

CHAPTER 384

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 19-1298

BY REPRESENTATIVE(S) Melton, Arndt, Bird, Buckner, Caraveo, Cutter, Duran, Exum, Galindo, Gonzales-Gutierrez, Gray, Hooton, Jaquez Lewis, Michaelson Jenet, Singer, Sirota, Snyder, Tipper, Valdez A., Kipp, Titone;
also SENATOR(S) Priola, Fenberg, Pettersen, Story.

AN ACT**CONCERNING THE USE OF ELECTRIC MOTOR VEHICLE CHARGING STATIONS FOR PARKING A MOTOR VEHICLE.**

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

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

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

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

(a) 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, AS AMENDED, OR ANY SUCCESSOR STATUTE; OR

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

~~(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 can be recharged from any external source of electricity and the electricity stored in a rechargeable battery pack propels or contributes to propel the vehicle's drive wheels.~~

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

42-4-1213. Parking in electric motor vehicle charging stations. (1) (a) FOR THE PURPOSES OF THIS SECTION, "OFFICIAL SIGN" MEANS A SIGN IDENTIFYING A PARKING SPACE FOR ELECTRIC MOTOR VEHICLE CHARGING THAT CITES THIS SECTION OR THE EQUIVALENT LOCAL ORDINANCE AND THAT CLEARLY DISPLAYS THE PENALTIES FOR VIOLATING THIS SECTION OR THE EQUIVALENT LOCAL ORDINANCE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section Violated	Penalty	Surcharge
(M) Parking violations:		
42-4-1201	\$ 30.00	\$ 6.00
42-4-1202	30.00	6.00
42-4-1204	15.00	6.00
42-4-1205	15.00	6.00
42-4-1206	15.00	6.00
42-4-1207	15.00	6.00
42-4-1208 (3)(b), (3)(c), and (3)(d)	150.00	32.00
42-4-1213	150.00	32.00

SECTION 5. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); 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 such period, 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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

Approved: May 31, 2019