

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 19-1065.01 Jery Payne x2157

HOUSE BILL 19-1298

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A BILL FOR AN ACT

101 **CONCERNING THE USE OF ELECTRIC MOTOR VEHICLE CHARGING**
102 **STATIONS FOR PARKING A MOTOR VEHICLE.**

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>.)

The bill authorizes the owner of a plug-in electric motor vehicle (electric vehicle) charging station to install a sign that identifies the station. If the sign is installed, a person is prohibited from:

- ! Parking in the space if the vehicle is not an electric vehicle;
- and
- ! Using the charging station for parking if the electric vehicle

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.

SENATE
3rd Reading Unamended
May 3, 2019

SENATE
Amended 2nd Reading
May 2, 2019

HOUSE
3rd Reading Unamended
April 18, 2019

HOUSE
Amended 2nd Reading
April 17, 2019

is not charging.

An electric vehicle is rebuttably presumed to not be charging if the electric vehicle is parked in a charging station and is not electrically connected to the charger for longer than 30 minutes. A person may park an electric vehicle at a charging station after the electric vehicle is fully charged in a parking lot:

- ! That serves a lodging business if the person is a client of the lodging business and has parked the electric vehicle in the lot to charge overnight;
- ! That serves an airport if the person is a client of the airport and has parked the electric vehicle in the lot to charge when traveling; or
- ! Between the hours of 11 p.m. and 5 a.m.

The penalty for a violation is a \$350 fine and a \$64 surcharge.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-1-102, **add** (69.5)
3 as follows:

4 **42-1-102. Definitions.** As used in articles 1 to 4 of this title 42,
5 unless the context otherwise requires:

6 (69.5) "PLUG-IN ELECTRIC MOTOR VEHICLE" MEANS:

7 (a) A MOTOR VEHICLE THAT HAS RECEIVED AN ACKNOWLEDGMENT
8 OF CERTIFICATION FROM THE FEDERAL INTERNAL REVENUE SERVICE THAT
9 THE VEHICLE QUALIFIES FOR THE PLUG-IN ELECTRIC DRIVE VEHICLE CREDIT
10 SET FORTH IN 26 U.S.C. SEC. 30D, AS AMENDED, OR ANY SUCCESSOR
11 STATUTE; OR

12 (b) ANY MOTOR VEHICLE THAT CAN BE RECHARGED FROM AN
13 EXTERNAL SOURCE OF ELECTRICITY AND THAT USES ELECTRICITY STORED
14 IN A RECHARGEABLE BATTERY PACK TO PROPEL OR CONTRIBUTE TO THE
15 PROPULSION OF THE VEHICLE'S DRIVE WHEELS.

16 **SECTION 2.** In Colorado Revised Statutes, 42-3-304, **repeal**
17 (25)(c) as follows:

1 **42-3-304. Registration fees - passenger and passenger-mile**
2 **taxes - clean screen fund - definitions - repeal.** (25) (c) As used in this
3 section, "plug-in electric motor vehicle" means:

4 ~~(I) A motor vehicle that has received an acknowledgment of~~
5 ~~certification from the federal internal revenue service that the vehicle~~
6 ~~qualifies for the plug-in electric drive vehicle credit set forth in 26 U.S.C.~~
7 ~~sec. 30D, or any successor section; or~~

8 ~~(H) Any motor vehicle that can be recharged from any external~~
9 ~~source of electricity and the electricity stored in a rechargeable battery~~
10 ~~pack propels or contributes to propel the vehicle's drive wheels.~~

11 **SECTION 3.** In Colorado Revised Statutes, **add** 42-4-1213 as
12 follows:

13 **42-4-1213. Parking in electric motor vehicle charging stations.**

14 (1) (a) FOR THE PURPOSES OF THIS SECTION, "OFFICIAL SIGN" MEANS A
15 SIGN IDENTIFYING A PARKING SPACE FOR ELECTRIC MOTOR VEHICLE
16 CHARGING THAT CITES THIS SECTION OR THE EQUIVALENT LOCAL
17 ORDINANCE AND THAT CLEARLY DISPLAYS THE PENALTIES FOR VIOLATING
18 THIS SECTION OR THE EQUIVALENT LOCAL ORDINANCE.

19 (b) THE OWNER OF PUBLIC OR PRIVATE PROPERTY MAY INSTALL
20 OFFICIAL SIGNS THAT IDENTIFY A PARKING SPACE AS A DEDICATED
21 CHARGING STATION. THE INSTALLATION OPERATES AS A WAIVER OF ANY
22 OBJECTION THE OWNER MAY ASSERT CONCERNING ENFORCEMENT OF THIS
23 SECTION BY A PEACE OFFICER. A PEACE OFFICER MAY ENFORCE THIS
24 SECTION ON PRIVATE PROPERTY.

25 (2) (a) A PERSON SHALL NOT PARK A MOTOR VEHICLE WITHIN A
26 PARKING SPACE DESIGNATED FOR CHARGING A PLUG-IN ELECTRIC MOTOR
27 VEHICLE UNLESS THE MOTOR VEHICLE IS A PLUG-IN ELECTRIC MOTOR

1 VEHICLE.

2 (b) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, A
3 PERSON SHALL NOT PARK A PLUG-IN ELECTRIC MOTOR VEHICLE IN A
4 PARKING SPACE WITH A DEDICATED CHARGING CONNECTOR FOR THE
5 PARKING SPACE UNLESS THE PERSON IS PARKED IN THE CHARGING STATION
6 FOR THE PURPOSE OF CHARGING THE PLUG-IN ELECTRIC MOTOR VEHICLE.

7 (c) A PLUG-IN ELECTRIC MOTOR VEHICLE IS REBUTTABLY
8 PRESUMED TO NOT BE CHARGING IF THE MOTOR VEHICLE IS:

9 (I) PARKED IN A CHARGING STATION PARKING SPACE WITH A
10 DEDICATED CHARGING CONNECTOR FOR THE SPACE; AND

11 (II) NOT CONTINUOUSLY AND ELECTRICALLY CONNECTED TO THE
12 CHARGER FOR LONGER THAN THIRTY MINUTES.

13 (3) (a) A PERSON MAY PARK A PLUG-IN ELECTRIC MOTOR VEHICLE
14 AT A CHARGING AFTER THE MOTOR VEHICLE IS FULLY CHARGED IN A
15 PARKING LOT:

16 (I) THAT SERVES A LODGING BUSINESS IF THE PERSON IS A CLIENT
17 OF THE LODGING BUSINESS AND HAS PARKED THE PLUG-IN ELECTRIC
18 MOTOR VEHICLE IN THE LOT TO CHARGE OVERNIGHT;

19 (II) THAT SERVES AN AIRPORT IF THE PERSON IS A CLIENT OF THE
20 AIRPORT AND HAS PARKED THE PLUG-IN ELECTRIC MOTOR VEHICLE IN THE
21 LOT TO CHARGE WHEN TRAVELING; OR

22 (III) BETWEEN THE HOURS OF 11 P.M. AND 5 A.M.

23 (b) THE EXCEPTION IN SUBSECTION (3)(a) OF THIS SECTION IS AN
24 AFFIRMATIVE DEFENSE TO A VIOLATION OF SUBSECTION (2) OF THIS
25 SECTION.

26 (4) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B
27 TRAFFIC INFRACTION.

1 **SECTION 4.** In Colorado Revised Statutes, 42-4-1701, **amend**
2 (4)(a)(I)(M) as follows:

3 **42-4-1701. Traffic offenses and infractions classified -**
4 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except
5 as provided in subsection (5)(c) of this section, every person who is
6 convicted of, who admits liability for, or against whom a judgment is
7 entered for a violation of this title 42 to which subsection (5)(a) or (5)(b)
8 of this section applies shall be fined or penalized and have a surcharge
9 levied in accordance with sections 24-4.1-119 (1)(f) and 24-4.2-104
10 (1)(b)(I), in accordance with the penalty and surcharge schedule set forth
11 in subsections (4)(a)(I)(A) to (4)(a)(I)(P) of this section; or, if no penalty
12 or surcharge is specified in the schedule, the penalty for class A and class
13 B traffic infractions is fifteen dollars, and the surcharge is four dollars.
14 These penalties and surcharges apply whether the defendant
15 acknowledges the defendant's guilt or liability in accordance with the
16 procedure set forth by subsection (5)(a) of this section, is found guilty by
17 a court of competent jurisdiction, or has judgment entered against the
18 defendant by a county court magistrate. Penalties and surcharges for
19 violating specific sections are as follows:

| 20 | Section Violated | Penalty | Surcharge |
|----|--------------------------------|----------------|------------------|
| 21 | (M) Parking violations: | | |
| 22 | 42-4-1201 | \$ 30.00 | \$ 6.00 |
| 23 | 42-4-1202 | 30.00 | 6.00 |
| 24 | 42-4-1204 | 15.00 | 6.00 |
| 25 | 42-4-1205 | 15.00 | 6.00 |
| 26 | 42-4-1206 | 15.00 | 6.00 |
| 27 | 42-4-1207 | 15.00 | 6.00 |

| | | | |
|---|---------------------------|---------------|--------------|
| 1 | 42-4-1208 (3)(b), (3)(c), | | |
| 2 | and (3)(d) | 150.00 | 32.00 |
| 3 | 42-4-1213 | 150.00 | 32.00 |

4 **SECTION 5. Act subject to petition - effective date -**
5 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
6 the expiration of the ninety-day period after final adjournment of the
7 general assembly (August 2, 2019, if adjournment sine die is on May 3,
8 2019); except that, if a referendum petition is filed pursuant to section 1
9 (3) of article V of the state constitution against this act or an item, section,
10 or part of this act within such period, then the act, item, section, or part
11 will not take effect unless approved by the people at the general election
12 to be held in November 2020 and, in such case, will take effect on the
13 date of the official declaration of the vote thereon by the governor.

14 (2) This act applies to offenses committed on or after the
15 applicable effective date of this act.