

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0609.03 Jason Gelender x4330

HOUSE BILL 19-1199

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A BILL FOR AN ACT

101 **CONCERNING THE CONDITIONS UNDER WHICH OPERATION OF A**
102 **PLUG-IN ELECTRIC MOTOR VEHICLE ON AN EXPRESS LANE**
103 **WITHOUT REGARD TO THE NUMBER OF PERSONS IN THE VEHICLE**
104 **AND WITHOUT PAYMENT OF A TOLL OR WITH PAYMENT OF A**
105 **REDUCED TOLL IS ALLOWED.**

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>.)

On and after July 1, 2022, the bill requires the high-performance transportation enterprise (HPTE) to impose an express lane access fee

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

(access fee) in a specified amount annually at the time of registration of any eligible plug-in electric motor vehicle that weighs 19,500 pounds or less, that is certified as being qualified for the federal plug-in electric drive motor vehicle tax credit or can be recharged from an external source of electricity and that stores electricity in a rechargeable battery that propels or contributes to the propulsion of the vehicle's drive wheels if the owner of the vehicle chooses to pay the access fee in exchange for the right to operate the vehicle on express lanes without regard to the number of persons in the vehicle for free on any express lane that is a high occupancy vehicle lane and for a reduced toll on any express lane that is a toll lane or a high occupancy toll lane. HPTE is not authorized to impose the access fee upon the registration of a vehicle registered for a registration period beginning on or after July 1, 2020, but before July 1, 2022, but, upon the registration of a vehicle for such a registration period, the owner of an eligible plug-in electric motor vehicle may choose to apply for the right to operate the vehicle for free on any express lane that is a high occupancy vehicle lane without regard to the number of persons in the vehicle and for a reduced toll on any express lane that is a toll lane or a high occupancy toll lane.

A plug-in electric motor vehicle is an "eligible plug-in electric motor vehicle" if it is being registered for its 1st, 2nd, or 3rd registration period under the ownership of the same owner and if making the vehicle eligible would not cause the total number of eligible vehicles to exceed a specified cap that increases annually for 5 years until reaching a permanent maximum amount. "Express lane" is defined to include any high occupancy vehicle lane, toll lane, or high occupancy toll lane that HPTE, a private partner of HPTE, or HPTE in conjunction with a private partner of HPTE or the department of transportation (CDOT) operates and maintains or that HPTE designates as an express lane, which currently includes:

- ! Operating express lanes on Interstate Highway 25 between downtown Denver and 120th Avenue, on Interstate Highway 70 between Idaho Springs and Empire, and on U.S. Highway 36 between Denver and Boulder; and
- ! Planned express lanes on: (1) Interstate Highway 25 between 120th Avenue and State Highway E-470, Johnstown and Fort Collins, and Monument and Castle Rock; (2) Interstate Highway 70 between Interstate Highway 25 and Chambers Road; and (3) State Highway C-470 between Interstate Highway 25 and Wadsworth Boulevard.

Each county clerk and recorder, acting as an authorized agent of the department of revenue, is required to collect the access fee, and access fee revenue is credited to the statewide transportation enterprise special revenue fund for use by HPTE. The owner of an eligible plug-in electric

motor vehicle may choose not to pay the access fee, but must pay the fee to be authorized to operate the vehicle for free on any express lane that is a high occupancy vehicle lane and for a reduced toll on any express lane that is a toll lane or a high occupancy toll lane, without regard to the number of persons in the vehicle. If the free or reduced toll use of express lanes by eligible plug-in electric motor vehicles is determined to cause a decrease in the level of service for other bona fide users of the express lanes so that CDOT or HPTE is violating or will violate within the next 3 months contractual level of service guarantees or will be unable to satisfy debt service coverage requirements, then CDOT may restrict or eliminate free and reduced toll use of the express lanes by eligible plug-in electric motor vehicles for as long as the violation or inability is expected to continue. CDOT is required to report annually during its "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing regarding the actual and projected free and reduced toll use of express lanes by eligible plug-in electric vehicles and any actions that it has taken or expects to take to restrict, limit, or restore such use.

The existing authorization for a limited number of inherently low-emission vehicles or hybrid vehicles to use express lanes without regard to the number of persons in the vehicle and without paying a toll expires for each participating vehicle on the date of the first registration of the vehicle for a registration period that begins on or after July 1, 2022.

The department of revenue and CDOT are required to coordinate to establish electronic processes that:

- ! Automatically notify HPTE and, if deemed necessary by HPTE, any private partner of HPTE that operates an express lane, when the owner of a plug-in electric motor vehicle pays the access fee so that HPTE, directly or through its private partners, can successfully administer and enforce the conditions of access for eligible plug-in electric motor vehicles to express lanes; and
- ! Automatically notify each authorized agent when the access fee can or cannot be collected in accordance with the limitation on the number of eligible plug-in electric motor vehicles.

CDOT is authorized to promulgate administrative rules to ensure proper implementation, administration, and enforcement of the conditions of access for eligible plug-in electric motor vehicles to express lanes.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-3-304, **amend**

1 (25)(c)(II); and **add** (25)(b.5) and (26) as follows:

2 **42-3-304. Registration fees - passenger and passenger-mile**
3 **taxes - clean screen fund - definitions - repeal.** (25) (b.5) AS USED IN
4 THIS SECTION, "ELIGIBLE PLUG-IN ELECTRIC MOTOR VEHICLE" HAS THE
5 SAME MEANING AS SET FORTH IN SECTION 43-4-806 (2)(c.5)(II).

6 (c) As used in this section, "plug-in electric motor vehicle" means:

7 (II) ~~Any~~ A motor vehicle that can be recharged from any external
8 source of electricity and ~~the electricity stored~~ THAT STORES ELECTRICITY
9 in a rechargeable battery pack THAT propels or contributes to ~~propel~~ THE
10 PROPULSION OF the vehicle's drive wheels.

11 (26) (a) ON AND AFTER JULY 1, 2020, IN ADDITION TO ANY OTHER
12 FEE IMPOSED BY THIS SECTION, EACH AUTHORIZED AGENT SHALL
13 ANNUALLY COLLECT, WHEN THE OWNER OF AN ELIGIBLE PLUG-IN ELECTRIC
14 MOTOR VEHICLE FOR WHICH THE OWNER CHOOSES TO PAY THE ACCESS
15 FEE PAYS THE OTHER FEES AND SPECIFIC OWNERSHIP TAX REQUIRED FOR
16 THE ANNUAL REGISTRATION OF THE VEHICLE, THE EXPRESS LANE ACCESS
17 FEE IMPOSED BY THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE,
18 CREATED IN SECTION 43-4-806 (2)(a)(I), PURSUANT TO SECTION 43-4-806
19 (2)(c.5). THE AUTHORIZED AGENT SHALL TRANSMIT ALL ACCESS FEE
20 REVENUE COLLECTED TO THE STATE TREASURER, WHO SHALL CREDIT THE
21 REVENUE TO THE STATEWIDE TRANSPORTATION ENTERPRISE SPECIAL
22 REVENUE FUND CREATED IN SECTION 43-4-806 (3)(a). FOR PURPOSES OF
23 THE LIMITATIONS ON STATE AND LOCAL GOVERNMENT FISCAL YEAR
24 SPENDING SET FORTH IN SECTION 20 OF ARTICLE X OF THE STATE
25 CONSTITUTION AND SECTION 24-77-103.6, COLLECTION OF THE ACCESS FEE
26 BY AUTHORIZED AGENTS IS COLLECTIONS FOR ANOTHER GOVERNMENT,
27 THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE, WHICH IS AN

1 ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE
2 CONSTITUTION, AND ALL ACCESS FEE REVENUE IS THEREFORE EXEMPT
3 FROM THOSE LIMITATIONS.

4 (b) IF, WHEN THE OWNER OF AN ELIGIBLE PLUG-IN ELECTRIC
5 MOTOR VEHICLE PAYS THE OTHER FEES AND SPECIFIC OWNERSHIP TAX
6 REQUIRED FOR THE ANNUAL REGISTRATION OF THE VEHICLE, THE OWNER
7 CHOOSES NOT TO PAY THE EXPRESS LANE ACCESS FEE IMPOSED BY THE
8 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE AS AUTHORIZED BY
9 SECTION 43-4-806 (2)(c.5), THE AUTHORIZED AGENT SHALL NOT COLLECT
10 THE ACCESS FEE AND THE VEHICLE SHALL NOT BE AUTHORIZED TO BE
11 OPERATED ON EXPRESS LANES THAT ARE HIGH OCCUPANCY VEHICLE LANES
12 FOR FREE AND ON EXPRESS LANES THAT ARE TOLL LANES OR HIGH
13 OCCUPANCY TOLL LANES AT A REDUCED RATE AS SPECIFIED IN SECTION
14 42-4-1012 (2.5).

15 (c) THE DEPARTMENT OF REVENUE AND THE DEPARTMENT OF
16 TRANSPORTATION SHALL COORDINATE TO ESTABLISH:

17 (I) AN ELECTRONIC PROCESS THAT AUTOMATICALLY NOTIFIES THE
18 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE AND, IF DEEMED
19 NECESSARY BY THE ENTERPRISE, ANY PRIVATE PARTNER OF THE
20 ENTERPRISE THAT OPERATES AN EXPRESS LANE OR THE DEPARTMENT OF
21 TRANSPORTATION, WHEN THE OWNER OF AN ELIGIBLE PLUG-IN ELECTRIC
22 MOTOR VEHICLE PAYS THE EXPRESS LANE ACCESS FEE IN ACCORDANCE
23 WITH SUBSECTION (26)(a) OF THIS SECTION; AND

24 (II) AN ELECTRONIC PROCESS THAT AUTOMATICALLY NOTIFIES
25 EACH AUTHORIZED AGENT WHEN THE ACCESS FEE CAN OR CANNOT BE
26 COLLECTED IN ACCORDANCE WITH THE LIMITATION ON THE NUMBER OF
27 ELIGIBLE PLUG-IN ELECTRIC MOTOR VEHICLES SET FORTH IN SECTION

1 43-4-806 (2)(c.5)(II)(B).

2 (d) AS USED IN THIS SUBSECTION (26), "EXPRESS LANE" HAS THE
3 SAME MEANING AS SET FORTH IN SECTION 43-4-806 (2)(c.5)(III).

4 **SECTION 2.** In Colorado Revised Statutes, 42-4-1012, **amend**
5 (2.5) as follows:

6 **42-4-1012. High occupancy vehicle (HOV), high occupancy**
7 **toll (HOT), and express lanes - rules - definitions.** (2.5) (a) (I) Except
8 as otherwise provided in ~~paragraph (d) of this subsection (2.5), a motor~~
9 ~~SUBSECTIONS (2.5)(d) AND (2.5)(e) OF THIS SECTION, AN ELIGIBLE PLUG-IN~~
10 ~~ELECTRIC MOTOR vehicle with a gross vehicle weight of ~~twenty-six~~~~
11 ~~thousand~~ NINETEEN THOUSAND FIVE HUNDRED pounds or less ~~that is either~~
12 ~~an inherently low-emission vehicle or a hybrid vehicle~~ FOR WHICH THE
13 OWNER HAS PAID THE EXPRESS LANE ACCESS FEE IMPOSED BY THE
14 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE, CREATED IN SECTION
15 43-4-806 (2)(a)(I), PURSUANT TO SECTION 43-4-806 (2)(c.5) IN
16 ACCORDANCE WITH SECTION 42-3-304 (26)(a) may be operated upon **high**
17 ~~occupancy vehicle lanes~~ AN EXPRESS LANE without regard to the number
18 of persons in the vehicle ~~and without payment of a special toll or fee. The~~
19 ~~exemption relating to hybrid vehicles shall apply only if such exemption~~
20 ~~does not affect the receipt of federal funds and does not violate any~~
21 ~~federal laws or regulations~~ FOR FREE IF THE EXPRESS LANE IS A HIGH
22 OCCUPANCY VEHICLE LANE AND FOR ONE-HALF OF THE AMOUNT OF THE
23 USUAL TOLL IF THE EXPRESS LANE IS A TOLL LANE OR A HIGH OCCUPANCY
24 TOLL LANE.

25 (I.5) AS USED IN THIS SUBSECTION (2.5), "ELIGIBLE PLUG-IN
26 ELECTRIC MOTOR VEHICLE" HAS THE SAME MEANING AS SET FORTH IN
27 SECTION 43-4-806 (2)(c.5)(II).

1 (I.7) AS USED IN THIS SUBSECTION (2.5), "EXPRESS LANE" HAS THE
2 SAME MEANING AS SET FORTH IN SECTION 43-4-806 (2)(c.5)(III).

3 (II) ~~As used in this subsection (2.5), "inherently low-emission~~
4 ~~vehicle" or "ILEV" means:~~

5 (A) ~~A light-duty vehicle or light-duty truck, regardless of whether~~
6 ~~such vehicle or truck is part of a motor vehicle fleet, that has been~~
7 ~~certified by the federal environmental protection agency as conforming~~
8 ~~to the ILEV guidelines, procedures, and standards as published in the~~
9 ~~federal register at 58 FR 11888 (March 1, 1993) and 59 FR 50042~~
10 ~~(September 30, 1994), as amended from time to time; and~~

11 (B) ~~A heavy-duty vehicle powered by an engine that has been~~
12 ~~certified as set forth in sub-subparagraph (A) of this subparagraph (II).~~

13 (III) ~~As used in this subsection (2.5), "hybrid vehicle" means a~~
14 ~~motor vehicle with a hybrid propulsion system that uses an alternative~~
15 ~~fuel by operating on both an alternative fuel, including electricity, and a~~
16 ~~traditional fuel.~~

17 (b) ~~No~~ A person shall NOT operate a AN ELIGIBLE PLUG-IN
18 ELECTRIC MOTOR vehicle upon a ~~high occupancy vehicle~~ AN EXPRESS lane
19 ~~pursuant to~~ UNDER THE AUTHORITY TO DO SO GRANTED BY this subsection
20 (2.5) unless the ELIGIBLE PLUG-IN ELECTRIC MOTOR vehicle:

21 (I) ~~Meets all applicable federal emission standards set forth in 40~~
22 ~~CFR sec. 88.311-93, as amended from time to time, or, subject to~~
23 ~~subparagraph (I) of paragraph (a) of this subsection (2.5), is a hybrid~~
24 ~~vehicle; and~~

25 (II) (A) Is identified by means of a circular sticker or decal THAT
26 IS at least four inches in diameter; made of ~~bright orange~~ reflective
27 material; and affixed either to the windshield, to the front of the side-view

1 mirror on the driver's side, or to the front bumper of the vehicle; ~~Said~~
2 ~~sticker or decal shall be~~ AND approved by the Colorado department of
3 transportation; OR

4 (B) IS IDENTIFIED BY MEANS OF A TRANSPONDER ISSUED BY THE
5 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE OR BY A PRIVATE
6 ENTITY OPERATING AN EXPRESS LANE UNDER A CONTRACT WITH THE
7 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE.

8 (c) ~~The department of transportation and local authorities, with~~
9 ~~respect to streets and highways under their respective jurisdictions, shall~~
10 ~~provide information via official traffic control devices to indicate that~~
11 ~~HEVs and, subject to subparagraph (I) of paragraph (a) of this subsection~~
12 ~~(2.5), hybrid vehicles may be operated upon high occupancy vehicle lanes~~
13 ~~pursuant to this section. Such information may, but need not, be added to~~
14 ~~existing printed signs, but as existing printed signs related to high~~
15 ~~occupancy vehicle lane use are replaced or new ones are erected, such~~
16 ~~information shall be added. In addition, whenever existing electronic~~
17 ~~signs are capable of being reprogrammed to carry such information, they~~
18 ~~shall be so reprogrammed by September 1, 2003.~~

19 (d) (I) In consultation with the regional transportation district, the
20 department of transportation ~~and local authorities, with respect to streets~~
21 ~~and highways under their respective jurisdictions,~~ shall, in connection
22 with ~~their~~ ITS periodic level-of-service evaluation of ~~high occupancy~~
23 ~~vehicle~~ EXPRESS lanes, perform a level-of-service evaluation of the use
24 of ~~high occupancy vehicle~~ EXPRESS lanes by HEVs and hybrid ELIGIBLE
25 PLUG-IN ELECTRIC MOTOR vehicles. If the FREE OR REDUCED TOLL use of
26 ~~high occupancy vehicle~~ EXPRESS lanes by HEVs or hybrid ELIGIBLE
27 PLUG-IN ELECTRIC MOTOR vehicles is determined BY THE

1 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE to cause a significant
2 decrease in the level of service for other bona fide users of such THE
3 EXPRESS lanes SO THAT THE DEPARTMENT OF TRANSPORTATION OR THE
4 ENTERPRISE IS VIOLATING OR WILL VIOLATE WITHIN THE NEXT THREE
5 MONTHS FEDERAL OR CONTRACTUAL LEVEL OF SERVICE GUARANTEES OR
6 WILL BE UNABLE TO SATISFY DEBT SERVICE COVERAGE REQUIREMENTS OR
7 THE ENTERPRISE WILL VIOLATE EXISTING LOAN COVENANTS, then the
8 department of transportation or a local authority ENTERPRISE may restrict
9 or eliminate FREE OR REDUCED TOLL use of such THE EXPRESS lanes by
10 HEVs or hybrid vehicles ELIGIBLE PLUG-IN ELECTRIC MOTOR VEHICLES
11 FOR AS LONG AS THE VIOLATION OR INABILITY TO SATISFY DEBT SERVICE
12 COVERAGE REQUIREMENTS IS EXPECTED TO CONTINUE. THE DEPARTMENT
13 OF TRANSPORTATION SHALL ANNUALLY REPORT TO THE JOINT
14 COMMITTEES OF REFERENCE OF THE HOUSE OF REPRESENTATIVES AND THE
15 SENATE TO WHICH THE DEPARTMENT OF TRANSPORTATION IS ASSIGNED
16 PURSUANT TO SECTION 2-7-203 (1) AS PART OF THE HEARING REQUIRED BY
17 SECTION 2-7-203 (2)(a) REGARDING THE ACTUAL AND PROJECTED FREE
18 AND REDUCED TOLL USE OF EXPRESS LANES BY ELIGIBLE PLUG-IN ELECTRIC
19 VEHICLES AND ANY ACTIONS THAT IT HAS TAKEN OR EXPECTS TO TAKE TO
20 RESTRICT, LIMIT, OR RESTORE SUCH USE.

21 (II) If the United States secretary of transportation makes a formal
22 determination that, by giving effect to paragraph (a) of this subsection
23 ~~(2.5)~~ SUBSECTION (2.5)(a) OF THIS SECTION on a particular highway or
24 lane OR FOR ALL TYPES OR FOR A PARTICULAR TYPE OF ELIGIBLE PLUG-IN
25 ELECTRIC MOTOR VEHICLE, the state of Colorado would disqualify itself
26 from receiving federal highway funds THAT the state would otherwise
27 qualify to receive or would be required to refund federal transportation

1 grant funds THAT it has already received, then ~~said paragraph (a)~~
2 SUBSECTION (2.5)(a) shall not be effective ~~as to such~~ FOR THE highway,
3 ~~or~~ lane, OR TYPE OF ELIGIBLE PLUG-IN ELECTRIC MOTOR VEHICLE.

4 (e) (I) UPON RECEIPT OF NOTICE FROM AN AUTHORIZED AGENT, IN
5 ACCORDANCE WITH SECTION 42-3-304 (26)(c), THAT THE OWNER OF A
6 PLUG-IN ELECTRIC MOTOR VEHICLE HAS PAID THE APPLICABLE EXPRESS
7 LANE ACCESS FEE IMPOSED BY THE HIGH-PERFORMANCE TRANSPORTATION
8 ENTERPRISE PURSUANT TO SECTION 43-4-806 (2)(c.5) ██████████ THE
9 ENTERPRISE OR, IF DEEMED NECESSARY BY THE ENTERPRISE, A PRIVATE
10 PARTNER OF THE ENTERPRISE, SHALL MAIL TO THE OWNER OF THE VEHICLE
11 AT THE ADDRESS LISTED ON THE VEHICLE REGISTRATION A STICKER,
12 DECAL, TRANSPONDER, OR OTHER DEVICE THAT WILL ALLOW THE
13 ENTERPRISE OR ANY PRIVATE PARTNER OF THE ENTERPRISE TO USE AN
14 AUTOMATIC VEHICLE IDENTIFICATION SYSTEM TO DETERMINE THAT THE
15 VEHICLE IS AUTHORIZED TO OPERATE ON EXPRESS LANES WITHOUT
16 REGARD TO THE NUMBER OF PERSONS IN THE VEHICLE FOR FREE ON ANY
17 EXPRESS LANE THAT IS A HIGH OCCUPANCY VEHICLE LANE AND AT A
18 REDUCED RATE ON ANY EXPRESS LANE THAT IS A TOLL LANE OR A HIGH
19 OCCUPANCY TOLL LANE. THE ENTERPRISE OR A PRIVATE PARTNER OF THE
20 ENTERPRISE NEED NOT MAIL DECALS, TRANSPONDERS, OR OTHER DEVICES
21 IF THE ENTERPRISE DETERMINES THAT IT OR ITS PRIVATE PARTNERS CAN
22 USE AN AUTOMATIC VEHICLE IDENTIFICATION SYSTEM THAT DOES NOT
23 REQUIRE THE USE OF DECALS, TRANSPONDERS, OR OTHER DEVICES TO
24 RELIABLY ENFORCE ACCESS REQUIREMENTS FOR THE EXPRESS LANES AND
25 THE DEPARTMENT OF TRANSPORTATION APPROVES THE USE OF THE
26 SYSTEM.

27 (II) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2.5)(e)(III)

1 OF THIS SECTION, A TRANSPONDER, STICKER, OR DECAL EXPIRES WHEN THE
2 OWNER OF THE ELIGIBLE PLUG-IN ELECTRIC MOTOR VEHICLE TO WHICH IT
3 IS AFFIXED PAYS THE OTHER FEES AND SPECIFIC OWNERSHIP TAX REQUIRED
4 FOR THE ANNUAL REGISTRATION OF THE VEHICLE WITHOUT PAYING THE
5 EXPRESS LANE ACCESS FEE IMPOSED BY THE HIGH-PERFORMANCE
6 TRANSPORTATION ENTERPRISE PURSUANT TO SECTION 43-4-806 (2)(c.5),
7 WHEN AN OWNER WHO PURCHASED IT NEW PAYS THE FEES AND
8 SPECIFIC OWNERSHIP TAX REQUIRED FOR THE ANNUAL REGISTRATION OF
9 THE VEHICLE FOR ITS FOURTH REGISTRATION PERIOD OR WHEN ANY
10 SUBSEQUENT OWNER PAYS THE FEES AND SPECIFIC OWNERSHIP TAX
11 REQUIRED FOR THE ANNUAL REGISTRATION OF THE VEHICLE FOR ITS
12 FOURTH REGISTRATION PERIOD, UNDER THAT OWNER'S OWNERSHIP AND
13 THE VEHICLE IS THEREFORE NO LONGER AN ELIGIBLE PLUG-IN ELECTRIC
14 MOTOR VEHICLE.

15 (III) A STICKER OR DECAL THAT WAS ISSUED ON OR BEFORE THE
16 EFFECTIVE DATE OF THIS SUBSECTION (2.5)(e)(III) EXPIRES WHEN THE
17 OWNER OF THE VEHICLE TO WHICH THE STICKER OR DECAL IS AFFIXED
18 FIRST PAYS THE FEES AND SPECIFIC OWNERSHIP TAX REQUIRED FOR THE
19 ANNUAL REGISTRATION OF THE VEHICLE FOR A REGISTRATION PERIOD
20 THAT BEGINS ON OR AFTER JULY 1, 2022.

21 (f) THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE MAY
22 PROMULGATE RULES TO THE EXTENT NECESSARY TO ENSURE PROPER
23 IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT OF THE
24 CONDITIONS OF ACCESS TO EXPRESS LANES.

25 **SECTION 3.** In Colorado Revised Statutes, 43-4-806, **add**
26 (2)(c.5) as follows:

27 **43-4-806. High-performance transportation enterprise -**

1 **creation - board - funds - powers and duties - limitations - reporting**
2 **requirements - legislative declaration - definitions - repeal.**

3 (2) (c.5) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
4 (2)(c.5)(I)(A) OF THIS SECTION, IN ADDITION TO THE USER FEES
5 AUTHORIZED BY SUBSECTION (2)(c)(I) OF THIS SECTION, AND SUBJECT TO
6 THE LIMITATIONS SET FORTH IN SECTION 42-3-304 (26)(a) AND (26)(b),
7 THE TRANSPORTATION ENTERPRISE SHALL IMPOSE AN EXPRESS LANE
8 ACCESS FEE, WHICH ACCESS FEE IS IMPOSED AS OF THE DATE ON WHICH THE
9 OWNER OF THE VEHICLE APPLIES FOR INITIAL REGISTRATION OF THE
10 VEHICLE IN THE STATE OR AS OF THE DATE ON WHICH THE DEPARTMENT OF
11 REVENUE OR AN AUTHORIZED AGENT OF THE DEPARTMENT OF REVENUE
12 TRANSMITS A REGISTRATION RENEWAL NOTICE TO THE OWNER OF THE
13 VEHICLE, TO BE PAID TOGETHER WITH THE OTHER FEES AND SPECIFIC
14 OWNERSHIP TAX REQUIRED FOR THE ANNUAL REGISTRATION OF EACH
15 ELIGIBLE PLUG-IN ELECTRIC MOTOR VEHICLE FOR WHICH THE OWNER
16 CHOOSES TO PAY THE ACCESS FEE IN EXCHANGE FOR THE RIGHT TO
17 OPERATE THE VEHICLE ON ANY EXPRESS LANE THAT IS A HIGH OCCUPANCY
18 VEHICLE LANE FOR FREE AND ON ANY EXPRESS LANE THAT IS A TOLL LANE
19 OR A HIGH OCCUPANCY TOLL LANE AT A REDUCED RATE AS SPECIFIED IN
20 SECTION 42-4-1012 (2.5) WITHOUT REGARD TO THE NUMBER OF PERSONS
21 IN THE VEHICLE. THE TRANSPORTATION
22
23 ENTERPRISE SHALL IMPOSE THE ACCESS FEE AT THE RATE OF THIRTY-FIVE
24 DOLLARS UPON THE REGISTRATION OF A VEHICLE REGISTERED FOR A
25 REGISTRATION PERIOD BEGINNING ON OR AFTER JULY 1, 2020.

26 (II) AS USED IN THIS SUBSECTION (2)(c.5), "ELIGIBLE PLUG-IN
27 ELECTRIC MOTOR VEHICLE" MEANS:

1 (A) FOR ANY REGISTRATION PERIOD COMMENCING ON OR AFTER
2 JULY 1, 2020, A PLUG-IN ELECTRIC MOTOR VEHICLE THAT, IF BEING
3 REGISTERED BY AN OWNER WHO PURCHASED IT NEW, IS BEING REGISTERED
4 FOR ITS FIRST, SECOND, OR THIRD REGISTRATION PERIOD OR THAT, IF BEING
5 REGISTERED BY AN OWNER WHO DID NOT PURCHASE IT NEW, IS BEING
6 REGISTERED FOR ITS FIRST, SECOND, OR THIRD REGISTRATION PERIOD
7 UNDER THAT OWNER'S OWNERSHIP; AND

8 (B) WOULD NOT, AS DETERMINED BY THE TRANSPORTATION
9 ENTERPRISE AS OF THE DATE THAT THE TRANSPORTATION ENTERPRISE
10 WOULD OTHERWISE IMPOSE AN EXPRESS LANE ACCESS FEE PURSUANT TO
11 SUBSECTION (2)(c.5)(I) OF THIS SECTION, IF AUTHORIZED TO BE OPERATED
12 ON EXPRESS LANES THAT ARE HIGH OCCUPANCY VEHICLE LANES FOR FREE
13 AND ON EXPRESS LANES THAT ARE TOLL LANES OR HIGH OCCUPANCY TOLL
14 LANES AT A REDUCED RATE AS SPECIFIED IN SECTION 42-4-1012 (2.5),
15 CAUSE THE TOTAL NUMBER OF PLUG-IN ELECTRIC MOTOR VEHICLES SO
16 AUTHORIZED, EXCLUDING VEHICLES DESCRIBED IN SUBSECTION
17 (2)(c.5)(II)(C) OF THIS SECTION, TO EXCEED: TEN THOUSAND FOR
18 REGISTRATION PERIODS BEGINNING ON AND AFTER JULY 1, 2020, BUT
19 BEFORE JANUARY 1, 2021; TWENTY THOUSAND FOR REGISTRATION
20 PERIODS BEGINNING ON AND AFTER JULY 1, 2021, BUT BEFORE JANUARY
21 1, 2022; FORTY THOUSAND FOR REGISTRATION PERIODS BEGINNING ON
22 AND AFTER JULY 1, 2022, BUT BEFORE JANUARY 1, 2023; EIGHTY
23 THOUSAND FOR REGISTRATION PERIODS BEGINNING ON AND AFTER JULY
24 1, 2023, BUT BEFORE JANUARY 1, 2024; OR ONE HUNDRED TWENTY
25 THOUSAND FOR REGISTRATION PERIODS BEGINNING ON AND AFTER JULY
26 1, 2024; OR

27 (C) FOR REGISTRATION PERIODS COMMENCING BEFORE JULY 1,

1 2022, ONLY, A PLUG-IN ELECTRIC MOTOR VEHICLE OR OTHER INHERENTLY
2 LOW-EMISSION VEHICLE THAT WAS AUTHORIZED BEFORE JULY 1, 2020,
3 PURSUANT TO SECTION 42-4-1012 (2.5) TO BE OPERATED UPON HIGH
4 OCCUPANCY VEHICLE LANES WITHOUT REGARD TO THE NUMBER OF
5 PERSONS IN THE VEHICLE AND WITHOUT PAYMENT OF A SPECIAL TOLL OR
6 FEE. THIS SUBSECTION (2)(c.5)(II)(C) IS REPEALED, EFFECTIVE JULY 1,
7 2023.

8 (III) AS USED IN THIS SUBSECTION (2)(c.5), "EXPRESS LANE"
9 MEANS ANY HIGH OCCUPANCY VEHICLE LANE, TOLL LANE, OR HIGH
10 OCCUPANCY TOLL LANE THAT THE TRANSPORTATION ENTERPRISE, A
11 PRIVATE PARTNER OF THE TRANSPORTATION ENTERPRISE, OR THE
12 TRANSPORTATION ENTERPRISE IN CONJUNCTION WITH A PRIVATE PARTNER
13 OF THE TRANSPORTATION ENTERPRISE OR THE DEPARTMENT OPERATES
14 AND MAINTAINS OR THAT THE TRANSPORTATION ENTERPRISE DESIGNATES
15 AS AN EXPRESS LANE.

16 (IV) AS USED IN THIS SUBSECTION (2)(c.5), "PLUG-IN ELECTRIC
17 MOTOR VEHICLE" MEANS:

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

23 (B) A MOTOR VEHICLE THAT CAN BE RECHARGED FROM AN
24 EXTERNAL SOURCE OF ELECTRICITY AND THAT STORES ELECTRICITY IN A
25 RECHARGEABLE BATTERY PACK THAT PROPELS OR CONTRIBUTES TO THE
26 PROPULSION OF THE VEHICLE'S DRIVE WHEELS.

27 **SECTION 4. Effective date - applicability.** This act takes effect

1 July 1, 2020, and applies to eligible plug-in electric motor vehicles
2 registered for registration periods that commence on or after said date;
3 except that, section 42-4-1012 (2.5)(f), enacted in section 2 of this act,
4 takes effect July 1, 2019.

5 **SECTION 5. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.