROVISIONS THAT SET MINIMUM
18 REQUIREMENTS FOR PARKING MAY CREATE A DISINCENTIVE TO INSTALL
19 CHARGING STATIONS IF A PARKING SPACE SERVED BY A CHARGING STATION
20 IS NOT COUNTED TOWARD MEETING THE MINIMUM PARKING REQUIREMENT;

21 AND

22 (IX) FEWER CHARGING STATIONS ACT AS A DISINCENTIVE TO
23 PURCHASE OR DRIVE AN ELECTRIC VEHICLE.

24 (b) THE GENERAL ASSEMBLY DECLARES THAT MINIMUM PARKING
25 REQUIREMENTS, TO THE DEGREE THAT THEY LOWER THE NUMBER OF
26 CHARGING STATIONS AVAILABLE TO ELECTRIC VEHICLE DRIVERS,
27 DECREASE ELECTRIC VEHICLE USE, WHICH CAUSES MORE POLLUTANTS TO

1 BE EMITTED INTO THE ENVIRONMENT AND LOWERS THE AIR QUALITY OF
2 OTHER LOCAL GOVERNMENT JURISDICTIONS AND COLORADO AS A WHOLE.
3 THEREFORE, MINIMUM PARKING REQUIREMENTS ARE A MATTER OF MIXED
4 LOCAL AND STATEWIDE CONCERN TO THE DEGREE THAT THEY LOWER THE
5 NUMBER OF CHARGING STATIONS AVAILABLE TO ELECTRIC VEHICLE
6 DRIVERS.

7 (2) FOR THE PURPOSES OF ANY MINIMUM PARKING REQUIREMENT
8 IMPOSED BY A BOARD OF COUNTY COMMISSIONERS:

9 (a) ANY PARKING SPACE SERVED BY AN ELECTRIC VEHICLE
10 CHARGING STATION OR ANY PARKING SPACE USED TO SITE ELECTRIC
11 VEHICLE CHARGING EQUIPMENT MUST BE COUNTED AS AT LEAST ONE
12 STANDARD AUTOMOBILE PARKING SPACE; AND

13 (b) ANY VAN-ACCESSIBLE PARKING SPACE THAT IS DESIGNED TO
14 ACCOMMODATE A PERSON IN A WHEELCHAIR, IS SERVED BY AN ELECTRIC
15 VEHICLE CHARGING STATION, AND IS NOT DESIGNATED AS PARKING
16 RESERVED FOR A PERSON WITH A DISABILITY UNDER SECTION 42-4-1208
17 MUST BE COUNTED AS AT LEAST TWO STANDARD AUTOMOBILE PARKING
18 SPACES.

19 (3) THIS SECTION DOES NOT LOWER THE PROTECTIONS PROVIDED
20 FOR PEOPLE WITH DISABILITIES, INCLUDING THE NUMBER OF PARKING
21 SPACES FOR PEOPLE THAT ARE MOBILITY IMPAIRED, THAN THE
22 PROTECTIONS PROVIDED BY THE FEDERAL "AMERICANS WITH DISABILITIES
23 ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND PARTS 6 AND 8 OF
24 ARTICLE 34 OF TITLE 24.

25 **SECTION 7.** In Colorado Revised Statutes, **add** 31-23-315 as
26 follows:

27 **31-23-315. Parking and electric vehicle charging stations -**

1 **legislative declaration - conflict of law.** (1) (a) THE GENERAL ASSEMBLY
2 FINDS THAT:

3 (I) COLORADO HAS ADOPTED ECONOMY-WIDE GREENHOUSE GAS
4 EMISSION GOALS OF, AT MINIMUM, A TWENTY-SIX PERCENT REDUCTION BY
5 2025, A FIFTY PERCENT REDUCTION BY 2030, AND A NINETY PERCENT
6 REDUCTION BY 2050;

7 (II) THE GOVERNOR'S "COLORADO GREENHOUSE GAS POLLUTION
8 REDUCTION ROADMAP", RELEASED ON JANUARY 14, 2021, IDENTIFIED
9 TRANSPORTATION AS A LEADING SOURCE OF GREENHOUSE GAS POLLUTION
10 AND IDENTIFIED VEHICLE ELECTRIFICATION AS A KEY STRATEGY FOR
11 REDUCING GREENHOUSE GAS POLLUTION FROM THE TRANSPORTATION
12 SECTOR;

13 (III) MOTOR VEHICLE POLLUTION, INCLUDING GREENHOUSE GAS
14 EMISSIONS, DOES NOT STAY WITHIN THE GEOGRAPHIC BOUNDARIES OF THE
15 LOCAL GOVERNMENT WHERE IT IS EMITTED;

16 (VI) ACCORDING TO THE UNITED STATES DEPARTMENT OF
17 ENERGY, AN ELECTRIC VEHICLE PRODUCES AN AVERAGE OF LESS THAN
18 ONE-FOURTH OF THE EMISSIONS OVER ITS LIFETIME THAN THE AVERAGE
19 EMISSIONS OF A MOTOR VEHICLE POWERED BY AN INTERNAL COMBUSTION
20 ENGINE;

21 (V) SALES OF ELECTRIC VEHICLES CURRENTLY ACCOUNT FOR MORE
22 THAN TEN PERCENT OF ALL NEW VEHICLE SALES IN COLORADO, AND THIS
23 MARKET SHARE IS PROJECTED TO INCREASE TO MORE THAN EIGHTY
24 PERCENT BY 2032;

25 (VI) BUILDINGS CONSTRUCTED TODAY WILL NEED TO
26 ACCOMMODATE HIGHER NUMBERS OF ELECTRIC VEHICLES WITHIN THE
27 LIFETIME OF THESE BUILDINGS;

1 (VII) PEOPLE MAY FORGO PURCHASING OR DRIVING AN ELECTRIC
2 VEHICLE BECAUSE THEY ARE CONCERNED ABOUT THE AVAILABILITY OF
3 CHARGING STATIONS;

4 (VIII) LOCAL GOVERNMENT PROVISIONS THAT SET MINIMUM
5 REQUIREMENTS FOR PARKING MAY CREATE A DISINCENTIVE TO INSTALL
6 CHARGING STATIONS IF A PARKING SPACE SERVED BY A CHARGING STATION
7 IS NOT COUNTED TOWARD MEETING THE MINIMUM PARKING REQUIREMENT;
8 AND

9 (IX) FEWER CHARGING STATIONS ACT AS A DISINCENTIVE TO
10 PURCHASE OR DRIVE AN ELECTRIC VEHICLE.

11 (b) THE GENERAL ASSEMBLY DECLARES THAT MINIMUM PARKING
12 REQUIREMENTS, TO THE DEGREE THAT THEY LOWER THE NUMBER OF
13 CHARGING STATIONS AVAILABLE TO ELECTRIC VEHICLE DRIVERS,
14 DECREASE ELECTRIC VEHICLE USE, WHICH CAUSES MORE POLLUTANTS TO
15 BE EMITTED INTO THE ENVIRONMENT AND LOWERS THE AIR QUALITY OF
16 OTHER LOCAL GOVERNMENT JURISDICTIONS AND COLORADO AS A WHOLE.
17 THEREFORE, MINIMUM PARKING REQUIREMENTS ARE A MATTER OF MIXED
18 LOCAL AND STATEWIDE CONCERN TO THE DEGREE THAT THEY LOWER THE
19 NUMBER OF CHARGING STATIONS AVAILABLE TO ELECTRIC VEHICLE
20 DRIVERS.

21 (2) FOR THE PURPOSES OF ANY MINIMUM PARKING REQUIREMENT
22 IMPOSED BY THE GOVERNING BODY OF A MUNICIPALITY:

23 (a) ANY PARKING SPACE SERVED BY AN ELECTRIC VEHICLE
24 CHARGING STATION OR ANY PARKING SPACE USED TO SITE ELECTRIC
25 VEHICLE CHARGING EQUIPMENT MUST BE COUNTED AS AT LEAST ONE
26 STANDARD AUTOMOBILE PARKING SPACE; AND

27 (b) ANY VAN-ACCESSIBLE PARKING SPACE THAT IS DESIGNED TO

1 ACCOMMODATE A PERSON IN A WHEELCHAIR, IS SERVED BY AN ELECTRIC
2 VEHICLE CHARGING STATION, AND IS NOT DESIGNATED AS PARKING
3 RESERVED FOR A PERSON WITH A DISABILITY UNDER SECTION 42-4-1208
4 MUST BE COUNTED AS AT LEAST TWO STANDARD AUTOMOBILE PARKING
5 SPACES.

6 (3) (a) NOTWITHSTANDING SECTION 31-23-309, THIS SECTION
7 CONTROLS IF THERE IS A CONFLICT BETWEEN THIS SECTION AND ANOTHER
8 SECTION IN THIS PART 3 OR BETWEEN THIS SECTION AND A REGULATION
9 MADE UNDER AUTHORITY OF THIS PART 3.

10 (b) THIS SECTION DOES NOT LOWER THE PROTECTIONS PROVIDED
11 FOR PEOPLE WITH DISABILITIES, INCLUDING THE NUMBER OF PARKING
12 SPACES FOR PEOPLE THAT ARE MOBILITY IMPAIRED, THAN THE
13 PROTECTIONS PROVIDED BY THE FEDERAL "AMERICANS WITH DISABILITIES
14 ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND PARTS 6 AND 8 OF
15 ARTICLE 34 OF TITLE 24.

16 **SECTION 8.** In Colorado Revised Statutes, **add** 30-28-212 as
17 follows:

18 **30-28-212. Charging station rules prohibited.**

19 (1) NOTWITHSTANDING ANY AUTHORITY GRANTED TO A BOARD OF
20 COUNTY COMMISSIONERS BY THIS PART 2, THE BOARD SHALL NOT ADOPT
21 AN ORDINANCE OR A RESOLUTION PROHIBITING THE INSTALLATION OF OR
22 UTILIZATION OF ELECTRIC VEHICLE CHARGING STATIONS UNLESS THE
23 ORDINANCE OR RESOLUTION IS NARROWLY DRAFTED TO ADDRESS A BONA
24 FIDE SAFETY CONCERN. THE BOARD SHALL NOT RESTRICT PARKING BASED
25 ON A VEHICLE BEING A PLUG-IN HYBRID VEHICLE OR PLUG-IN ELECTRIC
26 VEHICLE.

27 (2) A COUNTY OFFICIAL SHALL NOT PROHIBIT THE INSTALLATION

1 OF OR UTILIZATION OF AN ELECTRIC VEHICLE CHARGING STATION, OR
2 RESTRICT PARKING BASED ON A VEHICLE BEING A PLUG-IN HYBRID VEHICLE
3 OR PLUG-IN ELECTRIC VEHICLE, UNLESS EXPRESSLY AUTHORIZED BY
4 ORDINANCE OR RESOLUTION.

5 (3) ANY ORDINANCE OR RESOLUTION PROMULGATED BY THE
6 BOARD OF COUNTY COMMISSIONERS THAT PROHIBITS THE INSTALLATION
7 OF OR UTILIZATION OF ELECTRIC VEHICLE CHARGING STATIONS, OR THAT
8 RESTRICTS PARKING BASED ON A VEHICLE BEING A PLUG-IN HYBRID
9 VEHICLE OR PLUG-IN ELECTRIC VEHICLE, IS SUBJECT TO JUDICIAL REVIEW
10 IN THE DISTRICT COURT WITH JURISDICTION OVER THE COUNTY.

11 **SECTION 9.** In Colorado Revised Statutes, **add 31-15-603** as
12 follows:

13 **31-15-603. Charging station rules prohibited.**

14 (1) NOTWITHSTANDING ANY AUTHORITY GRANTED TO THE GOVERNING
15 BODY OF A MUNICIPALITY BY THIS PART 6, THE GOVERNING BODY OF THE
16 MUNICIPALITY SHALL NOT ADOPT AN ORDINANCE OR RESOLUTION
17 PROHIBITING THE INSTALLATION OF OR UTILIZATION OF ELECTRIC VEHICLE
18 CHARGING STATIONS UNLESS THE ORDINANCE OR RESOLUTION IS
19 NARROWLY DRAFTED TO ADDRESS A BONA FIDE SAFETY CONCERN. ~~THE~~
20 ~~GOVERNING BODY OF THE MUNICIPALITY SHALL NOT RESTRICT PARKING~~
21 ~~BASED ON A VEHICLE BEING A PLUG-IN HYBRID VEHICLE OR PLUG-IN~~
22 ~~ELECTRIC VEHICLE.~~

23 (2) A MUNICIPAL OFFICIAL SHALL NOT PROHIBIT THE INSTALLATION
24 OF OR UTILIZATION OF AN ELECTRIC VEHICLE CHARGING STATION, OR
25 RESTRICT PARKING BASED ON A VEHICLE BEING A PLUG-IN HYBRID VEHICLE
26 OR PLUG-IN ELECTRIC VEHICLE, UNLESS EXPRESSLY AUTHORIZED BY
27 ORDINANCE OR RESOLUTION.

1 (3) ANY ORDINANCE OR RESOLUTION PROMULGATED BY THE
2 GOVERNING BODY OF A MUNICIPALITY THAT PROHIBITS THE INSTALLATION
3 OF OR UTILIZATION OF ELECTRIC VEHICLE CHARGING STATIONS, OR THAT
4 RESTRICTS PARKING BASED ON A VEHICLE BEING A PLUG-IN HYBRID
5 VEHICLE OR PLUG-IN ELECTRIC VEHICLE, IS SUBJECT TO JUDICIAL REVIEW
6 IN A DISTRICT COURT WITH JURISDICTION OVER THE MUNICIPALITY.

7 **SECTION 10.** In Colorado Revised Statutes, 30-28-211, add
8 (2)(a.5), (2)(b.8), (3.5)(e), and (3.5)(f) as follows:

9 **30-28-211. Energy efficient building codes - legislative**
10 **declaration - definitions.** (2) As used in this section, unless the context
11 otherwise requires:

12 (a.5) "COLORADO PLUMBING CODE" HAS THE MEANING SET FORTH
13 IN SECTION 12-155-103 (5).

14 (b.8) "NATIONAL ELECTRICAL CODE" HAS THE MEANING SET FORTH
15 IN SECTION 12-115-103 (8).

16 (3.5) (e) NOTWITHSTANDING THE TIMING REQUIREMENT OF
17 SUBSECTION (3.5)(a) OF THIS SECTION, A BOARD OF COUNTY
18 COMMISSIONERS MAY COMPLY WITH SUBSECTION (3.5)(a) OF THIS SECTION
19 WHEN THE BOARD ADOPTS ONE OR MORE BUILDING CODES OTHER THAN
20 THE NATIONAL ELECTRICAL CODE AND THE COLORADO PLUMBING CODE,
21 OR BY JUNE 30, 2026, WHICHEVER IS EARLIER, IF:

22 (I) THE BOARD OF COUNTY COMMISSIONERS ADOPTS OR UPDATES:

23 (A) THE NATIONAL ELECTRICAL CODE BY REFERENCE WHEN
24 ADOPTED OR UPDATED BY THE STATE ELECTRICAL BOARD; OR

25 (B) THE COLORADO PLUMBING CODE BY REFERENCE WHEN
26 ADOPTED OR UPDATED BY THE STATE PLUMBING BOARD; AND

27 (II) THE ADOPTION OR UPDATE OF THE NATIONAL ELECTRICAL

1 CODE OR THE COLORADO PLUMBING CODE OCCURS ON A TIMING CYCLE
2 DIFFERENT FROM THE SCHEDULED ADOPTION OR UPDATE OF ONE OR MORE
3 BUILDING CODES OTHER THAN THE NATIONAL ELECTRICAL CODE OR THE
4 COLORADO PLUMBING CODE.

5 (f) NOTWITHSTANDING THE TIMING REQUIREMENT OF SUBSECTION
6 (3.5)(b) OF THIS SECTION, A BOARD OF COUNTY COMMISSIONERS MAY
7 COMPLY WITH SUBSECTION (3.5)(b) OF THIS SECTION WHEN THE BOARD
8 ADOPTS ONE OR MORE BUILDING CODES OTHER THAN THE NATIONAL
9 ELECTRICAL CODE AND THE COLORADO PLUMBING CODE, OR BY JUNE 30,
10 2030, WHICHEVER IS EARLIER, IF:

11 (I) THE BOARD OF COUNTY COMMISSIONERS ADOPTS OR UPDATES:

12 (A) THE NATIONAL ELECTRICAL CODE BY REFERENCE WHEN
13 ADOPTED OR UPDATED BY THE STATE ELECTRICAL BOARD; OR

14 (B) THE COLORADO PLUMBING CODE BY REFERENCE WHEN
15 ADOPTED OR UPDATED BY THE STATE PLUMBING BOARD; AND

16 (II) THE ADOPTION OR UPDATE OF THE NATIONAL ELECTRICAL
17 CODE OR THE COLORADO PLUMBING CODE OCCURS ON A TIMING CYCLE
18 DIFFERENT FROM THE SCHEDULED ADOPTION OR UPDATE OF ONE OR MORE
19 BUILDING CODES OTHER THAN THE NATIONAL ELECTRICAL CODE OR THE
20 COLORADO PLUMBING CODE.

21 **SECTION 11.** In Colorado Revised Statutes, 31-15-602, add
22 (2)(a.5), (2)(b.8), (3.5)(d), and (3.5)(e) as follows:

23 **31-15-602. Energy efficient building codes - legislative**
24 **declaration - definitions - repeal.** (2) As used in this section, unless the
25 context otherwise requires:

26 (a.5) "COLORADO PLUMBING CODE" HAS THE MEANING SET FORTH
27 IN SECTION 12-155-103 (5).

1 (b.8) "NATIONAL ELECTRICAL CODE" HAS THE MEANING SET FORTH
2 IN SECTION 12-115-103 (8).

3 (3.5) (d) NOTWITHSTANDING THE TIMING REQUIREMENT OF
4 SUBSECTION (3.5)(a) OF THIS SECTION, A GOVERNING BODY OF A
5 MUNICIPALITY MAY COMPLY WITH SUBSECTION (3.5)(a) OF THIS SECTION
6 WHEN THE BODY ADOPTS ONE OR MORE BUILDING CODES OTHER THAN THE
7 NATIONAL ELECTRICAL CODE AND THE COLORADO PLUMBING CODE, OR BY
8 JUNE 30, 2026, WHICHEVER IS EARLIER, IF:

9 (I) THE GOVERNING BODY OF THE MUNICIPALITY ADOPTS OR
10 UPDATES:

11 (A) THE NATIONAL ELECTRICAL CODE BY REFERENCE WHEN
12 ADOPTED OR UPDATED BY THE STATE ELECTRICAL BOARD; OR

13 (B) THE COLORADO PLUMBING CODE BY REFERENCE WHEN
14 ADOPTED OR UPDATED BY THE STATE PLUMBING BOARD; AND

15 (II) THE ADOPTION OR UPDATE OF THE NATIONAL ELECTRICAL
16 CODE OR THE COLORADO PLUMBING CODE OCCURS ON A TIMING CYCLE
17 DIFFERENT FROM THE SCHEDULED ADOPTION OR UPDATE OF ONE OR MORE
18 BUILDING CODES OTHER THAN THE NATIONAL ELECTRICAL CODE OR THE
19 COLORADO PLUMBING CODE.

20 (e) NOTWITHSTANDING THE TIMING REQUIREMENT OF SUBSECTION
21 (3.5)(b) OF THIS SECTION, A GOVERNING BODY OF A MUNICIPALITY MAY
22 COMPLY WITH SUBSECTION (3.5)(b) OF THIS SECTION WHEN THE BODY
23 ADOPTS ONE OR MORE BUILDING CODES OTHER THAN THE NATIONAL
24 ELECTRICAL CODE AND THE COLORADO PLUMBING CODE, OR BY JUNE 30,
25 2030, WHICHEVER IS EARLIER, IF:

26 (I) THE GOVERNING BODY OF A MUNICIPALITY ADOPTS OR
27 UPDATES:

1 (A) THE NATIONAL ELECTRICAL CODE BY REFERENCE WHEN
2 ADOPTED OR UPDATED BY THE STATE ELECTRICAL BOARD; OR

3 (B) THE COLORADO PLUMBING CODE BY REFERENCE WHEN
4 ADOPTED OR UPDATED BY THE STATE PLUMBING BOARD; AND

5 (II) THE ADOPTION OR UPDATE OF THE NATIONAL ELECTRICAL
6 CODE OR THE COLORADO PLUMBING CODE OCCURS ON A TIMING CYCLE
7 DIFFERENT FROM THE SCHEDULED ADOPTION OR UPDATE OF ONE OR MORE
8 BUILDING CODES OTHER THAN THE NATIONAL ELECTRICAL CODE OR THE
9 COLORADO PLUMBING CODE.

10 SECTION 12. In Colorado Revised Statutes, add 39-3-138 as
11 follows:

12 39-3-138. EV supply equipment - exemption. FOR PROPERTY
13 TAX YEARS COMMENCING ON AND AFTER JANUARY 1, 2023, BUT BEFORE
14 JANUARY 1, 2030, AN ELECTRIC VEHICLE CHARGING SYSTEM, AS DEFINED
15 IN SECTION 38-12-601 (6)(a), IS EXEMPT FROM THE LEVY AND COLLECTION
16 OF PROPERTY TAX.

17 SECTION 13. In Colorado Revised Statutes, 43-3-101, amend
18 (3); and add (4) as follows:

19 43-3-101. Freeways - how declared - commercial enterprises
20 prohibited - definition. (3) Except as provided in SUBSECTION (4) OF
21 THIS SECTION, section 32-9-119.8, ~~C.R.S.~~, and part 15 of article 1 of this
22 title, ~~no~~ TITLE 43, A commercial enterprise or activity for serving
23 motorists, other than emergency services for disabled vehicles, shall NOT
24 be conducted or authorized on any property designated as or acquired for
25 or in connection with a freeway or highway by the department of
26 transportation or any other governmental agency. At locations deemed
27 appropriate by the transportation commission, the department of

1 transportation shall construct local service roads, which open into or
2 connect with a freeway, in such manner as to facilitate the establishment
3 and operation of competitive commercial enterprises for serving users of
4 the freeway on private property abutting such local service roads.

5 (4) (a) IF THE REQUIREMENTS OF SUBSECTION (4)(b) OF THIS
6 SECTION ARE SATISFIED, THE DEPARTMENT OF TRANSPORTATION MAY
7 COLLABORATE WITH PUBLIC OR PRIVATE ENTITIES TO DEVELOP PROJECTS
8 FOR THE CONSTRUCTION OF ELECTRIC VEHICLE CHARGING SYSTEMS ALONG
9 INTERSTATE HIGHWAY RIGHTS-OF-WAY, INCLUDING REST AREAS, AS
10 PRIORITIZED BY THE DEPARTMENT.

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

19 (c) THE DEPARTMENT OF TRANSPORTATION MAY COLLABORATE
20 WITH PUBLIC OR PRIVATE ENTITIES TO DEVELOP PROJECTS FOR THE
21 CONSTRUCTION OF ELECTRIC VEHICLE CHARGING SYSTEMS ALONG STATE
22 HIGHWAY RIGHTS-OF-WAY, INCLUDING REST AREAS, AS PRIORITIZED BY
23 THE DEPARTMENT.

24 (d) AS USED IN THIS SUBSECTION (4), "ELECTRIC VEHICLE
25 CHARGING SYSTEM" HAS THE MEANING SET FORTH IN SECTION 38-12-601
26 (6)(a).

27 **SECTION 14. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.