

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

**REVISED**

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

LLS NO. 20-0897.01 Jennifer Berman x3286

**HOUSE BILL 20-1167**

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**HOUSE SPONSORSHIP**

**Arndt**, Valdez D., Van Winkle

**SENATE SPONSORSHIP**

**Moreno**, Tate, Woodward, Zenzinger

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**House Committees**  
Energy & Environment

**Senate Committees**  
Transportation & Energy

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**A BILL FOR AN ACT**

101      **CONCERNING THE RELOCATION OF THE DEFINITION OF "ALTERNATIVE**  
102                    **FUEL" FROM A PART OF THE STATUTES IN WHICH THE**  
103                    **DEFINITION IS NO LONGER REFERENCED TO A PART OF THE**  
104                    **STATUTES IN WHICH THE DEFINITION IS REFERENCED.**

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**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/>.)*

**Statutory Revision Committee. Section 2** of the bill repeals the definition of "alternative fuel" in the air quality control statutes because there is no longer any reference to the definition in those statutes. **Section**

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  
2nd Reading Unamended  
March 10, 2020

HOUSE  
3rd Reading Unamended  
February 21, 2020

HOUSE  
2nd Reading Unamended  
February 20, 2020

1 moves the definition to the statutes regarding the department of personnel's central state motor vehicle fleet system because the definition is referred to there.

**Sections 3 through 5** update cross-references to the definition of "alternative fuel" to the statute to which the definition is moved.

**Sections 6 and 7** make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-30-1104, **amend**  
3 (2)(c)(III) introductory portion and (2)(c)(III)(A) as follows:

4 **24-30-1104. Functions of the department - definitions - rules.**

5 (2) In addition to the county-specific functions set forth in subsection (1)  
6 of this section, the department of personnel shall take such steps as are  
7 necessary to fully implement a central state motor vehicle fleet system by  
8 January 1, 1993. The provisions of the motor vehicle fleet system created  
9 pursuant to this subsection (2) apply to the executive branch of the state  
10 of Colorado, its departments, its institutions, and its agencies; except that  
11 the governing board of each institution of higher education, by formal  
12 action of the board, and the Colorado commission on higher education,  
13 by formal action of the commission, may elect to be exempt from the  
14 provisions of this subsection (2) and may obtain a motor vehicle fleet  
15 system independent of the state motor vehicle fleet system. Under the  
16 direction of the executive director, the department of personnel shall  
17 perform the following functions pertaining to the motor vehicle fleet  
18 system throughout the state:

19 (c) (III) For purposes of this ~~paragraph (c)~~ SUBSECTION (2)(c):

20 (A) "Alternative fuel" ~~has the meaning established in section~~  
21 ~~25-7-106.8, C.R.S.~~ MEANS COMPRESSED NATURAL GAS, PROPANE,  
22 ETHANOL, OR ANY MIXTURE OF ETHANOL CONTAINING EIGHTY-FIVE

1 PERCENT OR MORE ETHANOL BY VOLUME WITH GASOLINE OR OTHER FUELS,  
2 ELECTRICITY, OR ANY OTHER FUELS, WHICH FUELS MAY INCLUDE, BUT ARE  
3 NOT LIMITED TO, CLEAN DIESEL AND REFORMULATED GASOLINE SO LONG  
4 AS THESE OTHER FUELS MAKE COMPARABLE REDUCTIONS IN CARBON  
5 MONOXIDE EMISSIONS AND BROWN CLOUD POLLUTANTS AS DETERMINED  
6 BY THE AIR QUALITY CONTROL COMMISSION CREATED IN SECTION  
7 25-7-104. "ALTERNATIVE FUEL" DOES NOT INCLUDE ANY FUEL PRODUCT,  
8 AS DEFINED IN SECTION 25-7-139 (3)(c), THAT CONTAINS OR IS TREATED  
9 WITH METHYL TERTIARY BUTYL ETHER (MTBE).

10 **SECTION 2.** In Colorado Revised Statutes, **repeal** 25-7-106.8 as  
11 follows:

12 **25-7-106.8. Colorado clean vehicle fleet program.** ~~(1) As used~~  
13 ~~in this section, unless the context otherwise requires:~~

14 ~~(a) "Alternative fuel" means compressed natural gas, propane,~~  
15 ~~ethanol, or any mixture of ethanol containing eighty-five percent or more~~  
16 ~~ethanol by volume with gasoline or other fuels, electricity, or any other~~  
17 ~~fuels, which fuels may include, but are not limited to, clean diesel and~~  
18 ~~reformulated gasoline so long as these other fuels make comparable~~  
19 ~~reductions in carbon monoxide emissions and brown cloud pollutants as~~  
20 ~~determined by the air quality control commission. "Alternative fuel" does~~  
21 ~~not include any fuel product, as defined in section 25-7-139 (3), that~~  
22 ~~contains or is treated with methyl tertiary butyl ether (MTBE).~~

23 ~~(b) to (f) Repealed.~~

24 ~~(2) to (7) Repealed.~~

25 **SECTION 3.** In Colorado Revised Statutes, 39-22-516.7, **amend**  
26 (1)(b) as follows:

27 **39-22-516.7. Tax credit for innovative motor vehicles -**

1 **definitions - repeal.** (1) As used in this section, unless the context  
2 otherwise requires:

3 (b) "Alternative fuel" ~~means an alternative fuel as defined in~~  
4 ~~section 25-7-106.8 (1)(a), C.R.S.~~ HAS THE MEANING SET FORTH IN  
5 SECTION 24-30-1104 (2)(c)(III)(A).

6 **SECTION 4.** In Colorado Revised Statutes, 39-22-516.8, **amend**  
7 (1)(c) as follows:

8 **39-22-516.8. Tax credit for innovative trucks - definitions -**  
9 **repeal.** (1) As used in this section, unless the context otherwise requires:

10 (c) "Alternative fuel" ~~means an alternative fuel as defined in~~  
11 ~~section 25-7-106.8 (1)(a), C.R.S.~~ HAS THE MEANING SET FORTH IN  
12 SECTION 24-30-1104 (2)(c)(III)(A).

13 **SECTION 5.** In Colorado Revised Statutes, 42-4-508, **amend**  
14 (1.5) as follows:

15 **42-4-508. Gross weight of vehicles and loads - definition.**

16 (1.5) The gross weight limits provided in subsection (1) of this section  
17 increase, but by no more than two thousand pounds, for any vehicle or  
18 combination of vehicles if the vehicle or combination of vehicles contains  
19 an alternative fuel system and operates on alternative fuel or both  
20 alternative and conventional fuel. For the purposes of this subsection  
21 (1.5), "alternative fuel" has the same meaning provided in section  
22 ~~25-7-106.8 (1)(a), C.R.S.~~ 24-30-1104 (2)(c)(III)(A).

23 **SECTION 6.** In Colorado Revised Statutes, 25-7-122, **amend** (1)  
24 introductory portion and (1)(b) as follows:

25 **25-7-122. Civil penalties.** (1) Upon application of the division,  
26 THE DIVISION MAY COLLECT penalties as determined under this ~~article may~~  
27 ~~be collected by the division~~ ARTICLE 7 by INSTITUTING AN action

1 ~~instituted~~ in the district court for the district in which ~~is located~~ the air  
2 pollution source affected IS LOCATED, in accordance with the following  
3 provisions:

4 (b) Any person who violates any requirement or prohibition of an  
5 applicable emission control regulation of the commission, the state  
6 implementation plan, a construction permit, any provision for the  
7 prevention of significant deterioration under part 2 of this ~~article~~ ARTICLE  
8 7, any provision related to attainment under part 3 of this ~~article~~ ARTICLE  
9 7, or ~~any provision of~~ section 25-7-105, 25-7-106, 25-7-106.3,  
10 ~~25-7-106.8, 25-7-106.9,~~ 25-7-108, 25-7-109, 25-7-111, 25-7-112,  
11 25-7-113, 25-7-114.2, 25-7-114.5, 25-7-118, 25-7-206, 25-7-403,  
12 25-7-404, 25-7-405, 25-7-407, 42-4-403, 42-4-404, 42-4-405, 42-4-406,  
13 42-4-407, 42-4-409, 42-4-410, or 42-4-414 ~~C.R.S.~~, ~~shall be~~ IS subject to  
14 a civil penalty of not more than fifteen thousand dollars per day for each  
15 day of ~~such~~ THE violation; except that ~~there shall be no~~ civil penalties  
16 SHALL NOT BE assessed or collected against persons who violate emission  
17 regulations promulgated by the commission for the control of odor until  
18 a compliance order issued pursuant to section 25-7-115 and ordering  
19 compliance with the odor regulation has been violated.

20 **SECTION 7.** In Colorado Revised Statutes, 25-7-122.1, **amend**  
21 (1)(a) and (1)(b) as follows:

22 **25-7-122.1. Criminal penalties. (1) General provisions.**

23 (a) Whenever the division has reason to believe that a person has  
24 knowingly, as defined in section 18-1-501 (6), ~~C.R.S.~~, violated any  
25 requirement or prohibition of an applicable emission control regulation  
26 of the commission, state implementation plan, permit required under this  
27 ~~article~~ ARTICLE 7, or any provision for the prevention of significant

1 deterioration under part 2 of this ~~article~~, ARTICLE 7; any provision related  
2 to attainment under part 3 of this ~~article~~, ARTICLE 7; or any provision of  
3 section 25-7-105, 25-7-106, 25-7-106.3, ~~25-7-106.8, 25-7-106.9,~~  
4 25-7-108, 25-7-109, 25-7-111, 25-7-112, 25-7-113, 25-7-114.2,  
5 25-7-114.5, 25-7-118, 25-7-206, 25-7-403, 25-7-404, 25-7-405, 25-7-407,  
6 42-4-403, 42-4-404, 42-4-405, 42-4-406, 42-4-407, 42-4-409, or  
7 42-4-410, ~~C.R.S.~~, the division may request either the attorney general or  
8 the district attorney for the district in which the alleged violation occurs  
9 to pursue criminal penalties under this section.

10 (b) Except for those violations identified in ~~paragraph (c)~~ of this  
11 ~~subsection (1) and~~ subsections (1)(c), (2), and (3) of this section, any  
12 person who knowingly, as defined in section 18-1-501 (6), ~~C.R.S.~~,  
13 violates any requirement or prohibition of an applicable emission control  
14 regulation of the commission, state implementation plan, permit required  
15 under this ~~article~~ ARTICLE 7, or any provision for the prevention of  
16 significant deterioration under part 2 of this ~~article~~, ARTICLE 7; any  
17 provision related to attainment under part 3 of this ~~article~~, ARTICLE 7; or  
18 any provision of section 25-7-105, 25-7-106, 25-7-106.3, ~~25-7-106.8,~~  
19 ~~25-7-106.9,~~ 25-7-108, 25-7-109, 25-7-109.6, 25-7-111, 25-7-112,  
20 25-7-113, 25-7-114.2, 25-7-114.5, 25-7-118, 25-7-206, 25-7-403,  
21 25-7-404, 25-7-405, 25-7-407, 42-4-403, 42-4-404, 42-4-405, 42-4-406,  
22 42-4-407, 42-4-409, or 42-4-410 ~~C.R.S.~~, ~~is guilty of~~ COMMITS a  
23 misdemeanor and, upon conviction thereof, may be punished by a fine of  
24 not more than twenty-five thousand dollars per day for each day of  
25 violation. Upon a second conviction for a violation of this ~~paragraph (b)~~  
26 SUBSECTION (1)(b) within two years, the maximum punishment shall be  
27 doubled.

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