

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

**INTRODUCED**

LLS NO. 21-0263.01 Jason Gelender x4330

**SENATE BILL 21-260**

---

**SENATE SPONSORSHIP**

**Fenberg and Winter, Priola**

**HOUSE SPONSORSHIP**

**Garnett and Gray,**

---

**Senate Committees**  
Finance

**House Committees**

---

**A BILL FOR AN ACT**

101      **CONCERNING THE SUSTAINABILITY OF THE TRANSPORTATION SYSTEM**  
102            **IN COLORADO, AND, IN CONNECTION THEREWITH, CREATING**  
103            **NEW SOURCES OF DEDICATED FUNDING AND NEW STATE**  
104            **ENTERPRISES TO PRESERVE, IMPROVE, AND EXPAND EXISTING**  
105            **TRANSPORTATION INFRASTRUCTURE, DEVELOP THE**  
106            **MODERNIZED INFRASTRUCTURE NEEDED TO SUPPORT THE**  
107            **WIDESPREAD ADOPTION OF ELECTRIC MOTOR VEHICLES, AND**  
108            **MITIGATE ENVIRONMENTAL AND HEALTH IMPACTS OF**  
109            **TRANSPORTATION SYSTEM USE; AND EXPANDING AUTHORITY**  
110            **FOR REGIONAL TRANSPORTATION IMPROVEMENTS.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does*

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.*

*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 creates new sources of dedicated funding and new state enterprises to enable the planning, funding, development, construction, maintenance, and supervision of a sustainable transportation system by preserving, improving, and expanding existing transportation infrastructure, developing the modern infrastructure needed to support the widespread adoption of electric motor vehicles, and mitigating adverse environmental and health impacts of transportation system use as follows:

- **Section 6** of the bill creates the community access enterprise within the Colorado energy office (CEO) for the purpose of supporting the widespread and equitable adoption of electric motor vehicles and electric alternatives to motor vehicles in an equitable manner. The community access enterprise is authorized to impose a community access retail delivery fee to fund its business purpose. The governance and powers and duties of the community access enterprise are specified.
- **Section 7** makes various general fund transfers to the state highway fund, the highway users tax fund (HUTF), and the multimodal transportation and mitigation options fund, including limited contingent transfers of a portion of any additional general fund revenue made available due to the restoration of the excess state revenues cap (Referendum C cap) by **Section 8**.
- Section 8 restores the Referendum C cap, which the general assembly reduced in 2017, to its maximum voter-approved level.
- **Section 11** creates the clean fleet enterprise within the department of public health and environment (CDPHE) for the purpose of incentivizing and supporting the use of electric motor vehicles and other clean fleet technologies by owners and operators of motor vehicle fleets. The clean fleet enterprise is authorized to impose a clean fleet retail delivery fee to be paid by the purchaser of tangible personal property delivered to the purchaser by motor vehicle and a clean fleet per ride fee to be paid by a transportation network company (TNC) on each ride offered and accepted by the TNC to fund the clean fleet enterprise's business purpose. The governance and powers and duties of the clean fleet enterprise are specified.
- **Section 25** requires the department of revenue (DOR) to

collect the per ride fees imposed by the clean fleet enterprise and the nonattainment area air pollution mitigation enterprise as authorized by **sections 11 and 50**. Both fees are first imposed for rides offered and accepted in state fiscal year (FY) 2022-23 and are annually adjusted for consumer price index (CPI) inflation thereafter.

- **Section 26** indexes the existing \$50 registration fee imposed on electric motor vehicles to national highway construction cost index (NHCCI) inflation and imposes additional electric motor vehicle road usage equalization fees on battery electric motor vehicles at a specified level and on plug-in hybrid electric motor vehicles at a lower level, with both additional fees being phased in on a set schedule from state FYs 2022-23 through 2031-32 and thereafter indexed to NHCCI inflation. Section 26 also imposes a commercial electric motor vehicle fee. The increase and new fee revenue is credited to the HUTF for allocation to the state, counties, and municipalities; except that 40% of the revenue generated by inflation indexing of the existing \$50 registration fee is credited to the electric vehicle grant fund and 30% of the revenue generated by the commercial electric motor vehicle fee is credited to the state highway fund for freight-related projects. In 2026, specified executive agencies must jointly review the fees and make recommendations to the transportation legislation review committee of the general assembly as to whether the fees should be adjusted to ensure continued equalization of the average aggregate amount of registration fees and motor fuel charges annually paid by owners of electric motor vehicles and owners of motor vehicles powered exclusively by internal combustion engines.
- **Section 33** imposes road usage fees on gasoline and diesel purchases that are phased in from state FYs 2022-23 through 2031-32 and thereafter indexed to NHCCI inflation, with the road usage fees also being adjusted beginning in state FY 2032-33 in a manner calculated to generate the same amount of additional revenue as would be generated by indexing the existing state excise taxes imposed on gasoline and diesel to construction cost inflation. The fee revenue is credited to the HUTF for allocation to the state, counties, and municipalities.
- Section 33 also imposes a retail delivery fee on retail deliveries by motor vehicle that include tangible personal property subject to the state sales tax, requires the fee to be collected from the purchaser by the retailer, and requires

simultaneous collection of community access, clean fleet, bridge and tunnel, clean transit, and air pollution mitigation retail delivery fees imposed, respectively, by the community access, clean fleet, statewide bridge and tunnel, clean transit, and nonattainment area air pollution mitigation enterprises. The fees are first collected in state FY 2022-23 and are annually adjusted for CPI inflation thereafter. Retail delivery fee revenue is credited to the HUTF for allocation to the state, counties, and municipalities and to the multimodal transportation and mitigation options fund and each enterprise's retail delivery fee revenue is collected by DOR on behalf of and credited to the cash fund controlled by the enterprise.

- **Sections 43, 44, and 46** change the name of the statewide bridge enterprise to the statewide bridge and tunnel enterprise, authorize the enterprise to complete tunnel projects, and authorize the enterprise to impose a bridge and tunnel impact fee on diesel fuel and a bridge and tunnel retail delivery fee to fund its business purpose. The bridge and tunnel impact fee is phased in from state FYs 2022-23 through 2031-32 and thereafter indexed to NHCCI inflation.
- **Section 45** indexes the existing \$2 short-term daily vehicle rental fee to CPI inflation and, on or after July 1, 2022, requires a car sharing program to collect the daily vehicle rental fee for any short-term vehicle rental of 24 hours or longer that is enabled by the car sharing program.
- **Sections 47 through 49** change the name of the multimodal transportation options fund to the multimodal transportation and mitigation options fund and make greenhouse gas mitigation projects eligible for funding from the fund.
- **Section 50** creates the clean transit enterprise within the department of transportation (CDOT) for the purpose of supporting clean public transit through electrification planning efforts, facility upgrades, fleet motor vehicle replacement, and construction and development of associated electric motor vehicle charging and fueling infrastructure. The clean transit enterprise is authorized to impose a clean transit retail delivery fee of up to a specified amount to fund its business purpose. The governance and powers and duties of the clean transit enterprise are specified. Section 50 also creates the nonattainment area air pollution mitigation enterprise for the purpose of mitigating transportation-related emissions in ozone nonattainment

areas. The nonattainment area air pollution mitigation enterprise is authorized to impose air pollution mitigation per ride and retail delivery fees to fund its business purpose.

**Section 1** makes legislative findings and declarations that explain the purpose of the bill and the reasons why it includes the new sources of dedicated funding and new state enterprises that it does. **Section 2** clarifies that an existing fee may be used to fund the functions of the freight mobility and safety branch created in **section 27**. **Sections 3 and 4** respectively clarify that the clean fleet enterprise operates as a **type 1** agency within CDPHE and that the clean transit enterprise and the nonattainment area air pollution mitigation enterprise operate as **type 1** agencies within CDOT.

**Section 5** requires the CEO and CDPHE, after consultation with CDOT, to jointly and annually prepare a report for specified legislative committees that details the progress made toward the electric motor vehicle adoption goals set forth in the "Colorado Electric Vehicle Plan 2020" and the transportation sector greenhouse gas pollution reduction goals set forth in the "Colorado Greenhouse Gas Pollution Reduction Roadmap". Section 5 also specifies a methodology to be used by the CEO, CDOT, and CDPHE to estimate the social costs of greenhouse gas pollution.

**Sections 9, 32, 42, and 51** effectuate the repeal of the requirement that a ballot question seeking approval for the issuance of transportation revenue anticipation notes be submitted to the voters of the state at the November 2021 statewide election.

**Section 10** requires CDOT to comply with specified transparency and contractor short-listing requirements when using the integrated project delivery method of contract procurement for a public project. **Section 14** clarifies that sales and use tax is not levied on the retail delivery fees imposed by or as authorized by the bill. **Sections 16 through 21** provide legal authority for collection under an existing multistate agreement of the motor fuel road usage and bridge and tunnel impact fees imposed by or as authorized by the bill. **Section 22** requires the public utilities commission to conduct a certificated taxi carrier parity study.

**Section 27** creates the freight mobility and safety branch in CDOT's transportation development division. **Section 28** requires CDOT and metropolitan planning organizations to engage in an enhanced level of planning, analysis, community engagement, and monitoring with respect to transportation capacity projects and specifies what that entails and also requires CDOT to conduct a road usage charge study and an autonomous vehicle study. **Section 29** allows some of the general fund money transferred to the state highway fund pursuant to section 7 to be used for multimodal transportation projects. **Section 31** specifies the

manner in which revenue credited to the HUTF as required by the bill is allocated and expended.

**Sections 34 through 41** authorize a transportation planning organization (TPO), subject to territorial restrictions and TPO member jurisdiction approval requirements, to exercise the powers of a regional transportation authority (RTA). Among other powers, the powers of a RTA include the power to impose various charges, fees, and, with voter approval, visitor benefit, sales, and use taxes to generate transportation funding for the purpose of financing, constructing, operating, and maintaining regional transportation systems.

Any additional transportation funding obtained by a TPO exercising the power of a RTA is intended to supplement and not supplant state and federal transportation funding allocated within the boundaries of the TPO. Therefore, the transportation commission and CDOT are prohibited from taking such additional transportation funding into account when determining the amount of state and federal transportation funding to be allocated within the boundaries of a TPO, and CDOT, when submitting its annual proposed budget allocation plan, is required to provide evidence that the proposed allocation of state and federal transportation funding within the boundaries of any TPO that has obtained such additional transportation funding has not been reduced in any way on account of the additional transportation funding.

**Section 45** reduces the amount of each road safety surcharge imposed on motor vehicle registration for registration periods beginning on or after January 1, 2022, but before January 1, 2024, by \$5.55.

---

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

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

4 (a) The current and future health and prosperity of the state and  
5 its growing number of citizens requires the planning, funding,  
6 development, construction, maintenance, and supervision of a sustainable  
7 transportation system;

8 (b) A sustainable transportation system:

9 (I) Has sufficient capacity to allow efficient movement of people,  
10 goods, and services in all parts of the state in light of significant  
11 population growth;

1 (II) Is safe, well-maintained, accessible, integrated, and  
2 multimodal;

3 (III) Is planned, funded, designed, constructed, maintained,  
4 supervised, and regulated in a way that:

5 (A) Actively encourages diverse public participation in the  
6 planning process, including but not limited to participation from urban,  
7 rural, and disproportionately impacted communities;

8 (B) Equitably distributes transportation infrastructure among both  
9 urban and rural users in the state and is adequately and equitably funded  
10 with contributions from users that bear a reasonable relationship to their  
11 use of and impacts on the system and the environment and the costs  
12 incurred in mitigating those impacts; and

13 (C) Prioritizes asset management of Colorado's roads, bridges, and  
14 tunnels in order to achieve and maintain a state of good repair, consistent  
15 with federal requirements and best practices;

16 (IV) Addresses inequities in transportation access and the  
17 increased exposure to transportation-related air pollution for  
18 communities, including disproportionately impacted communities and  
19 communities near major roadways; and

20 (V) Reduces and mitigates adverse environmental and human  
21 health impacts resulting from motor vehicle and other  
22 transportation-related emissions by incentivizing the widespread adoption  
23 of clean and efficient transportation technology such as personal electric  
24 vehicles, fleet and transit electrification, and electric motor vehicle  
25 charging and fueling infrastructure.

26 (c) Although a sustainable transportation system is a public good  
27 that benefits all Coloradans and the state has intermittently expended  
28 general fund money to fund transportation infrastructure, transportation

1 system user charges such as per gallon charges on motor fuels, motor  
2 vehicle registration fees, and, increasingly, tolls have provided and  
3 continue to provide the vast majority of dedicated transportation funding;

4 (d) Current flat rate per gallon charges on motor fuels are  
5 unsustainable and do not reflect current or future transportation funding  
6 needs because:

7 (I) Such charges were last increased nearly three decades ago and  
8 are not indexed to inflation; and

9 (II) As internal combustion engines become more fuel efficient  
10 and electric motor vehicle usage increases, such charges generate less  
11 revenue per vehicle mile traveled and therefore are insufficient to  
12 mitigate the burden put on transportation infrastructure by these more  
13 efficient vehicles;

14 (e) Due to the decreased purchasing power of existing motor fuel  
15 charges, existing dedicated transportation funding has failed to adequately  
16 fund and will continue to fail to adequately fund both:

17 (I) The planning, development, construction, maintenance, and  
18 supervision of statewide highway transportation infrastructure; and

19 (II) Multimodal infrastructure and other programs and incentives  
20 needed to sufficiently reduce and mitigate the adverse environmental  
21 effects and health effects of transportation-related air pollution and  
22 greenhouse gas emissions to create a sustainable transportation system;

23 (f) While it is necessary and appropriate to increase general fund  
24 expenditures for transportation as provided for in this act, because the  
25 state has many other critical needs that require general fund money, it is  
26 also necessary, appropriate, and more equitable to modernize user charges  
27 based on the costs users impose on the transportation system so that such  
28 charges remain the primary source of dedicated transportation funding;



1 (g) Because charges imposed on electric motor vehicles are  
2 annually applied whereas charges on motor vehicles powered by internal  
3 combustion engines are applied on a per gallon basis, it is necessary and  
4 appropriate to evaluate future opportunities to further equalize the  
5 average aggregate amount paid by all motor vehicle owners;

6 (h) To ensure that transportation system users are reasonably and  
7 equitably charged for their share of their transportation system use, it is  
8 necessary, appropriate, equitable, and in the best interest of all  
9 Coloradans to:

10 (I) Impose additional per gallon charges on motor fuels and index  
11 per gallon motor fuel charges to inflation;

12 (II) Ensure that owners of electric motor vehicles and owners of  
13 internal combustion engine vehicles are equitably charged for their use of  
14 the transportation system and that those charges, whether they are road  
15 usage fees or registration fees, are indexed to inflation;

16 (III) Impose new retail delivery fees on purchases of tangible  
17 personal property delivered to consumers and index those fees to inflation  
18 because:

19 (A) Demand for retail deliveries has increased and is projected to  
20 remain a significant form of commerce, which will increase both traffic  
21 and associated motor vehicle emissions that create adverse environmental  
22 and health impacts and additional costs to the state; and

23 (B) Imposing reasonably calculated retail delivery fees on each  
24 delivery made to a consumer accounts for the use of the transportation  
25 system associated with that delivery, generates the revenue needed to  
26 mitigate the impact of retail deliveries on transportation system  
27 infrastructure, and remediates and mitigates retail-delivery-related  
28 environmental and health impacts;

1 (IV) Impose new fees on passenger rides arranged through a  
2 transportation network company and index those fees to inflation  
3 because:

4 (A) Such rides result in substantially more air pollution and  
5 greenhouse gas pollution from motor vehicle emissions than the  
6 alternative forms of transportation not used for the same trips, with the  
7 Union of Concerned Scientists estimating that the average ride arranged  
8 in the United States causes sixty-nine percent more greenhouse gas  
9 pollution than the alternative form of transportation not used due to  
10 factors such as deadhead miles driven without a passenger and  
11 displacement of walking, biking, and transit trips; and

12 (B) Imposing reasonably calculated per ride fees on each  
13 passenger ride arranged through a transportation network company helps  
14 ensure that transportation network companies pay their fair share of costs  
15 to reduce and mitigate the increased environmental and health impacts of  
16 such prearranged rides; and

17 (V) Ensure that the current two dollar daily motor vehicle rental  
18 fee is indexed to inflation and collected on rentals of twenty-four hours  
19 or longer but not more than thirty days that are enabled by a car sharing  
20 program;

21 (i) Because greenhouse gas pollution resulting from the  
22 production, distribution, and use of motor vehicle fuels produces many  
23 social costs, including but not limited to adverse public health impacts,  
24 increased heat waves, droughts, water supply shortages, flooding,  
25 biodiversity loss, and forest health issues such as forest fires, and also  
26 adversely impacts specific industries such as agriculture and outdoor  
27 recreation, it is necessary and appropriate that the state, when estimating  
28 the social costs of transportation-related greenhouse gas pollution,

1 estimate those costs as accurately as possible and that the methodology  
2 to be used by the state when making such estimates be specified by law  
3 as provided for in this act; and

4 (j) (I) As part of its national infrastructure funding and job  
5 creation plan, the federal government is expected to provide substantial  
6 federal funding to the state for multimodal transportation and the  
7 widespread adoption of electric motor vehicles to help minimize and  
8 mitigate adverse environmental and health impacts.

9 (II) If the state receives such federal funding, the general  
10 assembly intends that the state executive branch departments, agencies,  
11 and enterprises involved in the planning, funding, development,  
12 construction, maintenance, and supervision of a sustainable transportation  
13 system evaluate whether the allocation of fee revenue authorized by this  
14 act should be modified. Further, the general assembly intends that the  
15 aggregate amount of fee revenue going to the community access  
16 enterprise, the clean fleet enterprise, the clean transit enterprise, the  
17 nonattainment area air pollution mitigation enterprise, and the multimodal  
18 transportation and mitigation options fund not be decreased. If it is  
19 determined that the allocation should be modified, the general assembly  
20 intends that recommendations be made to the general assembly regarding  
21 the modifications that should be made.

22 (2) The general assembly further finds and declares that:

23 (a) The planning, funding, development, construction,  
24 maintenance, and supervision of a sustainable transportation system  
25 requires the implementation of a comprehensive regulatory scheme that  
26 appropriately balances and funds the necessary elements of such a system,  
27 including but not limited to:

28 (I) The construction, maintenance, and supervision of highways

1 and traditional highway infrastructure; and

2 (II) The infrastructure, programs, and incentives needed to support  
3 the widespread adoption of electric motor vehicles for personal,  
4 commercial, and government use and, by doing so and through other  
5 appropriate means, minimize and mitigate the adverse environmental and  
6 health impacts of transportation-related air pollution and greenhouse gas  
7 pollutant emissions that affect the general public, including  
8 disproportionately impacted communities;

9 (b) The planning, funding, development, construction,  
10 maintenance, and supervision of a sustainable transportation system  
11 depends, at a minimum, on the institutional and individual knowledge,  
12 expertise, and experience of the Colorado energy office, the department  
13 of transportation, the department of public health and environment, other  
14 organizations and individuals interested in a sustainable transportation  
15 system, and the general public;

16 (c) It is necessary and appropriate to coordinate the  
17 implementation of the scheme by:

18 (I) Providing additional sustainable funding for the construction,  
19 maintenance, and supervision of traditional highway infrastructure by the  
20 department of transportation, counties, and municipalities and for  
21 multimodal transportation projects; and

22 (II) Creating and funding a community access enterprise, a clean  
23 fleet enterprise, a clean transit enterprise, and a nonattainment area air  
24 pollution mitigation enterprise, each of which uses its distinctive  
25 competencies to contribute in a distinct way to the implementation of the  
26 scheme to support a sustainable transportation system and each of which  
27 has a governing board that includes members selected in part based on  
28 knowledge, expertise, or experience deemed specifically relevant to the

1 development and use of the distinctive competencies of the enterprise and  
2 the individual mission of the enterprise;

3 (d) The community access enterprise, the clean fleet enterprise,  
4 the clean transit enterprise, and the nonattainment area air pollution  
5 mitigation enterprise created in this act have distinctive competencies and  
6 are each charged with implementing different components of the scheme  
7 required for the planning, funding, development, construction,  
8 maintenance, and supervision of a sustainable transportation system.  
9 Specifically:

10 (I) The community access enterprise is created to serve the  
11 primary business purpose of equitably reducing and mitigating the  
12 adverse environmental and health impacts of air pollution and greenhouse  
13 gas emissions produced by motor vehicles used to make retail deliveries  
14 to consumers within local communities. The enterprise will support the  
15 adoption of electric motor vehicles and electric alternatives to motor  
16 vehicles at the community level, which will support communities,  
17 including rural, urban, and disproportionately impacted communities,  
18 throughout the state, and will pursue its primary business purpose by, at  
19 a minimum, providing funding or financing to:

20 (A) Construct or install the sufficient and accessible electric motor  
21 vehicle charging infrastructure needed to reduce range anxiety and ensure  
22 that electric motor vehicles are viable in all communities; and

23 (B) Provide financial incentives and assistance that make it  
24 possible for owners of older, less fuel efficient, and higher polluting  
25 vehicles to replace those motor vehicles with electric motor vehicles and  
26 encourage use of electric alternatives to motor vehicles and public transit;

27 (II) The clean fleet enterprise is created to serve the primary  
28 business purpose of reducing and mitigating the adverse environmental

1 and health impacts of air pollution and greenhouse gas emissions  
2 produced by the increasing number of fleet motor vehicles being used to  
3 provide transportation network company rides and make retail deliveries  
4 by supporting the electrification of such fleets and other motor vehicle  
5 fleets, and the enterprise will support the electrification of motor vehicle  
6 fleets and pursue its primary business purpose by, at a minimum,  
7 providing funding or financing to:

8 (A) Help owners and operators of motor vehicle fleets finance  
9 electric motor vehicle acquisitions and upgrades;

10 (B) Coordinate engagement and develop strategies for electrifying  
11 motor vehicle fleets and other not yet electrified freight transportation and  
12 retail delivery operations that can be electrified; and

13 (C) Provide or support the delivery of companion services such as  
14 fleet motor vehicle testing, inspection, and readjustment services;

15 (III) The clean transit enterprise is created to serve the primary  
16 business purpose of reducing and mitigating the adverse environmental  
17 and health impacts of air pollution and greenhouse gas emissions  
18 produced by retail deliveries by supporting the replacement of existing  
19 gasoline and diesel public transit vehicles with electric motor vehicles,  
20 providing the associated recharging infrastructure for electric transit fleet  
21 motor vehicles, supporting facility modifications that allow for the safe  
22 operation and maintenance of electric transit motor vehicles, and funding  
23 planning studies that enable transit agencies to plan for transit vehicle  
24 electrification; and

25 (IV) The nonattainment area air pollution mitigation enterprise is  
26 created to serve the primary business purpose of mitigating the  
27 environmental and health impacts of increased air pollution from motor  
28 vehicle emissions in nonattainment areas that results from the rapid and

1 continuing growth in retail deliveries made by motor vehicles and in  
2 prearranged rides provided by transportation network companies by  
3 providing funding for eligible projects that reduce traffic, including  
4 demand management projects that encourage alternatives to driving alone  
5 or that directly reduce air pollution, such as retrofitting of construction  
6 equipment, construction of roadside vegetation barriers, and planting trees  
7 along medians;

8 (e) The community access enterprise, the clean fleet enterprise,  
9 the clean transit enterprise, and the nonattainment area air pollution  
10 mitigation enterprise each serve a separate primary purpose and none of  
11 the enterprises serve primarily the same purpose as any other enterprise  
12 created in Senate Bill 21- \_\_\_\_\_, enacted in 2021, or otherwise created  
13 within the five preceding years;

14 (f) Because the community access enterprise, the clean fleet  
15 enterprise, the nonattainment area air pollution mitigation enterprise, and  
16 the clean transit enterprise each serve primarily their own purpose and  
17 each enterprise is projected to receive revenue from fees and surcharges  
18 of less than one hundred million dollars in its first five fiscal years,  
19 including the fiscal year in which its board first meets, section 24-77-108,  
20 C.R.S., does not require any of the enterprises to be approved at a  
21 statewide general election; and

22 (g) Consistent with the determination of the Colorado supreme  
23 court in *Colorado Union of Taxpayers Foundation v. City of Aspen*, 2018  
24 CO 36, that a charge is not a tax if the primary purpose of the charge is  
25 to not to raise revenue for general governmental purposes but is instead  
26 to defray some of the costs of regulating an activity under a  
27 comprehensive regulatory scheme, the charges imposed by the state and  
28 by each enterprise as authorized by this act are fees, not taxes, because

1 each fee is collected from transportation system users for the primary  
2 purpose of defraying the costs of mitigating the impact caused by the  
3 transportation system user when engaging in an activity that is subject to  
4 the fee in an amount reasonably related to the impacts caused by the  
5 activity subject and the amount expended to mitigate that impact.

6 **SECTION 2.** In Colorado Revised Statutes, 8-20-206.5, **amend**  
7 (6)(a)(II) as follows:

8 **8-20-206.5. Environmental response surcharge - liquefied**  
9 **petroleum gas and natural gas inspection fund - perfluoroalkyl and**  
10 **polyfluoroalkyl substances cash fund - definitions.** (6) (a) In addition  
11 to the payment collected under subsection (1)(a) of this section, the  
12 executive director of the department of revenue shall also collect a fee to:

13 (II) Support the department of transportation in functions related  
14 to freight movement and infrastructure in the state, INCLUDING THE  
15 FUNCTIONS OF THE FREIGHT MOBILITY AND SAFETY BRANCH OF THE  
16 TRANSPORTATION DEVELOPMENT DIVISION OF THE DEPARTMENT OF  
17 TRANSPORTATION CREATED IN SECTION 43-1-117 (4), as well as  
18 infrastructure projects that enhance the safety of movement of  
19 commercial materials;

20 **SECTION 3.** In Colorado Revised Statutes, 24-1-119, **add** (13)  
21 as follows:

22 **24-1-119. Department of public health and environment -**  
23 **creation.** (13) THE CLEAN FLEET ENTERPRISE, CREATED IN SECTION  
24 25-7.5-103, SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF  
25 THE SAME WERE TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN  
26 SECTION 24-1-105, TO THE DEPARTMENT OF PUBLIC HEALTH AND  
27 ENVIRONMENT.

28 **SECTION 4.** In Colorado Revised Statutes, 24-1-128.7, **amend**



1 (5); and **add** (9) and (10) as follows:

2 **24-1-128.7. Department of transportation - creation.** (5) The  
3 statewide bridge AND TUNNEL enterprise created in section 43-4-805 (2),  
4 ~~C.R.S.~~, shall exercise its powers and perform its duties and functions as  
5 if the same were transferred by a **type 1** transfer, as defined in section  
6 24-1-105, to the department of transportation.

7 (9) THE CLEAN TRANSIT ENTERPRISE, CREATED IN SECTION  
8 43-4-1203, SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF  
9 THE SAME WERE TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN  
10 SECTION 24-1-105, TO THE DEPARTMENT OF TRANSPORTATION.

11 (10) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION  
12 ENTERPRISE, CREATED IN SECTION 43-4-1303, SHALL EXERCISE ITS POWERS  
13 AND PERFORM ITS DUTIES AS IF THE SAME WERE TRANSFERRED BY A **TYPE**  
14 **1** TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE DEPARTMENT OF  
15 TRANSPORTATION.

16 **SECTION 5.** In Colorado Revised Statutes, **add** 24-38.5-110 and  
17 24-38.5-111 as follows:

18 **24-38.5-110. Electric vehicle plan and greenhouse gas**  
19 **pollution reduction roadmap - annual progress reports.** FOR STATE  
20 FISCAL YEAR 2022-23, AND FOR EACH SUBSEQUENT STATE FISCAL YEAR,  
21 THE COLORADO ENERGY OFFICE AND THE DEPARTMENT OF PUBLIC HEALTH  
22 AND ENVIRONMENT SHALL, AFTER CONSULTATION WITH THE DEPARTMENT  
23 OF TRANSPORTATION, JOINTLY PREPARE AND PRESENT TO THE  
24 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND  
25 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE  
26 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY  
27 SUCCESSOR COMMITTEES, AN ANNUAL REPORT DETAILING THE PROGRESS  
28 MADE TOWARD THE ELECTRIC MOTOR VEHICLE ADOPTION GOALS SET

1 FORTH IN THE "COLORADO ELECTRIC VEHICLE PLAN 2020" AND THE  
2 TRANSPORTATION SECTOR GREENHOUSE GAS POLLUTION REDUCTION  
3 GOALS SET FORTH IN THE "COLORADO GREENHOUSE GAS POLLUTION  
4 REDUCTION ROADMAP", PUBLISHED BY THE COLORADO ENERGY OFFICE.  
5 THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION 24-38.5-303  
6 (1) AND THE CLEAN FLEET ENTERPRISE CREATED IN SECTION 25-7.5-103  
7 (1)(a) SHALL ALSO POST THE ANNUAL REPORT ON THEIR WEBSITES.

8 **24-38.5-111. Social cost of greenhouse gas pollution - estimate**  
9 **methodology.** EXCEPT WHERE A DIFFERENT METHODOLOGY IS  
10 PRESCRIBED BY LAW, THE COLORADO ENERGY OFFICE, THE DEPARTMENT  
11 OF TRANSPORTATION, AND THE DEPARTMENT OF PUBLIC HEALTH AND  
12 ENVIRONMENT SHALL, WHEN ESTIMATING THE SOCIAL COSTS OF  
13 GREENHOUSE GAS POLLUTION, BASE THEIR ESTIMATE ON THE MOST  
14 RECENT ASSESSMENT OF THE SOCIAL COST OF CARBON DIOXIDE AND OTHER  
15 GREENHOUSE GAS POLLUTANTS DEVELOPED BY THE FEDERAL  
16 GOVERNMENT USING A DISCOUNT RATE THAT IS TWO AND ONE-HALF  
17 PERCENT OR LESS AND DOES NOT YIELD A LOWER ESTIMATE OF COSTS  
18 THAN THE COSTS PUBLISHED IN THE TECHNICAL SUPPORT DOCUMENT OF  
19 THE FEDERAL INTERAGENCY WORKING GROUP ON THE SOCIAL COST OF  
20 GREENHOUSE GASES ENTITLED "TECHNICAL UPDATE OF THE SOCIAL COST  
21 OF CARBON FOR REGULATORY IMPACT ANALYSIS UNDER EXECUTIVE  
22 ORDER 12866".

23 **SECTION 6.** In Colorado Revised Statutes, **add** part 3 to article  
24 38.5 of title 24 as follows:

25 PART 3

26 COMMUNITY ACCESS TO ELECTRIC VEHICLE  
27 CHARGING AND FUELING INFRASTRUCTURE

28 **24-38.5-301. Legislative declaration.** (1) THE GENERAL

1 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

2 (a) RETAIL DELIVERIES ARE INCREASING AND ARE EXPECTED TO  
3 CONTINUE TO INCREASE IN URBAN AND RURAL COMMUNITIES;

4 (b) THE MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES ARE  
5 SOME OF THE MOST POLLUTING VEHICLES ON THE ROAD, WHICH HAS  
6 RESULTED IN ADDITIONAL AND INCREASING AIR AND GREENHOUSE GAS  
7 POLLUTION AT THE LOCAL COMMUNITY LEVEL FROM IDLING DELIVERY  
8 VEHICLES IN NEIGHBORHOODS;

9 (c) THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF  
10 INCREASED LOCAL EMISSIONS FROM MOTOR VEHICLES USED TO MAKE  
11 RETAIL DELIVERIES CAN BE MITIGATED AND OFFSET BY INVESTING IN THE  
12 CHARGING AND FUELING INFRASTRUCTURE NEEDED TO SUPPORT  
13 WIDESPREAD PUBLIC ADOPTION OF ELECTRIC MOTOR VEHICLES AND ZERO  
14 EMISSION VEHICLES AND BY REPLACING THE STATE'S DIRTIEST PASSENGER  
15 VEHICLES WITH ZERO EMISSION VEHICLES;

16 (d) INSTEAD OF REDUCING THE IMPACTS OF RETAIL DELIVERIES BY  
17 LIMITING RETAIL DELIVERY ACTIVITY THROUGH REGULATION, IT IS MORE  
18 APPROPRIATE TO CONTINUE TO ALLOW PERSONS WHO RECEIVE RETAIL  
19 DELIVERIES TO BENEFIT FROM THE CONVENIENCE AFFORDED BY  
20 UNFETTERED RETAIL DELIVERIES AND INSTEAD IMPOSE A SMALL FEE ON  
21 EACH RETAIL DELIVERY AND USE FEE REVENUE TO FUND NECESSARY  
22 MITIGATION ACTIVITIES;

23 (e) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF  
24 THE STATE AND ALL COLORADANS TO INCENTIVIZE, SUPPORT, AND  
25 ACCELERATE THE USE OF ELECTRIC MOTOR VEHICLES THROUGHOUT THE  
26 STATE AND TO ENABLE THE STATE TO ACHIEVE ITS ELECTRIC MOTOR  
27 VEHICLE ADOPTION GOALS AS SET FORTH IN THE COLORADO ENERGY  
28 OFFICE'S "COLORADO ELECTRIC VEHICLE PLAN 2020" BECAUSE

1 WIDESPREAD ADOPTION OF ELECTRIC MOTOR VEHICLES:

2 (I) REDUCES EMISSIONS OF AIR POLLUTANTS, INCLUDING  
3 HAZARDOUS AIR POLLUTANTS AND GREENHOUSE GASES, AT THE  
4 COMMUNITY LEVEL THAT CONTRIBUTE TO ADVERSE HUMAN HEALTH  
5 EFFECTS SUCH AS ASTHMA, HEART ATTACKS, AND LUNG CANCER, AND  
6 ADVERSE ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT LIMITED TO  
7 CLIMATE CHANGE, AND HELPS THE STATE MEET ITS STATEWIDE  
8 GREENHOUSE GAS POLLUTION REDUCTION TARGETS ESTABLISHED IN  
9 SECTION 25-7-102 (2)(g) AND ITS TRANSPORTATION SECTOR GREENHOUSE  
10 GAS POLLUTION REDUCTION TARGETS ESTABLISHED IN THE COLORADO  
11 ENERGY OFFICE'S "COLORADO GREENHOUSE GAS POLLUTION REDUCTION  
12 ROADMAP" AND COMPLY WITH AIR QUALITY ATTAINMENT STANDARDS;

13 (II) HELPS BUSINESSES AND GOVERNMENTAL ENTITIES OPERATE  
14 MORE EFFICIENTLY AND HELPS INDIVIDUALS AND FAMILIES SAVE MONEY  
15 OVER TIME BY REDUCING FUEL AND MAINTENANCE COSTS ASSOCIATED  
16 WITH THE USE OF MOTOR VEHICLES; AND

17 (III) REDUCES THE SOCIAL COSTS OF EMISSIONS OF GREENHOUSE  
18 GASES AND OTHER AIR POLLUTANTS BY REDUCING SUCH EMISSIONS; AND

19 (IV) REDUCES HIGHER EMISSIONS OF AIR POLLUTANTS IN LOCAL  
20 COMMUNITIES, INCLUDING DISPROPORTIONATELY IMPACTED  
21 COMMUNITIES, WHERE THERE IS INCREASED EXPOSURE TO  
22 TRANSPORTATION-RELATED AIR POLLUTION AND WHERE, AS MANY  
23 STUDIES CONFIRM, INCREASED EXPOSURE TO TRAFFIC AND AIR POLLUTION  
24 RESULTS IN A HIGHER RISK FOR ADVERSE HEALTH OUTCOMES;

25 (f) RETIRING A RELATIVELY SMALL NUMBER OF HIGH-EMITTING  
26 PASSENGER VEHICLES AND REPLACING THEM WITH LOW OR ZERO EMISSION  
27 VEHICLES WOULD HAVE A RELATIVELY LARGE IMPACT ON EMISSIONS  
28 REDUCTIONS, AS SHOWN BY A 2009 STUDY THAT FOUND THAT TEN

1 PERCENT OF PASSENGER VEHICLES ARE RESPONSIBLE FOR MORE THAN  
2 THIRTY PERCENT OF NITROGEN OXIDE EMISSIONS AND NEARLY FIFTY  
3 PERCENT OF HYDROCARBON EMISSIONS.

4 (g) ONE OF THE BEST WAYS TO INCENTIVIZE, SUPPORT, AND  
5 ACCELERATE THE ADOPTION OF ELECTRIC MOTOR VEHICLES IN BOTH  
6 URBAN AND RURAL AREAS IS TO REDUCE RANGE ANXIETY AND  
7 INCONVENIENCE FOR ELECTRIC MOTOR VEHICLE USERS BY BUILDING  
8 READILY AVAILABLE, ROBUST, EASY TO USE, AND EFFICIENT ELECTRIC  
9 MOTOR VEHICLE CHARGING AND FUELING INFRASTRUCTURE IN  
10 COMMUNITIES AND ALONG MAJOR HIGHWAY CORRIDORS THROUGHOUT THE  
11 STATE;

12 (h) ANOTHER WAY TO INCENTIVIZE, SUPPORT, AND ACCELERATE  
13 THE ADOPTION OF ELECTRIC MOTOR VEHICLES, PROMOTE EQUITABLE  
14 ACCESS TO ELECTRICAL MOTOR VEHICLES AND LESS EXPENSIVE  
15 ELECTRICAL ALTERNATIVES TO MOTOR VEHICLES, AND ENCOURAGE CLEAN  
16 TRAVEL IS TO PROVIDE INCENTIVES IN COMMUNITIES, INCLUDING BUT NOT  
17 LIMITED TO DISPROPORTIONATELY IMPACTED COMMUNITIES, FOR  
18 ACQUISITION OR USE OF ELECTRIC MOTOR VEHICLES OR ELECTRIC  
19 ALTERNATIVES TO MOTOR VEHICLES AND USE OF TRANSIT. CREATING  
20 ACCESS TO ELECTRIC MOTOR VEHICLES OR ELECTRIC ALTERNATIVES TO  
21 MOTOR VEHICLES FOR COMMUNITIES, INCLUDING BUT NOT LIMITED TO  
22 DISPROPORTIONATELY IMPACTED COMMUNITIES, ADDRESSES INEQUITIES  
23 BY ALLOWING INDIVIDUALS WHO CANNOT AFFORD TO UPGRADE TO MORE  
24 FUEL EFFICIENT MOTOR VEHICLES TO UPGRADE TO MOTOR VEHICLES THAT  
25 PRODUCE LITTLE OR NO EMISSIONS IN THEIR COMMUNITIES.

26 (i) BY REDUCING MOTOR VEHICLE EMISSIONS, INCENTIVIZING,  
27 SUPPORTING, AND ACCELERATING THE ADOPTION OF ELECTRIC MOTOR  
28 VEHICLES AT THE COMMUNITY LEVEL EFFECTIVELY REMEDIATES SOME OF

1 THE IMPACTS OF RETAIL DELIVERIES BY OFFSETTING A PORTION OF THE  
2 INCREASED MOTOR VEHICLE EMISSIONS RESULTING FROM RETAIL  
3 DELIVERIES.

4 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

5 (a) TO INCENTIVIZE, SUPPORT, AND ACCELERATE THE  
6 CONSTRUCTION OF ELECTRIC MOTOR VEHICLE CHARGING AND FUELING  
7 INFRASTRUCTURE IN COMMUNITIES THROUGHOUT THE STATE;  
8 INCENTIVIZE, SUPPORT, AND ACCELERATE THE ADOPTION OF ELECTRIC  
9 MOTOR VEHICLES BY BUSINESSES, INCLUDING TRANSPORTATION NETWORK  
10 COMPANIES, GOVERNMENTAL ENTITIES, AND INDIVIDUALS; AND THEREBY  
11 INCREASE ACCESS TO ELECTRIC MOTOR VEHICLES, MINIMIZE AND MITIGATE  
12 THE ENVIRONMENTAL AND HEALTH IMPACTS CAUSED BY  
13 TRANSPORTATION-RELATED EMISSIONS OF AIR POLLUTANTS AND  
14 GREENHOUSE GASES, AND ALLOW THE STATE AND ITS CITIZENS TO REAP  
15 THE ENVIRONMENTAL, HEALTH, BUSINESS AND GOVERNMENTAL  
16 OPERATIONAL EFFICIENCY, AND PERSONAL MOTOR VEHICLE TOTAL  
17 OWNERSHIP COST SAVINGS BENEFITS OF WIDESPREAD ADOPTION OF  
18 ELECTRIC MOTOR VEHICLES, IT IS NECESSARY, APPROPRIATE, AND IN THE  
19 BEST INTEREST OF THE STATE TO CREATE A COMMUNITY ACCESS  
20 ENTERPRISE THAT CAN PROVIDE SPECIALIZED BUSINESS SERVICES,  
21 INCLUDING IMPACT REMEDIATION SERVICES, THAT HELP COMMUNITIES,  
22 BUSINESSES, AND GOVERNMENTAL ENTITIES CONSTRUCT THE ELECTRIC  
23 MOTOR VEHICLE CHARGING AND FUELING INFRASTRUCTURE NEEDED TO  
24 SUPPORT WIDESPREAD ADOPTION OF ELECTRIC MOTOR VEHICLES,  
25 INCLUDING LIGHT-DUTY, MEDIUM-DUTY, AND HEAVY-DUTY MOTOR  
26 VEHICLES AND MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES, AND  
27 THEREBY ASSUAGE RANGE ANXIETY CONCERNS, SUPPLY CHAIN  
28 DISRUPTION CONCERNS, AND ANY OTHER CONCERNS THAT CURRENTLY

1 DISINCENTIVIZE THE WIDESPREAD ADOPTION OF ELECTRIC MOTOR  
2 VEHICLES;

3 (b) THE SPECIFIC FOCUS OF THE ENTERPRISE IS THE EQUITABLE  
4 REDUCTION AND MITIGATION OF THE ADVERSE ENVIRONMENTAL AND  
5 HEALTH IMPACTS OF AIR POLLUTION AND GREENHOUSE GAS EMISSIONS AT  
6 THE COMMUNITY LEVEL THROUGH SUPPORT OF THE ADOPTION OF ELECTRIC  
7 MOTOR VEHICLES AND ELECTRIC ALTERNATIVES TO MOTOR VEHICLES AT  
8 THE COMMUNITY LEVEL, INCLUDING BUT NOT LIMITED TO WITHIN  
9 DISPROPORTIONATELY IMPACTED COMMUNITIES THROUGHOUT THE STATE;

10 (c) THE ENTERPRISE PROVIDES IMPACT REMEDIATION SERVICES  
11 WHEN, IN EXCHANGE FOR THE PAYMENT OF COMMUNITY ACCESS RETAIL  
12 DELIVERY FEES BY PURCHASERS OF TANGIBLE PERSONAL PROPERTY FOR  
13 RETAIL DELIVERY, IT ACTS TO MITIGATE THE IMPACTS OF RESIDENTIAL AND  
14 COMMERCIAL DELIVERIES ON THE STATE'S TRANSPORTATION  
15 INFRASTRUCTURE, AIR QUALITY, AND EMISSIONS BY:

16 (I) FUNDING THE CONSTRUCTION OF ELECTRIC MOTOR VEHICLE  
17 CHARGING INFRASTRUCTURE THAT SUPPORTS THE USE OF CLEAN AND  
18 QUIET ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR VEHICLES USED TO  
19 MAKE RETAIL DELIVERIES;

20 (II) SPECIFICALLY SUPPORTING AND INCENTIVIZING THE  
21 RETIREMENT OF OLD AND INEFFICIENT MOTOR VEHICLES POWERED BY  
22 INTERNAL COMBUSTION ENGINES AND THE ADOPTION OF ELECTRIC MOTOR  
23 VEHICLES, ELECTRIC ALTERNATIVES TO MOTOR VEHICLES, AND TRANSIT  
24 USE IN COMMUNITIES, INCLUDING BUT NOT LIMITED TO  
25 DISPROPORTIONATELY IMPACTED COMMUNITIES, THAT GENERALLY BEAR  
26 THE GREATEST BURDEN OF THE ENVIRONMENTAL AND HEALTH IMPACTS OF  
27 TRANSPORTATION EMISSIONS DUE TO DISPARITIES IN TRANSPORTATION  
28 POLLUTION EXPOSURE;

1 (III) PROVIDING OUTREACH, EDUCATION, PLANNING FUNDS, OR  
2 TRAINING TO SUPPORT THE SUCCESSFUL APPLICATIONS FOR FUNDING AND  
3 THE PERFORMANCE OF ENTITIES RECEIVING FUNDS;

4 (IV) CONTRIBUTING TO THE COMPREHENSIVE REGULATORY  
5 SCHEME REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT,  
6 CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE  
7 TRANSPORTATION SYSTEM; AND

8 (V) PROVIDING ADDITIONAL REMEDIATION SERVICES TO OFFSET  
9 IMPACTS CAUSED BY FEE PAYERS AS MAY BE PROVIDED BY LAW;

10 (d) BY PROVIDING REMEDIATION SERVICES AS AUTHORIZED BY  
11 THIS SECTION, THE ENTERPRISE PROVIDES A BENEFIT TO FEE PAYERS WHEN  
12 IT REMEDIATES THE IMPACTS THEY CAUSE AND THEREFORE OPERATES AS  
13 A BUSINESS IN ACCORDANCE WITH THE DETERMINATION OF THE  
14 COLORADO SUPREME COURT IN *COLORADO UNION OF TAXPAYERS*  
15 *FOUNDATION V. CITY OF ASPEN*, 2018 CO 36;

16 (e) CONSISTENT WITH THE DETERMINATION OF THE COLORADO  
17 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896  
18 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS  
19 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE  
20 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL  
21 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS  
22 GENERATED BY FEES, NOT TAXES, BECAUSE THE COMMUNITY ACCESS  
23 RETAIL DELIVERY FEE IMPOSED BY THE ENTERPRISE AS AUTHORIZED BY  
24 SECTION 24-38.5-303 (7) IS:

25 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE  
26 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE REMEDIATION  
27 SERVICES SPECIFIED IN THIS SECTION, INCLUDING MITIGATING IMPACTS TO  
28 AIR QUALITY AND GREENHOUSE GAS EMISSIONS CAUSED BY THE



1 ACTIVITIES ON WHICH THE FEE IS ASSESSED, AND CONTRIBUTES TO THE  
2 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME  
3 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,  
4 MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE TRANSPORTATION  
5 SYSTEM; AND

6 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED  
7 BASED ON THE IMPACTS CAUSED BY FEE PAYERS AND THE COST OF  
8 REMEDIATING THOSE IMPACTS; AND

9 (f) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR  
10 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE  
11 REVENUE FROM THE COMMUNITY ACCESS RETAIL DELIVERY FEE  
12 COLLECTED BY THE ENTERPRISE IS NOT STATE FISCAL YEAR SPENDING, AS  
13 DEFINED IN SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN  
14 SECTION 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE  
15 STATE FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE  
16 X OF THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS  
17 DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(D).

18 **24-38.5-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE  
19 CONTEXT OTHERWISE REQUIRES:

20 (1) "BATTERY ELECTRIC MOTOR VEHICLE" MEANS A MOTOR  
21 VEHICLE THAT IS POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY  
22 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL  
23 SOURCE OF ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF  
24 PROPULSION.

25 (2) "BOARD" MEANS THE GOVERNING BOARD OF THE ENTERPRISE.

26 (3) (a) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A  
27 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN  
28 ACCORDANCE WITH THE MOST RECENT UNITED STATES DECENNIAL

1 CENSUS, WHERE THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME  
2 IS GREATER THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS  
3 THAT IDENTIFY AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE  
4 PROPORTION OF HOUSEHOLDS THAT ARE HOUSING COST-BURDENED IS  
5 GREATER THAN FORTY PERCENT.

6 (b) AS USED IN THIS SUBSECTION (3):

7 (I) "COST-BURDENED" MEANS A HOUSEHOLD THAT SPENDS MORE  
8 THAN THIRTY PERCENT OF ITS INCOME ON HOUSING.

9 (II) "LOW INCOME" MEANS THE MEDIAN HOUSEHOLD INCOME IS  
10 LESS THAN OR EQUAL TO TWO HUNDRED PERCENT OF THE FEDERAL  
11 POVERTY GUIDELINE.

12 (4) "ELECTRIC ALTERNATIVE TO MOTOR VEHICLES" MEANS A  
13 VEHICLE, AS DEFINED IN SECTION 42-1-102 (112), THAT IS NOT A MOTOR  
14 VEHICLE, AND THAT USES ELECTRICAL POWER IN WHOLE OR IN PART FOR  
15 PROPULSION.

16 (5) "ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC  
17 MOTOR VEHICLE, A HYDROGEN FUEL CELL MOTOR VEHICLE, OR A PLUG-IN  
18 HYBRID ELECTRIC MOTOR VEHICLE.

19 (6) "ELECTRIC VEHICLE CHARGING SYSTEM" HAS THE SAME  
20 MEANING AS SET FORTH IN SECTION 38-33.3-106.8 (7)(a).

21 (7) "ENTERPRISE" MEANS THE COMMUNITY ACCESS ENTERPRISE  
22 CREATED IN SECTION 24-38.5-303 (1).

23 (8) "FUND" MEANS THE COMMUNITY ACCESS ENTERPRISE FUND  
24 CREATED IN SECTION 24-38.5-303 (5).

25 (9) "HEAVY-DUTY ELECTRIC MOTOR VEHICLE" MEANS AN  
26 ELECTRIC MOTOR VEHICLE THAT HAS A GROSS VEHICLE WEIGHT RATING,  
27 AS DEFINED IN SECTION 42-2-402 (6), OF GREATER THAN TWENTY-SIX  
28 THOUSAND POUNDS.

1           (10) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR  
2 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL  
3 THAT USES HYDROGEN GAS AS FUEL.

4           (11) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE  
5 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF  
6 LABOR STATISTICS, CONSUMER PRICE INDEX FOR  
7 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN  
8 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR  
9 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE THE STATE  
10 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE  
11 COMMUNITY ACCESS RETAIL DELIVERY FEE IMPOSED PURSUANT TO  
12 SECTION 24-38.5-303 (7) BEGINS.

13           (12) "LIGHT-DUTY ELECTRIC MOTOR VEHICLE" MEANS AN  
14 ELECTRIC MOTOR VEHICLE THAT HAS A GROSS VEHICLE WEIGHT RATING,  
15 AS DEFINED IN SECTION 42-4-402 (6), OF NOT MORE THAN TEN THOUSAND  
16 POUNDS.

17           (13) "MEDIUM-DUTY ELECTRIC MOTOR VEHICLE" MEANS AN  
18 ELECTRIC MOTOR VEHICLE THAT HAS A GROSS VEHICLE WEIGHT RATING,  
19 AS DEFINED IN SECTION 42-4-402 (6), OF MORE THAN TEN THOUSAND  
20 POUNDS AND NOT MORE THAN TWENTY-SIX THOUSAND POUNDS.

21           (14) "MOTOR VEHICLE" HAS THE MEANING SET FORTH IN SECTION  
22 42-1-102 (58). THE TERM DOES NOT INCLUDE A PERSONAL DELIVERY  
23 DEVICE.

24           (15) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY  
25 OPERATED ROBOT THAT IS:

26           (I) DESIGNED AND MANUFACTURED FOR THE PURPOSE OF  
27 TRANSPORTING TANGIBLE PERSONAL PROPERTY PRIMARILY ON  
28 SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY THAT ARE

1 TYPICALLY USED BY PEDESTRIANS;

2 (II) WEIGHS NO MORE THAN FIVE HUNDRED FIFTY POUNDS,  
3 EXCLUDING ANY TANGIBLE PERSONAL PROPERTY BEING TRANSPORTED;  
4 AND

5 (III) OPERATES AT SPEEDS OF LESS THAN TEN MILES PER HOUR  
6 WHEN ON SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY  
7 THAT ARE TYPICALLY USED BY PEDESTRIANS.

8 (16) "PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE" MEANS A  
9 MOTOR VEHICLE THAT IS POWERED BY BOTH A RECHARGEABLE BATTERY  
10 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL  
11 SOURCE OF ELECTRICITY AND A SECONDARY SOURCE OF PROPULSION SUCH  
12 AS AN INTERNAL COMBUSTION ENGINE.

13 (17) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE  
14 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE  
15 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE  
16 PURCHASER AT A PHYSICAL ADDRESS IN THE STATE, WHICH SALE INCLUDES  
17 AT LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS SUBJECT  
18 TO TAXATION UNDER ARTICLE 26 OF TITLE 39.

19 (18) "RETAILER" HAS THE SAME MEANING AS SET FORTH IN  
20 SECTION 39-26-102 (8).

21 (19) "RETAIL SALE" HAS THE SAME MEANING AS SET FORTH IN  
22 SECTION 39-26-102 (9).

23 (20) "TANGIBLE PERSONAL PROPERTY" HAS THE SAME MEANING AS  
24 SET FORTH IN SECTION 39-26-102 (15).

25 (21) "TRANSPORTATION NETWORK COMPANY" HAS THE SAME  
26 MEANING AS SET FORTH IN SECTION 40-10.1-602 (3).

27 (22) "TRANSPORTATION NETWORK COMPANY DRIVER" HAS THE  
28 SAME MEANING AS SET FORTH IN SECTION 40-10.1-602 (4).

1 (23) "TRANSPORTATION NETWORK COMPANY SERVICES" HAS THE  
2 SAME MEANING AS SET FORTH IN SECTION 40-10.1-602 (6).

3 **24-38.5-303. Community access enterprise - creation - board**  
4 **- powers and duties - fund - fee - transparency and reporting.**

5 (1) THE COMMUNITY ACCESS ENTERPRISE IS HEREBY CREATED IN THE  
6 COLORADO ENERGY OFFICE. THE ENTERPRISE IS AND OPERATES AS A  
7 GOVERNMENT-OWNED BUSINESS WITHIN THE OFFICE TO EXECUTE ITS  
8 BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION BY  
9 EXERCISING THE POWERS AND PERFORMING THE DUTIES SET FORTH IN THIS  
10 SECTION.

11 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF  
12 SEVEN MEMBERS AS FOLLOWS:

13 (I) THE GOVERNOR SHALL APPOINT FOUR MEMBERS WHO SHALL  
14 SERVE AT THE PLEASURE OF THE GOVERNOR FOR TERMS OF THE LENGTH  
15 SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION. OF THE FOUR, AT LEAST  
16 ONE OF THE MEMBERS MUST REPRESENT DISPROPORTIONATELY IMPACTED  
17 COMMUNITIES; AT LEAST ONE OF THE MEMBERS MUST REPRESENT THE  
18 INTERESTS OF MOTOR VEHICLE MANUFACTURERS, THE ELECTRIC VEHICLE  
19 CHARGING AND FUELING BUSINESSES, OR OWNERS OR OPERATORS OF  
20 MOTOR VEHICLE FLEETS; AND AT LEAST ONE OF THE MEMBERS MUST  
21 REPRESENT A BUSINESS OR ORGANIZATION THAT SUPPORTS ELECTRIC  
22 ALTERNATIVES TO MOTOR VEHICLES. THE GOVERNOR SHALL MAKE  
23 REASONABLE EFFORTS, TO THE EXTENT SUCH APPLICATIONS HAVE BEEN  
24 SUBMITTED FOR CONSIDERATION FOR THE BOARD, TO CONSIDER MEMBERS  
25 THAT REFLECT THE STATE'S GEOGRAPHIC DIVERSITY WHEN MAKING  
26 APPOINTMENTS AND SHALL MAKE INITIAL APPOINTMENTS TO THE BOARD  
27 NO LATER THAN OCTOBER 1, 2021.

28 (II) THE DIRECTOR OF THE COLORADO ENERGY OFFICE OR THE

1 DIRECTOR'S DESIGNEE;

2 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC  
3 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE;  
4 AND

5 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
6 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

7 (b) THE MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR  
8 SERVE FOR TERMS OF FOUR YEARS; EXCEPT THAT TWO OF THE MEMBERS  
9 INITIALLY APPOINTED SHALL SERVE FOR INITIAL TERMS OF THREE YEARS.  
10 A MEMBER WHO IS APPOINTED BY THE GOVERNOR TO FILL A VACANCY ON  
11 THE BOARD SHALL SERVE THE REMAINDER OF THE UNEXPIRED TERM OF  
12 THE FORMER MEMBER. THE OTHER BOARD MEMBERS SERVE FOR AS LONG  
13 AS THEY HOLD THEIR POSITIONS OR ARE DESIGNATED TO SERVE.

14 (c) MEMBERS OF THE BOARD SERVE WITHOUT COMPENSATION BUT  
15 MUST BE REIMBURSED FROM MONEY IN THE FUND FOR ACTUAL AND  
16 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES  
17 PURSUANT TO THIS PART 3.

18 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO SUPPORT THE  
19 WIDESPREAD ADOPTION OF ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR  
20 VEHICLES THAT ORIGINALLY WERE POWERED EXCLUSIVELY BY INTERNAL  
21 COMBUSTION ENGINES BUT HAVE BEEN CONVERTED INTO ELECTRIC MOTOR  
22 VEHICLES, IN AN EQUITABLE MANNER BY DIRECTLY INVESTING IN  
23 TRANSPORTATION INFRASTRUCTURE, MAKING GRANTS OR PROVIDING  
24 REBATES OR OTHER FINANCING OPTIONS TO FUND THE CONSTRUCTION OF  
25 ELECTRIC MOTOR VEHICLE CHARGING INFRASTRUCTURE THROUGHOUT THE  
26 STATE, AND INCENTIVIZING THE ACQUISITION AND USE OF ELECTRIC  
27 MOTOR VEHICLES AND ELECTRIC ALTERNATIVES TO MOTOR VEHICLES IN  
28 COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY

1 IMPACTED COMMUNITIES, AND BY OWNERS OF OLDER, LESS FUEL  
2 EFFICIENT, AND HIGHER POLLUTING VEHICLES. TO ALLOW THE ENTERPRISE  
3 TO ACCOMPLISH THIS BUSINESS PURPOSE AND FULLY EXERCISE ITS POWERS  
4 AND DUTIES THROUGH THE BOARD, THE ENTERPRISE MAY:

5 (a) IMPOSE A COMMUNITY ACCESS RETAIL DELIVERY FEE AS  
6 AUTHORIZED BY SUBSECTION (7) OF THIS SECTION;

7 (b) INVEST IN TRANSPORTATION INFRASTRUCTURE PROGRAMS AS  
8 AUTHORIZED BY SUBSECTION (8) OF THIS SECTION; AND

9 (c) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUE AND  
10 OTHER AVAILABLE MONEY OF THE ENTERPRISE.

11 (4) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES  
12 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT  
13 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS  
14 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL  
15 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT  
16 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (4), THE  
17 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE  
18 CONSTITUTION.

19 (5) (a) THE COMMUNITY ACCESS ENTERPRISE FUND IS HEREBY  
20 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF COMMUNITY  
21 ACCESS RETAIL DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT  
22 TO SUBSECTION (7) OF THIS SECTION, ANY MONETARY GIFTS, GRANTS,  
23 DONATIONS, OR OTHER PAYMENTS RECEIVED BY THE ENTERPRISE, ANY  
24 FEDERAL MONEY THAT MAY BE CREDITED TO THE FUND, AND ANY OTHER  
25 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER  
26 TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
27 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
28 FUND TO THE FUND. MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED

1 TO THE ENTERPRISE AND MAY BE EXPENDED TO PROVIDE GRANTS AND  
2 REBATES, PAY ITS REASONABLE AND NECESSARY OPERATING EXPENSES,  
3 INCLUDING THE REPAYMENT OF ANY LOAN RECEIVED PURSUANT TO  
4 SUBSECTION (5)(b) OF THIS SECTION, AND OTHERWISE EXERCISE ITS  
5 POWERS AND PERFORM ITS DUTIES AS AUTHORIZED BY THIS PART 3.

6 (b) THE COLORADO ENERGY OFFICE MAY TRANSFER MONEY FROM  
7 THE ENERGY FUND CREATED IN SECTION 24-38.5-102.4 TO THE ENTERPRISE  
8 FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE  
9 BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND PROCEEDS. THE  
10 ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEY SO TRANSFERRED,  
11 AND, NOTWITHSTANDING ANY STATE FISCAL RULE OR GENERALLY  
12 ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE BE  
13 INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, SUCH A TRANSFER  
14 IS A LOAN FROM THE COLORADO ENERGY OFFICE TO THE ENTERPRISE THAT  
15 IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR PURPOSES OF SECTION  
16 20 (2)(d) OF ARTICLE X OF THE STATE CONSTITUTION OR AS DEFINED IN  
17 SECTION 24-77-102 (7). ALL MONEY TRANSFERRED AS A LOAN TO THE  
18 ENTERPRISE SHALL BE CREDITED TO THE COMMUNITY ACCESS ENTERPRISE  
19 INITIAL EXPENSES FUND, WHICH IS HEREBY CREATED IN THE STATE  
20 TREASURY, AND LOAN LIABILITIES THAT ARE RECORDED IN THE  
21 COMMUNITY ACCESS ENTERPRISE INITIAL EXPENSES FUND BUT THAT ARE  
22 NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR SHALL NOT BE  
23 CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND BALANCE  
24 FOR PURPOSES OF SECTION 24-75-109. THE STATE TREASURER SHALL  
25 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND  
26 INVESTMENT OF MONEY IN THE COMMUNITY ACCESS ENTERPRISE INITIAL  
27 EXPENSES FUND TO THE FUND. THE COMMUNITY ACCESS ENTERPRISE  
28 INITIAL EXPENSES FUND IS CONTINUOUSLY APPROPRIATED TO THE



1 ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE  
2 ENTERPRISE BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND  
3 PROCEEDS. AS THE ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS  
4 OF EXPENSES, THE ENTERPRISE SHALL REIMBURSE THE ENERGY FUND FOR  
5 THE PRINCIPAL AMOUNT OF ANY LOAN FROM THE ENERGY FUND MADE BY  
6 THE COLORADO ENERGY OFFICE PLUS INTEREST AT A RATE SET BY THE  
7 COLORADO ENERGY OFFICE.

8 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN  
9 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND  
10 DUTIES:

11 (a) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND  
12 THE CONDUCT OF ITS BUSINESS;

13 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND  
14 PERSONAL PROPERTY;

15 (c) IN CONSULTATION WITH THE DIRECTOR OF THE COLORADO  
16 ENERGY OFFICE OR THE DIRECTOR'S DESIGNEE, TO EMPLOY AND SUPERVISE  
17 INDIVIDUALS, PROFESSIONAL CONSULTANTS, AND CONTRACTORS AS ARE  
18 NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS BUSINESS PURPOSE;

19 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY  
20 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY  
21 GENERAL'S OFFICE FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,  
22 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER  
23 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE  
24 WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112  
25 OF THIS TITLE 24. THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON  
26 A COMPETITIVE BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE  
27 ENTERPRISE IN ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF

1 GRANT APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING  
2 SINGLE-SOURCE BIDS.

3 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, DONATIONS, OR  
4 OTHER PAYMENTS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES  
5 OF THIS PART 3 SO LONG AS THE TOTAL AMOUNT OF ALL GRANTS FROM  
6 COLORADO STATE AND LOCAL GOVERNMENTS RECEIVED IN ANY STATE  
7 FISCAL YEAR IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S TOTAL  
8 ANNUAL REVENUE FOR THE STATE FISCAL YEAR. THE ENTERPRISE SHALL  
9 TRANSMIT ANY MONEY RECEIVED THROUGH GIFTS, GRANTS, DONATIONS,  
10 OR OTHER PAYMENTS TO THE STATE TREASURER, WHO SHALL CREDIT THE  
11 MONEY TO THE FUND.

12 (f) TO PUBLISH GRANT AND SIMILAR PROGRAM PROCESSES BY  
13 WHICH THE ENTERPRISE ACCEPTS APPLICATIONS, THE CRITERIA USED FOR  
14 EVALUATING APPLICATIONS, AND A LIST OF GRANTEEES PURSUANT TO  
15 SUBSECTION (8) OF THIS SECTION; AND

16 (g) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
17 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
18 GRANTED BY THIS SECTION.

19 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN  
20 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE, AND THE  
21 DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE  
22 ENTERPRISE, A COMMUNITY ACCESS RETAIL DELIVERY FEE ON EACH RETAIL  
23 DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY SHALL ADD  
24 TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE PURCHASER,  
25 AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND IN THE  
26 MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH SECTION  
27 43-4-218 (6) THE COMMUNITY ACCESS RETAIL DELIVERY FEE. FOR THE

1 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS AND  
2 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE  
3 SHALL COLLECT AND ADMINISTER THE COMMUNITY ACCESS RETAIL  
4 DELIVERY FEE ON BEHALF OF THE ENTERPRISE IN THE SAME MANNER IN  
5 WHICH IT COLLECTS AND ADMINISTERS THE RETAIL DELIVERY FEE IMPOSED  
6 BY SECTION 43-4-218 (3).

7 (b) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY  
8 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL  
9 IMPOSE THE COMMUNITY ACCESS RETAIL DELIVERY FEE IN A MAXIMUM  
10 AMOUNT OF SIX AND NINE-TENTHS CENTS.

11 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II)  
12 OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL  
13 PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING  
14 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE  
15 COMMUNITY ACCESS RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT THAT  
16 IS THE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR ADJUSTED  
17 FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF  
18 REVENUE OF THE AMOUNT OF THE COMMUNITY ACCESS RETAIL DELIVERY  
19 FEE TO BE COLLECTED FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL  
20 PROPERTY PURCHASED DURING EACH STATE FISCAL YEAR NO LATER THAN  
21 MARCH 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR  
22 BEGINS, AND THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT  
23 NO LATER THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE  
24 FISCAL YEAR BEGINS.

25 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF  
26 THE COMMUNITY ACCESS RETAIL DELIVERY FEE FOR RETAIL DELIVERIES OF  
27 TANGIBLE PERSONAL PROPERTY PURCHASED DURING A STATE FISCAL YEAR

1 ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE AMOUNT OF THE  
2 RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3) FOR RETAIL  
3 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING THE  
4 STATE FISCAL YEAR.

5 (8) IN FURTHERANCE OF ITS BUSINESS PURPOSE, AND SUBJECT TO  
6 THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (8), THE ENTERPRISE  
7 IS AUTHORIZED TO IMPLEMENT GRANT, LOAN, OR REBATE PROGRAMS FOR  
8 THE FOLLOWING PURPOSES:

9 (a) TO FUND THE CONSTRUCTION OF ELECTRIC MOTOR VEHICLE  
10 CHARGING INFRASTRUCTURE INCLUDING BUT NOT LIMITED TO:

11 (I) PUBLIC, WORKPLACE, TRANSPORTATION NETWORK COMPANY,  
12 AND MULTIFAMILY ELECTRIC VEHICLE CHARGERS;

13 (II) ELECTRIC VEHICLE CHARGERS FOR COMMUNITIES, INCLUDING  
14 BUT NOT LIMITED TO DISPROPORTIONATELY IMPACTED COMMUNITIES;

15 (III) ELECTRIC VEHICLE CHARGERS FOR MEDIUM-DUTY ELECTRIC  
16 MOTOR VEHICLES AND HEAVY-DUTY ELECTRIC MOTOR VEHICLES,  
17 INCLUDING ELECTRIFIED REFRIGERATED TRAILERS;

18 (IV) INFRASTRUCTURE NEEDS TO SUPPORT THE POWERING OF  
19 HYDROGEN FUEL CELL MOTOR VEHICLES; AND

20 (V) NETWORKS AND PLAZAS OF DIRECT CURRENT CHARGING  
21 INFRASTRUCTURE THAT OFFER FAST CHARGING FOR ELECTRIC MOTOR  
22 VEHICLES;

23 (b) TO PROVIDE INEXPENSIVE AND ACCESSIBLE ELECTRIC  
24 ALTERNATIVES TO MOTOR VEHICLES SUCH AS ELECTRICAL ASSISTED  
25 BICYCLES AND ELECTRIC SCOOTERS;

26 (c) TO SUPPORT THE ADOPTION OF ELECTRIC MOTOR VEHICLES IN  
27 COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY

1 IMPACTED COMMUNITIES, INCLUDING BY INCENTIVIZING REPLACEMENT OF  
2 HIGH-EMITTING MOTOR VEHICLES WITH ELECTRIC MOTOR VEHICLES; AND

3 (d) TO PROVIDE INCENTIVES FOR TRANSPORTATION NETWORK  
4 COMPANIES AND COMPANIES THAT RENT MOTOR VEHICLES TO  
5 TRANSPORTATION NETWORK COMPANY DRIVERS FOR USE IN PROVIDING  
6 TRANSPORTATION NETWORK COMPANY SERVICES TO INCREASE ACCESS TO  
7 OVERNIGHT CHARGING CAPABILITY FOR DRIVERS.

8 (9) THE ENTERPRISE SHALL CONTRACT WITH THE AIR POLLUTION  
9 CONTROL DIVISION OF THE DEPARTMENT OF PUBLIC HEALTH AND  
10 ENVIRONMENT TO DEVELOP PROPOSED RULES FOR THE CONSIDERATION OF  
11 THE AIR QUALITY CONTROL COMMISSION THAT WILL SUPPORT THE  
12 ENTERPRISE'S BUSINESS SERVICES, INCLUDING REMEDIATION SERVICES, IN  
13 A MANNER THAT MAINTAINS COMPLIANCE WITH THE FEDERAL AND STATE  
14 STATUTES, RULES, AND REGULATIONS GOVERNING AIR QUALITY. THE  
15 DIVISION SHALL COLLABORATE WITH THE COLORADO ENERGY OFFICE AND  
16 THE DEPARTMENT OF TRANSPORTATION WHEN DEVELOPING THE RULES.

17 (10) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE  
18 ENTERPRISE SHALL:

19 (I) NO LATER THAN JUNE 1, 2022, PUBLISH AND POST ON ITS  
20 WEBSITE A TEN-YEAR PLAN THAT DETAILS HOW THE ENTERPRISE WILL  
21 EXECUTE ITS BUSINESS PURPOSE DURING STATE FISCAL YEARS 2022-23  
22 THROUGH 2031-32 AND ESTIMATES THE AMOUNT OF FUNDING NEEDED TO  
23 IMPLEMENT THE PLAN. NO LATER THAN JANUARY 1, 2032, THE ENTERPRISE  
24 SHALL PUBLISH AND POST ON ITS WEBSITE A NEW TEN-YEAR PLAN FOR  
25 STATE FISCAL YEARS 2032-33 THROUGH 2041-42.

26 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE  
27 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,

1 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE  
2 IMPLEMENTATION OF ITS TEN-YEAR PLAN, THE FUNDING STATUS AND  
3 PROGRESS TOWARD COMPLETION OF EACH PROJECT THAT IT WHOLLY OR  
4 PARTLY FUNDS, AND ITS PER PROJECT AND TOTAL FUNDING AND  
5 EXPENDITURES;

6 (III) ENGAGE REGULARLY REGARDING ITS PROJECTS AND  
7 ACTIVITIES WITH THE PUBLIC, SPECIFICALLY REACHING OUT TO AND  
8 SEEKING INPUT FROM COMMUNITIES, INCLUDING BUT NOT LIMITED TO  
9 DISPROPORTIONATELY IMPACTED COMMUNITIES, AND INTEREST GROUPS  
10 THAT ARE LIKELY TO BE INTERESTED IN THE PROJECTS AND ACTIVITIES;  
11 AND

12 (IV) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND  
13 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION  
14 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE  
15 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND  
16 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE  
17 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY  
18 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL  
19 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN  
20 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT  
21 REQUIRED IN THIS SUBSECTION (10)(a)(IV) TO THE SPECIFIED LEGISLATIVE  
22 COMMITTEES CONTINUES INDEFINITELY.

23 (b) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS  
24 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", CONTAINED IN  
25 PART 4 OF ARTICLE 6 OF THIS TITLE 24, AND THE "COLORADO OPEN  
26 RECORDS ACT", PART 2 OF ARTICLE 72 OF THIS TITLE 24.

27 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART

1 2 OF ARTICLE 72 OF THIS TITLE 24, AND EXCEPT AS MAY OTHERWISE BE  
2 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS  
3 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION  
4 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS  
5 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS  
6 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND  
7 LOCAL GOVERNMENTS COMBINED.

8 (d) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF PART 2  
9 OF ARTICLE 57 OF TITLE 11.

10 **SECTION 7.** In Colorado Revised Statutes, 24-75-219, **amend**  
11 (1)(g); **repeal** (2) and (5); and **add** (7) as follows:

12 **24-75-219. Transfers - transportation - capital construction -**  
13 **definitions - repeal.** (1) As used in this section, unless the context  
14 otherwise requires:

15 (g) "Multimodal transportation AND MITIGATION options fund"  
16 means the multimodal transportation AND MITIGATION options fund  
17 created in section 43-4-1103 (1).

18 (2) (a) ~~On June 30, 2016, the state treasurer shall transfer:~~

19 ~~(I) One hundred ninety-nine million two hundred thousand dollars~~  
20 ~~from the general fund to the highway users tax fund; and~~

21 ~~(II) Forty-nine million eight hundred thousand dollars from the~~  
22 ~~general fund to the capital construction fund.~~

23 (b) ~~On June 30, 2017, the state treasurer shall transfer:~~

24 ~~(I) Seventy-nine million dollars from the general fund to the~~  
25 ~~highway users tax fund; and~~

26 ~~(II) Fifty-two million seven hundred thousand dollars from the~~  
27 ~~general fund to the capital construction fund.~~

1           ~~(c) On June 30, 2018, the state treasurer shall transfer~~  
2           ~~seventy-nine million dollars from the general fund to the highway users~~  
3           ~~tax fund.~~

4           ~~(c.3) On June 30, 2019, the state treasurer shall transfer:~~

5           ~~(I) Repealed.~~

6           ~~(II) Sixty million dollars from the general fund to the capital~~  
7           ~~construction fund.~~

8           ~~(c.7) On June 30, 2020, the state treasurer shall transfer:~~

9           ~~(I) Repealed.~~

10          ~~(II) Sixty million dollars from the general fund to the capital~~  
11          ~~construction fund.~~

12          ~~(d) For each state fiscal year beginning on or after July 1, 2020,~~  
13          ~~the general assembly may appropriate or transfer, in its sole discretion,~~  
14          ~~moneys from the general fund to the highway users tax fund, the capital~~  
15          ~~construction fund, or both funds.~~

16          ~~(e) Repealed.~~

17          ~~(5) (a) On July 1, 2018, the state treasurer shall transfer a total~~  
18          ~~amount of four hundred ninety-five million dollars from the general fund~~  
19          ~~for the purposes of funding state and local transportation needs as~~  
20          ~~follows:~~

21                 ~~(I) Three hundred forty-six million five hundred thousand dollars~~  
22                 ~~to the state highway fund;~~

23                 ~~(II) Seventy-four million two hundred fifty thousand dollars to the~~  
24                 ~~highway users tax fund for allocation to counties and municipalities as~~  
25                 ~~specified in section 43-4-205 (6.4); and~~

26                 ~~(III) Seventy-four million two hundred fifty thousand dollars to~~  
27                 ~~the multimodal transportation options fund.~~



1           ~~(b) On July 1, 2019, the state treasurer shall transfer a total~~  
2 ~~amount of one hundred fifty million dollars from the general fund for the~~  
3 ~~purposes of funding state and local transportation needs as follows:~~

4           ~~(I) One hundred five million dollars to the state highway fund;~~

5           ~~(II) Twenty-two million five hundred thousand dollars to the~~  
6 ~~highway users tax fund for allocation to counties and municipalities as~~  
7 ~~specified in section 43-4-205 (6.4); and~~

8           ~~(III) Twenty-two million five hundred thousand dollars to the~~  
9 ~~multimodal transportation options fund.~~

10          ~~(b.5) On July 1, 2019, the state treasurer shall transfer one~~  
11 ~~hundred million dollars from the general fund to the highway users tax~~  
12 ~~fund.~~

13          ~~(c) The state treasurer shall transfer fifty million dollars from the~~  
14 ~~general fund to the state highway fund on June 30, 2020. Except as~~  
15 ~~otherwise provided in subsection (5)(d) of this section and section~~  
16 ~~43-4-714 (2)(a), On June 30, 2023, and on each succeeding June 30~~  
17 ~~through June 30, 2040, the state treasurer shall transfer money from the~~  
18 ~~general fund to the state highway fund. as follows:~~

19           ~~(I) and (II) Repealed.~~

20           ~~(III) (A) If a ballot issue that authorizes the state to issue~~  
21 ~~transportation revenue anticipation notes is submitted to the registered~~  
22 ~~electors of the state for their approval or rejection at the November 2021~~  
23 ~~statewide election pursuant to section 43-4-705 (13)(b) and a majority of~~  
24 ~~the electors voting on the ballot issue vote "No/Against", fifty million~~  
25 ~~dollars;~~

26           ~~(B) (Deleted by amendment, L. 2019.)~~

27           ~~(C) This subsection (5)(c)(III) is repealed, effective January 1,~~

1 2022, if a ballot issue that authorizes the state to issue transportation  
2 revenue anticipation notes is submitted to the registered electors of the  
3 state for their approval or rejection at the November 2021 statewide  
4 election pursuant to section 43-4-705 (13)(b) and a majority of the  
5 electors voting on the ballot issue vote "Yes/For";

6 (D) This subsection (5)(c)(III)(D) and subsection (5)(c)(III)(C) of  
7 this section are repealed, effective January 1, 2022, if a ballot issue that  
8 authorizes the state to issue transportation revenue anticipation notes is  
9 submitted to the registered electors of the state for their approval or  
10 rejection at the November 2021 statewide election pursuant to section  
11 43-4-705 (13)(b) and a majority of the electors voting on the ballot issue  
12 vote "No/Against"; or

13 (IV) (A) If a ballot issue that authorizes the state to issue  
14 transportation revenue anticipation notes is submitted to the registered  
15 electors of the state for their approval or rejection at the November 2021  
16 statewide election pursuant to section 43-4-705 (13)(b) and a majority of  
17 the electors voting on the ballot issue vote "Yes/For", seventy-nine  
18 million five hundred thousand dollars;

19 (B) (Deleted by amendment, L. 2019.)

20 (C) This subsection (5)(c)(IV) is repealed, effective January 1,  
21 2022, if a ballot issue that authorizes the state to issue transportation  
22 revenue anticipation notes is submitted to the registered electors of the  
23 state for their approval or rejection at the November 2021 statewide  
24 election pursuant to section 43-4-705 (13)(b) and a majority of the  
25 electors voting on the ballot issue vote "No/Against";

26 (D) This subsection (5)(c)(IV)(D) and subsection (5)(c)(IV)(C) of  
27 this section are repealed, effective January 1, 2022, if a ballot issue that

1 authorizes the state to issue transportation revenue anticipation notes is  
2 submitted to the registered electors of the state for their approval or  
3 rejection at the November 2021 statewide election pursuant to section  
4 43-4-705 (13)(b) and a majority of the electors voting on the ballot issue  
5 vote "Yes/For"; or

6 (d) (I) If the transportation commission allocates money from the  
7 transportation revenue anticipation notes reserve account of the state  
8 highway fund pursuant to section 43-4-714 (2) during any state fiscal  
9 year, the amount of any transfer required by subsection (5)(c)(IV)(A) of  
10 this section is reduced by an amount equal to the amount of the allocation  
11 from the account.

12 (H) This subsection (5)(d) is repealed:

13 (A) (Deleted by amendment, L. 2019.)

14 (B) Effective January 1, 2022, if a ballot issue that authorizes the  
15 state to issue transportation revenue anticipation notes is submitted to the  
16 registered electors of the state for their approval or rejection at the  
17 November 2021 statewide election pursuant to section 43-4-705 (13)(b)  
18 and a majority of the electors voting on the ballot issue vote  
19 "No/Against".

20 (H) This subsection (5)(d)(H) and subsection (5)(d)(I) of this  
21 section are repealed, effective January 1, 2022, if a ballot issue that  
22 authorizes the state to issue transportation revenue anticipation notes is  
23 submitted to the registered electors of the state for their approval or  
24 rejection at the November 2021 statewide election pursuant to section  
25 43-4-705 (13)(b) and a majority of the electors voting on the ballot issue  
26 vote "Yes/For".

27 (7) IN ADDITION TO ANY OTHER TRANSFERS REQUIRED BY THIS

1 SECTION:

2 (a) ON THE LATER OF JULY 1, 2021, OR THE EFFECTIVE DATE OF  
3 THIS SUBSECTION (7)(a), THE STATE TREASURER SHALL TRANSFER:

4 (I) THREE HUNDRED TWENTY-NINE MILLION DOLLARS FROM THE  
5 GENERAL FUND TO THE STATE HIGHWAY FUND;

6 (II) TWENTY-FOUR MILLION DOLLARS FROM THE GENERAL FUND TO  
7 THE HIGHWAY USERS TAX FUND;

8 (III) ONE HUNDRED TWENTY-SEVEN MILLION EIGHT HUNDRED  
9 FORTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE  
10 MULTIMODAL TRANSPORTATION AND MITIGATION OPTIONS FUND; AND

11 (IV) AN ADDITIONAL EIGHT MILLION ONE HUNDRED SIXTY  
12 THOUSAND DOLLARS FROM THE GENERAL FUND TO THE STATE HIGHWAY  
13 FUND FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR THE  
14 REVITALIZING MAIN STREETS PROGRAM OF THE DEPARTMENT OF  
15 TRANSPORTATION.

16 (b) ON JULY 1, 2022, THE STATE TREASURER SHALL TRANSFER  
17 TWELVE MILLION DOLLARS FROM THE GENERAL FUND TO THE HIGHWAY  
18 USERS TAX FUND.

19 (c) ON EACH JULY 1 FROM JULY 1, 2022, THROUGH JULY 1, 2031,  
20 THE STATE TREASURER SHALL TRANSFER:

21 (I) TEN MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE  
22 GENERAL FUND TO THE MULTIMODAL TRANSPORTATION AND MITIGATION  
23 OPTIONS FUND; AND

24 (II) SEVEN MILLION DOLLARS FROM THE GENERAL FUND TO THE  
25 STATE HIGHWAY FUND FOR THE PURPOSE OF PROVIDING ADDITIONAL  
26 FUNDING FOR THE REVITALIZING MAIN STREETS PROGRAM OF THE  
27 DEPARTMENT OF TRANSPORTATION.

1 (d) ON EACH JULY 1 FROM JULY 1, 2024, THROUGH JULY 1, 2031,  
2 THE STATE TREASURER SHALL TRANSFER EIGHTY-TWO MILLION FIVE  
3 HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE STATE  
4 HIGHWAY FUND.

5 (e) (I) ON JUNE 30, 2022, THE STATE TREASURER SHALL TRANSFER  
6 FROM THE GENERAL FUND AN AMOUNT EQUAL TO THE LESSER OF FIFTY  
7 PERCENT OF THE AMOUNT BY WHICH REVENUE FOR THE 2020-21 STATE  
8 FISCAL YEAR THAT IS SUBJECT TO THE EXCESS STATE REVENUES CAP, AS  
9 DEFINED IN SECTION 24-77-103.6 (6)(b), AND DOES NOT EXCEED THE CAP  
10 EXCEEDED WHAT THE CAP WOULD HAVE BEEN IF THE CAP HAD BEEN  
11 CALCULATED IN ACCORDANCE WITH LAW IN EFFECT IMMEDIATELY PRIOR  
12 TO THE ENACTMENT OF SENATE BILL 21-\_\_\_\_, ENACTED IN 2021, OR ONE  
13 HUNDRED FIFTEEN MILLION DOLLARS AS FOLLOWS:

14 (A) NINETY-FOUR PERCENT OF THE AMOUNT TO THE MULTIMODAL  
15 TRANSPORTATION AND MITIGATION OPTIONS FUND; AND

16 (B) SIX PERCENT OF THE AMOUNT TO THE STATE HIGHWAY FUND  
17 FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR THE  
18 REVITALIZING MAIN STREETS PROGRAM OF THE DEPARTMENT OF  
19 TRANSPORTATION

20 (II) ON JUNE 30, 2023, AND ON JUNE 30 OF EACH SUCCEEDING  
21 STATE FISCAL YEAR THROUGH JUNE 30, 2026, THE STATE TREASURER  
22 SHALL TRANSFER FROM THE GENERAL FUND AN AMOUNT EQUAL TO THE  
23 LESSER OF FIFTY PERCENT OF THE AMOUNT BY WHICH REVENUE FOR THE  
24 PRIOR STATE FISCAL YEAR THAT IS SUBJECT TO THE EXCESS STATE  
25 REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b), AND DOES NOT  
26 EXCEED THE CAP FOR THE PRIOR STATE FISCAL YEAR IS ESTIMATED TO  
27 EXCEED WHAT THE CAP WOULD HAVE BEEN IF THE CAP HAD BEEN

1 CALCULATED IN ACCORDANCE WITH LAW IN EFFECT IMMEDIATELY PRIOR  
2 TO THE ENACTMENT OF SENATE BILL 21-\_\_\_\_, ENACTED IN 2021, OR ONE  
3 HUNDRED FIFTEEN MILLION DOLLARS LESS THE CUMULATIVE AMOUNT OF  
4 ALL TRANSFERS PREVIOUSLY MADE PURSUANT TO THIS SUBSECTION (7)(e)  
5 AS FOLLOWS:

6 (A) NINETY-FOUR PERCENT OF THE AMOUNT TO THE MULTIMODAL  
7 TRANSPORTATION AND MITIGATION OPTIONS FUND; AND

8 (B) SIX PERCENT OF THE AMOUNT TO THE STATE HIGHWAY FUND  
9 FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR THE  
10 REVITALIZING MAIN STREETS PROGRAM OF THE DEPARTMENT OF  
11 TRANSPORTATION.

12 **SECTION 8.** In Colorado Revised Statutes, 24-77-103.6, **amend**  
13 (6)(b)(I)(C) and (6)(b)(I)(D); and **add** (6)(b)(I)(E), (6)(b)(I)(F), and  
14 (6)(b)(I)(G) as follows:

15 **24-77-103.6. Retention of excess state revenues - general fund**  
16 **exempt account - required uses - excess state revenues legislative**  
17 **report - definitions.** (6) As used in this section:

18 (b) (I) "Excess state revenues cap" for a given fiscal year means:

19 (C) For the 2017-18 fiscal year, an amount that is equal to the  
20 excess state revenues cap for the 2016-17 fiscal year calculated pursuant  
21 to subsection (6)(b)(I)(B) of this section, adjusted for inflation, the  
22 percentage change in state population, the qualification or disqualification  
23 of enterprises, and debt service changes, less two hundred million dollars;  
24 **and**

25 (D) For the 2018-19 fiscal year, ~~and each succeeding fiscal year,~~  
26 the amount of the excess state revenues cap for the 2017-18 fiscal year  
27 calculated pursuant to subsection (6)(b)(I)(C) of this section, adjusted

1 ~~each subsequent fiscal year~~ for inflation, the percentage change in state  
2 population, the qualification or disqualification of enterprises, and debt  
3 service changes;

4 (E) FOR THE 2019-20 FISCAL YEAR, THE AMOUNT OF THE EXCESS  
5 STATE REVENUES CAP FOR THE 2018-19 FISCAL YEAR CALCULATED  
6 PURSUANT TO SUBSECTION (6)(b)(I)(D) OF THIS SECTION, ADJUSTED FOR  
7 INFLATION, THE PERCENTAGE CHANGE IN STATE POPULATION, THE  
8 QUALIFICATION OR DISQUALIFICATION OF ENTERPRISES, AND DEBT SERVICE  
9 CHANGES;

10 (F) FOR THE 2020-21 FISCAL YEAR, AN AMOUNT THAT IS EQUAL TO  
11 THE EXCESS STATE REVENUES CAP FOR THE 2019-20 FISCAL YEAR  
12 CALCULATED PURSUANT TO SUBSECTION (6)(b)(I)(E) OF THIS SECTION,  
13 ADJUSTED FOR INFLATION, THE PERCENTAGE CHANGE IN STATE  
14 POPULATION, THE QUALIFICATION OR DISQUALIFICATION OF ENTERPRISES,  
15 AND DEBT SERVICE CHANGES, PLUS TWO HUNDRED TWENTY-FOUR MILLION  
16 NINE HUNDRED FIFTY-SEVEN THOUSAND SIX HUNDRED TWO DOLLARS; AND

17 (G) FOR THE 2021-22 FISCAL YEAR AND EACH SUCCEEDING FISCAL  
18 YEAR, THE AMOUNT OF THE EXCESS STATE REVENUES CAP FOR THE  
19 2020-21 FISCAL YEAR CALCULATED PURSUANT TO SUBSECTION (6)(b)(I)(F)  
20 OF THIS SECTION, ADJUSTED EACH SUBSEQUENT FISCAL YEAR FOR  
21 INFLATION, THE PERCENTAGE CHANGE IN STATE POPULATION, THE  
22 QUALIFICATION OR DISQUALIFICATION OF ENTERPRISES, AND DEBT SERVICE  
23 CHANGES.

24 **SECTION 9.** In Colorado Revised Statutes, 24-82-1303, **repeal**  
25 **as they will become effective only if a ballot issue is proclaimed by the**  
26 **governor** (2)(b) and (2)(d)(II) as follows:

27 **24-82-1303. Lease-purchase agreements for capital**

1 **construction and transportation projects.** (2) (b) ~~The anticipated~~  
2 ~~annual state-funded payments for the principal and interest components~~  
3 ~~of the amount payable under all lease-purchase agreements entered into~~  
4 ~~pursuant to subsection (2)(a) of this section shall not exceed one hundred~~  
5 ~~twelve million five hundred thousand dollars.~~

6 (d) Any lease-purchase agreement executed as required by  
7 subsection (2)(a) of this section shall provide that all of the obligations of  
8 the state under the agreement are subject to the action of the general  
9 assembly in annually making money available for all payments  
10 thereunder. Payments under any lease-purchase agreement must be made,  
11 subject to annual allocation pursuant to section 43-1-113 by the  
12 transportation commission created in section 43-1-106 (1) or subject to  
13 annual appropriation by the general assembly, as applicable, from the  
14 following sources of money:

15 (II) ~~Next, for state fiscal year 2021-22 and for each succeeding~~  
16 ~~state fiscal year for which a payment under any lease-purchase agreement~~  
17 ~~must be made, thirty-six million seven hundred thousand dollars annually,~~  
18 ~~or any lesser amount that is sufficient to make each full payment due,~~  
19 ~~shall be paid from any legally available money under the control of the~~  
20 ~~transportation commission solely for the purpose of allowing the~~  
21 ~~construction, supervision, and maintenance of state highways to be~~  
22 ~~funded with the proceeds of lease-purchase agreements as specified in~~  
23 ~~subsection (4)(b) of this section and section 43-4-206 (1)(b)(V); except~~  
24 ~~that, for the payment due during state fiscal year 2021-22 only, forty-eight~~  
25 ~~million seven hundred thousand dollars, or any lesser amount that is~~  
26 ~~sufficient to make the full payment due shall be paid from such legally~~  
27 ~~available money for said purpose; and~~



1           **SECTION 10.** In Colorado Revised Statutes, **add** 24-93-110 as  
2 follows:

3           **24-93-110. Department of transportation - additional**  
4 **requirements for integrated project delivery contracts - short-listing**  
5 **- transparency.** (1) THE DEPARTMENT OF TRANSPORTATION SHALL NOT  
6 EXCLUDE A PARTICIPATING ENTITY FROM A SHORT LIST, PREPARED AND  
7 ANNOUNCED BY THE DEPARTMENT AS REQUIRED BY SECTION 24-93-105  
8 (2), OF RESPONDING PARTICIPATING ENTITIES THAT HAVE BEEN  
9 DETERMINED TO BE MOST QUALIFIED TO RECEIVE A REQUEST FOR  
10 PROPOSALS FOR AN IPD CONTRACT FOR A PUBLIC PROJECT BASED SOLELY  
11 ON THE PARTICIPATING ENTITY'S LACK OF EXPERIENCE IN DELIVERING A  
12 PUBLIC PROJECT IN THE STATE BY THE IPD METHOD TO BE USED FOR THE  
13 PUBLIC PROJECT.

14           (2) (a) IF THE COST TO COMPLETE A PUBLIC PROJECT IS EXPECTED  
15 TO EXCEED SEVENTY-FIVE MILLION DOLLARS, THE DEPARTMENT OF  
16 TRANSPORTATION SHALL, BEFORE SELECTING THE IPD METHOD FOR A  
17 CONSTRUCTION PROJECT AND BEGINNING THE PROCUREMENT PROCESS:

18           (I) HOLD PUBLIC MEETINGS WITH THE CONSTRUCTION INDUSTRY  
19 AND THE GENERAL PUBLIC TO DISCUSS THE JUSTIFICATION FOR SELECTING  
20 THE IPD METHOD. THE REQUIRED PUBLIC MEETINGS MAY BE HELD IN  
21 CONJUNCTION WITH OTHER REQUIRED PUBLIC MEETINGS ABOUT THE  
22 PROJECT OR AS STAND-ALONE MEETINGS.

23           (II) OBTAIN APPROVAL FOR THE USE OF THE IPD METHOD FROM  
24 THE TRANSPORTATION COMMISSION CREATED IN SECTION 43-1-106.

25           (b) FOR ANY PUBLIC PROJECT, REGARDLESS OF THE EXPECTED COST  
26 OF COMPLETION, TO BE COMPLETED USING THE IPD METHOD, THE  
27 DEPARTMENT OF TRANSPORTATION SHALL:

1 (I) BEFORE BEGINNING THE PROCUREMENT PROCESS, PUBLISH ON  
2 THE DEPARTMENT'S WEBSITE, THE JUSTIFICATION FOR SELECTING THE IPD  
3 METHOD;

4 (II) DURING THE PROCUREMENT PROCESS, INCLUDE THE  
5 JUSTIFICATION FOR SELECTING THE IPD METHOD IN ANY REQUEST FOR  
6 QUALIFICATIONS, AND IN THE REQUEST FOR PROPOSALS;

7 (III) FOLLOWING THE AWARD OF THE IPD CONTRACT TO A  
8 PARTICIPATING ENTITY, PUBLISH ON THE DEPARTMENT'S WEBSITE THE  
9 EVALUATION SCORES FOR EACH STEP OF THE IPD CONTRACT SOLICITATION  
10 PHASE FOR ALL SOLICITATIONS RECEIVED AND EVALUATED; AND

11 (IV) FROM THE TIME THE IPD CONTRACT IS EXECUTED UNTIL THE  
12 DEPARTMENT'S FINAL ACCEPTANCE OF THE COMPLETED PUBLIC PROJECT,  
13 PROVIDE, MAINTAIN, AND UPDATE ON THE DEPARTMENT'S WEBSITE A  
14 TRANSPARENCY PLATFORM SUCH AS A DASHBOARD THAT INDICATES THE  
15 ONGOING STATUS OF THE PUBLIC PROJECT.

16 **SECTION 11.** In Colorado Revised Statutes, **add** article 7.5 to  
17 title 25 as follows:

18 **ARTICLE 7.5**

19 **Clean Motor Vehicle Fleet Support**

20 **25-7.5-101. Legislative declaration.** (1) THE GENERAL  
21 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

22 (a) AN INCREASING NUMBER OF FLEET MOTOR VEHICLES ARE ON  
23 THE ROAD TO MEET INCREASING DEMANDS FOR RETAIL DELIVERIES AND  
24 RIDES ARRANGED THROUGH TRANSPORTATION NETWORK COMPANIES;

25 (b) THESE FLEET VEHICLES ARE SOME OF THE MOST POLLUTING  
26 VEHICLES ON THE ROAD, WHICH HAS RESULTED IN ADDITIONAL AND  
27 INCREASING AIR AND GREENHOUSE GAS POLLUTION AND RELATED

1 ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS ACROSS THE STATE;

2 (c) THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF  
3 INCREASED EMISSIONS FROM FLEET MOTOR VEHICLES USED TO MAKE  
4 RETAIL DELIVERIES AND PROVIDE RIDES ARRANGED THROUGH  
5 TRANSPORTATION NETWORK COMPANIES CAN BE MITIGATED AND OFFSET  
6 BY SUPPORTING THE WIDESPREAD ADOPTION OF ELECTRIC MOTOR  
7 VEHICLES FOR USE IN MOTOR VEHICLE FLEETS;

8 (d) INSTEAD OF REDUCING THE IMPACTS OF RETAIL DELIVERIES  
9 AND RIDES ARRANGED THROUGH TRANSPORTATION NETWORK COMPANIES  
10 BY LIMITING RETAIL DELIVERY AND TRANSPORTATION NETWORK COMPANY  
11 RIDE ACTIVITY THROUGH REGULATION, IT IS MORE APPROPRIATE TO  
12 CONTINUE TO ALLOW PERSONS WHO RECEIVE RETAIL DELIVERIES AND  
13 BENEFIT FROM THE CONVENIENCE AFFORDED BY UNFETTERED RETAIL  
14 DELIVERIES AND TO ALLOW TRANSPORTATION NETWORK COMPANIES THAT  
15 ARRANGE PREARRANGED RIDES TO CONTINUE TO PROVIDE THAT SERVICE  
16 WITHOUT UNDUE RESTRICTIONS AND INSTEAD IMPOSE A SMALL FEE ON  
17 EACH RETAIL DELIVERY AND RIDE AND USE FEE REVENUE TO FUND  
18 NECESSARY MITIGATION ACTIVITIES.

19 (e) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF  
20 THE STATE AND ALL COLORADANS TO INCENTIVIZE AND SUPPORT THE USE  
21 OF ELECTRIC MOTOR VEHICLES AND, TO THE EXTENT TEMPORARILY  
22 NECESSITATED BY THE LIMITATIONS OF CURRENT ELECTRIC MOTOR  
23 VEHICLE TECHNOLOGY AND AVAILABILITY FOR CERTAIN FLEET USES,  
24 COMPRESSED NATURAL GAS MOTOR VEHICLES THAT ARE FUELED BY  
25 RECOVERED METHANE AND THAT PRODUCE FEWER EMISSIONS THAN  
26 GASOLINE OR DIESEL POWERED MOTOR VEHICLES BY BUSINESSES AND  
27 GOVERNMENTAL ENTITIES THAT USE FLEETS OF MOTOR VEHICLES,

1 INCLUDING FLEETS COMPOSED OF PERSONAL MOTOR VEHICLES OWNED BY  
2 INDIVIDUAL CONTRACTORS WHO PROVIDE PREARRANGED RIDES FOR  
3 TRANSPORTATION NETWORK COMPANIES OR MAKE RETAIL DELIVERIES,  
4 AND TO ENABLE THE STATE TO ACHIEVE ITS STATED ELECTRIC MOTOR  
5 VEHICLE ADOPTION GOALS BECAUSE INCREASED USAGE OF ELECTRIC  
6 MOTOR VEHICLES IN MOTOR VEHICLE FLEETS:

7 (I) GENERALLY REDUCES EMISSIONS OF AIR POLLUTANTS,  
8 INCLUDING OZONE PRECURSORS, PARTICULATE MATTER POLLUTANTS,  
9 OTHER HAZARDOUS AIR POLLUTANTS, AND GREENHOUSE GASES, THAT  
10 CONTRIBUTE TO ADVERSE ENVIRONMENTAL EFFECTS SUCH AS CLIMATE  
11 CHANGE AND ADVERSE HUMAN HEALTH EFFECTS, INCLUDING BUT NOT  
12 LIMITED TO ASTHMA, REDUCED LUNG CAPACITY, INCREASED  
13 SUSCEPTIBILITY TO RESPIRATORY ILLNESSES, CHRONIC BRONCHITIS, HEART  
14 DISEASE, AND LUNG CANCER, AND HELPS THE STATE MEET ITS STATEWIDE  
15 GREENHOUSE GAS POLLUTION REDUCTION TARGETS ESTABLISHED IN  
16 SECTION 25-7-102 (2)(g), COMPLY WITH AIR QUALITY ATTAINMENT  
17 STANDARDS, AND REDUCE ADVERSE ENVIRONMENTAL AND HEALTH  
18 IMPACTS ACROSS THE STATE AND IN COMMUNITIES, INCLUDING BUT NOT  
19 LIMITED TO DISPROPORTIONATELY IMPACTED COMMUNITIES;

20 (b) SPECIFICALLY REDUCES HIGHER LOCALIZED EMISSIONS OF SUCH  
21 AIR POLLUTANTS IN COMMUNITIES, INCLUDING BUT NOT LIMITED TO  
22 DISPROPORTIONATELY IMPACTED COMMUNITIES, WHERE:

23 (I) FLEET YARDS, WAREHOUSES, DISTRIBUTION CENTERS,  
24 REFINERIES, FUEL DEPOTS, WASTE FACILITIES, AND MAJOR INTERSTATE  
25 HIGHWAYS ARE LOCATED;

26 (II) USAGE OF FLEET MOTOR VEHICLES IS CONCENTRATED; AND

27 (III) RESIDENTS EXPERIENCE INCREASED RISKS OF

1 AIR-POLLUTION-RELATED HEALTH IMPACTS SUCH AS ASTHMA, REDUCED  
2 LUNG CAPACITY, INCREASED SUSCEPTIBILITY TO RESPIRATORY ILLNESSES,  
3 HEART DISEASE, AND LUNG CANCER; AND

4 (c) BY REDUCING FUEL AND MAINTENANCE COSTS, HELPS  
5 BUSINESSES AND GOVERNMENTAL ENTITIES OPERATE MORE EFFICIENTLY  
6 OVER TIME, ALLOWING THE COST SAVINGS TO BE REINVESTED IN BUSINESS  
7 GROWTH OR USED FOR BENEFICIAL PUBLIC PURPOSES.

8 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

9 (a) TO INCENTIVIZE, SUPPORT, AND ACCELERATE THE ADOPTION OF  
10 ELECTRIC MOTOR VEHICLES IN MOTOR VEHICLE FLEETS IN THE STATE AND  
11 THEREBY MINIMIZE AND MITIGATE THE ENVIRONMENTAL AND HEALTH  
12 IMPACTS OF THE TRANSPORTATION SYSTEM AND REAP THE  
13 ENVIRONMENTAL, HEALTH, AND BUSINESS AND GOVERNMENTAL  
14 OPERATIONAL EFFICIENCY BENEFITS THAT RESULT FROM MOTOR VEHICLE  
15 FLEET ELECTRIFICATION, IT IS NECESSARY, APPROPRIATE, AND IN THE BEST  
16 INTEREST OF THE STATE TO CREATE A CLEAN FLEET ENTERPRISE TO HELP  
17 BUSINESSES AND GOVERNMENTAL ENTITIES THAT OWN OR OPERATE FLEETS  
18 OF MOTOR VEHICLES USE MORE ELECTRIC MOTOR VEHICLES, AND, TO THE  
19 EXTENT TEMPORARILY NECESSITATED BY THE LIMITATIONS OF CURRENT  
20 ELECTRIC MOTOR VEHICLE TECHNOLOGY FOR CERTAIN FLEET USES, MORE  
21 COMPRESSED NATURAL GAS MOTOR VEHICLES THAT ARE FUELED BY  
22 RECOVERED METHANE, IN THEIR MOTOR VEHICLE FLEETS;

23 (b) THE ENTERPRISE PROVIDES BUSINESS SERVICES, INCLUDING  
24 REMEDIATION SERVICES, WHEN, IN EXCHANGE FOR THE PAYMENT OF FEES,  
25 IT:

26 (I) PROVIDES FINANCING THROUGH GRANT PROGRAMS, REBATE  
27 PROGRAMS, REVOLVING LOAN FUNDS, OR ANY OTHER STRATEGIES THAT

1 THE BOARD FINDS EFFECTIVE;

2 (II) HELPS OWNERS AND OPERATORS OF MOTOR VEHICLE FLEETS  
3 REDUCE THE UP-FRONT AND TOTAL COSTS OF USING MORE ELECTRIC  
4 MOTOR VEHICLES, AND, TO THE EXTENT TEMPORARILY NECESSITATED BY  
5 THE LIMITATIONS OF CURRENT ELECTRIC MOTOR VEHICLE TECHNOLOGY  
6 FOR CERTAIN FLEET USES, MORE COMPRESSED NATURAL GAS MOTOR  
7 VEHICLES THAT ARE FUELED BY RECOVERED METHANE, IN THEIR FLEETS;

8 (III) SUPPORTS COMPANION SERVICES SUCH AS TESTING,  
9 INSPECTION, AND READJUSTMENT SERVICES;

10 (IV) PROVIDES OUTREACH, EDUCATION, OR TRAINING TO SUPPORT  
11 THE SUCCESSFUL APPLICATION AND PERFORMANCE OF ENTITIES RECEIVING  
12 FUNDS;

13 (V) SUPPORTS THE DEVELOPMENT OF A CLEAN TRANSPORTATION  
14 WORKFORCE THAT CAN SUPPORT BUSINESSES AS THEY TRANSITION TO  
15 USING MORE ELECTRIC MOTOR VEHICLES IN THEIR FLEETS;

16 (VI) ASSESSES AND SUPPORTS THE IMPLEMENTATION OF CLEANER  
17 AND MORE EFFICIENT COMMERCIAL VEHICLE TECHNOLOGY TO SUPPORT  
18 MOTOR VEHICLE FLEET ELECTRIFICATION;

19 (VII) RESEARCHES AND DEVELOPS STRATEGIES, BUSINESS PLANS,  
20 AND GUIDANCE TO SUPPORT THE CONSISTENT APPLICATION OF GRANTS  
21 AND OTHER ENTERPRISE BUSINESS SERVICES, INCLUDING REMEDIATION  
22 SERVICES;

23 (VII) CONTRIBUTES TO THE IMPLEMENTATION OF THE  
24 COMPREHENSIVE REGULATORY SCHEME REQUIRED FOR THE PLANNING,  
25 FUNDING, DEVELOPMENT, CONSTRUCTION, MAINTENANCE, AND  
26 SUPERVISION OF A SUSTAINABLE TRANSPORTATION SYSTEM; AND

27 (IX) PROVIDES ADDITIONAL REMEDIATION SERVICES TO OFFSET

1 IMPACTS CAUSED BY FEE PAYERS AS MAY BE PROVIDED BY LAW,  
2 INCLUDING BUT NOT LIMITED TO:

3 (A) INCENTIVIZING THE USE OF CLEAN MOBILE EQUIPMENT;

4 (B) PROVIDING PLANNING SERVICES TO SUPPORT COMMUNITIES,  
5 INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY IMPACTED  
6 COMMUNITIES; AND

7 (C) PROVIDING SCRAPPAGE SERVICES;

8 (c) BY PROVIDING REMEDIATION SERVICES AS AUTHORIZED BY THIS  
9 SECTION, THE ENTERPRISE ENGAGES IN AN ACTIVITY CONDUCTED IN THE  
10 PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND THEREFORE OPERATES  
11 AS A BUSINESS;

12 (d) BY PROVIDING REMEDIATION SERVICES AS AUTHORIZED BY  
13 THIS SECTION, THE ENTERPRISE PROVIDES A BENEFIT TO FEE PAYERS WHEN  
14 IT REMEDIATES THE IMPACTS THEY CAUSE AND THEREFORE OPERATES AS  
15 A BUSINESS IN ACCORDANCE WITH THE DETERMINATION OF THE  
16 COLORADO SUPREME COURT IN *COLORADO UNION OF TAXPAYERS*  
17 *FOUNDATION V. CITY OF ASPEN*, 2018 CO 36;

18 (d) CONSISTENT WITH THE DETERMINATION OF THE COLORADO  
19 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896  
20 P.2D 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS  
21 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE  
22 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL  
23 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS  
24 GENERATED BY FEES, NOT TAXES, BECAUSE THE FEES IMPOSED BY THE  
25 ENTERPRISE AS AUTHORIZED BY SECTION 25-7.5-103 (7) AND (8) ARE:

26 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE  
27 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE REMEDIATION

1 SERVICES SPECIFIED IN THIS SECTION, INCLUDING MITIGATING IMPACTS TO  
2 AIR QUALITY AND GREENHOUSE GAS EMISSIONS CAUSED BY THE  
3 ACTIVITIES ON WHICH THE FEE IS ASSESSED, AND CONTRIBUTES TO THE  
4 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME  
5 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,  
6 MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE TRANSPORTATION  
7 SYSTEM; AND

8 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED  
9 BASED ON THE IMPACTS CAUSED BY FEE PAYERS AND THE COST OF  
10 REMEDIATING THOSE IMPACTS; AND

11 (e) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR  
12 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE  
13 REVENUE FROM THE FEES COLLECTED BY THE ENTERPRISE IS NOT STATE  
14 FISCAL YEAR SPENDING, AS DEFINED IN SECTION 24-77-102 (17), OR STATE  
15 REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c), AND DOES NOT  
16 COUNT AGAINST EITHER THE STATE FISCAL YEAR SPENDING LIMIT IMPOSED  
17 BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS  
18 STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(D).

19 **25-7.5-102. Definitions.** AS USED IN THIS ARTICLE 7.5, UNLESS  
20 THE CONTEXT OTHERWISE REQUIRES:

21 (1) "BATTERY ELECTRIC MOTOR VEHICLE" MEANS A MOTOR  
22 VEHICLE THAT IS POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY  
23 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL  
24 SOURCE OF ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF  
25 PROPULSION.

26 (2) "BOARD" MEANS THE GOVERNING BOARD OF THE ENTERPRISE.

27 (3) "CARSHARE RIDE" MEANS A PREARRANGED RIDE FOR WHICH



1 THE RIDER AGREES, AT THE TIME THE RIDER REQUESTS THE RIDE THROUGH  
2 A DIGITAL NETWORK, TO BE TRANSPORTED WITH ANOTHER RIDER WHO HAS  
3 SEPARATELY REQUESTED A PREARRANGED RIDE REGARDLESS OF WHETHER  
4 OR NOT ANOTHER RIDER IS ACTUALLY TRANSPORTED WITH THE RIDER.

5 (4) "COMMISSION" MEANS THE AIR QUALITY CONTROL COMMISSION  
6 CREATED IN SECTION 25-7-104.

7 (5) "COMPRESSED NATURAL GAS MOTOR VEHICLE" MEANS A  
8 VEHICLE THAT IS POWERED BY AN ENGINE FUELED BY COMPRESSED  
9 NATURAL GAS.

10 (6) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH  
11 AND ENVIRONMENT CREATED IN SECTION 24-1-119 (1).

12 (7) (a) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A  
13 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN  
14 ACCORDANCE WITH THE MOST RECENT UNITED STATES DECENNIAL  
15 CENSUS, WHERE THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME  
16 IS GREATER THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS  
17 THAT IDENTIFY AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE  
18 PROPORTION OF HOUSEHOLDS THAT ARE HOUSING COST-BURDENED IS  
19 GREATER THAN FORTY PERCENT.

20 (b) AS USED IN THIS SUBSECTION (7):

21 (I) "COST-BURDENED" MEANS A HOUSEHOLD THAT SPENDS MORE  
22 THAN THIRTY PERCENT OF ITS INCOME ON HOUSING.

23 (II) "LOW INCOME" MEANS THE MEDIAN HOUSEHOLD INCOME IS  
24 LESS THAN OR EQUAL TO TWO HUNDRED PERCENT OF THE FEDERAL  
25 POVERTY GUIDELINE.

26 (8) "ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC  
27 MOTOR VEHICLE, A HYDROGEN FUEL CELL MOTOR VEHICLE, OR A PLUG-IN

1 HYBRID ELECTRIC MOTOR VEHICLE.

2 (9) "ENTERPRISE" MEANS THE CLEAN FLEET ENTERPRISE CREATED  
3 IN SECTION 25-7.5-103 (1)(a)(I).

4 (10) "FUND" MEANS THE CLEAN FLEET ENTERPRISE FUND CREATED  
5 IN SECTION 25-7.5-103 (5).

6 (11) "HEAVY-DUTY MOTOR VEHICLE" MEANS A MOTOR VEHICLE  
7 THAT HAS A GROSS VEHICLE WEIGHT RATING, AS DEFINED IN SECTION  
8 42-2-402 (6), OF GREATER THAN TWENTY-SIX THOUSAND POUNDS.

9 (12) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR  
10 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL  
11 THAT USES HYDROGEN GAS AS FUEL.

12 (13) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE  
13 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF  
14 LABOR STATISTICS, CONSUMER PRICE INDEX FOR  
15 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN  
16 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR  
17 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE  
18 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE  
19 CLEAN FLEET PER RIDE FEE IMPOSED BY SECTION 25-7.5-103 (7) OR THE  
20 CLEAN FLEET RETAIL DELIVERY FEE IMPOSED BY SECTION 25-7.5-103 (8)  
21 BEGINS.

22 (14) "MEDIUM-DUTY MOTOR VEHICLE" MEANS A MOTOR VEHICLE  
23 THAT HAS A GROSS VEHICLE WEIGHT RATING, AS DEFINED IN SECTION  
24 42-2-402 (6), OF MORE THAN TEN THOUSAND POUNDS AND NOT MORE  
25 THAN TWENTY-SIX THOUSAND POUNDS.

26 (15) "MOTOR VEHICLE" HAS THE MEANING SET FORTH IN SECTION  
27 42-1-102 (58). THE TERM DOES NOT INCLUDE A PERSONAL DELIVERY

1 DEVICE.

2 (16) "MOTOR VEHICLE FLEET" MEANS A GROUP OF MOTOR  
3 VEHICLES THAT IS OWNED OR OPERATED:

4 (a) BY A GOVERNMENTAL ENTITY FOR A PUBLIC PURPOSE  
5 INCLUDING BUT NOT LIMITED TO PUBLIC SCHOOL TRANSPORTATION OR  
6 LAW ENFORCEMENT; OR

7 (b) BY A BUSINESS ENTITY FOR A BUSINESS IF:

8 (I) THE GROUP OF MOTOR VEHICLES IS COMPOSED PRIMARILY OF  
9 HEAVY-DUTY MOTOR VEHICLES, MEDIUM-DUTY MOTOR VEHICLES, OR  
10 REFRIGERATED TRAILER UNITS; OR

11 (II) THE GROUP OF MOTOR VEHICLES IS OWNED OR OPERATED BY  
12 A COMPANY THAT RENTS MOTOR VEHICLES IN THE FLEET TO  
13 TRANSPORTATION NETWORK COMPANY DRIVERS FOR USE IN PROVIDING  
14 TRANSPORTATION NETWORK COMPANY SERVICES OR IS OWNED AND  
15 OPERATED DIRECTLY, OR INDIRECTLY THROUGH INDEPENDENT  
16 CONTRACTORS WHO OWN OR LEASE INDIVIDUAL MOTOR VEHICLES IN THE  
17 GROUP, BY A TRANSPORTATION NETWORK COMPANY OR BY A RETAILER  
18 FOR THE PURPOSE OF MAKING RETAIL DELIVERIES.

19 (17) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY  
20 OPERATED ROBOT THAT IS:

21 (I) DESIGNED AND MANUFACTURED FOR THE PURPOSE OF  
22 TRANSPORTING TANGIBLE PERSONAL PROPERTY PRIMARILY ON  
23 SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY THAT ARE  
24 TYPICALLY USED BY PEDESTRIANS;

25 (II) WEIGHS NO MORE THAN FIVE HUNDRED FIFTY POUNDS,  
26 EXCLUDING ANY TANGIBLE PERSONAL PROPERTY BEING TRANSPORTED;  
27 AND

1 (III) OPERATES AT SPEEDS OF LESS THAN TEN MILES PER HOUR  
2 WHEN ON SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY  
3 THAT ARE TYPICALLY USED BY PEDESTRIANS.

4 (18) "PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE" MEANS A  
5 MOTOR VEHICLE THAT IS POWERED BY BOTH A RECHARGEABLE BATTERY  
6 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL  
7 SOURCE OF ELECTRICITY AND A SECONDARY SOURCE OF PROPULSION SUCH  
8 AS AN INTERNAL COMBUSTION ENGINE.

9 (19) "PREARRANGED RIDE" HAS THE SAME MEANING AS SET FORTH  
10 IN SECTION 40-10.1-602 (2).

11 (20) "RECOVERED METHANE" MEANS ANY OF THE FOLLOWING IF  
12 THE AIR POLLUTION CONTROL DIVISION DETERMINES THEM TO PROVIDE A  
13 NET REDUCTION IN GREENHOUSE GAS EMISSIONS:

- 14 (a) BIOMETHANE;
  - 15 (b) METHANE DERIVED FROM:
    - 16 (I) MUNICIPAL SOLID WASTE;
    - 17 (II) BIOMASS PYROLYSIS OR ENZYMATIC BIOMASS; OR
    - 18 (III) WASTEWATER TREATMENT; AND
  - 19 (c) COAL MINE METHANE, AS DEFINED IN SECTION 40-2-124
- 20 (1)(a)(II).

21 (21) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE  
22 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE  
23 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE  
24 PURCHASER AT A PHYSICAL ADDRESS IN THE STATE, WHICH SALE INCLUDES  
25 AT LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS SUBJECT  
26 TO TAXATION UNDER ARTICLE 26 OF TITLE 39.

27 (22) "RETAILER" HAS THE SAME MEANING AS SET FORTH IN

1 SECTION 39-26-102 (8).

2 (23) "RETAIL SALE" HAS THE SAME MEANING AS SET FORTH IN  
3 SECTION 39-26-102 (9).

4 (24) "RIDER" HAS THE SAME MEANING AS SET FORTH IN SECTION  
5 40-10.1-602 (5).

6 (25) "TANGIBLE PERSONAL PROPERTY" HAS THE SAME MEANING AS  
7 SET FORTH IN SECTION 39-26-102 (15).

8 (26) "TRANSPORTATION NETWORK COMPANY" HAS THE SAME  
9 MEANING AS SET FORTH IN SECTION 40-10.1-602 (3).

10 (27) "TRANSPORTATION NETWORK COMPANY DRIVER" HAS THE  
11 SAME MEANING AS SET FORTH IN SECTION 40-10.1-602 (4).

12 (28) "TRANSPORTATION NETWORK COMPANY SERVICES" HAS THE  
13 SAME MEANING AS SET FORTH IN SECTION 40-10.1-602 (6).

14 (29) "ZERO EMISSIONS MOTOR VEHICLE" MEANS A BATTERY  
15 ELECTRIC MOTOR VEHICLE OR A HYDROGEN FUEL CELL MOTOR VEHICLE.

16 **25-7.5-103. Clean fleet enterprise - creation - board - powers**  
17 **and duties - fees - fund.** (1) (a) THE CLEAN FLEET ENTERPRISE IS HEREBY  
18 CREATED IN THE DEPARTMENT. THE ENTERPRISE IS AND OPERATES AS A  
19 GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER TO  
20 EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF THIS  
21 SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES SET  
22 FORTH IN THIS SECTION.

23 (b) THE ENTERPRISE EXERCISES ITS POWERS AND PERFORMS ITS  
24 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AS IF THE SAME WERE  
25 TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED  
26 IN SECTION 24-1-105.

27 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF

1 NINE MEMBERS AS FOLLOWS:

2 (I) THE GOVERNOR SHALL APPOINT SIX MEMBERS WHO SHALL  
3 SERVE AT THE PLEASURE OF THE GOVERNOR FOR TERMS OF THE LENGTH  
4 SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION. ONE MEMBER SHALL  
5 REPRESENT A DISPROPORTIONATELY IMPACTED COMMUNITY, ONE MEMBER  
6 SHALL HAVE EXPERTISE IN AIR POLLUTION REDUCTION, ONE MEMBER  
7 SHALL HAVE EXPERTISE IN TRANSPORTATION, ONE MEMBER SHALL HAVE  
8 EXPERTISE IN MOTOR VEHICLE FLEET ELECTRIFICATION, ONE MEMBER  
9 SHALL HAVE EXPERTISE IN BUSINESS OR SUPPLY CHAIN MANAGEMENT, AND  
10 ONE MEMBER SHALL REPRESENT A BUSINESS THAT OWNS OR OPERATES A  
11 MOTOR VEHICLE FLEET. THE GOVERNOR SHALL MAKE REASONABLE  
12 EFFORTS, TO THE EXTENT SUCH APPLICATIONS HAVE BEEN SUBMITTED FOR  
13 CONSIDERATION FOR THE BOARD, TO CONSIDER MEMBERS THAT REFLECT  
14 THE STATE'S GEOGRAPHIC DIVERSITY WHEN MAKING APPOINTMENTS AND  
15 SHALL MAKE INITIAL APPOINTMENTS NO LATER THAN OCTOBER 1, 2021.

16 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE  
17 EXECUTIVE DIRECTOR'S DESIGNEE;

18 (III) THE DIRECTOR OF THE COLORADO ENERGY OFFICE OR THE  
19 DIRECTOR'S DESIGNEE; AND

20 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
21 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

22 (b) MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR SERVE  
23 FOR TERMS OF FOUR YEARS; EXCEPT THAT FOUR OF THE MEMBERS  
24 INITIALLY APPOINTED SHALL SERVE FOR INITIAL TERMS OF THREE YEARS.  
25 A MEMBER WHO IS APPOINTED TO FILL A VACANCY ON THE BOARD SHALL  
26 SERVE THE REMAINDER OF THE UNEXPIRED TERM OF THE FORMER MEMBER.  
27 THE OTHER BOARD MEMBERS SERVE FOR AS LONG AS THEY HOLD THEIR

1 POSITIONS OR ARE DESIGNATED TO SERVE.

2 (c) MEMBERS OF THE BOARD SERVE WITHOUT COMPENSATION BUT  
3 MUST BE REIMBURSED FROM MONEY IN THE FUND FOR ACTUAL AND  
4 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES  
5 PURSUANT TO THIS ARTICLE 7.5.

6 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO INCENTIVIZE  
7 AND SUPPORT THE USE OF ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR  
8 VEHICLES THAT ORIGINALLY WERE POWERED EXCLUSIVELY BY INTERNAL  
9 COMBUSTION ENGINES BUT HAVE BEEN CONVERTED INTO ELECTRIC MOTOR  
10 VEHICLES, AND, TO THE EXTENT TEMPORARILY NECESSITATED BY THE  
11 LIMITATIONS OF CURRENT ELECTRIC MOTOR VEHICLE TECHNOLOGY FOR  
12 CERTAIN FLEET USES, COMPRESSED NATURAL GAS MOTOR VEHICLES THAT  
13 ARE FUELED BY RECOVERED METHANE, BY BUSINESSES AND  
14 GOVERNMENTAL ENTITIES THAT OWN OR OPERATE FLEETS OF MOTOR  
15 VEHICLES, INCLUDING FLEETS COMPOSED OF PERSONAL MOTOR VEHICLES  
16 OWNED OR LEASED BY INDIVIDUAL CONTRACTORS WHO PROVIDE  
17 PREARRANGED RIDES FOR TRANSPORTATION NETWORK COMPANIES OR  
18 DELIVER GOODS FOR A THIRD-PARTY DELIVERY SERVICE. TO ALLOW THE  
19 ENTERPRISE TO ACCOMPLISH THIS PURPOSE AND FULLY EXERCISE ITS  
20 POWERS AND DUTIES THROUGH THE BOARD, THE ENTERPRISE MAY:

21 (a) IMPOSE A CLEAN FLEET PER RIDE FEE AND A CLEAN FLEET  
22 RETAIL DELIVERY FEE AS AUTHORIZED BY SUBSECTIONS (7) AND (8) OF  
23 THIS SECTION;

24 (b) ISSUE GRANTS, LOANS, AND REBATES AS AUTHORIZED BY  
25 SUBSECTION (9) OF THIS SECTION; AND

26 (c) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUE AND  
27 OTHER AVAILABLE MONEY OF THE ENTERPRISE.

1           (4) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES  
2 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT  
3 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS  
4 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL  
5 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT  
6 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (4), THE  
7 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE  
8 CONSTITUTION.

9           (5) (a) THE CLEAN FLEET ENTERPRISE FUND IS HEREBY CREATED IN  
10 THE STATE TREASURY. THE FUND CONSISTS OF CLEAN FLEET PER RIDE FEE  
11 REVENUE AND CLEAN FLEET RETAIL DELIVERY FEE REVENUE CREDITED TO  
12 THE FUND PURSUANT TO SUBSECTIONS (7) AND (8) OF THIS SECTION, ANY  
13 MONETARY GIFTS, GRANTS, DONATIONS, OR OTHER PAYMENTS RECEIVED  
14 BY THE ENTERPRISE, ANY FEDERAL MONEY THAT MAY BE CREDITED TO THE  
15 FUND, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY  
16 APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL  
17 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND  
18 INVESTMENT OF MONEY IN THE FUND TO THE FUND. MONEY IN THE FUND  
19 IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES  
20 SET FORTH IN THIS ARTICLE 7.5 AND TO PAY THE ENTERPRISE'S  
21 REASONABLE AND NECESSARY OPERATING EXPENSES, INCLUDING THE  
22 REPAYMENT OF ANY LOAN RECEIVED PURSUANT TO SUBSECTION (5)(b) OF  
23 THIS SECTION.

24           (b) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY  
25 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING  
26 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE  
27 REVENUE OR REVENUE BOND PROCEEDS. THE ENTERPRISE MAY ACCEPT



1 ANDEXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY  
2 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE  
3 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY  
4 CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE DEPARTMENT TO THE  
5 ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR  
6 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE  
7 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY  
8 TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE  
9 CLEAN FLEET ENTERPRISE INITIAL EXPENSES FUND, WHICH IS HEREBY  
10 CREATED IN THE STATE TREASURY, AND LOAN LIABILITIES THAT ARE  
11 RECORDED IN THE CLEAN FLEET ENTERPRISE INITIAL EXPENSES FUND BUT  
12 THAT ARE NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR SHALL  
13 NOT BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND  
14 BALANCE FOR PURPOSES OF SECTION 24-75-109. THE STATE TREASURER  
15 SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT  
16 AND INVESTMENT OF MONEY IN THE CLEAN FLEET ENTERPRISE INITIAL  
17 EXPENSES FUND TO THE FUND. THE CLEAN FLEET ENTERPRISE INITIAL  
18 EXPENSES FUND IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR  
19 THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE  
20 BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND PROCEEDS. AS THE  
21 ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE  
22 ENTERPRISE SHALL REIMBURSE THE DEPARTMENT FOR THE PRINCIPAL  
23 AMOUNT OF ANY LOAN MADE BY THE DEPARTMENT PLUS INTEREST AT A  
24 RATE SET BY THE DEPARTMENT.

25 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN  
26 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND  
27 DUTIES:

1 (a) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND  
2 THE CONDUCT OF ITS BUSINESS;

3 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND  
4 PERSONAL PROPERTY;

5 (c) IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE  
6 DEPARTMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, TO EMPLOY AND  
7 SUPERVISE INDIVIDUALS, PROFESSIONAL CONSULTANTS AND  
8 CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS  
9 BUSINESS PURPOSE;

10 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY,  
11 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY  
12 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,  
13 OFFICE SPACE, AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER  
14 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE,  
15 WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112  
16 OF TITLE 24. THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON A  
17 COMPETITIVE BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE  
18 ENTERPRISE IN ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF  
19 GRANT APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING  
20 SINGLE-SOURCE BIDS.

21 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, DONATIONS, OR  
22 OTHER PAYMENTS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES  
23 OF THIS ARTICLE 7.5 SO LONG AS THE TOTAL AMOUNT OF ALL GRANTS  
24 FROM COLORADO STATE AND LOCAL GOVERNMENTS RECEIVED IN ANY  
25 STATE FISCAL YEAR IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S  
26 TOTAL ANNUAL REVENUE FOR THE STATE FISCAL YEAR. THE ENTERPRISE  
27 SHALL TRANSMIT ANY MONEY RECEIVED THROUGH GIFTS, GRANTS,

1 DONATIONS, OR OTHER PAYMENTS TO THE STATE TREASURER, WHO SHALL  
2 CREDIT THE MONEY TO THE FUND.

3 (f) TO PROVIDE SERVICES AS SET FORTH IN SUBSECTION (9) OF THIS  
4 SECTION;

5 (g) TO PUBLISH THE PROCESSES BY WHICH THE ENTERPRISE  
6 ACCEPTS APPLICATIONS, THE CRITERIA FOR EVALUATING APPLICATIONS,  
7 AND A LIST OF GRANTEEES OR PROGRAM PARTICIPANTS PURSUANT TO  
8 SUBSECTION (9) OF THIS SECTION; AND

9 (h) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
10 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
11 GRANTED BY THIS SECTION.

12 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN  
13 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE A CLEAN  
14 FLEET PER RIDE FEE TO BE PAID BY A TRANSPORTATION NETWORK  
15 COMPANY FOR EACH PREARRANGED RIDE REQUESTED AND ACCEPTED  
16 THROUGH THE COMPANY'S DIGITAL NETWORK. FOR THE PURPOSE OF  
17 MINIMIZING COMPLIANCE COSTS FOR TRANSPORTATION NETWORK  
18 COMPANIES AND ADMINISTRATIVE COSTS FOR THE STATE, THE  
19 DEPARTMENT OF REVENUE SHALL COLLECT THE CLEAN FLEET PER RIDE FEE  
20 ON BEHALF OF THE ENTERPRISE, AND A TRANSPORTATION NETWORK  
21 COMPANY SHALL PAY THE FEE TO THE DEPARTMENT OF REVENUE AS  
22 REQUIRED BY SECTION 40-10.1-607.5 (2). THE ENTERPRISE SHALL ENSURE  
23 THAT DURING THE FIRST TEN STATE FISCAL YEARS OF FEE COLLECTIONS,  
24 EXPENDITURES THAT SUPPORT TRANSPORTATION NETWORK COMPANY  
25 OPERATIONS EQUAL OR EXCEED CUMULATIVE CLEAN FLEET PER RIDE FEE  
26 REVENUE.

27 (b) FOR PREARRANGED RIDES REQUESTED AND ACCEPTED DURING

1 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE THE CLEAN  
2 FLEET PER RIDE FEE IN A MAXIMUM AMOUNT OF:

3 (I) THREE AND THREE-QUARTERS CENTS FOR EACH PREARRANGED  
4 RIDE THAT IS A CARSHARE RIDE OR FOR WHICH THE DRIVER TRANSPORTS  
5 THE RIDER IN A ZERO EMISSIONS MOTOR VEHICLE; AND

6 (II) SEVEN AND ONE-HALF CENTS FOR EVERY OTHER  
7 PREARRANGED RIDE.

8 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II)  
9 OF THIS SECTION, FOR PREARRANGED RIDES REQUESTED AND ACCEPTED  
10 DURING STATE FISCAL YEAR 2023-24 OR DURING ANY SUBSEQUENT STATE  
11 FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE CLEAN FLEET PER RIDE  
12 FEE IN A MAXIMUM AMOUNT THAT IS THE APPLICABLE MAXIMUM AMOUNT  
13 FOR THE PRIOR STATE FISCAL YEAR ADJUSTED FOR INFLATION. THE  
14 ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF REVENUE OF THE AMOUNT  
15 OF THE CLEAN FLEET PER RIDE FEE TO BE COLLECTED FOR RIDES  
16 REQUESTED AND ACCEPTED DURING EACH STATE FISCAL YEAR NO LATER  
17 THAN MARCH 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL  
18 YEAR BEGINS AND THE DEPARTMENT OF REVENUE SHALL PUBLISH THE  
19 AMOUNT NO LATER THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE  
20 STATE FISCAL YEAR BEGINS.

21 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF  
22 THE CLEAN FLEET PER RIDE FEE FOR PREARRANGED RIDES REQUESTED AND  
23 ACCEPTED DURING A STATE FISCAL YEAR ONLY IF THE RATE OF INFLATION  
24 IS POSITIVE AND CUMULATIVE INFLATION FROM THE TIME OF THE LAST  
25 ADJUSTMENT IN THE AMOUNT OF THE FEE, WHEN APPLIED TO THE SUM OF  
26 THE CURRENT CLEAN FLEET PER RIDE FEE AND THE CURRENT AIR  
27 POLLUTION MITIGATION PER RIDE FEE IMPOSED AS REQUIRED BY SECTION

1 43-4-1303 (7) AND ROUNDED TO THE NEAREST WHOLE CENT, WILL RESULT  
2 IN AN INCREASE OF AT LEAST ONE WHOLE CENT IN THE TOTAL AMOUNT OF  
3 THE CLEAN FLEET PER RIDE FEE AND THE AIR POLLUTION MITIGATION PER  
4 RIDE FEE PAID BY A PERSON WHO REQUESTS AND ACCEPTS A PREARRANGED  
5 RIDE. THE AMOUNT OF CUMULATIVE INFLATION TO BE APPLIED TO THE SUM  
6 OF THE CURRENT CLEAN FLEET PER RIDE FEE AND THE CURRENT AIR  
7 POLLUTION MITIGATION PER RIDE FEE AND ROUNDED TO THE NEAREST  
8 WHOLE CENT IS THE LESSER OF ACTUAL CUMULATIVE INFLATION OR FIVE  
9 PERCENT.

10 (d) AS REQUIRED BY SECTION 40-10.1-607.5 (3)(a), THE  
11 DEPARTMENT OF REVENUE SHALL TRANSMIT ALL NET CLEAN FLEET PER  
12 RIDE FEE REVENUE COLLECTED TO THE STATE TREASURER, WHO SHALL  
13 CREDIT THE REVENUE TO THE FUND.

14 (8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN  
15 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE, AND THE  
16 DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE  
17 ENTERPRISE, A CLEAN FLEET RETAIL DELIVERY FEE ON EACH RETAIL  
18 DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY SHALL ADD  
19 TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE PURCHASER,  
20 AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND IN THE  
21 MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH SECTION  
22 43-4-218 (6) THE CLEAN FLEET RETAIL DELIVERY FEE. FOR THE PURPOSE  
23 OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS AND ADMINISTRATIVE  
24 COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE SHALL COLLECT  
25 AND ADMINISTER THE CLEAN FLEET RETAIL DELIVERY FEE ON BEHALF OF  
26 THE ENTERPRISE IN THE SAME MANNER IN WHICH IT COLLECTS AND  
27 ADMINISTERS THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218

1 (3).

2 (b) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY  
3 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL  
4 IMPOSE THE CLEAN FLEET RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT  
5 OF FIVE AND THREE-TENTHS CENTS.

6 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8)(c)(II)  
7 OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL  
8 PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING  
9 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE  
10 CLEAN FLEET RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT THAT IS THE  
11 MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR ADJUSTED FOR  
12 INFLATION. THE ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF REVENUE  
13 OF THE AMOUNT OF THE CLEAN FLEET RETAIL DELIVERY FEE TO BE  
14 COLLECTED FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY  
15 PURCHASED DURING EACH STATE FISCAL YEAR NO LATER THAN MARCH 15  
16 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS, AND  
17 THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT NO LATER  
18 THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR  
19 BEGINS.

20 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF  
21 THE CLEAN FLEET RETAIL DELIVERY FEE FOR RETAIL DELIVERIES OF  
22 TANGIBLE PERSONAL PROPERTY PURCHASED DURING A STATE FISCAL YEAR  
23 ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE AMOUNT OF THE  
24 RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3) FOR RETAIL  
25 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING THE  
26 STATE FISCAL YEAR.

27 (9) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, AND SUBJECT

1 TO THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (9), THE  
2 ENTERPRISE IS AUTHORIZED TO INCENTIVIZE, SUPPORT, AND ACCELERATE  
3 THE ADOPTION OF ELECTRIC MOTOR VEHICLES IN MOTOR VEHICLE FLEETS.

4 (b) THE ENTERPRISE MAY PROVIDE FUNDING OR FINANCING  
5 THROUGH GRANT PROGRAMS, REBATE PROGRAMS, REVOLVING LOAN  
6 FUNDS, OR SUCH OTHER STRATEGIES AS THE BOARD FINDS EFFECTIVE:

7 (I) TO HELP PUBLIC AND PRIVATE OWNERS AND OPERATORS OF  
8 MOTOR VEHICLE FLEETS FINANCE ELECTRIC MOTOR VEHICLE ACQUISITIONS  
9 TO REDUCE THE UP-FRONT COSTS OF ACQUIRING ELECTRIC MOTOR  
10 VEHICLES AND, IF THE ENTERPRISE DETERMINES THAT ELECTRIC MOTOR  
11 VEHICLES ARE NOT YET PRACTICALLY AVAILABLE FOR HEAVY DUTY  
12 TRUCKS FOR A PERIOD OF TIME, TO HELP PUBLIC AND PRIVATE OWNERS  
13 FINANCE COMPRESSED NATURAL GAS HEAVY DUTY TRUCK ACQUISITIONS  
14 IF AT LEAST NINETY PERCENT OF THE FUEL FOR THE TRUCKS WILL BE  
15 RECOVERED METHANE;

16 (II) TO ASSESS AND IMPLEMENT CLEANER MOBILE SOURCE  
17 TECHNOLOGY TO SUPPORT ELECTRIFICATION OF MOTOR VEHICLES AND  
18 ELECTRIC MOTOR VEHICLE FLEETS;

19 (III) TO COORDINATE ENGAGEMENT WITH PUBLIC ENTITIES AND  
20 OWNERS AND OPERATORS OF MOTOR VEHICLE FLEETS TO DEVELOP  
21 STRATEGIES FOR ELECTRIFYING MOTOR VEHICLE FLEETS AND OTHER NOT  
22 YET ELECTRIFIED FREIGHT TRANSPORTATION AND RETAIL DELIVERY  
23 OPERATIONS THAT CAN BE ELECTRIFIED;

24 (IV) TO RESEARCH AND ASSESS INNOVATIVE AND EMERGING  
25 MOTOR VEHICLE EMISSION STRATEGIES FOR MOTOR VEHICLES AND  
26 ENGINES AND MODERNIZE AND IMPROVE CURRENT TESTING, INSPECTION,  
27 AND READJUSTMENT SERVICES OFFERED BY THE DEPARTMENT;

1 (V) TO PROVIDE TRAINING AND DEVELOPMENT OF A CLEAN  
2 TRANSPORTATION WORKFORCE TO SUPPORT THE ADOPTION OF ELECTRIC  
3 MOTOR VEHICLES FOR USE IN MOTOR VEHICLE FLEETS;

4 (VI) TO RESEARCH AND DEVELOP STRATEGIES, BUSINESS PLANS,  
5 AND GUIDANCE TO SUPPORT THE CONSISTENT APPLICATION OF GRANTS  
6 AND OTHER ENTERPRISE BUSINESS SERVICES, INCLUDING REMEDIATION  
7 SERVICES;

8 (VII) TO PROVIDE OUTREACH, EDUCATION, OR TRAINING TO  
9 SUPPORT THE SUCCESSFUL APPLICATION AND PERFORMANCE BY ENTITIES  
10 RECEIVING FUNDS;

11 (VIII) TO PROVIDE OR SUPPORT THE DELIVERY OF COMPANION  
12 SERVICES SUCH AS FLEET MOTOR VEHICLE TESTING, INSPECTION, AND  
13 READJUSTMENT SERVICES;

14 (IX) TO ADDRESS NONATTAINMENT OF NATIONAL AMBIENT AIR  
15 QUALITY STANDARDS BEFORE IT BECOMES NECESSARY TO IMPOSE MORE  
16 RESTRICTIVE MEASURES TO ACHIEVE ATTAINMENT THAT WOULD IMPOSE  
17 BURDENS ON BUSINESS THAT OWN OR OPERATE MOTOR VEHICLES FLEETS  
18 IN OR NEAR NONATTAINMENT AREAS;

19 (X) TO ADDRESS COMMUNITY EXPOSURE, INCLUDING EXPOSURE IN  
20 DISPROPORTIONATELY IMPACTED COMMUNITIES, AND HEALTH DISPARITIES  
21 IN SUCH COMMUNITIES RESULTING FROM INCREASED EXPOSURE TO MOTOR  
22 VEHICLE FLEET OPERATIONS;

23 (XI) TO HELP COMPANIES THAT MAINTAIN MOTOR VEHICLE FLEETS  
24 AND RENT MOTOR VEHICLES IN THE FLEETS TO TRANSPORTATION NETWORK  
25 COMPANY DRIVERS FOR USE IN PROVIDING TRANSPORTATION NETWORK  
26 COMPANY SERVICES PURCHASE OR LEASE ELECTRIC MOTOR VEHICLES FOR  
27 THAT USE;



1 (XII) TO HELP TRANSPORTATION NETWORK COMPANIES PROVIDE  
2 INCENTIVES FOR TRANSPORTATION NETWORK COMPANY DRIVERS TO  
3 PROVIDE PREARRANGED RIDES IN ELECTRIC MOTOR VEHICLES; AND

4 (XIII) TO PROVIDE ADDITIONAL REMEDIATION SERVICES TO FEE  
5 PAYERS AS MAY BE PROVIDED BY LAW INCLUDING BUT NOT LIMITED TO  
6 INCENTIVIZING THE USE OF CLEAN MOBILE EQUIPMENT, PROVIDE PLANNING  
7 SERVICES TO SUPPORT COMMUNITIES, INCLUDING BUT NOT LIMITED TO  
8 DISPROPORTIONATELY IMPACTED COMMUNITIES, OR PROVIDE SCRAPPAGE  
9 SERVICES.

10 (10) THE ENTERPRISE SHALL CONTRACT WITH THE AIR POLLUTION  
11 CONTROL DIVISION OF THE DEPARTMENT TO DEVELOP PROPOSED RULES  
12 FOR THE CONSIDERATION OF THE COMMISSION THAT WILL SUPPORT THE  
13 ENTERPRISE'S BUSINESS SERVICES, INCLUDING REMEDIATION SERVICES, IN  
14 A MANNER THAT MAINTAINS COMPLIANCE WITH THE FEDERAL AND STATE  
15 STATUTES, RULES, AND REGULATIONS GOVERNING AIR QUALITY. THE  
16 DIVISION SHALL COLLABORATE WITH THE COLORADO ENERGY OFFICE AND  
17 THE DEPARTMENT OF TRANSPORTATION WHEN DEVELOPING THE RULES.

18 (11) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE  
19 ENTERPRISE SHALL:

20 (I) NO LATER THAN JUNE 1, 2022, PUBLISH AND POST ON ITS  
21 WEBSITE A TEN-YEAR PLAN THAT DETAILS HOW THE ENTERPRISE WILL  
22 EXECUTE ITS BUSINESS PURPOSE DURING STATE FISCAL YEARS 2022-23  
23 THROUGH 2031-32 AND ESTIMATES THE AMOUNT OF FUNDING NEEDED TO  
24 IMPLEMENT THE PLAN. NO LATER THAN JANUARY 1, 2032, THE ENTERPRISE  
25 SHALL PUBLISH AND POST ON ITS WEBSITE A NEW TEN-YEAR PLAN FOR  
26 STATE FISCAL YEARS 2032-33 THROUGH 2041-42;

27 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE

1 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,  
2 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE  
3 IMPLEMENTATION OF ITS TEN-YEAR PLAN, THE FUNDING STATUS AND  
4 PROGRESS TOWARD COMPLETION OF EACH PROJECT THAT IT WHOLLY OR  
5 PARTLY FUNDS, AND ITS PER PROJECT AND TOTAL FUNDING AND  
6 EXPENDITURES;

7 (III) ENGAGE REGULARLY REGARDING ITS PROJECTS AND  
8 ACTIVITIES WITH THE PUBLIC, SPECIFICALLY REACHING OUT TO AND  
9 SEEKING INPUT FROM COMMUNITIES, INCLUDING BUT NOT LIMITED TO  
10 DISPROPORTIONATELY IMPACTED COMMUNITIES, AND INTEREST GROUPS  
11 THAT ARE LIKELY TO BE INTERESTED IN THE PROJECTS AND ACTIVITIES;  
12 AND

13 (IV) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND  
14 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION  
15 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE  
16 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND  
17 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE  
18 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY  
19 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL  
20 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN  
21 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT  
22 REQUIRED IN THIS SUBSECTION (11)(a)(IV) TO THE SPECIFIED LEGISLATIVE  
23 COMMITTEES CONTINUES INDEFINITELY.

24 (b) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS  
25 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", CONTAINED IN  
26 PART 4 OF ARTICLE 6 OF TITLE 24, AND THE "COLORADO OPEN RECORDS  
27 ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

1 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART  
2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE  
3 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS  
4 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION  
5 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS  
6 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS  
7 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND  
8 LOCAL GOVERNMENTS COMBINED.

9 (d) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF PART 2  
10 OF ARTICLE 57 OF TITLE 11.

11 **SECTION 12.** In Colorado Revised Statutes, 39-21-102, **add** (7)  
12 as follows:

13 **39-21-102. Scope.** (7) THE PROVISIONS OF THIS ARTICLE 21 APPLY  
14 TO THE FEES IMPOSED PURSUANT TO PART 3 OF ARTICLE 38.5 OF TITLE 24,  
15 ARTICLE 7.5 OF TITLE 25, AND THE FEES COLLECTED PURSUANT TO SECTION  
16 40-10.1-607.5, BUT ONLY TO THE EXTENT THAT THE PROVISIONS OF THIS  
17 ARTICLE 21 ARE NOT INCONSISTENT WITH THE PROVISIONS OF PART 3 OF  
18 ARTICLE 38.5 OF TITLE 24, ARTICLE 7.5 OF TITLE 25, AND SECTION  
19 40-10.1-607.5.

20 **SECTION 13.** In Colorado Revised Statutes, 39-21-119.5,  
21 **amend** (2)(i), (2)(s), (2)(t), (4)(d), (4)(i), and (4)(j); and **add** (2)(u) and  
22 (4)(k) as follows:

23 **39-21-119.5. Mandatory electronic filing of returns -**  
24 **mandatory electronic payment - penalty - waiver - definitions.**

25 (2) Except as provided in subsection (6) of this section, the executive  
26 director may, as specified in subsection (3) of this section, require the  
27 electronic filing of returns and require the payment of any tax or fee due

1 by electronic funds transfer for the following:

2 (i) Any motor fuel tax OR FEE return required to be filed and  
3 payment required to be made pursuant to section 39-27-303;

4 (s) Any prepaid wireless 911 charge report required to be filed and  
5 payment required to be made pursuant to section 29-11-102.5 (3); ~~and~~

6 (t) Any prepaid wireless telecommunications relay service charge  
7 report required to be filed and payment required to be made pursuant to  
8 section 29-11-102.7 (3); AND

9 (u) ANY RETAIL DELIVERY FEE OR ENTERPRISE RETAIL DELIVERY  
10 FEES RETURN REQUIRED TO BE FILED PURSUANT TO SECTION 43-4-218 (6).

11 (4) Except as provided in subsection (6) of this section, on and  
12 after August 2, 2019, electronic filing of returns and the payment of any  
13 tax or fee by electronic funds transfer is required for the following:

14 (d) (I) Any gasoline or special fuel report required to be filed  
15 pursuant to section 39-27-105 and the payment required to be made  
16 pursuant to section 39-27-105.3;

17 (II) ANY ROAD USAGE FEE REPORT OR BRIDGE AND TUNNEL IMPACT  
18 FEE REPORT REQUIRED TO BE FILED WITH A GASOLINE OR SPECIAL FUEL  
19 REPORT PURSUANT TO SECTION 43-4-217 (7);

20 (i) Any tobacco products excise tax return required to be filed and  
21 payment required to be made pursuant to article 28.5 of THIS title 39; ~~and~~

22 (j) Any nicotine products tax return required to be filed and  
23 payment required to be paid pursuant to article 28.6 of this title 39; AND

24 (k) ANY CLEAN FLEET PER RIDE FEE AND AIR POLLUTION  
25 MITIGATION PER RIDE FEE RETURN REQUIRED TO BE FILED AND PAYMENT  
26 REQUIRED PURSUANT TO SECTION 40-10.1-607.5.

27 **SECTION 14.** In Colorado Revised Statutes, 39-26-102, **amend**

1 (7)(a) introductory portion as follows:

2 **39-26-102. Definitions.** As used in this article 26, unless the  
3 context otherwise requires:

4 (7) (a) "Purchase price" means the price to the consumer,  
5 exclusive of any direct tax imposed by the federal government or by this  
6 ~~article~~ ARTICLE 26, EXCLUSIVE OF ANY RETAIL DELIVERY FEE AND  
7 ENTERPRISE RETAIL DELIVERY FEES IMPOSED OR COLLECTED AS SPECIFIED  
8 IN SECTION 43-4-218, and, in the case of all retail sales involving the  
9 exchange of property, also exclusive of the fair market value of the  
10 property exchanged at the time and place of the exchange, if:

11 **SECTION 15.** In Colorado Revised Statutes, 39-26-123, **repeal**  
12 (3.5) as follows:

13 **39-26-123. Receipts - disposition - transfers of general fund**  
14 **surplus - sales tax holding fund - creation - definitions.** (3.5) ~~For each~~  
15 ~~state fiscal year commencing on or after the first state fiscal year in which~~  
16 ~~an appropriation or transfer is permitted pursuant to section 24-75-219~~  
17 ~~(2)(d), C.R.S., the general assembly may appropriate or transfer, in its~~  
18 ~~sole discretion, moneys from the general fund to the sales and use tax~~  
19 ~~holding fund.~~

20 **SECTION 16.** In Colorado Revised Statutes, 39-27-301, **amend**  
21 (1), (4), and (6); and **add** (3.3) as follows:

22 **39-27-301. Definitions.** As used in this part 3, unless the context  
23 otherwise requires:

24 (1) "Agreement" means a motor fuel tax AND FEE agreement under  
25 this part 3.

26 (3.3) "FEE" MEANS THE ROAD USAGE FEE IMPOSED BY SECTION  
27 43-4-217 (3) AND (4) AND THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED

1 BY SECTION 43-4-805 (5)(g.5).

2 (4) "Licensee" means a motor carrier who has been issued a fuel  
3 tax license under a motor fuel tax AND FEE agreement.

4 (6) "Motor fuel" means all fuel subject to FEES AND SUBJECT TO  
5 tax under this ~~article~~ ARTICLE 27.

6 **SECTION 17.** In Colorado Revised Statutes, **amend** 39-27-302  
7 as follows:

8 **39-27-302. Agreements between jurisdictions.** The department  
9 may enter into a motor fuel tax AND FEE cooperative agreement with  
10 another jurisdiction or jurisdictions that provide for the administration,  
11 collection, and enforcement of each jurisdiction's motor fuel taxes AND  
12 FEES on motor fuel used by motor carriers. The agreement shall not  
13 contain any provision that exempts any motor vehicle, owner, or operator  
14 from complying with the laws, rules, and regulations pertaining to motor  
15 vehicle licensing, size, weight, load, or operation upon the public  
16 highways of this state.

17 **SECTION 18.** In Colorado Revised Statutes, 39-27-304, **amend**  
18 (1)(a), (1)(b), (1)(c), (1)(e), (1)(f), and (1)(g) as follows:

19 **39-27-304. Provisions of agreements.** (1) An agreement entered  
20 into under this part 3 may provide for:

21 (a) Defining the classes of motor vehicles upon which taxes AND  
22 FEES are to be collected under the agreement;

23 (b) Establishing methods for base jurisdiction fuel tax licensing,  
24 license revocation, and tax AND FEE collection from motor carriers on  
25 behalf of the jurisdictions that are parties to the agreement;

26 (c) Establishing procedures for the granting of credits or refunds  
27 on the purchase of excess tax-paid AND FEE-PAID fuel;

1 (e) Establishing tax AND FEE reporting periods not to exceed one  
2 calendar quarter and TAX AND FEE report due dates not to exceed one  
3 calendar month after the close of the reporting period;

4 (f) Penalties and interest for filing of tax AND FEE reports after the  
5 due dates prescribed by the agreement;

6 (g) Establishing procedures for the forwarding of fuel taxes, FEES,  
7 penalties, and interest collected on behalf of another jurisdiction to such  
8 jurisdiction;

9 **SECTION 19.** In Colorado Revised Statutes, **amend** 39-27-305  
10 as follows:

11 **39-27-305. Credit for purchases.** Any licensee purchasing more  
12 tax-paid AND FEE-PAID motor fuel in this state than the licensee uses in  
13 this state during the course of a reporting period shall be permitted a  
14 credit against future tax AND FEE liability for the excess tax-paid AND  
15 FEE-PAID fuel purchased. Upon request, this credit may be refunded to the  
16 licensee by the department in accordance with the agreement.

17 **SECTION 20.** In Colorado Revised Statutes, 39-27-306, **amend**  
18 (1) as follows:

19 **39-27-306. Tax and fee collection.** (1) The agreement may  
20 require the department to perform audits of licensees or persons required  
21 to be licensed and who are based in this state to determine whether motor  
22 fuel taxes AND FEES to be collected under the agreement have been  
23 reported properly and paid to each jurisdiction that is a party to the  
24 agreement. The agreement may authorize other jurisdictions to perform  
25 audits on licensees or persons required to be licensed and who are based  
26 in such other jurisdictions on behalf of the state of Colorado and forward  
27 the audit findings to the department. Such findings may be served upon

1 the licensee or such other person in the same manner as audits performed  
2 by the department.

3 **SECTION 21.** In Colorado Revised Statutes, 39-27-310, **amend**  
4 (1) as follows:

5 **39-27-310. Construction of this part 3 - rules and regulations.**

6 (1) This part 3 shall be applied and construed to effectuate its general  
7 purpose to make uniform the law with respect to the subject of this part  
8 3 among jurisdictions enacting it for the purpose of participating in a  
9 multijurisdictional motor fuel tax AND FEE agreement.

10 **SECTION 22.** In Colorado Revised Statutes, **add** 40-10.1-118 as  
11 follows:

12 **40-10.1-118. Certificated taxi carrier parity study -**  
13 **recommendations - legislative declaration - repeal.** (1) THE GENERAL  
14 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

15 (a) WHEN THE GENERAL ASSEMBLY ENACTED SENATE BILL 21 \_\_\_\_,  
16 ENACTED IN 2021, IT ESTABLISHED A POLICY THAT A SUSTAINABLE  
17 TRANSPORTATION SYSTEM MUST BE FUNDED ADEQUATELY AND  
18 EQUITABLY WITH CONTRIBUTIONS FROM USERS THAT BEAR A REASONABLE  
19 RELATIONSHIP TO THEIR USE OF AND IMPACTS ON THE SYSTEM AND THE  
20 ENVIRONMENT AND THE COSTS INCURRED IN MITIGATING THOSE IMPACTS;

21 (b) AS A RESULT OF THE ENACTMENT OF SENATE BILL 21 \_\_\_\_,  
22 ENACTED IN 2021, ON AND AFTER JULY 1, 2022, TRANSPORTATION  
23 NETWORK COMPANIES WILL PAY PER RIDE FEES FOR EACH PREARRANGED  
24 RIDE REQUESTED AND ACCEPTED THROUGH THEIR DIGITAL NETWORKS, BUT  
25 CERTIFICATED TAXI CARRIERS WILL NOT BE REQUIRED TO PAY PER RIDE  
26 FEES; AND

27 (c) CONSISTENT WITH THE POLICY THAT THE TRANSPORTATION



1 SYSTEM BE FUNDED ADEQUATELY AND EQUITABLY WITH CONTRIBUTIONS  
2 FROM USERS, IT IS NECESSARY AND APPROPRIATE TO ASSESS WHETHER  
3 THERE IS PARITY BETWEEN CERTIFICATED TAXI CARRIERS AND  
4 TRANSPORTATION NETWORK COMPANIES WITH RESPECT TO THEIR  
5 CONTRIBUTIONS TO THE FUNDING OF THE TRANSPORTATION SYSTEM.

6 (2) THE COMMISSION SHALL CONDUCT A STUDY TO ASSESS  
7 WHETHER, TAKING INTO ACCOUNT ANY RELEVANT DIFFERENCES IN THEIR  
8 BUSINESS MODELS, REGULATORY BURDENS, AND IMPACTS ON THE  
9 SUSTAINABILITY OF THE TRANSPORTATION SYSTEM, THERE IS PARITY  
10 BETWEEN CERTIFICATED TAXI CARRIERS AND TRANSPORTATION NETWORK  
11 COMPANIES WITH RESPECT TO THEIR CONTRIBUTIONS TO THE FUNDING OF  
12 THE TRANSPORTATION SYSTEM. THE COMMISSION SHALL REPORT THE  
13 RESULTS OF THE STUDY TO THE TRANSPORTATION LEGISLATION REVIEW  
14 COMMITTEE OF THE GENERAL ASSEMBLY CREATED IN SECTION 43-2-145  
15 (1)(a) DURING THE 2023 LEGISLATIVE INTERIM.

16 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

17 **SECTION 23.** In Colorado Revised Statutes, 40-10.1-605,  
18 **amend** (1)(d) as follows:

19 **40-10.1-605. Operational requirements.** (1) The following  
20 requirements apply to the provision of services:

21 (d) Before permitting a person to act as a driver on its digital  
22 network, a transportation network company shall confirm that the person  
23 HAS SELF-CERTIFIED TO THE TRANSPORTATION NETWORK COMPANY  
24 THROUGH THE TRANSPORTATION NETWORK COMPANY'S ONLINE  
25 APPLICATION OR DIGITAL NETWORK THAT HE OR SHE IS PHYSICALLY AND  
26 MENTALLY FIT TO DRIVE, is at least twenty-one years of age and possesses:

27 (I) A valid driver's license;

- 1 (II) Proof of automobile insurance; AND  
2 (III) Proof of a Colorado vehicle registration; and  
3 (IV) ~~Within ninety days of June 5, 2014, and pursuant to~~  
4 ~~commission rules, proof that the person is medically fit to drive.~~

5 **SECTION 24.** In Colorado Revised Statutes, **amend** 40-10.1-607  
6 as follows:

7 **40-10.1-607. Fees - transportation network company fund -**  
8 **creation.** The commission shall transmit all fees PAYABLE TO AND  
9 collected BY THE COMMISSION pursuant to this part 6 to the state treasurer,  
10 who shall credit the fees to the transportation network company fund,  
11 which is hereby created in the state treasury. The ~~moneys~~ MONEY in the  
12 fund ~~are~~ IS continuously appropriated to the commission for the purposes  
13 set forth in this part 6. All interest earned from the DEPOSIT AND  
14 investment of ~~moneys~~ MONEY in the fund is credited to the fund. Any  
15 ~~moneys~~ MONEY not expended at the end of the fiscal year ~~remain~~  
16 REMAINS in the fund and ~~do~~ DOES not revert to the general fund or any  
17 other fund.

18 **SECTION 25.** In Colorado Revised Statutes, **add** 40-10.1-607.5  
19 as follows:

20 **40-10.1-607.5. Fees - enterprise per ride fees - collection -**  
21 **distribution of fee proceeds - rules - definitions.** (1) AS USED IN THIS  
22 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

23 (a) "AIR POLLUTION MITIGATION PER RIDE FEE" MEANS THE AIR  
24 POLLUTION MITIGATION PER RIDE FEE IMPOSED BY THE NONATTAINMENT  
25 AREA AIR POLLUTION MITIGATION ENTERPRISE AS REQUIRED BY SECTION  
26 43-4-1303 (7).

27 (b) "CARSHARE RIDE" MEANS A PREARRANGED RIDE FOR WHICH

1 THE RIDER AGREES, AT THE TIME THE RIDER REQUESTS THE RIDE THROUGH  
2 A DIGITAL NETWORK, TO BE TRANSPORTED WITH ANOTHER RIDER WHO HAS  
3 SEPARATELY REQUESTED A PREARRANGED RIDE.

4 (c) "CLEAN FLEET PER RIDE FEE" MEANS THE CLEAN FLEET PER  
5 RIDE FEE IMPOSED BY THE CLEAN FLEET ENTERPRISE CREATED IN SECTION  
6 25-7.5-103 (1)(a) AS REQUIRED BY SECTION 25-7.5-103 (7).

7 (d) "ENTERPRISE PER RIDE FEES" MEANS THE CLEAN FLEET PER  
8 RIDE FEE AND THE AIR POLLUTION MITIGATION PER RIDE FEE.

9 (2) FOR PREARRANGED RIDES REQUESTED AND ACCEPTED DURING  
10 STATE FISCAL YEAR 2022-23, EACH TRANSPORTATION NETWORK COMPANY  
11 SHALL PAY TO THE DEPARTMENT OF REVENUE, AT THE TIME AND IN THE  
12 MANNER PRESCRIBED BY THE DEPARTMENT, THE ENTERPRISE PER RIDE  
13 FEES, WHICH, FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR  
14 TRANSPORTATION NETWORK COMPANIES AND ADMINISTRATIVE COSTS FOR  
15 THE STATE, THE DEPARTMENT SHALL COLLECT ON BEHALF OF THE  
16 ENTERPRISES.

17 (3) THE DEPARTMENT OF REVENUE SHALL TRANSMIT ALL NET  
18 ENTERPRISE PER RIDE FEE REVENUE TO THE STATE TREASURER, WHO SHALL  
19 CREDIT THE NET REVENUE AS FOLLOWS:

20 (a) ALL NET CLEAN FLEET PER RIDE FEE REVENUE SHALL BE  
21 CREDITED TO THE CLEAN FLEET ENTERPRISE FUND CREATED IN SECTION  
22 25-7.5-103 (5); AND

23 (b) ALL NET AIR POLLUTION MITIGATION PER RIDE FEE REVENUE  
24 SHALL BE CREDITED TO THE NONATTAINMENT AREA AIR POLLUTION  
25 MITIGATION ENTERPRISE FUND CREATED IN SECTION 43-4-1303 (5).

26 (4) WHEN COLLECTING THE ENTERPRISE PER RIDE FEES, THE  
27 DEPARTMENT OF REVENUE SHALL RETAIN AN AMOUNT THAT DOES NOT

1 EXCEED THE TOTAL COST OF COLLECTING, ADMINISTERING, AND  
2 ENFORCING THE ENTERPRISE PER RIDE FEES AND SHALL TRANSMIT THE  
3 AMOUNT RETAINED TO THE STATE TREASURER, WHO SHALL CREDIT IT TO  
4 THE ENTERPRISE PER RIDE FEES FUND, WHICH IS HEREBY CREATED IN THE  
5 STATE TREASURY. ALL MONEY IN THE ENTERPRISE PER RIDE FEES FUND IS  
6 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF REVENUE TO  
7 DEFRAID THE COSTS INCURRED BY THE DEPARTMENT IN COLLECTING,  
8 ENFORCING, AND ADMINISTERING THE ENTERPRISE PER RIDE FEES.

9 (5) THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF  
10 THE ENTERPRISE PER RIDE FEES COLLECTED AS REQUIRED BY SUBSECTION  
11 (2) OF THIS SECTION SHALL BE PERFORMED BY THE EXECUTIVE DIRECTOR  
12 OF THE DEPARTMENT OF REVENUE IN THE SAME MANNER AS THE  
13 COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF STATE TAXES  
14 PURSUANT TO ARTICLE 21 OF TITLE 39. THE DEPARTMENT OF REVENUE  
15 MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION.

16 **SECTION 26.** In Colorado Revised Statutes, 42-3-304, **amend**  
17 (25)(a) and (25)(b); and **add** (25)(a.5), (25)(a.6), (25)(a.7), (25)(a.8), and  
18 (25)(a.9) as follows:

19 **42-3-304. Registration fees - passenger and passenger-mile**  
20 **taxes - clean screen fund - rules - definitions.** (25) (a) In addition to  
21 any other fee imposed by this section, FOR REGISTRATION PERIODS  
22 BEGINNING DURING STATE FISCAL YEARS PRIOR TO STATE FISCAL YEAR  
23 2022-23, each authorized agent shall annually collect a fee of fifty dollars  
24 at the time of registration on every ~~plug-in~~ electric motor vehicle. FOR  
25 REGISTRATION PERIODS BEGINNING DURING STATE FISCAL YEAR 2022-23  
26 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, EACH AUTHORIZED  
27 AGENT SHALL CONTINUE TO COLLECT THE FEE, AND THE AMOUNT OF THE

1 FEE FOR REGISTRATION PERIODS BEGINNING DURING ANY GIVEN STATE  
2 FISCAL YEAR IS THE AMOUNT OF THE FEE COLLECTED FOR REGISTRATION  
3 PERIODS BEGINNING DURING THE PRIOR STATE FISCAL YEAR, ADJUSTED FOR  
4 INFLATION; EXCEPT THAT AN ADJUSTMENT SHALL BE MADE ONLY IF THE  
5 RATE OF INFLATION IS POSITIVE AND MUST BE THE LESSER OF THE ACTUAL  
6 RATE OF INFLATION OR FIVE PERCENT. THE DEPARTMENT OF REVENUE  
7 SHALL ANNUALLY CALCULATE THE INFLATION-ADJUSTED AMOUNT OF THE  
8 FEE FOR REGISTRATION PERIODS BEGINNING DURING EACH STATE FISCAL  
9 YEAR AND SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE  
10 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS. The  
11 authorized agent shall transmit the fee to the state treasurer, who shall  
12 credit thirty dollars, ADJUSTED FOR INFLATION, of each fee to the highway  
13 users tax fund created in section 43-4-201, and twenty dollars, ADJUSTED  
14 FOR INFLATION, of each fee to the electric vehicle grant fund created in  
15 section 24-38.5-103.

16 (a.5) (I) IN ADDITION TO ANY OTHER FEE IMPOSED BY THIS  
17 SECTION, INCLUDING THE FEE IMPOSED BY SUBSECTION (25)(a) OF THIS  
18 SECTION, FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL  
19 YEAR 2022-23 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, EACH  
20 AUTHORIZED AGENT SHALL ANNUALLY COLLECT AN ELECTRIC MOTOR  
21 VEHICLE ROAD USAGE EQUALIZATION FEE AT THE TIME OF REGISTRATION  
22 ON EVERY BATTERY ELECTRIC MOTOR VEHICLE AS SPECIFIED IN  
23 SUBSECTIONS (25)(a.5)(II) AND (25)(a.5)(III) OF THIS SECTION AND ON  
24 EVERY PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE AS SPECIFIED IN  
25 SUBSECTIONS (25)(a.5)(IV) AND (25)(a.5)(V) OF THIS SECTION. THE  
26 AUTHORIZED AGENT SHALL TRANSMIT THE FEE TO THE STATE TREASURER,  
27 WHO SHALL CREDIT IT TO THE HIGHWAY USERS TAX FUND FOR ALLOCATION

1 AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (6.8).

2 (II) FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL  
3 YEARS 2022-23 THROUGH 2031-32, THE AMOUNT OF THE ELECTRIC MOTOR  
4 VEHICLE ROAD USAGE EQUALIZATION FEE FOR A BATTERY ELECTRIC  
5 MOTOR VEHICLE IS AS FOLLOWS:

6	FISCAL YEAR	FEE
7	2022-2023	\$4
8	2023-2024	\$8
9	2024-2025	\$12
10	2025-2026	\$16
11	2026-2027	\$26
12	2027-2028	\$36
13	2028-2029	\$51
14	2029-2030	\$66
15	2030-2031	\$81
16	2031-2032	\$96

17 (III) FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL  
18 YEAR 2032-33 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE  
19 AMOUNT OF THE ELECTRIC MOTOR VEHICLE ROAD USAGE EQUALIZATION  
20 FEE FOR A BATTERY ELECTRIC MOTOR VEHICLE IS THE AMOUNT OF THE FEE  
21 FOR REGISTRATION PERIODS BEGINNING DURING THE PRIOR STATE FISCAL  
22 YEAR, ADJUSTED FOR INFLATION; EXCEPT THAT AN ADJUSTMENT SHALL BE  
23 MADE ONLY IF THE RATE OF INFLATION IS POSITIVE AND MUST BE THE  
24 LESSER OF THE ACTUAL RATE OF INFLATION OR FIVE PERCENT. THE  
25 DEPARTMENT OF REVENUE SHALL ANNUALLY CALCULATE THE INFLATION  
26 ADJUSTED AMOUNT OF THE ELECTRIC MOTOR VEHICLE ROAD USAGE  
27 EQUALIZATION FEE FOR A BATTERY ELECTRIC MOTOR VEHICLE FOR

1 REGISTRATION PERIODS BEGINNING DURING EACH STATE FISCAL YEAR AND  
2 SHALL NOTIFY AUTHORIZED AGENTS OF THE AMOUNT NO LATER THAN THE  
3 MAY 1 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

4 (IV) FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL  
5 YEARS 2022-23 THROUGH 2031-32, THE AMOUNT OF THE ELECTRIC MOTOR  
6 VEHICLE ROAD USAGE EQUALIZATION FEE FOR A PLUG-IN HYBRID ELECTRIC  
7 MOTOR VEHICLE IS:

8	FISCAL YEAR	FEE
9	2022-2023	\$3
10	2023-2024	\$5
11	2024-2025	\$8
12	2025-2026	\$11
13	2026-2027	\$13
14	2027-2028	\$16
15	2028-2029	\$19
16	2029-2030	\$21
17	2030-2031	\$24
18	2031-2032	\$27

19 (V) FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL  
20 YEAR 2032-33 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE  
21 AMOUNT OF THE ELECTRIC MOTOR VEHICLE ROAD USAGE EQUALIZATION  
22 FEE FOR A PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE IS THE AMOUNT OF  
23 THE FEE FOR REGISTRATION PERIODS COMMENCING DURING THE PRIOR  
24 STATE FISCAL YEAR, ADJUSTED FOR INFLATION; EXCEPT THAT AN  
25 ADJUSTMENT SHALL BE MADE ONLY IF THE RATE OF INFLATION IS POSITIVE  
26 AND THE ADJUSTMENT MUST BE THE LESSER OF THE ACTUAL RATE OF  
27 INFLATION OR FIVE PERCENT. THE DEPARTMENT OF REVENUE SHALL

1 CALCULATE THE INFLATION ADJUSTED AMOUNT OF THE ELECTRIC MOTOR  
2 VEHICLE ROAD USAGE EQUALIZATION FEE FOR A PLUG-IN HYBRID ELECTRIC  
3 MOTOR VEHICLE FOR REGISTRATION PERIODS BEGINNING DURING EACH  
4 STATE FISCAL YEAR AND SHALL NOTIFY AUTHORIZED AGENTS OF THE  
5 AMOUNT NO LATER THAN THE MAY 1 OF THE CALENDAR YEAR IN WHICH  
6 THE STATE FISCAL YEAR BEGINS.

7 (a.6) BECAUSE THE ELECTRIC MOTOR VEHICLE FEE IMPOSED  
8 PURSUANT TO SUBSECTION (25)(a) OF THIS SECTION AND THE ELECTRIC  
9 MOTOR VEHICLE ROAD USAGE EQUALIZATION FEE IMPOSED PURSUANT TO  
10 SUBSECTION (25)(a.5) OF THIS SECTION ARE INTENDED TO EQUALIZE THE  
11 AVERAGE AGGREGATE AMOUNT OF REGISTRATION FEES AND MOTOR FUEL  
12 CHARGES ANNUALLY PAID BY OWNERS OF ELECTRIC MOTOR VEHICLES AND  
13 OWNERS OF MOTOR VEHICLES POWERED EXCLUSIVELY BY INTERNAL  
14 COMBUSTION ENGINES, AND BECAUSE MOTOR FUEL CHARGES ARE PAID  
15 THROUGHOUT THE YEAR RATHER THAN AT THE TIME OF ANNUAL MOTOR  
16 VEHICLE REGISTRATION, THE DEPARTMENT SHALL IMPLEMENT A PILOT  
17 PROGRAM TO ALLOW FEES IMPOSED PURSUANT TO THIS SUBSECTION (25)  
18 TO BE PAID ON AN AUTOMATED PRORATED QUARTERLY BASIS. AFTER  
19 EVALUATING THE SUCCESS OF THE PILOT PROGRAM AFTER THE SECOND  
20 YEAR OF IMPLEMENTATION, THE DEPARTMENT SHALL MAKE THE PILOT  
21 PROGRAM PERMANENT UNLESS THERE IS COMPELLING EVIDENCE THAT THE  
22 PILOT PROGRAM HAS NOT BEEN SUCCESSFUL. THE DEPARTMENT MAY  
23 PROMULGATE RULES TO IMPLEMENT THIS SUBSECTION (25)(a.6).

24 (a.7) (I) IN LIEU OF ANY OTHER FEE IMPOSED BY THIS SUBSECTION  
25 (25), FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL YEAR  
26 2022-23 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, EACH  
27 AUTHORIZED AGENT SHALL ANNUALLY COLLECT A COMMERCIAL ELECTRIC



1 MOTOR VEHICLE ROAD USAGE EQUALIZATION FEE IN THE AMOUNT  
2 SPECIFIED IN SUBSECTION (25)(a.7)(II) OR (25)(a.7)(III) OF THIS SECTION.  
3 THE AUTHORIZED AGENT SHALL TRANSMIT THE FEE TO THE STATE  
4 TREASURER, WHO SHALL CREDIT IT AS SPECIFIED IN SUBSECTION  
5 (25)(a.7)(IV) OF THIS SECTION.

6 (II) FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL  
7 YEAR 2022-23, THE AMOUNT OF THE COMMERCIAL ELECTRIC MOTOR  
8 VEHICLE ROAD USAGE EQUALIZATION FEE IS:

9 (A) FIFTY DOLLARS FOR AN COMMERCIAL ELECTRIC MOTOR  
10 VEHICLE THAT WEIGHS MORE THAN TEN THOUSAND POUNDS BUT NOT  
11 MORE THAN SIXTEEN THOUSAND POUNDS;

12 (B) ONE HUNDRED DOLLARS FOR A COMMERCIAL ELECTRIC MOTOR  
13 VEHICLE THAT WEIGHS MORE THAN SIXTEEN THOUSAND POUNDS BUT NOT  
14 MORE THAT TWENTY-SIX THOUSAND POUNDS; AND

15 (C) ONE HUNDRED FIFTY DOLLARS FOR A COMMERCIAL ELECTRIC  
16 MOTOR VEHICLE THAT WEIGHS MORE THAN TWENTY-SIX THOUSAND  
17 POUNDS.

18 (III) FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL  
19 YEAR 2023-24 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE  
20 AMOUNT OF THE COMMERCIAL ELECTRIC MOTOR VEHICLE ROAD USAGE  
21 EQUALIZATION FEE IS THE AMOUNT OF THE FEE FOR REGISTRATION PERIODS  
22 COMMENCING DURING THE PRIOR STATE FISCAL YEAR, ADJUSTED FOR  
23 INFLATION; EXCEPT THAT AN ADJUSTMENT SHALL BE MADE ONLY IF THE  
24 RATE OF INFLATION IS POSITIVE AND THE ADJUSTMENT MUST BE THE  
25 LESSER OF THE ACTUAL RATE OF INFLATION OR FIVE PERCENT. THE  
26 DEPARTMENT OF REVENUE SHALL CALCULATE THE INFLATION ADJUSTED  
27 AMOUNT OF THE COMMERCIAL ELECTRIC MOTOR VEHICLE ROAD USAGE

1 EQUALIZATION FEE FOR A PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE FOR  
2 REGISTRATION PERIODS BEGINNING DURING EACH STATE FISCAL YEAR AND  
3 SHALL NOTIFY AUTHORIZED AGENTS OF THE AMOUNT NO LATER THAN THE  
4 MAY 1 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

5 (IV) THE STATE TREASURER SHALL CREDIT FEE REVENUE  
6 COLLECTED PURSUANT SUBSECTIONS (25)(a.7)(II) AND (25)(a.7)(III) AS  
7 FOLLOWS:

8 (A) SEVENTY PERCENT TO THE HIGHWAY USERS TAX FUND FOR  
9 ALLOCATION AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (6.8);  
10 AND

11 (B) THIRTY PERCENT TO THE STATE HIGHWAY FUND CREATED IN  
12 SECTION 43-1-219 FOR THE PURPOSE OF FUNDING FREIGHT-RELATED  
13 PROJECTS THAT EASE EFFECTIVE, EFFICIENT, AND SAFE FREIGHT  
14 TRANSPORT.

15 (a.8) DURING THE 2026 LEGISLATIVE INTERIM, THE COLORADO  
16 ENERGY OFFICE, THE DEPARTMENT OF TRANSPORTATION, AND THE  
17 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AFTER CONSULTING  
18 WITH THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION  
19 24-38.5-303 (1), THE CLEAN FLEET ENTERPRISE CREATED IN SECTION  
20 25-7.5-103 (1)(a), THE CLEAN TRANSIT ENTERPRISE CREATED IN SECTION  
21 43-4-1203 (1)(a), AND THE NONATTAINMENT AREA AIR POLLUTION  
22 MITIGATION ENTERPRISE CREATED IN SECTION 43-4-1303 (1)(a), SHALL  
23 JOINTLY COMPLETE A WRITTEN REPORT AND PRESENT THE REPORT AT A  
24 HEARING OF THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE  
25 CREATED IN SECTION 43-2-145 (1)(a). THE REPORT SHALL DETAIL  
26 PROGRESS ON ALL PROJECTS COMPLETED OR UNDERTAKEN USING FUNDING  
27 PROVIDED PURSUANT TO SENATE BILL 21-\_\_\_, ENACTED IN 2021, IDENTIFY

1 OTHER PROJECTS EXPECTED TO BE COMPLETED IN THE NEXT FIVE YEARS,  
2 SPECIFICALLY DOCUMENT THE USE OF GENERAL FUND MONEY PROVIDED  
3 PURSUANT TO SENATE BILL 21-\_\_\_, ENACTED IN 2021, AND MAKE  
4 RECOMMENDATIONS AS TO WHETHER ADDITIONAL GENERAL FUND MONEY  
5 SHOULD BE PROVIDED FOR SIMILAR USES IN LIGHT OF CURRENT ECONOMIC  
6 CONDITIONS, INFLATION, AND OTHER PROJECT COMPLETION COST FACTORS,  
7 AND AVAILABLE STATE REVENUE. THE REPORT SHALL ALSO INCLUDE THE  
8 JOINT RECOMMENDATIONS OF THE OFFICE AND THE DEPARTMENTS AS TO  
9 WHETHER, BEGINNING IN STATE FISCAL YEAR 2027-28 OR A LATER STATE  
10 FISCAL YEAR, THE AMOUNT OF ANY OR ALL OF THE FEES IMPOSED BY THIS  
11 SUBSECTION (25) SHOULD BE ADJUSTED TO ENSURE THAT THE GOAL OF  
12 EQUALIZING THE AVERAGE AGGREGATE AMOUNT OF REGISTRATION FEES  
13 AND MOTOR FUEL CHARGES ANNUALLY PAID BY OWNERS OF ELECTRIC  
14 MOTOR VEHICLES AND OWNERS OF MOTOR VEHICLES POWERED  
15 EXCLUSIVELY BY INTERNAL COMBUSTION ENGINES CONTINUES TO BE  
16 REALIZED. WHEN DEVELOPING THEIR RECOMMENDATIONS REGARDING THE  
17 FEES, THE OFFICE AND THE DEPARTMENTS SHALL TAKE INTO ACCOUNT, AT  
18 A MINIMUM, THE MOST RECENT AVAILABLE RELIABLE DATA ON CURRENT  
19 AVERAGE FUEL EFFICIENCY FOR THE COLORADO LIGHT-DUTY AND  
20 COMMERCIAL MOTOR VEHICLE FLEETS OR, IF COLORADO DATA IS NOT  
21 AVAILABLE, THE UNITED STATES LIGHT-DUTY AND COMMERCIAL MOTOR  
22 VEHICLE FLEETS, AND THE MOST RECENT AVAILABLE RELIABLE  
23 PROJECTIONS OF FUTURE AVERAGE FUEL EFFICIENCY FOR THE COLORADO  
24 LIGHT-DUTY AND COMMERCIAL MOTOR VEHICLE FLEETS OR, IF COLORADO  
25 DATA IS NOT AVAILABLE, FOR THE UNITED STATES LIGHT-DUTY AND  
26 COMMERCIAL MOTOR VEHICLE FLEETS. TO THE EXTENT FEASIBLE BASED  
27 ON THE DATA AVAILABLE, ANALYSIS OF COMMERCIAL MOTOR VEHICLE

1 FLEET DATA SHALL ACCOUNT SEPARATELY FOR DIFFERENT CATEGORIES OR  
2 WEIGHT CLASSES OF COMMERCIAL MOTOR VEHICLES.

3 (a.9) AS USED IN THIS SUBSECTION (25), UNLESS THE CONTEXT  
4 OTHERWISE REQUIRES:

5 (I) "BATTERY ELECTRIC MOTOR VEHICLE" MEANS A MOTOR  
6 VEHICLE THAT IS POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY  
7 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL  
8 SOURCE OF ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF  
9 PROPULSION.

10 (II) "COMMERCIAL ELECTRIC MOTOR VEHICLE" MEANS AN  
11 ELECTRIC MOTOR VEHICLE THAT IS A COMMERCIAL VEHICLE.

12 (III) "ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC  
13 MOTOR VEHICLE, AND A PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE.

14 (IV) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE  
15 CHANGE IN THE UNITED STATES DEPARTMENT OF TRANSPORTATION,  
16 FEDERAL HIGHWAY ADMINISTRATION, NATIONAL HIGHWAY CONSTRUCTION  
17 COST INDEX OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX FOR  
18 THE FIVE-YEAR PERIOD ENDING ON THE LAST DECEMBER 31 BEFORE A  
19 STATE FISCAL YEAR FOR WHICH AN ANNUAL INFLATION ADJUSTMENT TO  
20 THE AMOUNT OF ANY FEE IMPOSED PURSUANT TO THIS SUBSECTION (25) IS  
21 TO BE MADE BEGINS.

22 (V) "PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE" MEANS A MOTOR  
23 VEHICLE THAT IS POWERED BY BOTH A RECHARGEABLE BATTERY PACK  
24 THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL SOURCE  
25 OF ELECTRICITY AND A SECONDARY SOURCE OF PROPULSION SUCH AS AN  
26 INTERNAL COMBUSTION ENGINE.

27 (b) The department of revenue shall create an electric vehicle

1 decal, which an authorized agent shall give to each person who pays the  
2 ~~fee~~ FEES charged under ~~subsection (25)(a)~~ SUBSECTIONS (25)(a), (25)(a.5),  
3 AND (25)(a.7) of this section. The decal must be attached to the upper  
4 right-hand corner of the front windshield on the motor vehicle for which  
5 it was issued. If there is a change of vehicle ownership, the decal is  
6 transferable to the new owner.

7 **SECTION 27.** In Colorado Revised Statutes, 43-1-117, **add** (4)  
8 as follows:

9 **43-1-117. Transportation development division - created -**  
10 **duties - freight mobility and safety branch.** (4) THE FREIGHT MOBILITY  
11 AND SAFETY BRANCH IS CREATED IN THE TRANSPORTATION DEVELOPMENT  
12 DIVISION. THE FUNCTION OF THE FREIGHT MOBILITY AND SAFETY BRANCH  
13 IS TO PLAN, DESIGN, AND IMPLEMENT PROGRAMS AND PROJECTS THAT  
14 ENHANCE FREIGHT MOBILITY AND SAFETY WITHIN THE STATE. NO LATER  
15 THAN JANUARY 1, 2022, THE FREIGHT MOBILITY AND SAFETY BRANCH  
16 SHALL PROVIDE TO THE COMMISSION A LONG-TERM STRATEGIC PLAN THAT  
17 SETS FORTH THE VISION AND GOALS FOR THE BRANCH, KEY PRIORITIES FOR  
18 ALL FREIGHT-RELATED PROGRAMS, ACTIVITIES, AND PROJECTS, AND  
19 GUIDELINES FOR COORDINATION BETWEEN THE BRANCH AND THE FREIGHT  
20 ADVISORY COMMITTEE.

21 **SECTION 28.** In Colorado Revised Statutes, **add** 43-1-128,  
22 43-1-129, and 43-1-130 as follows:

23 **43-1-128. Environmental impacts of capacity projects -**  
24 **additional requirements - legislative declaration - definitions.** (1) THE  
25 GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

26 (a) TRANSPORTATION CAPACITY PROJECTS THAT ARE INTENDED TO  
27 ALLEVIATE TRAFFIC CONGESTION BY INCREASING THE CAPACITY OF

1 HIGHWAYS IN MAJOR TRANSPORTATION CORRIDORS CAN CAUSE ADVERSE  
2 ENVIRONMENTAL IMPACTS, INCLUDING BUT NOT LIMITED TO INCREMENTAL  
3 ACCELERATION OF CLIMATE CHANGE, AND ADVERSE HEALTH IMPACTS;

4 (b) THESE IMPACTS FALL MOST HEAVILY ON COMMUNITIES IN THE  
5 AREAS WHERE THE PROJECTS ARE LOCATED, INCLUDING  
6 DISPROPORTIONATELY IMPACTED COMMUNITIES;

7 (c) TO MINIMIZE THE ADVERSE ENVIRONMENTAL AND HEALTH  
8 IMPACTS OF PLANNED TRANSPORTATION CAPACITY PROJECTS AND  
9 ADDRESS INEQUITABLE DISTRIBUTION OF THE BURDENS OF SUCH PROJECTS,  
10 IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTERESTS OF THE STATE  
11 AND ALL COLORADANS TO REQUIRE THE DEPARTMENT AND  
12 METROPOLITAN PLANNING ORGANIZATIONS, WHICH ARE THE STATE'S  
13 PRIMARY TRANSPORTATION PLANNING ENTITIES WITH RESPONSIBILITY FOR  
14 SELECTING AND FUNDING TRANSPORTATION CAPACITY PROJECTS, TO  
15 ENGAGE IN AN ENHANCED LEVEL OF PLANNING, ANALYSIS, COMMUNITY  
16 ENGAGEMENT, AND MONITORING WITH RESPECT TO SUCH PROJECTS AS  
17 REQUIRED BY THIS SECTION; AND

18 (d) THE REQUIREMENTS OF THIS SECTION ARE IN ADDITION TO, AND  
19 DO NOT SUPPLANT, ANY OTHER REQUIREMENTS, INCLUDING FEDERAL  
20 SAFETY AND STATE OF GOOD REPAIR REQUIREMENTS, FOR  
21 TRANSPORTATION PLANNING, PROJECT PRIORITIZATION, PUBLIC  
22 OUTREACH, PROJECT IMPLEMENTATION, OR TRANSPARENCY AND  
23 ACCOUNTABILITY THAT ARE ESTABLISHED BY LAW, RULE, OR COMMISSION  
24 OR DEPARTMENT POLICY.

25 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
26 REQUIRES:

27 (a) "AIR POLLUTANT" HAS THE SAME MEANING AS SET FORTH IN

1 SECTION 25-7-103 (1.5).

2 (b) "CRITERIA POLLUTANT" MEANS CARBON MONOXIDE,  
3 GROUND-LEVEL OZONE, LEAD, NITROGEN DIOXIDE, PARTICULATE MATTER,  
4 AND SULFUR DIOXIDE.

5 (c) (I) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A  
6 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN  
7 ACCORDANCE WITH THE MOST RECENT UNITED STATES DECENNIAL  
8 CENSUS, WHERE THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME  
9 IS GREATER THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS  
10 THAT IDENTIFY AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE  
11 PROPORTION OF HOUSEHOLDS THAT ARE HOUSING COST-BURDENED IS  
12 GREATER THAN FORTY PERCENT.

13 (II) AS USED IN THIS SUBSECTION (2)(c):

14 (A) "COST-BURDENED" MEANS A HOUSEHOLD THAT SPENDS MORE  
15 THAN THIRTY PERCENT OF ITS INCOME ON HOUSING.

16 (B) "LOW INCOME" MEANS THE MEDIAN HOUSEHOLD INCOME IS  
17 LESS THAN OR EQUAL TO TWO HUNDRED PERCENT OF THE FEDERAL  
18 POVERTY GUIDELINE.

19 (d) "GREENHOUSE GAS POLLUTANTS" MEANS ANTHROPOGENIC  
20 EMISSIONS OF CARBON DIOXIDE, METHANE, NITROUS OXIDE,  
21 HYDROFLUOROCARBONS, PERFLUOROCARBONS, NITROGEN TRIFLUORIDE,  
22 AND SULFUR HEXAFLUORIDE.

23 (e) "STATEWIDE GREENHOUSE GAS POLLUTION" HAS THE SAME  
24 MEANING AS SET FORTH IN SECTION 25-7-103 (22.5).

25 (3) THE DEPARTMENT SHALL ESTABLISH AND PROPOSE TO THE  
26 COMMISSION FOR ITS REVIEW IMPLEMENTING PROCEDURES AND  
27 GUIDELINES THAT REQUIRE THE DEPARTMENT AND METROPOLITAN

1 PLANNING ORGANIZATIONS TO TAKE ADDITIONAL STEPS IN THE PLANNING  
2 PROCESS FOR TRANSPORTATION CAPACITY PROJECTS TO ACCOUNT FOR THE  
3 IMPACTS ON THE AMOUNT OF STATEWIDE GREENHOUSE GAS POLLUTION  
4 AND STATEWIDE VEHICLE MILES TRAVELED THAT ARE EXPECTED TO  
5 RESULT FROM SUCH PROJECTS. THE COMMISSION SHALL, WITH SUCH  
6 MODIFICATIONS AS THE COMMISSION MAY MAKE SUBJECT TO THE  
7 REQUIREMENTS OF THIS SECTION, ADOPT THE PROCEDURES AND  
8 GUIDELINES. AT A MINIMUM, BOTH THE PROPOSED AND ADOPTED  
9 PROCEDURES AND GUIDELINES MUST REQUIRE THE DEPARTMENT AND  
10 METROPOLITAN PLANNING ORGANIZATIONS TO:

11 (a) IMPLEMENT RELEVANT RULES AND REGULATIONS AS ISSUED BY  
12 THE AIR QUALITY CONTROL COMMISSION PURSUANT TO SECTION 25-7-105;

13 (b) OTHERWISE REDUCE GREENHOUSE GAS EMISSIONS TO HELP  
14 ACHIEVE THE STATEWIDE GREENHOUSE GAS POLLUTION REDUCTION  
15 TARGETS ESTABLISHED IN SECTION 25-7-102 (2)(g);

16 (c) MODIFY THEIR GUIDANCE DOCUMENTS TO ENSURE THAT AT  
17 LEAST THE SAME LEVEL OF ANALYTICAL SCRUTINY IS GIVEN TO  
18 GREENHOUSE GAS POLLUTANTS AS IS GIVEN TO OTHER AIR POLLUTANTS OF  
19 CONCERN IN THE STATE INCLUDING CONSIDERATION OF THE IMPACT ON  
20 EMISSIONS OF GREENHOUSE GAS POLLUTANTS OF INDUCED DEMAND  
21 RESULTING FROM TRANSPORTATION CAPACITY PROJECTS; AND

22 (d) CONSIDER THE ROLE OF LAND USE IN THE TRANSPORTATION  
23 PLANNING PROCESS AND DEVELOP STRATEGIES TO ENCOURAGE LAND USE  
24 DECISIONS THAT REDUCE VEHICLE MILES TRAVELED AND GREENHOUSE GAS  
25 EMISSIONS.

26 (4) IF A PLANNED TRANSPORTATION CAPACITY PROJECT IS A  
27 REGIONALLY SIGNIFICANT PROJECT, AS DETERMINED BY THE DEPARTMENT



1 WITH CONSIDERATION GIVEN TO FEDERAL LAW OR REGULATIONS THAT  
2 DEFINE OR DESCRIBE SUCH PROJECTS, THE DEPARTMENT SHALL, THROUGH  
3 ITS ENVIRONMENTAL STUDY PROCESS:

4 (a) THOROUGHLY AND APPROPRIATELY MODEL AIR POLLUTANT  
5 EMISSIONS IMPACTS FOR THE PLANNED PROJECT, INCLUDING WHERE  
6 FEASIBLE AND APPROPRIATE MONITORING AND MEASUREMENT OF  
7 CRITERIA POLLUTANTS;

8 (b) DEVELOP AND IMPLEMENT A CONSTRUCTION PLAN TO PROVIDE  
9 TRANSPARENT PUBLIC REPORTING OF CRITERIA POLLUTANT DATA AND  
10 TIMELY PUBLIC ALERTS WHEN CRITERIA POLLUTANT EXCEEDANCE EVENTS  
11 OCCUR; AND

12 (c) DEVELOP AND IMPLEMENT A PLAN TO MITIGATE AIR QUALITY  
13 IMPACTS ON COMMUNITIES, INCLUDING BUT NOT LIMITED TO  
14 DISPROPORTIONATELY IMPACTED COMMUNITIES, IN THE AREA OF THE  
15 PROJECT WITH PARTICULAR FOCUS WHERE FEASIBLE ON MITIGATION OF  
16 FINE PARTICULATE MATTER POLLUTION.

17 (5) TO PROMOTE TRANSPARENCY AND INCREASE BOTH PUBLIC  
18 PARTICIPATION AND PUBLIC CONFIDENCE IN TRANSPORTATION CAPACITY  
19 PROJECT SELECTION, PLANNING, AND IMPLEMENTATION IN COMMUNITIES,  
20 INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY IMPACTED  
21 COMMUNITIES, THE DEPARTMENT SHALL REVIEW, UPDATE, AND IMPROVE  
22 AS NECESSARY ITS PUBLIC ENGAGEMENT PROGRAM FOR PLANNED  
23 TRANSPORTATION CAPACITY PROJECTS. IN DOING SO, THE DEPARTMENT  
24 SHALL CREATE DIVERSE AND IMPACTFUL WAYS TO GATHER INPUT FROM  
25 COMMUNITIES ACROSS THE STATE BY COMMUNICATING IN MULTIPLE  
26 LANGUAGES AND MULTIPLE FORMATS AND TRANSPARENTLY SHARING  
27 READILY UNDERSTANDABLE INFORMATION ABOUT POTENTIAL ADVERSE

1 IMPACTS, INCLUDING BUT NOT LIMITED TO ENVIRONMENTAL AND HEALTH  
2 IMPACTS, OF POTENTIAL TRANSPORTATION CAPACITY PROJECTS.

3 **43-1-129. Road usage charge study - repeal.** (1) THE  
4 DEPARTMENT SHALL STUDY THE FEASIBILITY OF IMPLEMENTING A ROAD  
5 USAGE CHARGE PROGRAM IN THE STATE. THE STUDY MUST, AT A MINIMUM:

6 (a) IDENTIFY AND ANALYZE THE IMPLEMENTATION OF ROAD USAGE  
7 CHARGE PROGRAMS IN OTHER STATES;

8 (b) IDENTIFY AND ASSESS AVAILABLE AND DEVELOPING  
9 TECHNOLOGY FOR TRACKING MILEAGE AND COLLECTING ROAD USAGE  
10 CHARGES;

11 (c) IDENTIFY BARRIERS TO IMPLEMENTING A ROAD USAGE CHARGE  
12 PROGRAM AND IDENTIFY AND ASSESS OPTIONS FOR OVERCOMING THOSE  
13 BARRIERS; AND

14 (d) IDENTIFY WAYS IN WHICH THE STATE CAN CONSULT OR  
15 COORDINATE WITH OTHER STATES THAT HAVE ROAD USAGE CHARGE  
16 PROGRAMS AND WITH REGIONAL GROUPS THAT HAVE ROAD USAGE CHARGE  
17 PROGRAM INFORMATION AND EXPERTISE TO LEVERAGE THEIR EXPERIENCE  
18 AND EXPERTISE AND ENSURE THAT ANY ROAD USAGE CHARGE PROGRAM  
19 TO BE IMPLEMENTED IN THE STATE IS IMPLEMENTED IN ACCORDANCE WITH  
20 IDENTIFIED AND ESTABLISHED BEST PRACTICES.

21 (2) THE DEPARTMENT SHALL PRESENT THE REPORT TO THE  
22 TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION  
23 43-2-145 (1) DURING THE 2023 LEGISLATIVE INTERIM.

24 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

25 **43-1-130. Autonomous motor vehicles study - repeal.** (1) THE  
26 DEPARTMENT SHALL STUDY ISSUES RELATING TO THE DEVELOPMENT AND  
27 ADOPTION OF AUTONOMOUS MOTOR VEHICLES. THE STUDY MUST, AT A

1 MINIMUM:

2 (a) SUMMARIZE THE CURRENT STATUS OF AUTONOMOUS MOTOR  
3 VEHICLE TECHNOLOGY AND THE EXTENT OF THE USE OF SUCH  
4 TECHNOLOGY IN COMMERCIAL AND GOVERNMENT MOTOR VEHICLE FLEETS  
5 AND PERSONAL MOTOR VEHICLES;

6 (b) PROVIDE AN ESTIMATED TIMELINE FOR FUTURE  
7 ADVANCEMENTS IN AUTONOMOUS MOTOR VEHICLE TECHNOLOGY, IN  
8 PARTICULAR ADVANCEMENTS THAT ENABLE MOTOR VEHICLE AUTOMATION  
9 TO ATTAIN HIGHER LEVELS IN THE MOTOR VEHICLE CLASSIFICATION  
10 SYSTEM ADOPTED BY THE UNITED STATES DEPARTMENT OF  
11 TRANSPORTATION, AND THE ADOPTION OF SUCH ADVANCEMENTS FOR USE  
12 IN COMMERCIAL AND GOVERNMENT MOTOR VEHICLE FLEETS AND  
13 PERSONAL MOTOR VEHICLES;

14 (c) SUMMARIZE THE ANTICIPATED SAFETY BENEFITS, INCLUDING  
15 BENEFITS TO TRANSPORTATION SYSTEMS ASSOCIATED WITH THE  
16 TRANSITION TO AUTOMATED COMMERCIAL AND GOVERNMENT MOTOR  
17 VEHICLE FLEETS AND PERSONAL MOTOR VEHICLES, AND SAFETY RISKS,  
18 INCLUDING CYBERSECURITY RISKS, OF AUTONOMOUS MOTOR VEHICLES;

19 (d) IDENTIFY ANY MODIFICATIONS OR ADDITIONS THAT EXISTING  
20 STATE TRANSPORTATION INFRASTRUCTURE MAY NEED TO ENABLE THE USE  
21 OF AUTONOMOUS MOTOR VEHICLES, THE TIMELINE FOR MAKING SUCH  
22 MODIFICATIONS OR ADDITIONS, AND THE ANTICIPATED COST OF MAKING  
23 SUCH MODIFICATIONS OR ADDITIONS; AND

24 (e) IDENTIFY AND SUMMARIZE LEGAL ISSUES RELATING TO THE USE  
25 OF AUTONOMOUS MOTOR VEHICLES.

26 (2) THE DEPARTMENT SHALL PRESENT THE REPORT TO THE  
27 TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION

1 43-2-145 (1) DURING THE 2025 LEGISLATIVE INTERIM.

2 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

3 **SECTION 29.** In Colorado Revised Statutes, **amend** 43-1-219 as  
4 follows:

5 **43-1-219. Funds created.** There are hereby created two separate  
6 funds, one to be known as the state highway fund and the other to be  
7 known as the state highway supplementary fund. All ~~moneys~~ MONEY paid  
8 into either of ~~said~~ THE funds shall be available immediately, without  
9 further appropriation, for the purposes of ~~such~~ THE fund as provided by  
10 law. MONEY TRANSFERRED TO THE STATE HIGHWAY FUND PURSUANT TO  
11 SECTION 24-75-219 (7)(c) AND (7)(e) AND ANY INTEREST AND INCOME  
12 DERIVED FROM THE DEPOSIT AND INVESTMENT OF SUCH MONEY MAY BE  
13 EXPENDED FOR MULTIMODAL PROJECTS, AS DEFINED IN SECTION 43-4-1102  
14 (5). Any sums paid into the state treasury, which by law belong to the  
15 state highway fund or to the state highway supplementary fund, shall be  
16 immediately placed by the state treasurer to the credit of the appropriate  
17 fund. Upon request of the commission or of the chief engineer, it is the  
18 duty of the state treasurer to report to the commission or to the chief  
19 engineer the amount of money on hand in each of ~~said~~ THE two funds and  
20 the amounts derived from each source from which each such fund is  
21 accumulated. All accounts and expenditures from each of ~~said~~ THE two  
22 funds shall be certified by the chief engineer and paid by the state  
23 treasurer upon warrants drawn by the controller. The controller is  
24 authorized as directed to draw warrants payable out of the specified fund  
25 upon such vouchers properly certified and audited. Nothing in this part 2  
26 shall operate to alter the manner of the execution and issuance of  
27 transportation revenue anticipation notes provided in part 7 of article 4 of

1 this ~~title~~ TITLE 43.

2 **SECTION 30.** In Colorado Revised Statutes, 43-4-203, **amend**  
3 (1) introductory portion; and **add** (1)(f) and (1)(g) as follows:

4 **43-4-203. Sources of revenue.** (1) All net revenue from the  
5 following sources shall be paid into and credited to the highway users tax  
6 fund as soon as IT IS received:

7 (f) FROM THE IMPOSITION OF ELECTRIC MOTOR VEHICLE ROAD  
8 USAGE EQUALIZATION FEES PURSUANT TO SECTION 42-3-304 (25)(a.5);  
9 AND

10 (g) FROM THE IMPOSITION OF ROAD USAGE FEES PURSUANT TO  
11 SECTION 43-4-217 (3) AND (4).

12 **SECTION 31.** In Colorado Revised Statutes, 43-4-205, **amend**  
13 (6) introductory portion and (6)(b) introductory portion; and **add** (6.8)  
14 and (6.9) as follows:

15 **43-4-205. Allocation of fund.** (6) ~~Revenues~~ REVENUE raised by  
16 the excise tax imposed on gasoline and special fuel pursuant to sections  
17 39-27-102 and 39-27-102.5 ~~C.R.S.~~, in excess of seven cents per gallon of  
18 tax shall be placed in the highway users tax fund to be allocated as  
19 follows; except that ~~revenues~~ REVENUE raised by the excise tax imposed  
20 on gasoline in excess of eighteen cents per gallon of tax shall be allocated  
21 according to ~~the provisions of paragraph (b) of this subsection (6)~~  
22 SUBSECTION (6)(b) OF THIS SECTION:

23 (b) The remaining balance of such revenue may be expended only  
24 for improvements to highways within the state, including new  
25 construction, safety improvements, maintenance, and capacity  
26 improvements, and for other transportation-related projects to the extent  
27 authorized by SUBSECTION (6.8) OF THIS SECTION AND sections 43-4-206

1 (3), 43-4-207 (1), and 43-4-208 (1), and may not be expended for  
2 administrative purposes. Such revenue is allocated as follows:

3 (6.8) (a) REVENUE FROM THE ELECTRIC MOTOR VEHICLE FEE, THE  
4 ELECTRIC MOTOR VEHICLE ROAD USAGE EQUALIZATION FEE, AND THE  
5 COMMERCIAL ELECTRIC MOTOR VEHICLE FEE IMPOSED PURSUANT TO  
6 SECTION 42-3-304 (25) THAT IS CREDITED TO THE HIGHWAY USERS TAX  
7 FUND AS REQUIRED BY SECTION 42-3-304 (25)(a), (25)(a.5), AND (25)(a.7)  
8 AND REVENUE FROM THE ROAD USAGE FEES IMPOSED PURSUANT TO  
9 SECTION 43-4-217 (3) AND (4) THAT IS CREDITED TO THE HIGHWAY USERS  
10 TAX FUND AS REQUIRED BY SECTION 43-4-217 (8) MUST BE ALLOCATED  
11 AND EXPENDED IN ACCORDANCE WITH THE FORMULA SPECIFIED IN  
12 SUBSECTION (6)(b) OF THIS SECTION.

13 (b) (I) REVENUE FROM THE RETAIL DELIVERY FEE IMPOSED  
14 PURSUANT TO SECTION 43-4-218 (3) THAT IS CREDITED TO THE HIGHWAY  
15 USERS TAX FUND AS REQUIRED BY SECTION 43-4-218 (5)(a)(I) MUST BE  
16 ALLOCATED AND EXPENDED AS FOLLOWS:

17 (A) FORTY PERCENT MUST BE PAID TO THE STATE HIGHWAY FUND  
18 AND EXPENDED AS PROVIDED IN SECTION 43-4-206;

19 (B) THIRTY-THREE PERCENT MUST BE PAID TO THE COUNTY  
20 TREASURERS OF THE RESPECTIVE COUNTIES, SUBJECT TO ANNUAL  
21 APPROPRIATION BY THE GENERAL ASSEMBLY, AND ALLOCATED AND  
22 EXPENDED AS PROVIDED IN SECTION 43-4-207; AND

23 (C) TWENTY-SEVEN PERCENT MUST BE PAID TO THE CITIES AND  
24 INCORPORATED TOWNS, SUBJECT TO ANNUAL APPROPRIATION BY THE  
25 GENERAL ASSEMBLY, AND MUST BE ALLOCATED AND EXPENDED AS  
26 PROVIDED IN SECTION 43-4-208 (2)(b) AND (6)(a).

27 (II) REVENUE FROM THE RETAIL DELIVERY FEE MAY BE EXPENDED

1 FOR THE PURPOSES SPECIFIED IN SUBSECTION (6)(b) OF THIS SECTION AND  
2 MAY ALSO BE EXPENDED FOR TRANSIT-RELATED PROJECTS NEEDED TO  
3 INTEGRATE DIFFERENT TRANSPORTATION MODES WITHIN A MULTIMODAL  
4 TRANSPORTATION SYSTEM.

5 (c) MONEY TRANSFERRED FROM THE GENERAL FUND TO THE  
6 HIGHWAY USERS TAX FUND PURSUANT TO SECTION 24-75-219 (7)(a)(II)  
7 AND (7)(b) MUST BE ALLOCATED AND EXPENDED AS FOLLOWS:

8 (I) FIFTY-FIVE PERCENT MUST BE PAID TO THE COUNTY  
9 TREASURERS OF THE RESPECTIVE COUNTIES, SUBJECT TO ANNUAL  
10 APPROPRIATION BY THE GENERAL ASSEMBLY, AND ALLOCATED AND  
11 EXPENDED AS PROVIDED IN SECTION 43-4-207;

12 (II) FORTY-FIVE PERCENT MUST BE PAID TO THE CITIES AND  
13 INCORPORATED TOWNS, SUBJECT TO ANNUAL APPROPRIATION BY THE  
14 GENERAL ASSEMBLY, AND MUST BE ALLOCATED AND EXPENDED AS  
15 PROVIDED IN SECTION 43-4-208 (2)(b) AND (6)(a).

16 **SECTION 32.** In Colorado Revised Statutes, 43-4-206, **amend**  
17 (2)(b) introductory portion, (2)(b)(III), and (2)(b)(IV) as follows:

18 **43-4-206. State allocation.** (2) (b) Notwithstanding section  
19 24-1-136 (11)(a)(I), beginning in 1998, the department of transportation  
20 shall report annually to the transportation committee of the senate and the  
21 transportation and energy committee of the house of representatives  
22 concerning the revenue expended by the department pursuant to  
23 subsection (2)(a) of this section and, beginning in 2019, ~~any state general~~  
24 ~~fund money that is credited to the state highway fund pursuant to section~~  
25 ~~24-75-219 (5) and~~ any net proceeds of lease-purchase agreements  
26 executed as required by section 24-82-1303 (2)(a) that are credited to the  
27 state highway fund pursuant to section 24-82-1303 (4)(b) and expended

1 by the department pursuant to subsection (1)(b)(V) of this section. ~~and~~  
2 ~~any net proceeds of transportation revenue anticipation notes issued as~~  
3 ~~authorized by a ballot issue submitted to and approved by the registered~~  
4 ~~electors of the state at the 2020 statewide election pursuant to section~~  
5 ~~43-4-705 (13)(b) that are credited to the state highway fund pursuant to~~  
6 ~~this section.~~ The department shall present the report at the joint meeting  
7 required under section 43-1-113 (9)(a), and the report shall describe for  
8 each fiscal year, if applicable:

9 (III) The projected amounts of revenue and net proceeds that the  
10 department expects to receive under this subsection (2) ~~section 24-75-219~~  
11 ~~(5); AND section 24-82-1303 (4)(b) and section 43-4-714 (1)(a)~~ during the  
12 fiscal year;

13 (IV) The amount of revenue and net proceeds that the department  
14 has already received under this subsection (2) ~~section 24-75-219 (5); AND~~  
15 ~~section 24-82-1303 (4)(b) and section 43-4-714 (1)(a)~~ during the fiscal  
16 year; and

17 **SECTION 33.** In Colorado Revised Statutes, **add** 43-4-217 and  
18 43-4-218 as follows:

19 **43-4-217. Additional funding - road usage fees - legislative**  
20 **declaration - definition.** (1) THE GENERAL ASSEMBLY HEREBY FINDS  
21 AND DECLARES THAT:

22 (a) STATE MOTOR FUEL EXCISE TAXES LEVIED ON THE PURCHASE  
23 OF MOTOR FUELS REPRESENT THE LARGEST SOURCE OF STATE FUNDING FOR  
24 THE CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE HIGHWAYS,  
25 ROADS, AND STREETS OF THE STATE;

26 (b) THE AMOUNT OF MOTOR FUEL TAXES PAID FOR MOTOR FUEL  
27 USED TO PROPEL A MOTOR VEHICLE BEARS A REASONABLE RELATIONSHIP



1 TO THE VEHICLE'S USE OF AND IMPACT ON THE HIGHWAYS, ROADS, AND  
2 STREETS OF THE STATE BECAUSE THE AMOUNT OF MOTOR FUEL USED BY A  
3 VEHICLE IS IN LARGE PART A FUNCTION OF THE AMOUNT OF MILES  
4 TRAVELED BY THE VEHICLE AND THE WEIGHT OF THE VEHICLE;

5 (c) MOTOR FUEL TAX RATES HAVE NOT BEEN INCREASED IN OVER  
6 TWENTY-FIVE YEARS, AND MOTOR FUEL TAX REVENUE HAS NOT KEPT PACE  
7 AND WILL NOT KEEP PACE WITH INFLATION OR THE INCREASED  
8 TRANSPORTATION INFRASTRUCTURE DEMANDS OF THE GROWING  
9 POPULATION OF THE STATE BECAUSE:

10 (I) THE AMOUNT OF MOTOR FUEL TAX PAID DOES NOT DEPEND ON  
11 THE PRICE OF MOTOR FUEL AND THEREFORE DOES NOT INCREASE WHEN  
12 MOTOR FUEL PRICES INCREASE BUT INSTEAD DEPENDS ON THE QUANTITY  
13 OF MOTOR FUEL PURCHASED, WHICH FOR MOST DRIVERS DOES NOT  
14 INCREASE OVER TIME; AND

15 (II) MOTOR VEHICLES HAVE BECOME MORE FUEL-EFFICIENT OVER  
16 TIME;

17 (d) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF  
18 THE STATE TO MITIGATE THE DECLINING PURCHASING POWER OF MOTOR  
19 FUEL EXCISE TAXES BY COLLECTING A ROAD USAGE FEE FROM PERSONS  
20 WHO USE THE TRANSPORTATION SYSTEM TO TRAVEL BY MOTOR VEHICLE,  
21 BASING THE AMOUNT OF THE FEE ON REASONABLE ESTIMATES OF FEE  
22 PAYERS' USAGE OF AND IMPACT ON THE SYSTEM, AND USING FEE REVENUE  
23 SOLELY FOR THE CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE  
24 HIGHWAYS OF THE STATE;

25 (e) BECAUSE MOTOR FUEL CONSUMPTION IS REASONABLY RELATED  
26 TO USE OF AND IMPACT ON THE TRANSPORTATION SYSTEM, IT IS FAIR TO  
27 FEE PAYERS, REASONABLE, AND APPROPRIATE TO CALCULATE THE

1 AMOUNT OF THE ROAD USE FEE BASED ON THEIR MOTOR FUEL  
2 CONSUMPTION;

3 (f) IT IS ALSO FAIR TO FEE PAYERS, REASONABLE, AND  
4 APPROPRIATE TO STREAMLINE FEE COLLECTION BY COLLECTING THE ROAD  
5 USE FEE FROM DISTRIBUTORS OF MOTOR FUELS WHEN MOTOR FUEL TAXES  
6 ARE COLLECTED BECAUSE THE AMOUNT OF THE FEE WILL BE  
7 INCORPORATED INTO THE RETAIL PRICE OF MOTOR FUEL AND THEREFORE  
8 PASSED ON TO USERS OF THE TRANSPORTATION SYSTEM IN PRECISE  
9 PROPORTION TO THEIR CONSUMPTION OF MOTOR FUEL AND IN REASONABLE  
10 RELATION TO THEIR USE OF AND IMPACT ON THE TRANSPORTATION  
11 SYSTEM; AND

12 (g) IN ACCORDANCE WITH NUMEROUS COLORADO JUDICIAL  
13 PRECEDENTS, THE ROAD USAGE FEE AND THE BRIDGE AND TUNNEL IMPACT  
14 FEE IMPOSED AS AUTHORIZED BY SECTION 43-4-805 (5)(g.5) AND  
15 COLLECTED BY THE DEPARTMENT OF REVENUE ON BEHALF OF THE  
16 STATEWIDE BRIDGE AND TUNNEL ENTERPRISE PURSUANT TO THIS SECTION  
17 ARE FEES AND ARE NOT TAXES BECAUSE:

18 (I) THE FEES ARE IMPOSED NOT TO RAISE REVENUE FOR GENERAL  
19 GOVERNMENTAL PURPOSES BUT INSTEAD ARE IMPOSED FOR THE SOLE  
20 PURPOSE OF FUNDING THE CONSTRUCTION, MAINTENANCE, AND  
21 SUPERVISION OF THE TRANSPORTATION SYSTEM;

22 (II) FEE REVENUE DEFRAYS COSTS INCURRED BY THE STATE IN  
23 FUNDING CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE  
24 TRANSPORTATION SYSTEM THAT IS NECESSITATED BY INCREASED USE OF  
25 THE SYSTEM BY THE FEE PAYERS WHO USE MOTOR VEHICLES ON THE  
26 TRANSPORTATION SYSTEM; AND

27 (III) THE FEES ARE IMPOSED AT RATES THAT ARE REASONABLY

1 CALCULATED TO DEFRAY THE COSTS OF PROVIDING THE SERVICE, ARE  
2 BASED ON THE USE AND IMPACT ON THE TRANSPORTATION SYSTEM BY FEE  
3 PAYERS, AND ARE THUS PROPORTIONAL TO THE BENEFITS RECEIVED BY FEE  
4 PAYERS.

5 (2) AS USED IN THIS SECTION:

6 (a) "GASOLINE" MEANS GASOLINE, AS DEFINED IN SECTION  
7 39-27-101 (12), THAT IS TAXED AT THE RATE SPECIFIED IN SECTION  
8 39-27-102 (1)(a)(II)(A).

9 (b) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE  
10 CHANGE IN THE UNITED STATES DEPARTMENT OF TRANSPORTATION,  
11 FEDERAL HIGHWAY ADMINISTRATION, NATIONAL HIGHWAY CONSTRUCTION  
12 COST INDEX OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX FOR  
13 THE FIVE-YEAR PERIOD ENDING ON THE LAST DECEMBER 31 BEFORE A  
14 STATE FISCAL YEAR FOR WHICH AN ADJUSTMENT TO THE ROAD USAGE FEE  
15 IMPOSED PURSUANT TO SUBSECTION (3) OR (4) OF THIS SECTION IS TO BE  
16 MADE BEGINS.

17 (c) "SPECIAL FUEL" MEANS SPECIAL FUEL, AS DEFINED IN SECTION  
18 39-27-101 (29), THAT IS TAXED AT THE RATE SPECIFIED IN SECTION  
19 39-27-102 (1)(a)(II)(B). "SPECIAL FUEL" DOES NOT INCLUDE DIESEL FUEL  
20 AND KEROSENE TO WHICH INDELIBLE DYE MEETING FEDERAL REGULATIONS  
21 IS ADDED BEFORE OR UPON REMOVAL FROM A TERMINAL SO LONG AS SUCH  
22 FUEL IS NOT USED FOR A TAXABLE PURPOSE AS DESCRIBED IN SECTION  
23 39-27-102.5 (1.5).

24 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF  
25 THIS SECTION, ON AND AFTER JULY 1, 2022, EACH DISTRIBUTOR OF  
26 GASOLINE THAT PAYS THE EXCISE TAX IMPOSED ON GASOLINE SHALL ALSO  
27 PAY, AT THE SAME TIME AND IN THE SAME MANNER AS THE EXCISE TAX, A

1 ROAD USAGE FEE IN THE AMOUNT SPECIFIED IN SUBSECTION (3)(b)(I) OF  
2 THIS SECTION OR ANNUALLY CALCULATED BY THE DEPARTMENT OF  
3 REVENUE AS REQUIRED BY SUBSECTION (3)(b)(II) OR (3)(b)(III) OF THIS  
4 SECTION.

5 (b) (I) THE AMOUNT OF THE ROAD USAGE FEE FOR EACH GALLON  
6 OF GASOLINE ACQUIRED, SOLD, OFFERED FOR SALE, OR USED IN THIS STATE  
7 DURING STATE FISCAL YEARS 2022-23 THROUGH 2031-32, IS:

- 8 (A) TWO CENTS PER GALLON FOR STATE FISCAL YEAR 2022-23;
- 9 (B) THREE CENTS PER GALLON FOR STATE FISCAL YEAR 2023-24;
- 10 (C) FOUR CENTS PER GALLON FOR STATE FISCAL YEAR 2024-25;
- 11 (D) FIVE CENTS PER GALLON FOR STATE FISCAL YEAR 2025-26;
- 12 (E) SIX CENTS PER GALLON FOR STATE FISCAL YEAR 2026-27;
- 13 (F) SEVEN CENTS PER GALLON FOR STATE FISCAL YEAR 2027-28;

14 AND

15 (G) EIGHT CENTS PER GALLON FOR STATE FISCAL YEARS 2028-29  
16 THROUGH 2031-32.

17 (II) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)(b)(III)  
18 OF THIS SECTION, THE AMOUNT OF THE ROAD USAGE FEE FOR EACH GALLON  
19 OF GASOLINE ACQUIRED, SOLD, OFFERED FOR SALE, OR USED IN THIS STATE  
20 DURING STATE FISCAL YEAR 2032-33 OR DURING ANY SUBSEQUENT STATE  
21 FISCAL YEAR IS THE SUM OF:

22 (A) THE NOMINAL AMOUNT OF EIGHT CENTS ON DECEMBER 31,  
23 2030, ADJUSTED FOR INFLATION; AND

24 (B) THE DIFFERENCE BETWEEN THE NOMINAL AMOUNT OF  
25 TWENTY-TWO CENTS ON DECEMBER 31, 2030, ADJUSTED FOR INFLATION,  
26 AND THE NOMINAL AMOUNT OF TWENTY-TWO CENTS ON DECEMBER 31,  
27 2030.

1 (III) AN ADJUSTMENT FOR INFLATION SHALL BE MADE PURSUANT  
2 TO SUBSECTION (3)(b)(II) OF THIS SECTION ONLY IF THE RATE OF  
3 INFLATION IS POSITIVE AND MUST BE THE LESSER OF THE ACTUAL RATE OF  
4 INFLATION OR FIVE PERCENT. THE DEPARTMENT OF REVENUE SHALL  
5 CALCULATE THE INFLATION ADJUSTED AMOUNT OF THE ROAD USAGE FEE  
6 FOR STATE FISCAL YEAR 2032-33 AND SHALL PUBLISH THE AMOUNT NO  
7 LATER THAN APRIL 15, 2032.

8 (4) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF  
9 THIS SECTION, ON AND AFTER JULY 1, 2022, EACH DISTRIBUTOR OF SPECIAL  
10 FUEL THAT PAYS THE EXCISE TAX IMPOSED ON SPECIAL FUEL SHALL ALSO  
11 PAY, AT THE SAME TIME AND IN THE SAME MANNER AS THE EXCISE TAX, A  
12 ROAD USAGE FEE IN THE AMOUNT SPECIFIED IN SUBSECTION (4)(b)(I) OF  
13 THIS SECTION OR ANNUALLY CALCULATED BY THE DEPARTMENT OF  
14 REVENUE AS REQUIRED BY SUBSECTION (4)(b)(II) OF (4)(b)(III) OF THIS  
15 SECTION.

16 (b) (I) THE AMOUNT OF THE ROAD USAGE FEE FOR EACH GALLON  
17 OF SPECIAL FUEL ACQUIRED, SOLD, OFFERED FOR SALE, OR USED IN THIS  
18 STATE DURING STATE FISCAL YEARS 2022-23 THROUGH 2031-32 IS:

- 19 (A) TWO CENTS PER GALLON FOR STATE FISCAL YEAR 2022-23;
- 20 (B) THREE CENTS PER GALLON FOR STATE FISCAL YEAR 2023-24;
- 21 (C) FOUR CENTS PER GALLON FOR STATE FISCAL YEAR 2024-25;
- 22 (D) FIVE CENTS PER GALLON FOR STATE FISCAL YEAR 2025-26;
- 23 (E) SIX CENTS PER GALLON FOR STATE FISCAL YEAR 2026-27;
- 24 (F) SEVEN CENTS PER GALLON FOR STATE FISCAL YEAR 2027-28;

25 AND

26 (G) EIGHT CENTS PER GALLON FOR STATE FISCAL YEARS 2028-29  
27 THROUGH 2031-32.

1           (II) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4)(b)(III)  
2 OF THIS SECTION, THE AMOUNT OF THE ROAD USAGE FEE FOR EACH GALLON  
3 OF SPECIAL FUEL ACQUIRED, SOLD, OFFERED FOR SALE, OR USED IN THIS  
4 STATE DURING STATE FISCAL YEAR 2032-33 OR DURING ANY SUBSEQUENT  
5 STATE FISCAL YEAR IS THE SUM OF:

6           (A) THE NOMINAL AMOUNT OF EIGHT CENTS ON DECEMBER 31,  
7 2030, ADJUSTED FOR INFLATION; AND

8           (B) THE DIFFERENCE BETWEEN THE NOMINAL AMOUNT OF  
9 TWENTY-TWO CENTS ON DECEMBER 31, 2030, ADJUSTED FOR INFLATION,  
10 AND THE NOMINAL AMOUNT OF TWENTY-TWO CENTS ON DECEMBER 31,  
11 2030.

12           (III) AN ADJUSTMENT FOR INFLATION SHALL BE MADE PURSUANT  
13 TO SUBSECTION (4)(b)(II) OF THIS SECTION ONLY IF THE RATE OF  
14 INFLATION IS POSITIVE AND MUST BE THE LESSER OF THE ACTUAL RATE OF  
15 INFLATION OR FIVE PERCENT. THE DEPARTMENT OF REVENUE SHALL  
16 CALCULATE THE INFLATION ADJUSTED AMOUNT OF THE ROAD USAGE FEE  
17 FOR STATE FISCAL YEAR 2032-33 AND SHALL PUBLISH THE AMOUNT NO  
18 LATER THAN APRIL 15, 2032.

19           (5) EACH DISTRIBUTOR OF SPECIAL FUEL THAT PAYS THE EXCISE  
20 TAX IMPOSED ON SPECIAL FUEL SHALL ALSO PAY, AT THE SAME TIME AND  
21 IN THE SAME MANNER AS THE EXCISE TAX AND THE ROAD USAGE FEE  
22 IMPOSED PURSUANT TO SUBSECTIONS (3) AND (4) OF THIS SECTION, A  
23 BRIDGE AND TUNNEL IMPACT FEE IN THE AMOUNT IMPOSED BY THE  
24 STATEWIDE BRIDGE AND TUNNEL ENTERPRISE AS AUTHORIZED BY SECTION  
25 43-4-805 (5)(g.5). THE COLLECTION AND ADMINISTRATION OF THE BRIDGE  
26 AND TUNNEL IMPACT FEE BY THE DEPARTMENT OF REVENUE ON BEHALF OF  
27 THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE IS DONE ON BEHALF OF

1 THE ENTERPRISE FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR  
2 DISTRIBUTORS AND ADMINISTRATIVE COSTS FOR THE STATE, AND ALL  
3 BRIDGE AND TUNNEL IMPACT FEE REVENUE IS REVENUE OF THE  
4 ENTERPRISE ONLY AND IS EXCLUDED FROM STATE FISCAL YEAR SPENDING,  
5 AS DEFINED IN SECTION 24-77-102 (17).

6 (6) (a) A DISTRIBUTOR IS NOT REQUIRED TO PAY THE ROAD USAGE  
7 FEE IMPOSED BY SUBSECTION (3) OR (4) OF THIS SECTION OR THE BRIDGE  
8 AND TUNNEL IMPACT FEE IMPOSED AS AUTHORIZED BY SECTION 43-4-805  
9 (5)(g.5), IF THE DISTRIBUTOR WOULD OTHERWISE BE LIABLE FOR THE  
10 EXCISE TAX ON THE GASOLINE OR SPECIAL FUEL SUBJECT TO THE FEE BUT  
11 IS ALLOWED TO SELL THE GASOLINE OR SPECIAL FUEL WITHOUT PAYMENT  
12 OF THE APPLICABLE EXCISE TAX PURSUANT TO SECTION 39-27-102  
13 (1)(b)(II) OR SECTION 39-27-102.5 (2)(b).

14 (b) GASOLINE OR SPECIAL FUEL REMOVED FROM A TERMINAL IN  
15 THIS STATE BY A PERSON LICENSED AS AN EXPORTER PURSUANT TO  
16 SECTION 39-27-104 EXCLUSIVELY FOR DELIVERY TO ANOTHER STATE IS  
17 NOT SUBJECT TO THE ROAD USAGE FEE IMPOSED BY SUBSECTION (3) OR (4)  
18 OF THIS SECTION OR THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS  
19 AUTHORIZED BY SECTION 43-4-805 (5)(g.5).

20 (c) THE BURDEN OF PROVING THAT GASOLINE OR SPECIAL FUEL IS  
21 NOT SUBJECT TO THE ROAD USAGE FEE IMPOSED BY SUBSECTION (3) OR (4)  
22 OF THIS SECTION OR THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS  
23 AUTHORIZED BY SECTION 43-4-805 (5)(g.5) IS ON THE DISTRIBUTOR UNDER  
24 SUCH REASONABLE REQUIREMENTS OF PROOF AS THE EXECUTIVE  
25 DIRECTOR OF THE DEPARTMENT OF REVENUE MAY PRESCRIBE.

26 (7) THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF  
27 THE ROAD USAGE FEES IMPOSED BY SUBSECTION (3) OR (4) OF THIS

1 SECTION, AND THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS  
2 AUTHORIZED BY SECTION 43-4-805 (5)(g.5) SHALL BE PERFORMED BY THE  
3 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE IN THE SAME  
4 MANNER AS THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF  
5 STATE GASOLINE AND SPECIAL FUEL TAXES PURSUANT TO ARTICLE 27 OF  
6 TITLE 39. A DISTRIBUTOR WHO PAYS THE ROAD USAGE FEE AS REQUIRED  
7 BY SUBSECTION (3) OR (4) OF THIS SECTION SHALL REMIT THE FEE,  
8 TOGETHER WITH ANY BRIDGE AND TUNNEL IMPACT FEE THAT THE  
9 DISTRIBUTOR ALSO PAYS AS REQUIRED BY SECTION 43-4-805 (5)(g.5) AND  
10 SUBSECTION (5) OF THIS SECTION TO THE DEPARTMENT OF REVENUE AT  
11 THE SAME TIME AND IN THE SAME MANNER IN WHICH THE DISTRIBUTOR  
12 REMITS GASOLINE OR SPECIAL FUEL TAXES COLLECTED BY THE  
13 DISTRIBUTOR AS REQUIRED BY ARTICLE 27 OF TITLE 39. THE DEPARTMENT  
14 OF REVENUE MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION.

15 (8) IN ACCORDANCE WITH SECTION 43-4-203 (1)(f), THE STATE  
16 TREASURER SHALL CREDIT ALL ROAD USAGE FEE REVENUE COLLECTED AS  
17 REQUIRED BY THIS SECTION TO THE HIGHWAY USERS TAX FUND CREATED  
18 IN SECTION 43-4-201. IN ACCORDANCE WITH SECTION 43-4-805 (5)(g.5),  
19 THE STATE TREASURER SHALL CREDIT ALL BRIDGE AND TUNNEL IMPACT  
20 FEE REVENUE COLLECTED AS REQUIRED BY THIS SECTION TO THE  
21 STATEWIDE BRIDGE AND TUNNEL ENTERPRISE SPECIAL REVENUE FUND  
22 CREATED IN SECTION 43-4-805 (3)(a). ALL FEES CREDITED TO THE  
23 HIGHWAY USERS TAX FUND PURSUANT TO THIS SECTION SHALL BE  
24 ALLOCATED FROM THE HIGHWAY USERS TAX FUND TO THE STATE,  
25 COUNTIES, AND MUNICIPALITIES AS REQUIRED BY SECTION 43-4-205 (6.8).

26 **43-4-218. Additional funding - retail delivery fee - fund**  
27 **created - simultaneous collection of enterprise fees - rules - legislative**



1 **declaration - definitions.** (1) THE GENERAL ASSEMBLY HEREBY FINDS  
2 AND DECLARES THAT:

3 (a) IN RECENT YEARS, THE NUMBER OF RETAIL DELIVERIES OF  
4 TANGIBLE PERSONAL PROPERTY, INCLUDING RESTAURANT FOOD, HAS  
5 RAPIDLY INCREASED, AND THIS RAPID GROWTH IS EXPECTED TO CONTINUE;

6 (b) THE WORLD ECONOMIC FORUM ESTIMATES THAT BY 2030  
7 THERE WILL BE OVER THIRTY PERCENT MORE DELIVERY VEHICLES ON  
8 ROADS TO DELIVER SEVENTY-EIGHT PERCENT MORE PACKAGES, WHICH  
9 WILL INCREASE USAGE OF THE HIGHWAYS, ROADS, AND STREETS OF THE  
10 STATE BY MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES, TRAFFIC  
11 CONGESTION, AND RETAIL-DELIVERY-RELATED EMISSIONS;

12 (c) THIS ADDITIONAL USAGE HAS ACCELERATED AND IS EXPECTED  
13 TO CONTINUE TO ACCELERATE DETERIORATION OF SURFACE  
14 TRANSPORTATION SYSTEM INFRASTRUCTURE, AND HAS REQUIRED AND IS  
15 EXPECTED TO CONTINUE TO REQUIRE THE STATE, COUNTIES, AND  
16 MUNICIPALITIES TO PERFORM MORE MAINTENANCE AND RECONSTRUCTION  
17 OF STATE HIGHWAYS, COUNTY ROADS, AND CITY STREETS;

18 (d) THIS ADDITIONAL USAGE HAS ALSO INCREASED AND IS  
19 EXPECTED TO CONTINUE TO INCREASE MOTOR-VEHICLE-RELATED  
20 EMISSIONS OF AIR POLLUTANTS, INCLUDING OZONE PRECURSORS,  
21 PARTICULATE MATTER POLLUTANTS, OTHER HAZARDOUS AIR POLLUTANTS,  
22 AND GREENHOUSE GASES, THAT CONTRIBUTE TO ADVERSE  
23 ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT LIMITED TO CLIMATE  
24 CHANGE, AND ADVERSE HUMAN HEALTH EFFECTS;

25 (e) IT IS THEREFORE NECESSARY AND APPROPRIATE:

26 (I) TO IMPOSE A RETAIL DELIVERY FEE AS SPECIFIED IN THIS  
27 SECTION AND TO CREDIT THE PROCEEDS OF THE FEE TO THE HIGHWAY

1 USERS TAX FUND CREATED IN SECTION 43-4-201 FOR ALLOCATION TO THE  
2 STATE, COUNTIES, AND MUNICIPALITIES AND TO THE MULTIMODAL  
3 TRANSPORTATION AND MITIGATION OPTIONS FUND CREATED IN SECTION  
4 43-4-1103 (1)(a);

5 (II) TO AUTHORIZE THE COMMUNITY ACCESS ENTERPRISE CREATED  
6 IN SECTION 24-38.5-303 (1) TO IMPOSE A COMMUNITY ACCESS RETAIL  
7 DELIVERY FEE AS SPECIFIED IN SECTION 24-38.5-303 (7), AUTHORIZE THE  
8 CLEAN FLEET ENTERPRISE CREATED IN SECTION 25-7.5-103 (1)(a) TO  
9 IMPOSE A CLEAN FLEET RETAIL DELIVERY FEE AS SPECIFIED IN SECTION  
10 25-7.5-103 (8), AUTHORIZE THE STATEWIDE BRIDGE AND TUNNEL  
11 ENTERPRISE CREATED IN SECTION 43-4-805 (2)(a)(I) TO IMPOSE A BRIDGE  
12 AND TUNNEL RETAIL DELIVERY FEE AS SPECIFIED IN SECTION 43-4-805  
13 (5)(g.7), AUTHORIZE THE CLEAN TRANSIT ENTERPRISE CREATED IN SECTION  
14 43-4-1203 (1)(a) TO IMPOSE A CLEAN TRANSIT RETAIL DELIVERY FEE AS  
15 SPECIFIED IN SECTION 43-4-1203 (7), AND AUTHORIZE THE  
16 NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE CREATED  
17 IN SECTION 43-4-1303 (1)(a) TO IMPOSE AN AIR POLLUTION MITIGATION  
18 RETAIL DELIVERY FEE AS SPECIFIED IN SECTION 43-1-1303 (8) TO HELP  
19 FUND THE ENTERPRISES' PURSUIT OF THEIR RESPECTIVE BUSINESS  
20 PURPOSES; AND

21 (III) FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR FEE  
22 PAYERS AND ADMINISTRATIVE COSTS FOR THE STATE, TO REQUIRE THE  
23 DEPARTMENT OF REVENUE TO COLLECT THE RETAIL DELIVERY FEES  
24 IMPOSED BY THE ENTERPRISES ON BEHALF OF THE ENTERPRISES WHEN IT  
25 COLLECTS THE RETAIL DELIVERY FEE IMPOSED BY SUBSECTION (3) OF THIS  
26 SECTION AND TO DISTRIBUTE THE ENTERPRISE FEE REVENUE TO THE  
27 ENTERPRISES.

1           (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
2 REQUIRES:

3           (a) "ENTERPRISE RETAIL DELIVERY FEES" MEANS:

4           (I) THE COMMUNITY ACCESS RETAIL DELIVERY FEE IMPOSED BY  
5 THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION 24-38.5-303  
6 (1), AS SPECIFIED IN SECTION 24-38.5-303 (7);

7           (II) THE CLEAN FLEET RETAIL DELIVERY FEE IMPOSED BY THE  
8 CLEAN FLEET ENTERPRISE CREATED IN SECTION 25-7.5-103 (1)(a), AS  
9 SPECIFIED IN SECTION 25-7.5-103 (8);

10          (III) THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED BY  
11 THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE CREATED IN SECTION  
12 43-4-805 (2)(a)(I), AS SPECIFIED IN SECTION 43-4-805 (5)(g.7);

13          (IV) THE CLEAN TRANSIT RETAIL DELIVERY FEE IMPOSED BY THE  
14 CLEAN TRANSIT ENTERPRISE CREATED IN SECTION 43-4-1203 (1)(a) AS  
15 SPECIFIED IN SECTION 43-4-1203 (7); AND

16          (V) THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE  
17 IMPOSED BY THE NONATTAINMENT AREA AIR POLLUTION MITIGATION  
18 ENTERPRISE CREATED IN SECTION 43-4-1303 (1)(a) AS SPECIFIED IN  
19 SECTION 43-1-1303 (8).

20          (b) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE  
21 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF  
22 LABOR STATISTICS, CONSUMER PRICE INDEX FOR  
23 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN  
24 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR  
25 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE THE  
26 CALENDAR YEAR IN WHICH A STATE FISCAL YEAR FOR WHICH AN  
27 INFLATION ADJUSTMENT TO THE RETAIL DELIVERY FEE IMPOSED BY

1 SUBSECTION (3) OF THIS SECTION IS TO BE MADE BEGINS.

2 (c) "MOTOR VEHICLE" HAS THE SAME MEANING AS SET FORTH IN  
3 SECTION 42-1-102 (58). THE TERM DOES NOT INCLUDE A PERSONAL  
4 DELIVERY DEVICE.

5 (d) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY  
6 OPERATED ROBOT THAT IS:

7 (I) DESIGNED AND MANUFACTURED FOR THE PURPOSE OF  
8 TRANSPORTING TANGIBLE PERSONAL PROPERTY PRIMARILY ON  
9 SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY THAT ARE  
10 TYPICALLY USED BY PEDESTRIANS;

11 (II) WEIGHS NO MORE THAN FIVE HUNDRED FIFTY POUNDS,  
12 EXCLUDING ANY TANGIBLE PERSONAL PROPERTY BEING TRANSPORTED;  
13 AND

14 (III) OPERATES AT SPEEDS OF LESS THAN TEN MILES PER HOUR  
15 WHEN ON SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY  
16 THAT ARE TYPICALLY USED BY PEDESTRIANS.

17 (e) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE  
18 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE  
19 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE  
20 PURCHASER AT A PHYSICAL ADDRESS IN THIS STATE, WHICH SALE  
21 INCLUDES AT LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS  
22 SUBJECT TO TAXATION UNDER ARTICLE 26 OF TITLE 39.

23 (f) "RETAILER" HAS THE SAME MEANING AS SET FORTH IN SECTION  
24 39-26-102 (8).

25 (g) "RETAIL SALE" HAS THE SAME MEANING AS SET FORTH IN  
26 SECTION 39-26-102 (9).

27 (h) "TANGIBLE PERSONAL PROPERTY" HAS THE SAME MEANING AS

1 SET FORTH IN SECTION 39-26-102 (15).

2 (3) (a) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY  
3 PURCHASED DURING STATE FISCAL YEAR 2022-23, EACH RETAILER WHO  
4 MAKES A RETAIL DELIVERY SHALL ADD TO THE PRICE OF THE RETAIL  
5 DELIVERY, COLLECT FROM THE PURCHASER, AND PAY TO THE DEPARTMENT  
6 OF REVENUE AT THE TIME AND IN THE MANNER PRESCRIBED BY THE  
7 DEPARTMENT IN ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION A  
8 RETAIL DELIVERY FEE IN THE AMOUNT OF EIGHT AND FOUR-TENTHS CENTS.

9 (b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)(c) OF  
10 THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY  
11 PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING ANY  
12 SUBSEQUENT STATE FISCAL YEAR, EACH RETAILER WHO MAKES A RETAIL  
13 DELIVERY SHALL ADD TO THE PRICE OF THE RETAIL DELIVERY, COLLECT  
14 FROM THE PURCHASER, AND PAY TO THE DEPARTMENT OF REVENUE AT THE  
15 TIME AND IN THE MANNER PRESCRIBED BY THE DEPARTMENT IN  
16 ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION A RETAIL DELIVERY  
17 FEE EQUAL TO THE AMOUNT OF THE RETAIL DELIVERY FEE FOR RETAIL  
18 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING THE  
19 PRIOR STATE FISCAL YEAR ADJUSTED FOR INFLATION. THE DEPARTMENT OF  
20 REVENUE SHALL ANNUALLY CALCULATE THE INFLATION ADJUSTED  
21 AMOUNT OF THE RETAIL DELIVERY FEE TO BE IMPOSED ON RETAIL  
22 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING EACH  
23 STATE FISCAL YEAR AND SHALL PUBLISH THE AMOUNT NO LATER THAN  
24 APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR  
25 BEGINS.

26 (II) THE DEPARTMENT OF REVENUE SHALL ADJUST THE AMOUNT OF  
27 THE RETAIL DELIVERY FEE FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL

1 PROPERTY PURCHASED DURING A STATE FISCAL YEAR ONLY IF INFLATION  
2 IS POSITIVE AND CUMULATIVE INFLATION FROM THE TIME OF THE LAST  
3 ADJUSTMENT IN THE AMOUNT OF THE RETAIL DELIVERY FEE, WHEN  
4 APPLIED TO THE SUM OF THE CURRENT RETAIL DELIVERY FEE AND ALL  
5 CURRENT ENTERPRISE RETAIL DELIVERY FEES AND ROUNDED TO THE  
6 NEAREST WHOLE CENT, WILL RESULT IN AN INCREASE OF AT LEAST ONE  
7 WHOLE CENT IN THE TOTAL AMOUNT OF THE RETAIL DELIVERY FEE AND  
8 ALL ENTERPRISE RETAIL DELIVERY FEES IMPOSED ON EACH RETAIL  
9 DELIVERY. THE AMOUNT OF CUMULATIVE INFLATION TO BE APPLIED TO  
10 THE SUM OF THE CURRENT RETAIL DELIVERY FEE AND ALL CURRENT  
11 ENTERPRISE RETAIL DELIVERY FEES AND ROUNDED TO THE NEAREST  
12 WHOLE CENT IS THE LESSER OF ACTUAL CUMULATIVE INFLATION OR FIVE  
13 PERCENT.

14 (c) A RETAIL DELIVERY THAT INCLUDES ONLY TANGIBLE PERSONAL  
15 PROPERTY, THE SALE OF WHICH IS EXEMPT FROM STATE SALES TAX UNDER  
16 ARTICLE 26 OF TITLE 39, IS EXEMPT FROM THE RETAIL DELIVERY FEE AND  
17 FROM THE ENTERPRISE RETAIL DELIVERY FEES. A RETAIL DELIVERY MADE  
18 TO A PURCHASER WHO IS EXEMPT FROM PAYING STATE SALES TAX UNDER  
19 ARTICLE 26 OF TITLE 39 IS EXEMPT FROM THE RETAIL DELIVERY FEE AND  
20 FROM THE ENTERPRISE RETAIL DELIVERY FEES.

21 (4) (a) FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR  
22 RETAILERS AND ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT  
23 OF REVENUE SHALL, WHEN IT COLLECTS THE RETAIL DELIVERY FEE  
24 IMPOSED BY SUBSECTION (3) OF THIS SECTION, ALSO COLLECT ON BEHALF  
25 OF THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION 24-38.5-303  
26 (1), THE CLEAN FLEET ENTERPRISE CREATED IN SECTION 25-7.5-103 (1)(a),  
27 THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE CREATED IN SECTION

1 43-4-805 (2)(a)(I), THE CLEAN TRANSIT ENTERPRISE CREATED IN SECTION  
2 43-1-1203 (1)(a), AND THE NONATTAINMENT AREA AIR POLLUTION  
3 MITIGATION ENTERPRISE CREATED IN SECTION 43-4-1303 (1)(a), THE  
4 ENTERPRISE RETAIL DELIVERY FEES.

5 (b) WHEN COLLECTING THE RETAIL DELIVERY FEE AND, IN  
6 ACCORDANCE WITH SUBSECTION (4)(a) OF THIS SECTION, THE ENTERPRISE  
7 RETAIL DELIVERY FEES, THE DEPARTMENT OF REVENUE SHALL RETAIN AN  
8 AMOUNT THAT DOES NOT EXCEED THE TOTAL COST OF COLLECTING,  
9 ADMINISTERING, AND ENFORCING THE RETAIL DELIVERY FEE AND THE  
10 ENTERPRISE RETAIL DELIVERY FEES AND SHALL TRANSMIT THE AMOUNT  
11 RETAINED TO THE STATE TREASURER, WHO SHALL CREDIT IT TO THE RETAIL  
12 DELIVERY FEES FUND, WHICH IS HEREBY CREATED IN THE STATE  
13 TREASURY. ALL MONEY IN THE RETAIL DELIVERY FEES FUND IS  
14 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF REVENUE TO  
15 DEFRAID THE COSTS INCURRED BY THE DEPARTMENT IN COLLECTING,  
16 ENFORCING, AND ADMINISTERING THE RETAIL DELIVERY FEE AND THE  
17 ENTERPRISE RETAIL DELIVERY FEES.

18 (5) (a) THE DEPARTMENT OF REVENUE SHALL TRANSMIT ALL NET  
19 REVENUE COLLECTED FROM THE RETAIL DELIVERY FEE IMPOSED BY  
20 SUBSECTION (3) OF THIS SECTION TO THE STATE TREASURER, WHO SHALL  
21 CREDIT THE NET REVENUE AS FOLLOWS:

22 (I) SEVENTY-ONE AND ONE-TENTH PERCENT SHALL BE CREDITED  
23 TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201 AND  
24 ALLOCATED FROM THE HIGHWAY USERS TAX FUND TO THE STATE,  
25 COUNTIES, AND MUNICIPALITIES AS REQUIRED BY SECTION 43-4-205 (6.8);  
26 AND

27 (II) TWENTY-EIGHT AND NINE-TENTHS PERCENT SHALL BE

1 CREDITED TO THE MULTIMODAL TRANSPORTATION AND MITIGATION  
2 OPTIONS FUND CREATED IN SECTION 43-4-1103 (1)(a);

3 (b) THE DEPARTMENT OF REVENUE SHALL TRANSMIT ALL NET  
4 REVENUE COLLECTED FROM ENTERPRISE RETAIL DELIVERY FEES TO THE  
5 STATE TREASURER WHO SHALL CREDIT THE NET REVENUE AS FOLLOWS:

6 (I) ALL NET COMMUNITY ACCESS RETAIL DELIVERY FEE REVENUE  
7 SHALL BE CREDITED TO THE COMMUNITY ACCESS ENTERPRISE FUND  
8 CREATED IN SECTION 24-38.5-303 (5);

9 (II) ALL NET CLEAN FLEET RETAIL DELIVERY FEE REVENUE SHALL  
10 BE CREDITED TO THE CLEAN FLEET ENTERPRISE FUND CREATED IN SECTION  
11 25-7.5-103 (5);

12 (III) ALL NET BRIDGE AND TUNNEL RETAIL DELIVERY FEE  
13 REVENUE SHALL BE CREDITED TO THE STATEWIDE BRIDGE AND TUNNEL  
14 ENTERPRISE SPECIAL REVENUE FUND CREATED IN SECTION 43-4-805 (3)(a);

15 (IV) ALL NET CLEAN TRANSIT RETAIL DELIVERY FEE REVENUE  
16 SHALL BE CREDITED TO THE CLEAN TRANSIT ENTERPRISE FUND CREATED  
17 IN SECTION 43-4-1203 (5); AND

18 (V) ALL NET AIR POLLUTION MITIGATION RETAIL DELIVERY FEE  
19 REVENUE SHALL BE CREDITED TO THE NONATTAINMENT AREA AIR  
20 POLLUTION MITIGATION ENTERPRISE FUND CREATED IN SECTION 43-4-1303  
21 (5).

22 (6) (a) EXCEPT TO THE EXTENT OTHERWISE AUTHORIZED OR  
23 REQUIRED BY THE DEPARTMENT OF REVENUE PURSUANT TO SUBSECTION  
24 (6)(d) OF THIS SECTION WITH RESPECT TO THE TIMING OF THE REMITTANCE  
25 OF FEES TO THE DEPARTMENT, THE COLLECTION, ADMINISTRATION, AND  
26 ENFORCEMENT OF THE RETAIL DELIVERY FEE IMPOSED BY SUBSECTION (3)  
27 OF THIS SECTION AND THE ENTERPRISE RETAIL DELIVERY FEES SHALL BE



1 PERFORMED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
2 REVENUE IN THE SAME MANNER AS THE COLLECTION, ADMINISTRATION,  
3 AND ENFORCEMENT OF STATE SALES TAX PURSUANT TO ARTICLE 26 OF  
4 TITLE 39.

5 (b) EVERY RETAILER WHO MAKES A RETAIL DELIVERY SHALL ADD  
6 THE RETAIL DELIVERY FEE IMPOSED BY SUBSECTION (3) OF THIS SECTION  
7 AND THE ENTERPRISE RETAIL DELIVERY FEES TO THE PRICE OR CHARGE FOR  
8 THE RETAIL DELIVERY SHOWING THE TOTAL OF THE FEES AS ONE ITEM  
9 CALLED "RETAIL DELIVERY FEES" THAT IS SEPARATE AND DISTINCT FROM  
10 THE PRICE AND ANY OTHER TAXES OR FEES IMPOSED ON THE RETAIL  
11 DELIVERY. WHEN ADDED, THE FEES CONSTITUTE A PART OF THE RETAIL  
12 DELIVERY PRICE OR CHARGE, ARE A DEBT FROM THE PURCHASER TO THE  
13 RETAILER UNTIL PAID, AND ARE RECOVERABLE AT LAW IN THE SAME  
14 MANNER AS OTHER DEBTS.

15 (c) EVERY RETAILER WHO MAKES A RETAIL DELIVERY IS LIABLE  
16 AND RESPONSIBLE FOR THE PAYMENT OF AN AMOUNT EQUIVALENT TO THE  
17 TOTAL AMOUNT OF THE RETAIL DELIVERY FEE IMPOSED BY SUBSECTION (3)  
18 OF THIS SECTION AND THE ENTERPRISE RETAIL DELIVERY FEES FOR EACH  
19 RETAIL DELIVERY MADE IRRESPECTIVE OF THE REQUIREMENTS OF  
20 SUBSECTION (6)(b) OF THIS SECTION. THE BURDEN OF PROVING THAT A  
21 RETAILER IS EXEMPT FROM COLLECTING THE FEES ON ANY RETAIL  
22 DELIVERY AND PAYING THE FEES TO THE EXECUTIVE DIRECTOR OF THE  
23 DEPARTMENT OF REVENUE IS ON THE RETAILER UNDER SUCH REASONABLE  
24 REQUIREMENTS OF PROOF AS THE EXECUTIVE DIRECTOR MAY PRESCRIBE.  
25 THE RETAILER IS ENTITLED, AS COLLECTING AGENT FOR THE STATE, TO  
26 APPLY AND CREDIT THE AMOUNT OF THE RETAILER'S COLLECTIONS  
27 AGAINST THE AMOUNT TO BE PAID PURSUANT TO THIS SUBSECTION (6)(c).

1 (d) A RETAILER WHO COLLECTS THE RETAIL DELIVERY FEE  
2 IMPOSED BY SUBSECTION (3) OF THIS SECTION AND THE ENTERPRISE RETAIL  
3 DELIVERY FEES SHALL REMIT THE FEES TO THE DEPARTMENT OF REVENUE  
4 AT THE SAME TIME AND IN THE SAME MANNER AS THE RETAILER REMITS  
5 SALES TAX REVENUE COLLECTED TO THE DEPARTMENT AS REQUIRED BY  
6 ARTICLE 26 OF TITLE 39 UNLESS THE DEPARTMENT REQUIRES OR  
7 AUTHORIZES THE FEES TO BE REMITTED AT ANOTHER TIME OR IN ANOTHER  
8 MANNER.

9 (e) ALL MONEY PAID TO A RETAILER AS A RETAIL DELIVERY FEE  
10 IMPOSED BY SUBSECTION (3) OF THIS SECTION, OR AS ONE OR MORE OF THE  
11 ENTERPRISE RETAIL DELIVERY FEES, SHALL BE AND REMAINS PUBLIC  
12 MONEY, THE PROPERTY OF THE STATE OF COLORADO, IN THE HANDS OF  
13 THE RETAILER, AND THE RETAILER SHALL HOLD THE MONEY IN TRUST FOR  
14 THE SOLE USE AND BENEFIT OF THE STATE OF COLORADO UNTIL PAID TO  
15 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE, AND, FOR  
16 FAILURE TO PAY THE MONEY TO THE EXECUTIVE DIRECTOR, A RETAILER  
17 SHALL BE PUNISHED AS PROVIDED BY LAW. IF ANY RETAILER COLLECTS  
18 FEES IN EXCESS OF THE AMOUNT IMPOSED BY THIS SECTION AND SECTIONS  
19 24-38.5-303 (7), 25-7.5-103 (8), 43-4-1203 (7), AND 43-4-1303 (8), THE  
20 RETAILER SHALL REMIT TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT  
21 OF REVENUE THE FULL AMOUNT OF THE FEES AND ALSO THE FULL AMOUNT  
22 OF THE EXCESS.

23 (7) THE DEPARTMENT OF REVENUE MAY PROMULGATE RULES TO  
24 IMPLEMENT THIS SECTION.

25 **SECTION 34.** In Colorado Revised Statutes, 43-4-602, **amend**  
26 (1.5), (2), and (12.5); and **add** (3.5) and (19) as follows:

27 **43-4-602. Definitions.** As used in this part 6, unless the context

1 otherwise requires:

2 (1.5) "Authority" means a body corporate and political subdivision  
3 of the state created pursuant to this part 6 OR A TRANSPORTATION  
4 PLANNING ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS  
5 AUTHORIZED BY SECTION 43-4-622.

6 (2) "Board" means the board of directors of an authority OR OF A  
7 TRANSPORTATION PLANNING ORGANIZATION EXERCISING THE POWERS OF  
8 AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622.

9 (3.5) "BOUNDARIES OF THE AUTHORITY" MEANS THE BOUNDARIES  
10 SPECIFIED IN THE CONTRACT CREATING THE AUTHORITY, AS MAY BE  
11 CHANGED IN THE MANNER PROVIDED IN SECTION 43-4-605 (2), OR THE  
12 BOUNDARIES OF THE TERRITORY IN WHICH A TRANSPORTATION PLANNING  
13 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN  
14 AUTHORITY AS SPECIFIED IN THE RESOLUTION AUTHORIZING THE  
15 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF  
16 AN AUTHORITY ADOPTED BY THE BOARD OF THE TRANSPORTATION  
17 PLANNING ORGANIZATION AS AUTHORIZED BY SECTION 43-4-622, AS MAY  
18 BE CHANGED IN THE MANNER PROVIDED IN SECTION 43-4-605 (2).

19 (12.5) "Region" means all of the territory within the boundaries  
20 of, and subject to the jurisdiction of, the governing body of any member  
21 of a combination that creates an authority pursuant to section 43-4-603 OR  
22 THE GOVERNING BODY OF ANY MEMBER OF A TRANSPORTATION PLANNING  
23 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS  
24 AUTHORIZED BY SECTION 43-4-622.

25 (19) "TRANSPORTATION PLANNING ORGANIZATION" MEANS A  
26 METROPOLITAN PLANNING ORGANIZATION, AS DEFINED IN SECTION  
27 43-1-1102 (4), OR A RURAL TRANSPORTATION PLANNING ORGANIZATION

1 RESPONSIBLE FOR TRANSPORTATION PLANNING FOR A TRANSPORTATION  
2 PLANNING REGION, AS DEFINED IN SECTION 43-1-1102 (8).

3 **SECTION 35.** In Colorado Revised Statutes, 43-4-603, **amend**  
4 (1), (1.5), and (3); and **add** (2.5) as follows:

5 **43-4-603. Creation of authorities - exercise of powers of an**  
6 **authority by transportation planning organization.** (1) Any  
7 combination may create, by contract, an authority that is authorized to  
8 exercise the functions conferred by ~~the provisions of this part 6~~ upon the  
9 issuance by the director of the division of a certificate stating that the  
10 authority has been duly organized according to the laws of the state. IN  
11 ADDITION, ANY TRANSPORTATION PLANNING ORGANIZATION MAY ADOPT  
12 A RESOLUTION AUTHORIZING IT TO EXERCISE THE POWERS OF AN  
13 AUTHORITY AS AUTHORIZED BY SECTION 43-4-622 UPON THE ISSUANCE BY  
14 THE DIRECTOR OF THE DIVISION OF A CERTIFICATE STATING THAT THE  
15 TRANSPORTATION PLANNING ORGANIZATION HAS BEEN DULY AUTHORIZED  
16 TO EXERCISE THE POWERS OF AN AUTHORITY ACCORDING TO THE LAWS OF  
17 THE STATE. The combination joining in the creation of the authority OR  
18 THE TRANSPORTATION PLANNING ORGANIZATION ADOPTING A RESOLUTION  
19 AUTHORIZING IT TO EXERCISE THE POWERS OF AN AUTHORITY shall  
20 provide a copy of the contract OR RESOLUTION to the department of  
21 transportation for comment and, if the territory of the proposed authority  
22 OR THE TERRITORY IN WHICH THE TRANSPORTATION PLANNING  
23 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN  
24 AUTHORITY includes or borders any territory of the regional transportation  
25 district created in article 9 of title 32 ~~C.R.S.~~, or intersects with or is likely  
26 to divert vehicle traffic to or from a toll highway operated by a public  
27 highway authority established under part 5 of this ~~article~~ ARTICLE 4, shall

1 also provide a copy of the contract OR RESOLUTION to the district or the  
2 affected public highway authority, as applicable, for comment. The  
3 combination OR TRANSPORTATION PLANNING ORGANIZATION shall also  
4 provide a copy of the contract OR RESOLUTION FOR COMMENT to each  
5 county and municipality that is not a member of the combination OR A  
6 MEMBER OF THE TRANSPORTATION PLANNING ORGANIZATION but that  
7 includes territory that borders the territory of the proposed authority ~~for~~  
8 ~~comment~~ OR THE TERRITORY IN WHICH THE TRANSPORTATION PLANNING  
9 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN  
10 AUTHORITY. A TRANSPORTATION PLANNING ORGANIZATION ADOPTING A  
11 RESOLUTION AUTHORIZING IT TO EXERCISE THE POWERS OF AN AUTHORITY  
12 SHALL ALSO PROVIDE A COPY OF THE RESOLUTION FOR COMMENT TO ANY  
13 EXISTING AUTHORITY THAT INCLUDES OR BORDERS ANY OF THE TERRITORY  
14 IN WHICH THE TRANSPORTATION PLANNING ORGANIZATION WILL EXERCISE  
15 THE POWERS OF AN AUTHORITY. The director shall issue the certificate  
16 upon the filing with the director of a copy of the contract by the  
17 combination joining in the creation of the authority OR A COPY OF THE  
18 RESOLUTION ADOPTED BY THE BOARD OF THE TRANSPORTATION PLANNING  
19 ORGANIZATION AUTHORIZING THE TRANSPORTATION PLANNING  
20 ORGANIZATION TO EXERCISE THE POWERS OF AN AUTHORITY. The director  
21 shall cause the certificate to be recorded in the real estate records in each  
22 county having territory included in the boundaries of the authority. Upon  
23 issuance of the certificate by the director, ~~the AN authority shall constitute~~  
24 CREATED BY A COMBINATION BY CONTRACT CONSTITUTES a separate  
25 political subdivision and body corporate of the state and shall have all of  
26 the duties, privileges, immunities, rights, liabilities, and disabilities of a  
27 public body politic and corporate.

1           (1.5) ~~On and after January 1, 2006,~~ If, after reviewing a contract  
2 that creates an authority OR A RESOLUTION AUTHORIZING A  
3 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF  
4 AN AUTHORITY provided pursuant to subsection (1) of this section, but in  
5 no event more than ninety days after a copy of the contract OR  
6 RESOLUTION is provided pursuant to subsection (1) of this section, the  
7 department of transportation, the regional transportation district created  
8 in article 9 of title 32, ~~C.R.S.~~, a bordering county or municipality, ~~or a~~  
9 public highway authority established under part 5 of this ~~article~~ ARTICLE  
10 4, OR, WITH RESPECT TO A RESOLUTION ONLY, AN EXISTING AUTHORITY,  
11 informs the combination that executed the contract OR THE  
12 TRANSPORTATION PLANNING ORGANIZATION THAT ADOPTED THE  
13 RESOLUTION that any portions of the regional transportation systems to be  
14 provided by the proposed authority that involve road construction or  
15 improvement, as specified in the contract OR RESOLUTION pursuant to  
16 ~~paragraph (a) of subsection (2) of this section~~ SUBSECTION (2)(a) OF THIS  
17 SECTION, and that are on, alter the physical structure of, or negatively  
18 impact safe operation of any highway, road, or street under its jurisdiction  
19 or will provide mass transportation services that impact the district, then,  
20 at the request of the affected entity, the combination OR THE  
21 TRANSPORTATION PLANNING ORGANIZATION shall enter into an  
22 intergovernmental agreement concerning the identified portions or mass  
23 transportation services with the department, the district, the bordering  
24 county or municipality, the public highway authority, THE EXISTING  
25 AUTHORITY, or any combination thereof, as applicable, within one  
26 hundred eighty days after a copy of the contract OR RESOLUTION was  
27 provided, ~~or~~ eliminate those portions or services from the list of projects

1 specified in the contract before it submits the contract to a vote of the  
2 registered electors residing within the boundaries of the proposed  
3 authority as required by subsection (4) of this section, OR AMEND OR  
4 REPLACE THE RESOLUTION TO ELIMINATE THOSE PORTIONS OR SERVICES  
5 FROM THE LIST OF PROJECTS SPECIFIED IN THE RESOLUTION. When  
6 requesting that an intergovernmental agreement be entered into or that  
7 portions of a regional transportation system be eliminated due to a  
8 negative impact to safe operation of a highway, road, or street, the  
9 requesting entity shall provide, at the time of the request, evidence of the  
10 negative impact. The intergovernmental agreement shall specify whatever  
11 terms the combination OR TRANSPORTATION PLANNING ORGANIZATION  
12 and the affected entity or entities deem necessary to avoid duplication of  
13 effort and to ensure coordinated transportation planning, efficient  
14 allocation of resources, and equitable sharing of costs. If the department  
15 is a party to the intergovernmental agreement, the agreement shall also  
16 describe in detail any effect on department funding of any portion of the  
17 state highway system within the proposed region that is expected to result  
18 from the creation of the proposed authority OR THE EXERCISE OF THE  
19 POWER OF AN AUTHORITY BY THE TRANSPORTATION PLANNING  
20 ORGANIZATION. Nothing in this subsection (1.5) shall be construed to  
21 preclude a combination, ~~or any~~ authority, OR TRANSPORTATION PLANNING  
22 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY from entering  
23 into an intergovernmental agreement with the department, the district, a  
24 public highway authority, a bordering county or municipality, or any other  
25 governmental entity regarding any regional transportation system.

26 (2.5) A RESOLUTION AUTHORIZING A TRANSPORTATION PLANNING  
27 ORGANIZATION TO EXERCISE THE POWERS OF AN AUTHORITY ADOPTED AS

1 AUTHORIZED BY SECTION 43-4-622 MUST SPECIFY:

2 (a) THE REGIONAL TRANSPORTATION SYSTEMS TO BE PROVIDED;

3 AND

4 (b) THE BOUNDARIES OF THE TERRITORY IN WHICH THE  
5 TRANSPORTATION PLANNING ORGANIZATION IS AUTHORIZED TO EXERCISE  
6 THE POWERS OF AN AUTHORITY, WHICH MAY NOT INCLUDE:

7 (I) TERRITORY OUTSIDE OF THE BOUNDARIES OF THE MEMBERS OF  
8 THE TRANSPORTATION PLANNING ORGANIZATION;

9 (II) TERRITORY WITHIN THE BOUNDARIES OF AN EXISTING  
10 AUTHORITY WITHOUT THE APPROVAL OF THE EXISTING AUTHORITY;

11 (III) TERRITORY WITHIN THE BOUNDARIES OF A MUNICIPALITY  
12 THAT IS A MEMBER OF THE TRANSPORTATION PLANNING ORGANIZATION IF  
13 THE GOVERNING BODY OF THE MUNICIPALITY ADOPTS A RESOLUTION  
14 OBJECTING TO THE INCLUSION OF THE TERRITORY;

15 (IV) TERRITORY WITHIN THE BOUNDARIES OF A COUNTY THAT IS  
16 A MEMBER OF THE TRANSPORTATION PLANNING ORGANIZATION IF THE  
17 GOVERNING BODY OF THE COUNTY ADOPTS A RESOLUTION OBJECTING TO  
18 THE INCLUSION OF THE TERRITORY;

19 (V) TERRITORY WITHIN THE BOUNDARIES OF A MUNICIPALITY THAT  
20 IS NOT A MEMBER OF THE TRANSPORTATION PLANNING ORGANIZATION AS  
21 THE BOUNDARIES OF THE MUNICIPALITY EXIST ON THE DATE THE  
22 RESOLUTION IS ADOPTED WITHOUT THE CONSENT OF THE GOVERNING BODY  
23 OF THE MUNICIPALITY; OR

24 (VI) TERRITORY WITHIN THE UNINCORPORATED BOUNDARIES OF  
25 A COUNTY THAT IS NOT A MEMBER OF THE TRANSPORTATION PLANNING  
26 ORGANIZATION AS THE UNINCORPORATED BOUNDARIES OF THE COUNTY  
27 EXIST ON THE DATE THE RESOLUTION IS ADOPTED WITHOUT THE CONSENT



1 OF THE GOVERNING BODY OF THE COUNTY.

2 (3) No municipality, county, or special district shall enter into a  
3 contract establishing an authority AND NO TRANSPORTATION PLANNING  
4 ORGANIZATION SHALL ADOPT A RESOLUTION AUTHORIZING IT TO EXERCISE  
5 THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622  
6 without holding at least two public hearings thereon in addition to other  
7 requirements imposed by law for public notice. The municipality, county,  
8 ~~or~~ special district, OR TRANSPORTATION PLANNING ORGANIZATION shall  
9 give notice of the time, place, and purpose of the public hearing by  
10 publication in a newspaper of general circulation in the municipality,  
11 county, ~~or~~ special district, OR TERRITORY OF THE TRANSPORTATION  
12 PLANNING ORGANIZATION as the case may be, at least ten days prior to the  
13 date of the public hearing.

14 **SECTION 36.** In Colorado Revised Statutes, 43-4-604, **amend**  
15 (3)(i) as follows:

16 **43-4-604. Board of directors.** (3) The board, in addition to all  
17 other powers conferred by this part 6, has the following powers:

18 (i) AS APPLICABLE, to amend the contract that created the authority  
19 to the extent that any amendment procedures specified in the contract  
20 pursuant to section 43-4-603 (2)(f) authorize the board, rather than the  
21 members of the combination that are parties to the contract, to amend the  
22 contract OR TO AMEND OR REPLACE THE RESOLUTION AUTHORIZING THE  
23 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF  
24 AN AUTHORITY ADOPTED AS AUTHORIZED BY SECTION 43-4-622.

25 **SECTION 37.** In Colorado Revised Statutes, 43-4-605, **amend**  
26 (1) introductory portion, (1)(f), (1)(i), (1)(i.5)(I) introductory portion,  
27 (1)(j)(I), and (2)(a) as follows:

1           **43-4-605. Powers of the authority - inclusion or exclusion of**  
2 **property - determination of regional transportation system alignment**  
3 **- fund created - repeal.** (1) In addition to any other powers granted to  
4 ~~the~~ AN authority pursuant to this part 6, ~~the~~ AN authority has the following  
5 powers:

6           (f) To finance, construct, operate, or maintain regional  
7 transportation systems within or without the boundaries of the authority;  
8 except that the authority shall not construct regional transportation  
9 systems in any territory located outside the boundaries of the authority  
10 and within the boundaries of a municipality as the boundaries of the  
11 municipality exist on the date the authority is created without the consent  
12 of the governing body of the municipality; outside the boundaries of the  
13 authority and within the unincorporated boundaries of a county as the  
14 unincorporated boundaries of the county exist on the date the authority is  
15 created without the consent of the governing body of the county; or inside  
16 or outside the boundaries of the authority if the regional transportation  
17 systems would alter the state highway system, as defined in section  
18 43-2-101 (1), or the interstate system, as defined in section 43-2-101 (2),  
19 except as authorized by an intergovernmental agreement entered into by  
20 the members of the combination that created the authority OR THE  
21 TRANSPORTATION PLANNING ORGANIZATION EXERCISING THE POWERS OF  
22 AN AUTHORITY and the department of transportation as required by  
23 section 43-4-603 (1.5);

24           (i) To impose an annual motor vehicle registration fee of not more  
25 than ten dollars for each motor vehicle registered with the authorized  
26 agent, as defined in section 42-1-102, of the county by persons residing  
27 in all or any designated portion of the members of the combination OR OF

1 THE MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION  
2 EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION  
3 43-4-622; except that the authority shall not impose a motor registration  
4 fee with respect to motor vehicles registered to persons residing outside  
5 the boundaries of the authority and within the boundaries of a  
6 municipality as the boundaries of the municipality exist on the date the  
7 authority is created OR THE RESOLUTION AUTHORIZING THE  
8 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF  
9 AN AUTHORITY IS ADOPTED without the consent of the governing body of  
10 the municipality or outside the boundaries of the authority and within the  
11 unincorporated boundaries of a county as the unincorporated boundaries  
12 of the county exist on the date the authority is created without the consent  
13 of the governing body of the county. The registration fee is in addition to  
14 any fee or tax imposed by the state or any other governmental unit. If a  
15 motor vehicle is registered in a county that is a member of more than one  
16 authority, the total of all fees imposed pursuant to this subsection (1)(i)  
17 for ~~any such~~ THE motor vehicle shall not exceed ten dollars. The  
18 authorized agent of the county in which the registration fee is imposed  
19 shall collect the fee and remit the fee to the authority. The authority shall  
20 apply the registration fees solely to the financing, construction, operation,  
21 or maintenance of regional transportation systems that are consistent with  
22 the expenditures specified in section 18 of article X of the state  
23 constitution.

24 (i.5) (I) Subject to the provisions of section 43-4-612, to impose,  
25 in all or any designated portion of the members of the combination OR OF  
26 THE MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION  
27 EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION

1 43-4-622, a visitor benefit tax on persons who purchase overnight rooms  
2 or accommodations in any amount that would not cause the aggregate  
3 amount of the visitor benefit tax and any lodging tax imposed on such  
4 overnight rooms or accommodations to exceed two percent of the price  
5 of such overnight rooms or accommodations; except that the authority  
6 shall not impose ~~any such~~ A visitor benefit tax on overnight rooms or  
7 accommodations that are in any territory:

8 (j) (I) Subject to the provisions of section 43-4-612, to levy, in all  
9 or any designated portion of the members of the combination OR OF THE  
10 MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION EXERCISING  
11 THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622, a  
12 sales or use tax, or both, at a rate not to exceed one percent upon every  
13 transaction or other incident with respect to which a sales or use tax is  
14 levied by the state; except that, ~~on and after January 1, 2006~~, if the  
15 authority includes territory that is within the regional transportation  
16 district created and existing pursuant to article 9 of title 32, ~~C.R.S.~~, a  
17 designated portion of the members of the combination OR OF THE  
18 MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION in which  
19 a new tax is levied ~~shall~~ MUST be composed of entire territories of  
20 members of the combination OR OF THE MEMBERS OF THE  
21 TRANSPORTATION PLANNING ORGANIZATION so that the rate of tax  
22 imposed pursuant to this part 6 within the territory of any single member  
23 of the combination OR OF THE MEMBERS OF THE TRANSPORTATION  
24 PLANNING ORGANIZATION is uniform and except that the authority shall  
25 not levy a sales or use tax on any transaction or other incident occurring  
26 in any territory located outside the boundaries of the authority and within  
27 the boundaries of a municipality as the boundaries of the municipality

1 exist on the date the authority is created without the consent of the  
2 governing body of the municipality or outside the boundaries of the  
3 authority and within the unincorporated boundaries of a county as the  
4 unincorporated boundaries exist on the date the authority is created  
5 without the consent of the governing body of the county. Subject to the  
6 provisions of section 43-4-612, the authority may elect to levy any such  
7 sales or use tax at different rates in different designated portions of the  
8 members of the combination OR OF THE MEMBERS OF THE  
9 TRANSPORTATION PLANNING ORGANIZATION; except that, ~~on and after~~  
10 ~~January 1, 2006~~, if the authority includes territory that is within the  
11 regional transportation district, a designated portion of the members of  
12 the combination OR OF THE MEMBERS OF THE TRANSPORTATION PLANNING  
13 ORGANIZATION in which a new tax is levied ~~shall~~ MUST be composed of  
14 entire territories of members of the combination OR OF THE MEMBERS OF  
15 THE TRANSPORTATION PLANNING ORGANIZATION so that the rate of tax  
16 imposed pursuant to this part 6 within the territory of any single member  
17 of the combination OR OF THE TRANSPORTATION PLANNING ORGANIZATION  
18 is uniform. If the authority so elects, it shall submit a single ballot  
19 question that lists all of the different rates to the registered electors of all  
20 designated portions of the members of the combination OR OF THE  
21 TRANSPORTATION PLANNING ORGANIZATION in which the proposed sales  
22 or use tax is to be levied. The tax imposed pursuant to this ~~paragraph (j)~~  
23 SUBSECTION (1)(j) is in addition to any other sales or use tax imposed  
24 pursuant to law. If a member of the combination OR OF THE  
25 TRANSPORTATION PLANNING ORGANIZATION is located within more than  
26 one authority, the sales or use tax, or both, authorized by this ~~paragraph~~  
27 ~~(j)~~ SUBSECTION (1)(j) shall not exceed one percent upon every transaction

1 or other incident with respect to which a sales or use tax is levied by the  
2 state. The executive director of the department of revenue shall collect,  
3 administer, and enforce the sales or use tax, to the extent feasible, in the  
4 manner provided in section 29-2-106. ~~C.R.S.~~ The director shall make  
5 monthly distributions of the tax collections to the authority, which shall  
6 apply the proceeds solely to the financing, construction, operation, or  
7 maintenance of regional transportation systems. The department shall  
8 retain an amount not to exceed the ~~net incremental~~ TOTAL cost of the  
9 collection, administration, and enforcement and shall transmit the amount  
10 to the state treasurer, who shall credit the same to the regional  
11 transportation authority sales tax fund, which fund is hereby created. The  
12 amounts so retained are hereby appropriated annually from the fund to the  
13 department to the extent necessary for the department's collection,  
14 administration, and enforcement of ~~the provisions of~~ this part 6. Any  
15 ~~moneys~~ MONEY remaining in the fund attributable to taxes collected in the  
16 prior fiscal year shall be transmitted to the authority; except that, prior to  
17 the transmission to the authority of such ~~moneys~~ MONEY, any ~~moneys~~  
18 MONEY appropriated from the general fund to the department for the  
19 collection, administration, and enforcement of the tax for the prior fiscal  
20 year shall be repaid.

21 (2) (a) The board may include property within or exclude property  
22 from the boundaries of the authority in the manner provided in this  
23 subsection (2). Property may not be included within the boundaries of the  
24 authority unless it is within the boundaries of the members of the  
25 combination OR OF THE TRANSPORTATION PLANNING ORGANIZATION  
26 EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION  
27 43-4-622 at the time of the inclusion. Property located within the

1 boundaries of a municipality that is not a member of the combination OR  
2 OF THE TRANSPORTATION PLANNING ORGANIZATION as the boundaries of  
3 the municipality exist on the date the property is included may not be  
4 included without the consent of the governing body of ~~such~~ THE  
5 municipality, and property within the unincorporated boundaries of a  
6 county that is not a member of the combination OR OF THE  
7 TRANSPORTATION PLANNING ORGANIZATION as the unincorporated  
8 boundaries of the county exist on the date the property is included may  
9 not be included without the consent of the governing body of ~~such~~ THE  
10 county.

11 **SECTION 38.** In Colorado Revised Statutes, 43-4-611, **amend**  
12 (2) as follows:

13 **43-4-611. Powers of governmental units.** (2) To assist in the  
14 financing, construction, operation, or maintenance of a regional  
15 transportation system, any county, municipality, or special district that is  
16 a member of a combination OR OF A TRANSPORTATION PLANNING  
17 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS  
18 AUTHORIZED BY SECTION 43-4-622 may, by contract, pledge to the  
19 authority all or a portion of the revenues it receives from the highway  
20 users tax fund or from any other legally available funds. The authority  
21 shall apply revenues that it receives pursuant to the pledge to the  
22 financing, construction, operation, or maintenance of any regional  
23 transportation system. The authority may refuse to accept any revenues  
24 that would cause a member of the combination OR OF THE  
25 TRANSPORTATION PLANNING ORGANIZATION to exceed its allowable fiscal  
26 year spending under section 20 of article X of the state constitution and  
27 that could result in a refund of excess revenues under said section 20.

1           **SECTION 39.** In Colorado Revised Statutes, 43-4-612, **amend**  
2 (1) as follows:

3           **43-4-612. Referendum.** (1) (a) No action by an authority to  
4 establish or increase any tax authorized by this part 6 shall take effect  
5 unless first submitted to a vote of the registered electors of that portion of  
6 the combination OR THAT PORTION OF THE TERRITORY IN WHICH A  
7 TRANSPORTATION PLANNING ORGANIZATION IS AUTHORIZED TO EXERCISE  
8 THE POWERS OF AN AUTHORITY in which the tax is proposed to be  
9 collected.

10           (b) THE EFFECTIVE DATE OF ANY SALES OR USE TAX ADOPTED  
11 UNDER THIS PART 6 MUST BE EITHER JANUARY 1 OR JULY 1 FOLLOWING  
12 THE DATE OF THE ELECTION IN WHICH THE SALES OR USE TAX IS APPROVED,  
13 AND THE BOARD SHALL NOTIFY THE EXECUTIVE DIRECTOR OF THE  
14 DEPARTMENT OF REVENUE OF THE ADOPTION OF A SALES OR USE TAX  
15 PROPOSAL AT LEAST FORTY-FIVE DAYS PRIOR TO THE EFFECTIVE DATE OF  
16 THE TAX. IF A SALES OR USE TAX PROPOSAL IS APPROVED AT AN ELECTION  
17 HELD LESS THAN FORTY-FIVE DAYS PRIOR TO THE JANUARY 1 OR JULY 1  
18 FOLLOWING THE DATE OF THE ELECTION, THE TAX SHALL NOT BE  
19 EFFECTIVE UNTIL THE NEXT SUCCEEDING JANUARY 1 OR JULY 1.

20           **SECTION 40.** In Colorado Revised Statutes, **amend** 43-4-615 as  
21 follows:

22           **43-4-615. Agreement of the state not to limit or alter rights of**  
23 **obligees.** The state hereby pledges and agrees with the holders of any  
24 bonds issued under this part 6 and with those parties who enter into  
25 contracts with an authority or any member of ~~the~~ A combination OR  
26 MEMBER OF A TRANSPORTATION PLANNING ORGANIZATION EXERCISING  
27 THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622



1 pursuant to this part 6 that the state will not impair the rights vested in the  
2 authority or the rights or obligations of any person with which the  
3 authority contracts to fulfill the terms of any agreements made pursuant  
4 to this part 6. The state further agrees that it will not impair the rights or  
5 remedies of the holders of any bonds of the authority until the bonds have  
6 been paid or until adequate provision for payment has been made. The  
7 authority may include this provision and undertaking for the state in ~~such~~  
8 THE bonds.

9 **SECTION 41.** In Colorado Revised Statutes, **add** 43-4-622 as  
10 follows:

11 **43-4-622. Exercise of authority powers by transportation**  
12 **planning organization.** (1) BY ADOPTING A RESOLUTION, THE BOARD OF  
13 A TRANSPORTATION PLANNING ORGANIZATION MAY AUTHORIZE ITSELF TO  
14 EXERCISE SOME OR ALL OF THE POWERS OF AN AUTHORITY SET FORTH IN  
15 THIS PART 6 WITHIN THE REGION OR ANY PORTION OF THE REGION OF THE  
16 TRANSPORTATION PLANNING ORGANIZATION.

17 (2) THE EXERCISE OF THE POWERS OF AN AUTHORITY BY A  
18 TRANSPORTATION PLANNING ORGANIZATION IS SUBJECT TO ALL  
19 REQUIREMENTS AND LIMITATIONS SET FORTH IN THIS PART 6 OR ANY  
20 OTHER LAW INCLUDING, BUT NOT LIMITED TO:

21 (a) THE NOTICE REQUIREMENTS SET FORTH IN SECTIONS 43-4-603  
22 (1), 43-4-613, AND 43-4-614 (1);

23 (b) THE INTERGOVERNMENTAL AGREEMENT AND SERVICES  
24 ELIMINATION REQUIREMENTS SET FORTH IN SECTION 43-4-603 (1.5);

25 (c) THE PUBLIC HEARING REQUIREMENTS SET FORTH IN SECTION  
26 43-4-603 (3);

27 (d) THE LIMITATIONS ON THE BOARD DELEGATING CERTAIN

1 POWERS SET FORTH IN SECTION 43-4-604 (1);

2 (e) ALL REQUIREMENTS SET FORTH IN THIS PART 6 THAT REQUIRE  
3 THE CONSENT OF A COUNTY OR MUNICIPALITY THAT IS NOT A MEMBER OF  
4 THE TRANSPORTATION PLANNING ORGANIZATION TO OPERATIONS,  
5 TAXATION, OR OTHER ACTIVITIES WITHIN ITS TERRITORY;

6 (f) ALL BOARD SUPER-MAJORITY VOTING REQUIREMENTS SET  
7 FORTH IN THIS PART 6; AND

8 (g) THE VOTER APPROVAL REQUIREMENTS SET FORTH IN SECTION  
9 43-4-612.

10 (3) BEFORE COMMENCING CONSTRUCTION OF A REGIONAL  
11 TRANSPORTATION SYSTEM, A TRANSPORTATION PLANNING ORGANIZATION  
12 EXERCISING THE POWERS OF AN AUTHORITY SHALL COMPLY WITH THE  
13 PROCEDURES AND GUIDELINES ADOPTED BY THE TRANSPORTATION  
14 COMMISSION PURSUANT TO SECTION 43-1-128 (3) AND ANALYZE AND  
15 DOCUMENT TO THE DEPARTMENT OF TRANSPORTATION THE SYSTEM'S  
16 ANTICIPATED IMPACTS ON THE ACHIEVEMENT OF THE STATE GREENHOUSE  
17 GAS POLLUTION GOALS SET FORTH IN SECTION 25-7-102 (2)(g) AND ON  
18 COMPLIANCE WITH APPLICABLE STANDARDS UNDER THE ATTAINMENT  
19 PROGRAM CREATED AND DEVELOPED PURSUANT TO PART 3 OF ARTICLE 7  
20 OF TITLE 25. UPON THE REQUEST OF A RURAL TRANSPORTATION PLANNING  
21 ORGANIZATION, THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE  
22 TECHNICAL ASSISTANCE TO FACILITATE THE COMPLETION OF THE  
23 ANALYSIS.

24 (4) NOTWITHSTANDING ANY PROVISION OF THIS PART 6 TO THE  
25 CONTRARY, A TRANSPORTATION PLANNING ORGANIZATION MAY NOT  
26 EXERCISE ANY OF THE POWERS OF AN AUTHORITY WITHIN THE BOUNDARIES  
27 OF AN EXISTING AUTHORITY WITHOUT THE PRIOR APPROVAL OF THE BOARD

1 OF THE EXISTING AUTHORITY BY ADOPTION OF A RESOLUTION BY THE  
2 AFFIRMATIVE VOTE OF TWO-THIRDS OF THE DIRECTORS OF THE BOARD.  
3 THE BOARD OF THE EXISTING AUTHORITY SHALL FILE ANY SUCH  
4 RESOLUTION ADOPTED WITH THE DIRECTOR OF THE DIVISION. THE  
5 DIRECTOR OF THE DIVISION SHALL NOT ISSUE THE CERTIFICATE REQUIRED  
6 BY SECTION 43-4-603 (1) TO A TRANSPORTATION PLANNING  
7 ORGANIZATION, IF THE TRANSPORTATION PLANNING ORGANIZATION IS  
8 ATTEMPTING TO EXERCISE THE POWERS OF AN AUTHORITY WITHIN THE  
9 BOUNDARIES OF AN EXISTING AUTHORITY WITHOUT THE EXISTING  
10 AUTHORITY'S DULY ADOPTED AND FILED RESOLUTION OF APPROVAL.

11 **SECTION 42.** In Colorado Revised Statutes, 43-4-705, **repeal**  
12 (2)(a)(II.5) and (13)(b) as follows:

13 **43-4-705. Revenue anticipation notes - ballot issue - repeal.**

14 (2) (a) Subject to the provisions of this subsection (2), the principal of  
15 and interest on revenue anticipation notes and any costs associated with  
16 the issuance and administration of such notes shall be payable solely  
17 from:

18 (II.5) ~~Money transferred from the general fund to the state~~  
19 ~~highway fund pursuant to section 24-75-219 (5)(c); and~~

20 (13) (b) ~~(I) Subject to voter approval of the ballot issue submitted~~  
21 ~~at the November 2021 statewide election pursuant to subsection~~  
22 ~~(13)(b)(III) of this section and the repayment funding commitment~~  
23 ~~requirement specified in subsection (13)(b)(II) of this section, the~~  
24 ~~executive director shall issue additional transportation revenue~~  
25 ~~anticipation notes in a maximum amount of one billion three hundred~~  
26 ~~thirty-seven million dollars and with a maximum repayment cost of one~~  
27 ~~billion eight hundred sixty-five million dollars. The maximum repayment~~

1 term for any notes issued pursuant to this subsection (13)(b) is twenty  
2 years, and the certificate, trust indenture, or other instrument authorizing  
3 their issuance shall provide that the state may pay the notes in full without  
4 penalty no later than ten years following the date of issuance.

5 (II) Notwithstanding section 43-1-113 (19) and subsection (12)(a)  
6 of this section, before issuing any revenue anticipation notes as  
7 authorized by subsection (13)(b)(I) of this section, the transportation  
8 commission shall adopt a resolution in which it agrees, subject to the  
9 requirements of section 43-4-706 (2), that it intends to annually allocate  
10 from legally available money under its control any amount needed for  
11 payment of the notes until the notes are fully repaid. The commission  
12 shall first allocate for payment of the notes money transferred from the  
13 general fund to the state highway fund pursuant to section 24-75-219  
14 (5)(b) and any money allocated by the commission from the transportation  
15 revenue anticipation notes reserve account created in section 43-4-714 (2)  
16 and thereafter shall allocate for payment of the notes any other legally  
17 available money under its control.

18 (III) The secretary of state shall submit to the registered electors  
19 of the state for their approval or rejection at the November 2021 statewide  
20 election the following ballot issue: "Shall state of Colorado debt be  
21 increased \$1,337,000,000, with a maximum repayment cost of  
22 \$1,865,000,000, without raising taxes, through the issuance of  
23 transportation revenue anticipation notes for the purpose of addressing  
24 critical priority transportation needs in the state by financing  
25 transportation projects, shall note proceeds and investment earnings on  
26 note proceeds be excluded from state fiscal year spending limits, and shall  
27 the amount of lease-purchase agreements required by current law to be

1 issued for the purpose of financing transportation projects be reduced?"

2 ~~(IV) No later than May 1, 2021, the department shall provide to~~  
3 ~~the director of research of the legislative council the most recent available~~  
4 ~~list of qualified federal aid transportation projects, including multimodal~~  
5 ~~capital projects, that are designated for tier 1 funding as ten-year~~  
6 ~~development program projects on the department's 2021 development~~  
7 ~~program project list and that the department will fund with proceeds of~~  
8 ~~any transportation revenue anticipation notes issued as authorized by this~~  
9 ~~subsection (13)(b). In order to fully inform the voters of the state~~  
10 ~~concerning the projects to be funded with proceeds of any such additional~~  
11 ~~transportation revenue anticipation notes before the voters vote on the~~  
12 ~~ballot question specified in subsection (13)(b)(III) of this section, the~~  
13 ~~director of research shall publish the list, including any subsequent~~  
14 ~~updates to the list made before final approval by the legislative council of~~  
15 ~~the 2021 ballot information booklet prepared pursuant to section~~  
16 ~~1-40-124.5, which updates the department shall expeditiously provide to~~  
17 ~~the director of research, in the ballot information booklet.~~

18 ~~(V) (A) (Deleted by amendment, L. 2019.)~~

19 ~~(B) This subsection (13)(b) is repealed, effective January 1, 2022,~~  
20 ~~if a majority of the electors voting on the ballot issue in subsection~~  
21 ~~(13)(b)(III) of this section vote "No/Against".~~

22 ~~(C) This subsection (13)(b)(V) is repealed, effective January 1,~~  
23 ~~2022, if a majority of the electors voting on the ballot issue in subsection~~  
24 ~~(13)(b)(III) of this section vote "Yes/For".~~

25 **SECTION 43.** In Colorado Revised Statutes, 43-4-802, **amend**  
26 **(2)(c), (2)(d), (2)(f), and (3)(a) introductory portion as follows:**

27 **43-4-802. Legislative declaration.** (2) The general assembly

1 further finds and declares that:

2 (c) Increasing funding for designated bridge projects, TUNNEL  
3 PROJECTS, and road safety projects in the short- and medium-term through  
4 the imposition of bridge and road safety surcharges, A BRIDGE AND  
5 TUNNEL IMPACT FEE, and other new fees at rates reasonably calculated  
6 based on the benefits received by the persons paying the fees will not only  
7 provide funding to complete the projects but will also accelerate the  
8 state's economic recovery by increasing bridge, TUNNEL, and road  
9 construction, repair, reconstruction, and maintenance activity, as well as  
10 related economic activity, and by employing significant numbers of  
11 Coloradans;

12 (d) The creation of a statewide bridge AND TUNNEL enterprise  
13 authorized to complete designated bridge projects AND TUNNEL PROJECTS,  
14 to impose a bridge safety surcharge AND A BRIDGE AND TUNNEL IMPACT  
15 FEE and issue revenue bonds, and, if required approvals are obtained, to  
16 contract with the state to receive one or more loans of moneys received  
17 by the state under the terms of one or more lease-purchase agreements  
18 authorized by this part 8 and to use the revenues generated by the bridge  
19 safety surcharge AND THE BRIDGE AND TUNNEL IMPACT FEE to repay any  
20 such loan or loans, will improve the safety and efficiency of the state  
21 transportation system by allowing the state to accelerate the repair,  
22 reconstruction, and replacement of structurally deficient, functionally  
23 obsolete, and rated as poor bridges AND REPAIR, MAINTAIN, AND MORE  
24 SAFELY OPERATE TUNNELS;

25 (f) Granting the bridge enterprise and the transportation enterprise  
26 both responsibility for the completion, respectively, of designated bridge  
27 projects AND TUNNEL PROJECTS and other important surface transportation

1 projects and the flexibility to execute their respective missions in a variety  
2 of innovative ways will ensure that available resources for such projects  
3 are efficiently and effectively leveraged so that both the projects and the  
4 state's economic recovery can be completed as quickly as possible.

5 (3) The general assembly further finds and declares that:

6 (a) While it is necessary, appropriate, and in the best interests of  
7 the state to fund designated bridge projects, TUNNEL PROJECTS, and  
8 highway safety projects and stimulate economic recovery in the short- and  
9 medium-term, the state must also develop a long-term strategy to provide  
10 sustainable long-term revenue streams dedicated for the construction of  
11 important surface transportation infrastructure projects and the continuing  
12 maintenance, repair, and reconstruction of the statewide surface  
13 transportation system that will:

14 **SECTION 44.** In Colorado Revised Statutes, 43-4-803, **amend**  
15 (4) and (7); and **add** (26.5) as follows:

16 **43-4-803. Definitions.** As used in this part 8, unless the context  
17 otherwise requires:

18 (4) "Bridge enterprise" means the statewide bridge AND TUNNEL  
19 enterprise created in section 43-4-805 (2).

20 (7) "Bridge special fund" means the statewide bridge AND TUNNEL  
21 enterprise special revenue fund created in section 43-4-805 (3)(a).

22 (26.5) "TUNNEL PROJECT" MEANS A PROJECT TO REPAIR,  
23 MAINTAIN, OR ENHANCE THE OPERATION OF ANY TUNNEL THAT IS PART OF  
24 THE STATE HIGHWAY SYSTEM.

25 **SECTION 45.** In Colorado Revised Statutes, 43-4-804, **amend**  
26 (1)(a)(I) introductory portion and (1)(b)(I); and **add** (1)(a)(VIII) and  
27 (1)(b)(IV) as follows:

1           **43-4-804. Highway safety projects - surcharges and fees -**  
2           **crediting of money to highway users tax fund - definition.** (1) On and  
3           after July 1, 2009, the following surcharges, fees, and fines shall be  
4           collected and credited to the highway users tax fund created in section  
5           43-4-201 (1)(a) and allocated to the state highway fund, counties, and  
6           municipalities as specified in section 43-4-205 (6.3):

7           (a) (I) A road safety surcharge, which, except as otherwise  
8           provided in subsections (1)(a)(II) and (1)(a)(VI) of this section, is  
9           imposed for any registration period that commences on or after July 1,  
10          2009, upon the registration of any vehicle for which a registration fee  
11          must be paid pursuant to ~~the provisions of~~ part 3 of article 3 of title 42.  
12          Except as otherwise provided in subsections ~~(1)(a)(IV) and (1)(a)(V)~~  
13          (1)(a)(IV), (1)(a)(V), AND (1)(a)(VIII) of this section, the amount of the  
14          surcharge is:

15          (VIII) FOR ANY REGISTRATION PERIOD THAT BEGINS ON OR AFTER  
16          JANUARY 1, 2022, BUT BEFORE JANUARY 1, 2024, THE AMOUNT OF EACH  
17          ROAD SAFETY SURCHARGE IMPOSED PURSUANT TO SUBSECTION (1)(a)(I)  
18          OF THIS SECTION IS REDUCED BY FIVE DOLLARS AND FIFTY-FIVE CENTS.

19          (b) (I) (A) Except as otherwise provided in ~~subparagraph (III) of~~  
20          ~~this paragraph (b)~~ SUBSECTIONS (1)(b)(III) AND (1)(b)(IV) OF THIS  
21          SECTION, a daily vehicle rental fee is imposed on all short-term vehicle  
22          rentals at the rate of two dollars per day; except that a subsequent renewal  
23          of a short-term vehicle rental is exempt from the fee to the extent that the  
24          renewal extends the total rental period beyond thirty days. The rental  
25          invoice shall list the daily vehicle rental fee separately as a Colorado road  
26          safety program fee. ON AND AFTER JULY 1, 2022, A CAR SHARING  
27          PROGRAM, AS DEFINED IN SECTION 6-1-1202 (4), SHALL COLLECT THE



1 DAILY VEHICLE RENTAL FEE FOR ANY SHORT-TERM VEHICLE RENTAL OF  
2 TWENTY-FOUR HOURS OR LONGER THAT IS ENABLED BY THE CAR SHARING  
3 PROGRAM.

4 (B) As used in this ~~section~~ SUBSECTION (1)(b), "short-term vehicle  
5 rental" means the rental of any motor vehicle, as defined in section  
6 42-1-102 (58), ~~C.R.S.~~, with a gross vehicle weight rating of twenty-six  
7 thousand pounds or less that is rented within Colorado for a period of not  
8 more than thirty days.

9 (IV) (A) FOR SHORT-TERM VEHICLE RENTALS BEGINNING DURING  
10 STATE FISCAL YEAR 2022-23 AND FOR SHORT-TERM VEHICLE RENTAL  
11 PERIODS BEGINNING DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE  
12 DEPARTMENT OF REVENUE SHALL ANNUALLY ADJUST THE AMOUNT OF THE  
13 DAILY VEHICLE RENTAL FEE FOR INFLATION. THE DEPARTMENT OF  
14 REVENUE SHALL CALCULATE THE INFLATION ADJUSTED AMOUNT OF THE  
15 SHORT-TERM VEHICLE RENTAL FEE FOR EACH STATE FISCAL YEAR AND  
16 SHALL PUBLISH THE AMOUNT NO LATER THAN THE MAY 1 OF THE  
17 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

18 (B) AS USED IN THIS SUBSECTION (1)(b)(IV), "INFLATION" MEANS  
19 THE AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES  
20 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE  
21 INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN  
22 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR  
23 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE  
24 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO THE SHORT-TERM  
25 VEHICLE RENTAL FEE IS TO BE MADE BEGINS.

26 **SECTION 46.** In Colorado Revised Statutes, 43-4-805, **amend**  
27 (1), (2)(a)(I), (2)(b) introductory portion, (2)(b)(I), (2)(c), (3)(a), (3)(c),

1 (4), (5)(c), (5)(k), (5)(r)(I), and (5)(r)(III)(A); and **add** (5)(g.5) and  
2 (5)(g.7) as follows:

3 **43-4-805. Statewide bridge enterprise - creation - board -**  
4 **funds - powers and duties - legislative declaration - definition.**

5 (1) The general assembly hereby finds and declares that:

6 (a) The completion of designated bridge projects AND TUNNEL  
7 PROJECTS is essential to address increasing traffic congestion and delays,  
8 hazards, injuries, and fatalities;

9 (b) Due to the limited availability of state and federal funding and  
10 the need to accomplish the financing, repair, reconstruction, and  
11 replacement of designated bridges AND TUNNEL PROJECTS as promptly and  
12 efficiently as possible, it is necessary to create a statewide bridge AND  
13 TUNNEL enterprise and to authorize the enterprise to:

14 (I) Enter into agreements with the commission or the department  
15 to finance, repair, reconstruct, and replace designated bridges AND  
16 COMPLETE TUNNEL PROJECTS in the state; and

17 (II) Impose a bridge safety surcharge, A BRIDGE AND TUNNEL  
18 IMPACT FEE, AND A BRIDGE AND TUNNEL RETAIL DELIVERY FEE at rates  
19 reasonably calculated to defray the costs of completing designated bridge  
20 projects AND TUNNEL PROJECTS and distribute the burden of defraying the  
21 costs in a manner based on the benefits received by persons paying the  
22 fees and using designated bridges AND TUNNELS AND RECEIVING RETAIL  
23 DELIVERIES, receive and expend ~~revenues~~ REVENUE generated by the  
24 surcharge AND FEES and other ~~moneys~~ MONEY, issue revenue bonds and  
25 other obligations, contract with the state, if required approvals are  
26 obtained, to receive one or more loans of ~~moneys~~ MONEY received by the  
27 state under the terms of one or more lease-purchase agreements

1 authorized by this part 8, expend ~~revenues~~ REVENUE generated by the  
2 surcharge to repay any such loan or loans received, and exercise other  
3 powers necessary and appropriate to carry out its purposes; and

4 (c) The creation of a statewide bridge AND TUNNEL enterprise is  
5 in the public interest and will promote the health, safety, and welfare of  
6 all Coloradans and visitors to the state by providing bridges AND  
7 REPAIRING, MAINTAINING, AND OPERATING TUNNELS IN A MANNER that  
8 ~~incorporate~~ INCORPORATES the benefits of advanced engineering design,  
9 experience, and safety.

10 (2) (a) (I) The statewide bridge AND TUNNEL enterprise is hereby  
11 created. The bridge enterprise ~~shall be and shall operate~~ IS AND OPERATES  
12 as a government-owned business within the department. The commission  
13 shall serve as the bridge enterprise board and shall, with the consent of  
14 the executive director, appoint a bridge enterprise director who shall  
15 possess such qualifications as may be established by the commission and  
16 the state personnel board. The bridge enterprise director shall oversee the  
17 discharge of all responsibilities of the bridge enterprise and shall serve at  
18 the pleasure of the bridge enterprise board.

19 (b) The business purpose of the bridge enterprise is to finance,  
20 repair, reconstruct, and replace any designated bridge in the state and  
21 COMPLETE TUNNEL PROJECTS AND, as agreed upon by the enterprise and  
22 the commission, or the department to the extent authorized by the  
23 commission, to maintain the bridges it finances, repairs, reconstructs, and  
24 replaces. To allow the bridge enterprise to accomplish this purpose and  
25 fully exercise its powers and duties through the bridge enterprise board,  
26 the bridge enterprise may:

27 (I) Impose a bridge safety surcharge, a bridge and tunnel impact

1 fee, and a bridge and tunnel retail delivery fee as authorized in paragraph  
2 ~~(g) of subsection (5)~~ BY SUBSECTIONS (5)(g), (5)(g.5), AND (5)(g.7) of this  
3 section;

4 (c) The bridge enterprise shall constitute an enterprise for  
5 purposes of section 20 of article X of the state constitution so long as it  
6 retains the authority to issue revenue bonds and receives less than ten  
7 percent of its total revenues in grants from all Colorado state and local  
8 governments combined. So long as it constitutes an enterprise pursuant  
9 to this ~~paragraph (c)~~ SUBSECTION (2)(c), the bridge enterprise shall not be  
10 subject to any provisions of section 20 of article X of the state  
11 constitution. Consistent with the determination of the Colorado supreme  
12 court in *Nicholl v. E-470 Public Highway Authority*, 896 P.2d 859 (Colo.  
13 1995), that the power to impose taxes is inconsistent with "enterprise"  
14 status under section 20 of article X of the state constitution, the general  
15 assembly finds and declares that a bridge safety surcharge, A BRIDGE AND  
16 TUNNEL IMPACT FEE, OR A BRIDGE AND TUNNEL RETAIL DELIVERY FEE  
17 imposed by the bridge enterprise ~~pursuant to paragraph (g) of subsection~~  
18 ~~(5)~~ AS AUTHORIZED BY SUBSECTION (5)(g), (5)(g.5), OR (5)(g.7) of this  
19 section is not a tax but is instead a fee imposed by the bridge enterprise  
20 to defray the cost of completing designated bridge projects AND TUNNEL  
21 PROJECTS that the enterprise provides as a specific service to the persons  
22 upon whom the fee is imposed and at rates reasonably calculated based  
23 on the benefits received by such persons.

24 (3) (a) The statewide bridge AND TUNNEL enterprise special  
25 revenue fund, referred to in this part 8 as the "bridge special fund", is  
26 hereby created in the state treasury. All ~~revenues~~ REVENUE received by  
27 the bridge enterprise, including, but not limited to, ~~any revenues~~ REVENUE

1 from a bridge safety surcharge ~~collected pursuant to paragraph (g) of~~  
2 ~~subsection (5)~~ IMPOSED AS AUTHORIZED BY SUBSECTION (5)(g) of this  
3 section, REVENUE FROM A BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS  
4 AUTHORIZED BY SUBSECTION (5)(g.5) OF THIS SECTION, REVENUE FROM A  
5 BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED AS AUTHORIZED BY  
6 SUBSECTION (5)(g.7) OF THIS SECTION, and any ~~moneys~~ MONEY loaned to  
7 the enterprise by the state pursuant to ~~paragraph (r) of subsection (5) of~~  
8 SUBSECTION (5)(r) of this section, shall be deposited into the bridge  
9 special fund. The bridge enterprise board may establish separate accounts  
10 within the bridge special fund as needed in connection with any specific  
11 designated bridge project. The bridge enterprise also may deposit or  
12 permit others to deposit other ~~moneys~~ MONEY into the bridge special fund,  
13 but in no event may ~~revenues~~ REVENUE from any tax otherwise available  
14 for general purposes be deposited into the bridge special fund. The state  
15 treasurer, after consulting with the bridge enterprise board, shall invest  
16 any ~~moneys~~ MONEY in the bridge special fund, including any surplus or  
17 reserves, but excluding any proceeds from the sale of bonds or earnings  
18 on such proceeds invested pursuant to section 43-4-807 (2), that are not  
19 needed for immediate use. Such ~~moneys~~ MONEY may be invested in the  
20 types of investments authorized in sections 24-36-109, 24-36-112, and  
21 24-36-113. ~~C.R.S.~~

22 (c) The bridge enterprise may expend ~~moneys~~ MONEY in the  
23 bridge special fund to pay bond or loan obligations, to fund the  
24 administration, planning, financing, repair, reconstruction, replacement,  
25 or maintenance of designated bridges AND THE COMPLETION OF TUNNEL  
26 PROJECTS, and for the acquisition of land to the extent required in  
27 connection with any designated bridge project. The bridge enterprise may

1 also expend ~~moneys~~ MONEY in the bridge special fund to pay its operating  
2 costs and expenses. The bridge enterprise board shall have exclusive  
3 authority to budget and approve the expenditure of ~~moneys~~ MONEY in the  
4 bridge special fund.

5 (4) The commission may transfer ~~moneys~~ MONEY from the state  
6 highway fund created in section 43-1-219 to the bridge enterprise for the  
7 purpose of defraying expenses incurred by the enterprise prior to the  
8 receipt of bond proceeds or ~~revenues~~ REVENUE by the enterprise. The  
9 bridge enterprise may accept and expend any ~~moneys~~ MONEY so  
10 transferred, and, notwithstanding any state fiscal rule or generally  
11 accepted accounting principle that could otherwise be interpreted to  
12 require a contrary conclusion, such a transfer shall constitute a loan from  
13 the commission to the bridge enterprise and shall not be considered a  
14 grant for purposes of section 20 (2)(d) of article X of the state  
15 constitution. As the bridge enterprise receives sufficient revenues in  
16 excess of expenses, the enterprise shall reimburse the state highway fund  
17 for the principal amount of any loan from the state highway fund made by  
18 the commission plus interest at a rate set by the commission. Any ~~moneys~~  
19 MONEY loaned from the state highway fund to the bridge enterprise  
20 pursuant to this section shall be deposited into a fund to be known as the  
21 statewide bridge AND TUNNEL enterprise operating fund, which fund is  
22 hereby created, and shall not be deposited into the bridge special fund.  
23 ~~Moneys~~ MONEY from the bridge special fund may, however, be used to  
24 reimburse the state highway fund for the amount of any loan from the  
25 state highway fund or any interest thereon.

26 (5) In addition to any other powers and duties specified in this  
27 section, the bridge enterprise board has the following powers and duties:

1 (c) To issue revenue bonds, payable solely from the bridge special  
2 fund, for the purpose of paying the cost of financing, repairing,  
3 reconstructing, replacing, and maintaining designated bridges AND  
4 COMPLETING TUNNEL PROJECTS;

5 (g.5) (I) IN FURTHERANCE OF ITS BUSINESS PURPOSE, TO IMPOSE A  
6 BRIDGE AND TUNNEL IMPACT FEE TO BE PAID IN THE AMOUNT IMPOSED BY  
7 THE BRIDGE ENTERPRISE AS AUTHORIZED BY SUBSECTION (5)(g.5)(II) OR  
8 (5)(g.5)(III) OF THIS SECTION BY EACH DISTRIBUTOR OF SPECIAL FUEL, AS  
9 DEFINED IN SECTION 43-4-217 (2)(c), THAT PAYS THE EXCISE TAX IMPOSED  
10 ON SPECIAL FUEL PURSUANT TO ARTICLE 27 OF TITLE 39, AT THE SAME  
11 TIME AND IN THE SAME MANNER AS THE EXCISE TAX AND THE ROAD USAGE  
12 FEE IMPOSED PURSUANT TO SECTION 43-4-217 (3) AND (4). FOR THE  
13 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR DISTRIBUTORS AND  
14 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE  
15 SHALL COLLECT AND ADMINISTER THE BRIDGE AND TUNNEL IMPACT FEE ON  
16 BEHALF OF THE BRIDGE ENTERPRISE IN THE SAME MANNER IN WHICH IT  
17 COLLECTS AND ADMINISTERS THE EXCISE TAX AND THE ROAD USAGE FEE  
18 IMPOSED PURSUANT TO SECTION 43-4-217 (3) AND (4).

19 (II) FOR EACH GALLON OF SPECIAL FUEL ACQUIRED, SOLD, OFFERED  
20 FOR SALE, OR USED IN THIS STATE DURING STATE FISCAL YEARS 2022-23  
21 THROUGH 2031-32, THE BRIDGE ENTERPRISE SHALL IMPOSE THE BRIDGE  
22 AND TUNNEL IMPACT FEE IN AN AMOUNT OF UP TO:

- 23 (A) TWO CENTS PER GALLON FOR STATE FISCAL YEAR 2022-23;  
24 (B) THREE CENTS PER GALLON FOR STATE FISCAL YEAR 2023-24;  
25 (C) FOUR CENTS PER GALLON FOR STATE FISCAL YEAR 2024-25;  
26 (D) FIVE CENTS PER GALLON FOR STATE FISCAL YEAR 2025-26;  
27 (E) SIX CENTS PER GALLON FOR STATE FISCAL YEAR 2026-27;

1 (F) SEVEN CENTS PER GALLON FOR STATE FISCAL YEAR 2027-28;  
2 AND

3 (G) EIGHT CENTS PER GALLON FOR STATE FISCAL YEARS 2028-29  
4 THROUGH 2031-32.

5 (III) FOR EACH GALLON OF SPECIAL FUEL ACQUIRED, SOLD,  
6 OFFERED FOR SALE, OR USED IN THIS STATE DURING STATE FISCAL YEARS  
7 2032-33 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE BRIDGE  
8 ENTERPRISE SHALL IMPOSE THE BRIDGE AND TUNNEL IMPACT FEE IN AN  
9 AMOUNT OF UP TO THE MAXIMUM AMOUNT OF THE FEE FOR THE PRIOR  
10 STATE FISCAL YEAR ADJUSTED FOR INFLATION. THE BRIDGE ENTERPRISE  
11 SHALL NOTIFY THE DEPARTMENT OF REVENUE OF THE AMOUNT OF THE  
12 BRIDGE AND TUNNEL IMPACT FEE TO BE COLLECTED FOR EACH STATE  
13 FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR IN  
14 WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF  
15 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE  
16 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

17 (IV) AS USED IN THIS SUBSECTION (5)(g.5), "INFLATION" MEANS  
18 THE AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES  
19 DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION,  
20 NATIONAL HIGHWAY CONSTRUCTION COST INDEX OR ITS APPLICABLE  
21 PREDECESSOR OR SUCCESSOR INDEX FOR THE FIVE-YEAR PERIOD ENDING  
22 ON THE LAST DECEMBER 31 BEFORE A STATE FISCAL YEAR FOR WHICH AN  
23 ADJUSTMENT TO THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS  
24 AUTHORIZED BY THIS SUBSECTION (5)(g.5) IS TO BE MADE BEGINS.

25 (g.7) (I) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING  
26 IN STATE FISCAL YEAR 2022-23, THE BRIDGE ENTERPRISE SHALL IMPOSE,  
27 AND THE DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE



1 BRIDGE ENTERPRISE, A BRIDGE AND TUNNEL RETAIL DELIVERY FEE ON  
2 EACH RETAIL DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY  
3 SHALL ADD TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE  
4 PURCHASER, AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND  
5 IN THE MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH  
6 SECTION 43-4-218 (6) THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE.  
7 FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS AND  
8 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE  
9 SHALL COLLECT AND ADMINISTER THE BRIDGE AND TUNNEL RETAIL  
10 DELIVERY FEE ON BEHALF OF THE BRIDGE ENTERPRISE IN THE SAME  
11 MANNER IN WHICH IT COLLECTS AND ADMINISTERS THE RETAIL DELIVERY  
12 FEE IMPOSED BY SECTION 43-4-218 (3).

13 (II) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY  
14 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE BRIDGE ENTERPRISE  
15 SHALL IMPOSE THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE IN A  
16 MAXIMUM AMOUNT OF TWO AND SEVEN-TENTHS CENTS.

17 (III) (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION  
18 (5)(g.7)(III)(B) OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE  
19 PERSONAL PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR  
20 DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE BRIDGE ENTERPRISE  
21 SHALL IMPOSE THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE IN A  
22 MAXIMUM AMOUNT THAT IS THE MAXIMUM AMOUNT FOR THE PRIOR STATE  
23 FISCAL YEAR ADJUSTED FOR INFLATION. THE BRIDGE ENTERPRISE SHALL  
24 NOTIFY THE DEPARTMENT OF REVENUE OF THE AMOUNT OF THE BRIDGE  
25 AND TUNNEL RETAIL DELIVERY FEE TO BE COLLECTED FOR RETAIL  
26 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING EACH  
27 STATE FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR

1 IN WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF  
2 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE  
3 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

4 (B) THE BRIDGE ENTERPRISE IS AUTHORIZED TO ADJUST THE  
5 AMOUNT OF THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE FOR RETAIL  
6 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING A  
7 STATE FISCAL YEAR ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE  
8 AMOUNT OF THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3)  
9 FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED  
10 DURING THE STATE FISCAL YEAR.

11 (IV) AS USED IN THIS SUBSECTION (5)(g.7), "INFLATION" MEANS  
12 THE AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES  
13 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE  
14 INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN  
15 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR  
16 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE  
17 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE  
18 BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED PURSUANT TO THIS  
19 SUBSECTION (5)(g.7) BEGINS.

20 (k) To prepare, or cause to be prepared, detailed plans,  
21 specifications, or estimates for any designated bridge project OR TUNNEL  
22 PROJECT within the state;

23 (r) (I) To contract with the state to borrow ~~moneys~~ MONEY under  
24 the terms of one or more loan contracts entered into by the state and the  
25 bridge enterprise pursuant to ~~subparagraph (III) of this paragraph (r)~~  
26 SUBSECTION (5)(r)(III) OF THIS SECTION, to expend any ~~moneys~~ MONEY  
27 borrowed from the state for the purpose of completing designated bridge

1 projects AND TUNNEL PROJECTS and for any other authorized purpose that  
2 constitutes the construction, supervision, and maintenance of the public  
3 highways of this state for purposes of section 18 of article X of the state  
4 constitution, and to use ~~revenues~~ REVENUE generated by any bridge safety  
5 surcharge, BRIDGE AND TUNNEL IMPACT FEE, OR BRIDGE AND TUNNEL  
6 RETAIL DELIVERY FEE imposed pursuant to ~~paragraph (g) of this~~  
7 ~~subsection (5)~~ SUBSECTION (5)(g), (5)(g.5), OR (5)(g.7) OF THIS SECTION  
8 and any other legally available ~~moneys~~ MONEY of the bridge enterprise to  
9 repay the ~~moneys~~ MONEY borrowed and any other amounts payable under  
10 the terms of the loan contract.

11 (III) (A) If the state treasurer receives a list from the governor  
12 pursuant to ~~subparagraph (H) of this paragraph (r)~~ SUBSECTION (5)(r)(II)  
13 OF THIS SECTION, the state, acting by and through the state treasurer, may  
14 enter into a loan contract with the bridge enterprise and may raise the  
15 money needed to make a loan pursuant to the terms of the loan contract  
16 by selling or leasing one or more of the state buildings or other state  
17 capital facilities on the list. The state treasurer shall have sole discretion  
18 to enter into a loan contract on behalf of the state and to determine the  
19 amount of a loan; except that the principal amount of a loan shall not  
20 exceed the maximum amount specified by the governor pursuant to  
21 ~~subparagraph (H) of this paragraph (r)~~ SUBSECTION (5)(r)(II) OF THIS  
22 SECTION. The state treasurer shall also have sole discretion to determine  
23 the timing of the entry of the state into any loan contract or the sale or  
24 lease of one or more state buildings or other state capital facilities. The  
25 loan contract shall require the bridge enterprise to pledge to the state all  
26 or a portion of the revenues of any bridge safety surcharge, BRIDGE AND  
27 TUNNEL IMPACT FEE, OR BRIDGE AND TUNNEL RETAIL DELIVERY FEE

1 imposed pursuant to ~~paragraph (g) of this subsection (5)~~ SUBSECTION  
2 (5)(g), (5)(g.5), OR (5)(g.7) OF THIS SECTION for the repayment of the loan  
3 and may also require the BRIDGE enterprise to pledge to the state any other  
4 legally available ~~revenues~~ REVENUE of the BRIDGE enterprise. Any loan  
5 contract entered into by the state, acting by and through the state  
6 treasurer, and the bridge enterprise pursuant to this ~~sub-subparagraph (A)~~  
7 SUBSECTION (5)(r)(III)(A) and any pledge of ~~revenues~~ REVENUE by the  
8 BRIDGE enterprise pursuant to such a loan contract shall be only for the  
9 benefit of, and enforceable only by, the state and the BRIDGE enterprise.  
10 Specifically, but without limiting the generality of said limitation, no such  
11 loan contract or pledge shall be for the benefit of, or enforceable by, a  
12 lessor under a lease-purchase agreement entered into pursuant to this  
13 ~~subparagraph (III)~~ SUBSECTION (5)(r)(III), an owner of any instrument  
14 evidencing rights to receive rentals or other payments made and to be  
15 made under such a lease-purchase agreement as authorized by  
16 ~~sub-subparagraph (B) of subparagraph (IV) of this paragraph (r)~~  
17 SUBSECTION (5)(r)(IV)(B) OF THIS SECTION, a party to any ancillary  
18 agreement or instrument entered into pursuant to ~~subparagraph (V) of this~~  
19 ~~paragraph (r)~~ SUBSECTION (5)(r)(V) OF THIS SECTION, or a party to any  
20 interest rate exchange agreement entered into pursuant to  
21 ~~sub-subparagraph (A) of subparagraph (VII) of this paragraph (r)~~  
22 SUBSECTION (5)(r)(VII)(A) OF THIS SECTION.

23           **SECTION 47.** In Colorado Revised Statutes, **amend** 43-4-1101  
24 as follows:

25           **43-4-1101. Legislative declaration.** (1) The general assembly  
26 hereby finds and declares that it is necessary, appropriate, and in the best  
27 interest of the state to use a portion of the general fund money that is

1 dedicated for transportation purposes pursuant to section 24-75-219 (5)  
2 to fund multimodal transportation projects and operations throughout the  
3 state AND TO USE A PORTION OF THE MONEY THAT IS GENERATED BY THE  
4 RETAIL DELIVERY FEE IMPOSED ON THE DELIVERY OF RETAIL GOODS  
5 TRANSPORTED TO THE DELIVERY SITE BY MOTOR VEHICLE PURSUANT TO  
6 SECTION 43-4-218 (3) TO FUND TRANSPORTATION-RELATED GREENHOUSE  
7 GAS MITIGATION EXPENSES THROUGHOUT THE STATE as authorized by this  
8 part 11 because, in addition to the general benefits that it provides to all  
9 Coloradans, a complete and integrated multimodal transportation system  
10 THAT INCLUDES GREENHOUSE GAS MITIGATION PROJECTS AND SERVICES:

11 (a) Benefits seniors by making aging in place more feasible for  
12 them;

13 (b) Benefits residents of COMMUNITIES, IN rural areas AND  
14 DISPROPORTIONATELY IMPACTED COMMUNITIES, by providing them with  
15 MORE ACCESSIBLE AND flexible public transportation services;

16 (c) Provides enhanced mobility for persons with disabilities; and

17 (d) Provides safe routes to schools for children; AND

18 (e) Reduces EMISSIONS OF AIR POLLUTANTS, INCLUDING  
19 HAZARDOUS AIR POLLUTANTS AND GREENHOUSE GASES, THAT  
20 CONTRIBUTE TO ADVERSE ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT  
21 LIMITED TO CLIMATE CHANGE, AND ADVERSE HUMAN HEALTH EFFECTS.

22 **SECTION 48.** In Colorado Revised Statutes, 43-4-1102, **amend**  
23 (4) and (5); **repeal** (1); and **add** (4.5) as follows:

24 **43-4-1102. Definitions.** As used in this part 11, unless the context  
25 otherwise requires:

26 (1) "Account" means the transportation revenue anticipation notes  
27 proceeds account of the multimodal transportation options fund created

1 ~~in section 43-4-1103 (1)(b).~~

2 (4) "Fund" means the multimodal transportation AND MITIGATION  
3 options fund created in section 43-4-1103 (1)(a).

4 (4.5) "GREENHOUSE GAS MITIGATION PROJECT" MEANS A PROJECT  
5 THAT HELPS ACHIEVE COMPLIANCE WITH FEDERAL OR STATE LAWS OR  
6 RULES THAT REGULATE TRANSPORTATION-RELATED GREENHOUSE GAS  
7 EMISSIONS BY REDUCING VEHICLE MILES TRAVELED OR INCREASING  
8 MULTIMODAL TRAVEL.

9 (5) "Multimodal projects" means capital or operating costs for  
10 fixed route and on-demand transit, transportation demand management  
11 programs, multimodal mobility projects enabled by new technology,  
12 multimodal transportation studies, MODELING TOOLS, GREENHOUSE GAS  
13 MITIGATION PROJECTS, and bicycle or pedestrian projects.

14 **SECTION 49.** In Colorado Revised Statutes, 43-4-1103, **amend**  
15 (1)(a), (2)(a)(I) introductory portion, (2)(c), (3)(a) introductory portion,  
16 (3)(a)(I), and (3)(a)(II) introductory portion; **repeal** (1)(b), (2)(a)(II),  
17 (2)(a)(III), and (2)(b); and **add** (2)(a)(IV) and (3)(a.5) as follows:

18 **43-4-1103. Multimodal transportation options fund - creation**  
19 **- revenue sources for fund - use of fund.** (1) (a) The multimodal  
20 transportation AND MITIGATION options fund is hereby created in the state  
21 treasury. The fund consists of money transferred from the general fund to  
22 the fund pursuant to section 24-75-219, ~~(5)(a)(III) and (5)(b)(III)~~ RETAIL  
23 DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT TO SECTION  
24 43-4-218 (5)(a)(II), and any other money that the general assembly may  
25 appropriate or transfer to the fund. The state treasurer shall credit all  
26 interest and income derived from the deposit and investment of money in  
27 the fund to the fund.

1           (b) ~~The transportation revenue anticipation notes proceeds account~~  
2 ~~is hereby created in the fund. Net proceeds of transportation revenue~~  
3 ~~anticipation notes that the state issues shall be credited to the account as~~  
4 ~~specified in section 43-4-714 (1)(b). The state treasurer shall credit all~~  
5 ~~interest and income derived from the deposit and investment of money in~~  
6 ~~the account to the account.~~

7           (2) (a) (I) ~~Except as otherwise provided in subsections (2)(a)(H)~~  
8 ~~and (2)(a)(HH) SUBSECTION (2)(a)(IV) of this section, subject to annual~~  
9 ~~appropriation by the general assembly, money must be expended from the~~  
10 ~~fund as follows:~~

11           (II) ~~On July 1, 2018, the state treasurer shall transfer two million~~  
12 ~~five hundred thousand dollars from the fund to the fund created in section~~  
13 ~~43-4-1002 (1).~~

14           (III) ~~On June 30, 2020, the state treasurer shall transfer ten million~~  
15 ~~dollars from the fund to the general fund.~~

16           (IV) ~~ON FEBRUARY 15, 2022, THE STATE TREASURER SHALL~~  
17 ~~TRANSFER TWO AND ONE-HALF MILLION DOLLARS TO THE FUND CREATED~~  
18 ~~IN SECTION 43-4-1002.~~

19           (b) (I) ~~Subject to the limitations set forth in subsection (2)(b)(H)~~  
20 ~~of this section, money must be expended from the account as follows:~~

21           (A) ~~Eighty-five percent to the commission for local multimodal~~  
22 ~~projects; and~~

23           (B) ~~Fifteen percent to the commission for state multimodal~~  
24 ~~projects that are selected by the commission.~~

25           (H) ~~The commission shall ensure, in cooperation with each~~  
26 ~~recipient of such money from the account, that any net proceeds of~~  
27 ~~tax-exempt transportation revenue anticipation notes credited to the~~

1 ~~account and any interest and income derived from the deposit and~~  
2 ~~investment of any such proceeds are expended only in compliance with~~  
3 ~~all applicable federal laws and regulations governing the use of~~  
4 ~~tax-exempt note proceeds.~~

5 (c) With respect to the ~~distribution~~ DISTRIBUTIONS of money for  
6 local multimodal projects required by subsection (2)(a)(I)(A) of this  
7 section, ~~and, for net proceeds of taxable transportation revenue~~  
8 ~~anticipation notes and interest and income derived from the deposit and~~  
9 ~~investment of such proceeds only, the distribution of money for local~~  
10 ~~multimodal projects required by subsection (2)(b)(I)(A) of this section,~~  
11 the commission shall establish a formula for disbursement of the amount  
12 allocated for local multimodal projects, based on population and transit  
13 ridership AND OTHER CRITERIA DEVELOPED in consultation with the  
14 transportation advisory committee created in section 43-1-1104, the  
15 transit and rail advisory committee of the department, THE STATE  
16 TRANSPORTATION ADVISORY COMMITTEE OF THE DEPARTMENT, transit  
17 advocacy organizations, and bicycle and pedestrian advocacy  
18 organizations. Recipients shall provide a match equal to the amount of the  
19 award; except that the commission may create a formula for reducing or  
20 exempting the match requirement for local governments or agencies due  
21 to their size or any other special circumstances AND MAY ALSO, IF  
22 RECOMMENDED BY DEPARTMENT STAFF, REDUCE OR EXEMPT ANY  
23 INDIVIDUAL RECIPIENT FROM THE MATCH REQUIREMENT FOR A SPECIFIC  
24 PROJECT.

25 (3) (a) The department shall annually report to the transportation  
26 legislation review committee of the general assembly created in section  
27 43-2-145 (1) regarding its expenditures from the fund ~~and the account~~



1 including, at a minimum:

2 (I) An aggregate accounting of all money expended from the fund  
3 ~~and the account~~ during the prior fiscal year; and

4 (II) A listing of all projects receiving funding from the fund ~~and~~  
5 ~~the account~~ during the prior fiscal year that includes for each project:

6 (a.5) EACH TRANSPORTATION PLANNING REGION SHALL ANNUALLY  
7 REPORT TO THE DEPARTMENT REGARDING THE STATUS OF LOCAL  
8 MULTIMODAL PROJECTS WITHIN THE REGION THAT HAVE RECEIVED  
9 FUNDING FROM THE FUND.

10 **SECTION 50.** In Colorado Revised Statutes, **add** parts 12 and 13  
11 to article 4 of title 43 as follows:

12 PART 12

13 CLEAN TRANSIT

14 **43-4-1201. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
15 HEREBY FINDS AND DECLARES THAT:

16 (a) RETAIL DELIVERIES ARE INCREASING AND ARE EXPECTED TO  
17 CONTINUE TO INCREASE IN COMMUNITIES ACROSS THE STATE;

18 (b) THE MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES ARE  
19 SOME OF THE MOST POLLUTING VEHICLES ON THE ROAD, WHICH HAS  
20 RESULTED IN ADDITIONAL AND INCREASING AIR AND GREENHOUSE GAS  
21 POLLUTION;

22 (c) THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF  
23 INCREASED EMISSIONS FROM MOTOR VEHICLES USED TO MAKE RETAIL  
24 DELIVERIES CAN BE MITIGATED AND OFFSET BY SUPPORTING THE  
25 WIDESPREAD ADOPTION OF ELECTRIC BUSES FOR TRANSIT FLEETS AND  
26 REDUCING VEHICLE MILES TRAVELED BY ENCOURAGING PEOPLE TO  
27 CHOOSE CLEAN, EFFICIENT, PUBLIC TRANSIT OPTIONS INSTEAD OF

1 PERSONAL MOTOR VEHICLE TRAVEL;

2 (d) INSTEAD OF REDUCING THE IMPACTS OF RETAIL DELIVERIES BY  
3 LIMITING RETAIL DELIVERY ACTIVITY THROUGH REGULATION, IT IS MORE  
4 APPROPRIATE TO CONTINUE TO ALLOW PERSONS WHO RECEIVE RETAIL  
5 DELIVERIES TO BENEFIT FROM THE CONVENIENCE AFFORDED BY  
6 UNFETTERED RETAIL DELIVERIES AND INSTEAD IMPOSE A SMALL FEE ON  
7 EACH RETAIL DELIVERY AND USE FEE REVENUE TO FUND NECESSARY  
8 MITIGATION ACTIVITIES;

9 (e) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF  
10 THE STATE AND ALL COLORADANS TO INCENTIVIZE, SUPPORT, AND  
11 ACCELERATE THE ELECTRIFICATION OF PUBLIC TRANSIT IN RURAL AND  
12 URBAN AREAS THROUGHOUT THE STATE BECAUSE ELECTRIFICATION:

13 (I) REDUCES EMISSIONS OF AIR POLLUTANTS, INCLUDING  
14 HAZARDOUS AIR POLLUTANTS AND GREENHOUSE GASES, THAT  
15 CONTRIBUTE TO ADVERSE ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT  
16 LIMITED TO CLIMATE CHANGE, AND ADVERSE HUMAN HEALTH EFFECTS IN  
17 AND BETWEEN COMMUNITIES, INCLUDING COMMUNITIES NEAR HIGH-USE  
18 TRANSIT CORRIDORS AND DISPROPORTIONATELY IMPACTED COMMUNITIES,  
19 AND HELPS THE STATE MEET ITS STATUTORY GREENHOUSE GAS POLLUTION  
20 REDUCTION TARGETS AND COMPLY WITH AIR QUALITY ATTAINMENT  
21 STANDARDS; AND

22 (II) BY REDUCING FUEL AND MAINTENANCE COSTS ASSOCIATED  
23 WITH THE USE OF MOTOR VEHICLES, HELPS PUBLIC TRANSIT PROVIDERS  
24 OPERATE MORE EFFICIENTLY, USE COST SAVINGS TO PROVIDE MORE  
25 RELIABLE AND CONVENIENT TRANSIT SERVICE TO MORE RIDERS, AND  
26 FURTHER REDUCE EMISSIONS BY REDUCING PERSONAL MOTOR VEHICLE  
27 USE; AND

1 (f) BY REDUCING MOTOR VEHICLE EMISSIONS, TRANSIT FLEET  
2 ELECTRIFICATION EFFECTIVELY REMEDIATES SOME OF THE IMPACTS OF  
3 RETAIL DELIVERIES BY OFFSETTING A PORTION OF THE INCREASED MOTOR  
4 VEHICLE EMISSIONS RESULTING FROM SUCH DELIVERIES.

5 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

6 (a) IN ORDER TO INCENTIVIZE, SUPPORT, AND ACCELERATE THE  
7 ELECTRIFICATION OF PUBLIC TRANSIT AND THEREBY REAP THE  
8 ENVIRONMENTAL, HEALTH, BUSINESS, AND OPERATIONAL EFFICIENCY  
9 BENEFITS OF ELECTRIFICATION, IT IS NECESSARY, APPROPRIATE, AND IN  
10 THE BEST INTEREST OF THE STATE TO CREATE A CLEAN TRANSIT  
11 ENTERPRISE THAT CAN PROVIDE SPECIALIZED REMEDIATION AND OTHER  
12 SERVICES THAT HELP PUBLIC TRANSIT PROVIDERS FUND BOTH THE  
13 CONSTRUCTION OF THE CHARGING INFRASTRUCTURE NEEDED TO SUPPORT  
14 ELECTRIFICATION AND THE ACQUISITION OF ELECTRIC MOTOR VEHICLES;

15 (b) THE SPECIFIC FOCUS OF THE ENTERPRISE IS THE EQUITABLE  
16 REDUCTION AND MITIGATION OF THE ADVERSE ENVIRONMENTAL AND  
17 HEALTH IMPACTS OF AIR POLLUTION AND GREENHOUSE GAS EMISSIONS  
18 THROUGH INCENTIVIZATION, SUPPORT, AND ACCELERATION OF THE  
19 ELECTRIFICATION OF PUBLIC TRANSIT IN RURAL AND URBAN AREAS  
20 THROUGHOUT THE STATE;

21 (c) THE ENTERPRISE PROVIDES IMPACT REMEDIATION SERVICES  
22 WHEN, IN EXCHANGE FOR THE PAYMENT OF CLEAN TRANSIT RETAIL  
23 DELIVERY FEES BY PURCHASERS OF TANGIBLE PERSONAL PROPERTY FOR  
24 RETAIL DELIVERY, IT ACTS TO MITIGATE THE IMPACTS OF RESIDENTIAL AND  
25 COMMERCIAL DELIVERIES ON THE STATE'S TRANSPORTATION  
26 INFRASTRUCTURE, AIR QUALITY, AND EMISSIONS BY:

27 (I) MAKING GRANTS OR LOANS OR PROVIDING REBATES TO FUND

1 THE ACQUISITION OF CLEAN, QUIET, AND COST-EFFICIENT ELECTRIC MOTOR  
2 VEHICLES FOR USE IN TRANSIT FLEETS AND THE CONSTRUCTION OF  
3 CHARGING INFRASTRUCTURE THAT SUPPORTS THE USE OF SUCH ELECTRIC  
4 MOTOR VEHICLES FOR PUBLIC TRANSIT AND THEREBY:

5 (A) IMPROVING TRANSPORTATION OPTIONS FOR FEE PAYERS AND  
6 THE GENERAL PUBLIC, MAKING TRANSIT MORE ATTRACTIVE TO NEW OR  
7 INFREQUENT USERS, AND REDUCING PERSONAL MOTOR VEHICLE  
8 EMISSIONS; AND

9 (B) BY MAKING TRANSIT MORE ATTRACTIVE, REDUCING TRAFFIC  
10 CONGESTION, WHICH ALLOWS MORE TIMELY AND EFFICIENT RETAIL  
11 DELIVERIES, FURTHER REDUCES EMISSIONS OF AIR POLLUTANTS AND  
12 GREENHOUSE GAS POLLUTANTS FROM MOTOR VEHICLES, AND REDUCES  
13 AND MITIGATES THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF  
14 SUCH EMISSIONS;

15 (II) CONTRIBUTING IN A UNIQUE AND TARGETED WAY TO THE  
16 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME  
17 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,  
18 MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE TRANSPORTATION  
19 SYSTEM; AND

20 (III) PROVIDING ADDITIONAL REMEDIATION SERVICES TO OFFSET  
21 IMPACTS CAUSED BY FEE PAYERS AS MAY BE PROVIDED BY LAW;

22 (d) BY PROVIDING REMEDIATION SERVICES AS AUTHORIZED BY  
23 THIS SECTION, THE CLEAN TRANSIT ENTERPRISE ENGAGES IN AN ACTIVITY  
24 CONDUCTED IN THE PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND  
25 THEREFORE OPERATES AS A BUSINESS IN ACCORDANCE WITH THE  
26 DETERMINATION OF THE COLORADO SUPREME COURT IN *COLORADO UNION*  
27 *OF TAXPAYERS FOUNDATION V. CITY OF ASPEN*, 2018 CO 36;

1 (d) CONSISTENT WITH THE DETERMINATION OF THE COLORADO  
2 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896  
3 P.2D 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS  
4 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE  
5 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL  
6 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS  
7 GENERATED BY FEES, NOT TAXES, BECAUSE THE CLEAN TRANSIT RETAIL  
8 DELIVERY FEE IMPOSED BY THE ENTERPRISE AS AUTHORIZED BY SECTION  
9 43-4-1203 (7) IS:

10 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE  
11 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE REMEDIATION  
12 SERVICES SPECIFIED IN THIS SECTION, INCLUDING MITIGATING IMPACTS TO  
13 AIR QUALITY AND GREENHOUSE GAS EMISSIONS CAUSED BY THE  
14 ACTIVITIES ON WHICH THE FEE IS ASSESSED, AND CONTRIBUTES TO THE  
15 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME  
16 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,  
17 MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE TRANSPORTATION  
18 SYSTEM SPECIFIED IN THIS SECTION; AND

19 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED  
20 BASED ON THE IMPACTS CAUSED BY FEE PAYERS AND THE COST OF  
21 REMEDIATING THOSE IMPACTS; AND

22 (e) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR  
23 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE  
24 REVENUE FROM THE CLEAN TRANSIT RETAIL DELIVERY FEE COLLECTED BY  
25 THE ENTERPRISE IS NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN  
26 SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION  
27 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE

1 FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF  
2 THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS  
3 DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(D).

4 **43-4-1202. Definitions.** AS USED IN THIS PART 12, UNLESS THE  
5 CONTEXT OTHERWISE REQUIRES:

6 (1) "BATTERY ELECTRIC MOTOR VEHICLE" MEANS A MOTOR  
7 VEHICLE THAT IS POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY  
8 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL  
9 SOURCE OF ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF  
10 PROPULSION.

11 (2) "BOARD" MEANS THE GOVERNING BOARD OF THE ENTERPRISE.

12 (3) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION  
13 CREATED IN SECTION 43-1-106 (1).

14 (4) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION  
15 CREATED IN SECTION 24-1-128.7.

16 (5) (a) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A  
17 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN  
18 ACCORDANCE WITH THE MOST RECENT UNITED STATES DECENNIAL  
19 CENSUS, WHERE THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME  
20 IS GREATER THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS  
21 THAT IDENTIFY AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE  
22 PROPORTION OF HOUSEHOLDS THAT ARE HOUSING COST-BURDENED IS  
23 GREATER THAN FORTY PERCENT.

24 (b) AS USED IN THIS SUBSECTION (5):

25 (I) "COST-BURDENED" MEANS A HOUSEHOLD THAT SPENDS MORE  
26 THAN THIRTY PERCENT OF ITS INCOME ON HOUSING.

27 (II) "LOW INCOME" MEANS THE MEDIAN HOUSEHOLD INCOME IS

1 LESS THAN OR EQUAL TO TWO HUNDRED PERCENT OF THE FEDERAL  
2 POVERTY GUIDELINE.

3 (5) "ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC  
4 MOTOR VEHICLE, A HYDROGEN FUEL CELL MOTOR VEHICLE, OR A PLUG-IN  
5 HYBRID ELECTRIC MOTOR VEHICLE.

6 (6) "ENTERPRISE" MEANS THE CLEAN TRANSIT ENTERPRISE  
7 CREATED IN SECTION 43-4-1203 (1)(a).

8 (7) "FUND" MEANS THE CLEAN TRANSIT ENTERPRISE FUND  
9 CREATED IN SECTION 43-4-1203 (5)

10 (8) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR  
11 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL  
12 THAT USES HYDROGEN GAS AS FUEL.

13 (9) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE  
14 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF  
15 LABOR STATISTICS, CONSUMER PRICE INDEX FOR  
16 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN  
17 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR  
18 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE  
19 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE  
20 CLEAN TRANSIT RETAIL DELIVERY FEE IMPOSED PURSUANT TO SECTION  
21 43-4-1203 (7) BEGINS.

22 (10) "MOTOR VEHICLE" HAS THE SAME MEANING AS SET FORTH IN  
23 SECTION 42-1-102 (58). THE TERM DOES NOT INCLUDE A PERSONAL  
24 DELIVERY DEVICE.

25 (11) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY  
26 OPERATED ROBOT THAT IS:

27 (a) DESIGNED AND MANUFACTURED FOR THE PURPOSE OF

1 TRANSPORTING TANGIBLE PERSONAL PROPERTY PRIMARILY ON  
2 SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY THAT ARE  
3 TYPICALLY USED BY PEDESTRIANS;

4 (b) WEIGHS NO MORE THAN FIVE HUNDRED FIFTY POUNDS,  
5 EXCLUDING ANY TANGIBLE PERSONAL PROPERTY BEING TRANSPORTED;  
6 AND

7 (c) OPERATES AT SPEEDS OF LESS THAN TEN MILES PER HOUR WHEN  
8 ON SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY THAT  
9 ARE TYPICALLY USED BY PEDESTRIANS.

10 (12) "PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE" MEANS A  
11 MOTOR VEHICLE THAT IS POWERED BY BOTH A RECHARGEABLE BATTERY  
12 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL  
13 SOURCE OF ELECTRICITY AND A SECONDARY SOURCE OF PROPULSION SUCH  
14 AS AN INTERNAL COMBUSTION ENGINE.

15 (13) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE  
16 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE  
17 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE  
18 PURCHASER AT A PHYSICAL ADDRESS IN THE STATE, WHICH SALE INCLUDES  
19 AT LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS SUBJECT  
20 TO TAXATION UNDER ARTICLE 26 OF TITLE 39.

21 (14) "RETAILER" HAS THE SAME MEANING AS SET FORTH IN  
22 SECTION 39-26-102 (8).

23 (15) "RETAIL SALE" HAS THE SAME MEANING AS SET FORTH IN  
24 SECTION 39-26-102 (9).

25 (16) "TANGIBLE PERSONAL PROPERTY HAS THE SAME MEANING AS  
26 SET FORTH IN SECTION 39-26-102 (15).

27 (17) "TRANSIT" MEANS MASS TRANSIT, AS DEFINED IN SECTION



1 43-1-102 (4).

2 (18) "ZERO EMISSIONS MOTOR VEHICLE" MEANS A BATTERY  
3 ELECTRIC MOTOR VEHICLE OR A HYDROGEN FUEL CELL MOTOR VEHICLE.

4 **43-4-1203. Clean transit enterprise - creation - board - powers**  
5 **and duties - fees - fund.** (1) (a) THE CLEAN TRANSIT ENTERPRISE IS  
6 HEREBY CREATED IN THE DEPARTMENT. THE ENTERPRISE IS AND OPERATES  
7 AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER  
8 TO EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF  
9 THIS SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES  
10 SET FORTH IN THIS SECTION.

11 (b) THE ENTERPRISE EXERCISES ITS POWERS AND PERFORMS ITS  
12 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AS IF THE SAME WERE  
13 TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED  
14 IN SECTION 24-1-105.

15 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF  
16 NINE MEMBERS APPOINTED AS FOLLOWS:

17 (I) THE GOVERNOR SHALL APPOINT SIX MEMBERS WHO SHALL  
18 SERVE AT THE PLEASURE OF THE GOVERNOR FOR TERMS OF THE LENGTH  
19 SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION. THE GOVERNOR SHALL  
20 MAKE REASONABLE EFFORTS, TO THE EXTENT SUCH APPLICATIONS HAVE  
21 BEEN SUBMITTED FOR CONSIDERATION FOR THE BOARD, TO CONSIDER  
22 MEMBERS THAT REFLECT THE STATE'S GEOGRAPHIC DIVERSITY WHEN  
23 MAKING APPOINTMENTS AND SHALL MAKE INITIAL APPOINTMENTS NO  
24 LATER THAN OCTOBER 1, 2021. OF THE MEMBERS APPOINTED BY THE  
25 GOVERNOR:

26 (A) ONE MEMBER MUST BE A MEMBER OF THE COMMISSION AND  
27 HAVE STATEWIDE TRANSPORTATION EXPERTISE;

1 (B) ONE MEMBER MUST REPRESENT AN URBAN AREA AND HAVE  
2 TRANSIT EXPERTISE;

3 (C) ONE MEMBER MUST REPRESENT A RURAL AREA AND HAVE  
4 TRANSIT EXPERTISE;

5 (D) ONE MEMBER MUST HAVE EXPERTISE IN ZERO-EMISSIONS  
6 TRANSPORTATION, MOTOR VEHICLE FLEETS, OR UTILITIES;

7 (E) ONE MEMBER MUST REPRESENT A TRANSPORTATION-FOCUSED  
8 ORGANIZATION THAT SERVES AN ENVIRONMENTAL JUSTICE COMMUNITY;  
9 AND

10 (F) ONE MEMBER MUST REPRESENT A PUBLIC ADVOCACY GROUP  
11 THAT HAS TRANSIT OR COMPREHENSIVE TRANSPORTATION EXPERTISE.

12 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
13 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

14 (III) THE DIRECTOR OF THE COLORADO ENERGY OFFICE OR THE  
15 DIRECTOR'S DESIGNEE; AND

16 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC  
17 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

18 (b) MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR SERVE  
19 FOR TERMS OF FOUR YEARS; EXCEPT THAT FOUR OF THE MEMBERS  
20 INITIALLY APPOINTED SHALL SERVE FOR INITIAL TERMS OF THREE YEARS  
21 AND THE TERM OF THE MEMBER APPOINTED PURSUANT TO SUBSECTION  
22 (2)(a)(I)(A) OF THIS SECTION CONTINUES FOR AS LONG AS THE MEMBER IS  
23 A MEMBER OF THE COMMISSION. A MEMBER WHO IS APPOINTED TO FILL A  
24 VACANCY ON THE BOARD SHALL SERVE THE REMAINDER OF THE  
25 UNEXPIRED TERM OF THE FORMER MEMBER. THE OTHER BOARD MEMBERS  
26 SERVE FOR AS LONG AS THEY HOLD THEIR POSITIONS OR ARE DESIGNATED  
27 TO SERVE.

1 (c) MEMBERS OF THE BOARD SERVE WITHOUT COMPENSATION BUT  
2 MUST BE REIMBURSED FROM MONEY IN THE FUND FOR ACTUAL AND  
3 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES  
4 PURSUANT TO THIS PART 12.

5 (3) THE PRIMARY BUSINESS PURPOSE OF THE ENTERPRISE IS TO  
6 REDUCE AND MITIGATE THE ADVERSE ENVIRONMENTAL AND HEALTH  
7 IMPACTS OF AIR POLLUTION AND GREENHOUSE GAS EMISSIONS PRODUCED  
8 BY MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES BY SUPPORTING  
9 THE REPLACEMENT OF EXISTING GASOLINE AND DIESEL TRANSIT VEHICLES  
10 WITH ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR VEHICLES THAT  
11 ORIGINALLY WERE POWERED EXCLUSIVELY BY INTERNAL COMBUSTION  
12 ENGINES BUT HAVE BEEN CONVERTED INTO ELECTRIC MOTOR VEHICLES,  
13 PROVIDING THE ASSOCIATED RECHARGING INFRASTRUCTURE FOR ELECTRIC  
14 TRANSIT FLEET MOTOR VEHICLES, SUPPORTING FACILITY MODIFICATIONS  
15 THAT ALLOW FOR THE SAFE OPERATION AND MAINTENANCE OF ELECTRIC  
16 TRANSIT MOTOR VEHICLES, AND FUNDING PLANNING STUDIES THAT  
17 ENABLE TRANSIT AGENCIES TO PLAN FOR TRANSIT VEHICLE  
18 ELECTRIFICATION. TO ALLOW THE ENTERPRISE TO ACCOMPLISH THIS  
19 BUSINESS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES  
20 THROUGH THE BOARD, THE ENTERPRISE MAY:

21 (a) IMPOSE A CLEAN TRANSIT RETAIL DELIVERY FEE AS  
22 AUTHORIZED BY SUBSECTION (7) OF THIS SECTION;

23 (b) ISSUE GRANTS AND PROVIDE LOANS AND REBATES AS  
24 AUTHORIZED BY SUBSECTION (8) OF THIS SECTION; AND

25 (c) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUE AND  
26 OTHER AVAILABLE MONEY OF THE ENTERPRISE.

27 (4) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES

1 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT  
2 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS  
3 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL  
4 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT  
5 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (4), THE  
6 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE  
7 CONSTITUTION.

8 (5) (a) THE CLEAN TRANSIT ENTERPRISE FUND IS HEREBY CREATED  
9 IN THE STATE TREASURY. THE FUND CONSISTS OF CLEAN TRANSIT RETAIL  
10 DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT TO  
11 SUBSECTION (7) OF THIS SECTION, ANY MONETARY GIFTS, GRANTS,  
12 DONATIONS, OR OTHER MONEY RECEIVED BY THE ENTERPRISE, ANY  
13 FEDERAL MONEY THAT MAY BE CREDITED TO THE FUND, AND ANY OTHER  
14 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER  
15 TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
16 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
17 FUND TO THE FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE  
18 GENERAL ASSEMBLY, THE ENTERPRISE MAY EXPEND MONEY FROM THE  
19 FUND TO PROVIDE GRANTS, PAY ITS REASONABLE AND NECESSARY  
20 OPERATING EXPENSES, INCLUDING REPAYMENT OF ANY LOAN RECEIVED BY  
21 THE ENTERPRISE PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION, AND  
22 OTHERWISE EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS  
23 AUTHORIZED BY THIS PART 3.

24 (b) THE COMMISSION MAY TRANSFER MONEY FROM THE STATE  
25 HIGHWAY FUND CREATED IN SECTION 43-1-219 TO THE ENTERPRISE FOR  
26 THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE  
27 BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND PROCEEDS, AND A

1     TRANSFER FOR SUCH PURPOSE IS MADE, IN ACCORDANCE WITH SECTION 18  
2     OF ARTICLE X OF THE STATE CONSTITUTION, FOR THE SUPERVISION OF THE  
3     PUBLIC HIGHWAYS OF THIS STATE. THE ENTERPRISE MAY ACCEPT AND  
4     EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY  
5     STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE  
6     THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY  
7     CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE COMMISSION TO THE  
8     ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR  
9     PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE  
10    CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY  
11    TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE  
12    CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND, WHICH IS HEREBY  
13    CREATED IN THE STATE TREASURY, AND LOAN LIABILITIES THAT ARE  
14    RECORDED IN THE FUND BUT THAT ARE NOT REQUIRED TO BE PAID IN THE  
15    CURRENT FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING  
16    SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF SECTION  
17    24-75-109. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
18    INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
19    CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND TO THE FUND. THE  
20    CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND IS CONTINUOUSLY  
21    APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING  
22    EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE  
23    REVENUE OR REVENUE BOND PROCEEDS. AS THE ENTERPRISE RECEIVES  
24    SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE ENTERPRISE SHALL  
25    REIMBURSE THE STATE HIGHWAY FUND FOR THE PRINCIPAL AMOUNT OF  
26    ANY LOAN MADE BY THE COMMISSION PLUS INTEREST AT A RATE SET BY  
27    THE COMMISSION.

1           (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN  
2 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND  
3 DUTIES:

4           (a) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND  
5 THE CONDUCT OF ITS BUSINESS;

6           (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND  
7 PERSONAL PROPERTY;

8           (c) TO EMPLOY AND SUPERVISE INDIVIDUALS, PROFESSIONAL  
9 CONSULTANTS AND CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT  
10 TO CARRY OUT ITS BUSINESS PURPOSE;

11           (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY;

12           (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, AND  
13 DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS  
14 PART 12. THE ENTERPRISE SHALL TRANSMIT ANY MONEY RECEIVED  
15 THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO  
16 SHALL CREDIT THE MONEY TO THE FUND;

17           (f) TO DIRECTLY PROVIDE ANY SERVICE THAT IT IS AUTHORIZED TO  
18 PROVIDE INDIRECTLY THROUGH GRANTS AWARDED PURSUANT TO  
19 SUBSECTION (8) OF THIS SECTION;

20           (g) TO PROMULGATE RULES GOVERNING THE PROCESS BY WHICH  
21 THE ENTERPRISE ACCEPTS APPLICATIONS FOR, AWARDS, AND OVERSEES  
22 GRANTS PURSUANT TO SUBSECTION (8) OF THIS SECTION; AND

23           (h) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
24 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
25 GRANTED BY THIS SECTION.

26           (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN  
27 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE, AND THE

1 DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE  
2 ENTERPRISE, A CLEAN TRANSIT RETAIL DELIVERY FEE ON EACH RETAIL  
3 DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY SHALL ADD  
4 TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE PURCHASER,  
5 AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND IN THE  
6 MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH SECTION  
7 43-4-218 (6) THE CLEAN TRANSIT RETAIL DELIVERY FEE. FOR THE PURPOSE  
8 OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS AND ADMINISTRATIVE  
9 COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE SHALL COLLECT  
10 AND ADMINISTER THE CLEAN TRANSIT RETAIL DELIVERY FEE ON BEHALF  
11 OF THE ENTERPRISE IN THE SAME MANNER IN WHICH IT COLLECTS AND  
12 ADMINISTERS THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218  
13 (3).

14 (b) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY  
15 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL  
16 IMPOSE THE CLEAN TRANSIT RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT  
17 OF THREE CENTS.

18 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II)  
19 OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL  
20 PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING  
21 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE  
22 CLEAN TRANSIT RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT THAT IS  
23 THE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR ADJUSTED FOR  
24 INFLATION. THE ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF REVENUE  
25 OF THE AMOUNT OF THE CLEAN TRANSIT RETAIL DELIVERY FEE TO BE  
26 COLLECTED FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY  
27 PURCHASED DURING EACH STATE FISCAL YEAR NO LATER THAN MARCH 15

1 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS, AND  
2 THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT NO LATER  
3 THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR  
4 BEGINS.

5 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF  
6 THE CLEAN TRANSIT RETAIL DELIVERY FEE FOR RETAIL DELIVERIES OF  
7 TANGIBLE PERSONAL PROPERTY PURCHASED DURING A STATE FISCAL YEAR  
8 ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE AMOUNT OF THE  
9 RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3) FOR RETAIL  
10 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING THE  
11 STATE FISCAL YEAR.

12 (8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, AND SUBJECT  
13 TO THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (8), THE  
14 ENTERPRISE IS AUTHORIZED TO MAKE GRANTS, LOANS, OR REBATES TO  
15 SUPPORT ELECTRIFICATION OF PUBLIC TRANSIT.

16 (b) THE ENTERPRISE MAY MAKE GRANTS, LOANS, OR REBATES TO  
17 FUND:

18 (I) CLEAN TRANSIT PLANNING EFFORTS;

19 (II) FACILITY UPGRADES NECESSARY FOR THE SAFE OPERATION  
20 AND MAINTENANCE OF ELECTRIC MOTOR VEHICLES USED BY PUBLIC  
21 TRANSIT PROVIDERS;

22 (III) THE CONSTRUCTION OF CHARGING INFRASTRUCTURE FOR  
23 ELECTRIC MOTOR VEHICLES USED BY PUBLIC TRANSIT PROVIDERS; AND

24 (IV) THE REPLACEMENT BY ELECTRIC MOTOR VEHICLES OF MOTOR  
25 VEHICLES USED BY PUBLIC TRANSIT PROVIDERS THAT ARE NOT ELECTRIC  
26 MOTOR VEHICLES.

27 (c) THE ENTERPRISE SHALL AWARD GRANTS ON A COMPETITIVE



1 BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE ENTERPRISE IN  
2 ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF GRANT  
3 APPLICATIONS.

4 (9) THE ENTERPRISE SHALL CONTRACT WITH THE AIR POLLUTION  
5 CONTROL DIVISION OF THE DEPARTMENT OF PUBLIC HEALTH AND  
6 ENVIRONMENT TO DEVELOP PROPOSED RULES FOR THE CONSIDERATION OF  
7 THE AIR QUALITY CONTROL COMMISSION THAT WILL SUPPORT THE  
8 ENTERPRISE'S BUSINESS SERVICES, INCLUDING REMEDIATION SERVICES, IN  
9 A MANNER THAT MAINTAINS COMPLIANCE WITH THE FEDERAL AND STATE  
10 STATUTES, RULES, AND REGULATIONS GOVERNING AIR QUALITY. THE  
11 DIVISION SHALL COLLABORATE WITH THE COLORADO ENERGY OFFICE AND  
12 THE DEPARTMENT WHEN DEVELOPING THE RULES.

13 (10) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE  
14 ENTERPRISE SHALL:

15 (I) NO LATER THAN JUNE 1, 2022, PUBLISH AND POST ON ITS  
16 WEBSITE A TEN-YEAR PLAN THAT DETAILS HOW THE ENTERPRISE WILL  
17 EXECUTE ITS BUSINESS PURPOSE DURING STATE FISCAL YEARS 2022-23  
18 THROUGH 2031-32 AND ESTIMATES THE AMOUNT OF FUNDING NEEDED TO  
19 IMPLEMENT THE PLAN. NO LATER THAN JANUARY 1, 2032, THE ENTERPRISE  
20 SHALL PUBLISH AND POST ON ITS WEBSITE A NEW TEN-YEAR PLAN FOR  
21 STATE FISCAL YEARS 2032-33 THROUGH 2041-42;

22 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE  
23 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,  
24 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE  
25 IMPLEMENTATION OF ITS TEN-YEAR PLAN, THE FUNDING STATUS AND  
26 PROGRESS TOWARD COMPLETION OF EACH PROJECT THAT IT WHOLLY OR  
27 PARTLY FUNDS, AND ITS PER PROJECT AND TOTAL FUNDING AND

1 EXPENDITURES;

2 (III) ENGAGE REGULARLY REGARDING ITS PROJECTS AND  
3 ACTIVITIES WITH THE PUBLIC, SPECIFICALLY REACHING OUT TO AND  
4 SEEKING INPUT FROM COMMUNITIES, INCLUDING BUT NOT LIMITED TO  
5 DISPROPORTIONATELY IMPACTED COMMUNITIES, AND INTEREST GROUPS  
6 THAT ARE LIKELY TO BE INTERESTED IN THE PROJECTS AND ACTIVITIES;  
7 AND

8 (IV) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND  
9 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION  
10 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE  
11 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND  
12 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE  
13 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY  
14 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL  
15 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN  
16 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT  
17 REQUIRED IN THIS SUBSECTION (10)(a)(IV) TO THE SPECIFIED LEGISLATIVE  
18 COMMITTEES CONTINUES INDEFINITELY.

19 (b) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS  
20 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", CONTAINED IN  
21 PART 4 OF ARTICLE 6 OF TITLE 24, AND THE "COLORADO OPEN RECORDS  
22 ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

23 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART  
24 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE  
25 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS  
26 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION  
27 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS

1 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS  
2 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND  
3 LOCAL GOVERNMENTS COMBINED.

4 (d) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF PART 2  
5 OF ARTICLE 57 OF TITLE 11.

6 PART 13  
7 NONATTAINMENT AREA AIR POLLUTION  
8 MITIGATION ENTERPRISE

9 **43-4-1301. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
10 HEREBY FINDS AND DECLARES THAT:

11 (a) RAPID AND CONTINUING GROWTH IN RETAIL DELIVERIES MADE  
12 BY MOTOR VEHICLES AND IN PREARRANGED RIDES ARRANGED THROUGH  
13 TRANSPORTATION NETWORK COMPANIES HAS INCREASED AND WILL  
14 CONTINUE TO INCREASE TRAFFIC CONGESTION AND AIR POLLUTION FROM  
15 MOTOR VEHICLE EMISSIONS, ALONG WITH THE ADVERSE ENVIRONMENTAL  
16 AND HEALTH IMPACTS THAT RESULT FROM SUCH POLLUTION, IN  
17 NONATTAINMENT AREAS, INCLUDING BUT NOT LIMITED TO  
18 DISPROPORTIONATELY IMPACTED COMMUNITIES AND COMMUNITIES  
19 ADJACENT TO HIGHWAYS;

20 (b) IT IS NECESSARY AND APPROPRIATE TO OFFSET AND MITIGATE  
21 THESE IMPACTS BY CREATING A NONATTAINMENT AREA AIR POLLUTION  
22 MITIGATION ENTERPRISE THAT HAS THE BUSINESS PURPOSE OF PROVIDING  
23 FUNDING FOR ELIGIBLE PROJECTS THAT REDUCE TRAFFIC CONGESTION,  
24 INCLUDING DEMAND MANAGEMENT PROJECTS THAT ENCOURAGE  
25 ALTERNATIVES TO DRIVING ALONE, AND THEREBY REDUCE TRAVEL  
26 DELAYS, ENGINE IDLE TIME, AND UNPRODUCTIVE FUEL CONSUMPTION OR  
27 THAT DIRECTLY REDUCE EMISSIONS BY MEANS SUCH AS RETROFITTING OF

1 CONSTRUCTION EQUIPMENT;

2 (c) INSTEAD OF REDUCING THE IMPACTS OF RETAIL DELIVERIES  
3 AND PREARRANGED RIDES ARRANGED THROUGH TRANSPORTATION  
4 NETWORK COMPANIES, BY LIMITING RETAIL DELIVERY AND PREARRANGED  
5 RIDE ACTIVITY THROUGH REGULATION, IT IS MORE APPROPRIATE TO  
6 CONTINUE TO ALLOW PERSONS WHO RECEIVE RETAIL DELIVERIES AND  
7 BENEFIT FROM THE CONVENIENCE AFFORDED BY UNFETTERED RETAIL  
8 DELIVERIES AND TO ALLOW TRANSPORTATION NETWORK COMPANIES THAT  
9 ARRANGE PREARRANGED RIDES TO CONTINUE TO PROVIDE THAT SERVICE  
10 WITHOUT UNDUE RESTRICTIONS AND TO INSTEAD IMPOSE A SMALL FEE ON  
11 EACH RETAIL DELIVERY AND PREARRANGED RIDE AND USE FEE REVENUE  
12 TO FUND NECESSARY MITIGATION ACTIVITIES.

13 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

14 (a) THE ENTERPRISE PROVIDES IMPACT REMEDIATION SERVICES  
15 WHEN, IN EXCHANGE FOR THE PAYMENT OF AIR POLLUTION MITIGATION  
16 PER RIDE FEES BY TRANSPORTATION NETWORK COMPANIES AND AIR  
17 POLLUTION MITIGATION RETAIL DELIVERY FEES BY PURCHASERS OF  
18 TANGIBLE PERSONAL PROPERTY FOR RETAIL DELIVERY, IT ACTS AS  
19 AUTHORIZED BY THIS SECTION TO MITIGATE THE IMPACTS OF  
20 PREARRANGED RIDES ARRANGED THROUGH TRANSPORTATION NETWORK  
21 COMPANIES AND RESIDENTIAL AND COMMERCIAL DELIVERIES ON THE  
22 STATE'S TRANSPORTATION INFRASTRUCTURE, AIR QUALITY, AND  
23 EMISSIONS.

24 (b) BY PROVIDING IMPACT REMEDIATION SERVICES AS AUTHORIZED  
25 BY THIS SECTION, THE NONATTAINMENT AREA AIR POLLUTION MITIGATION  
26 ENTERPRISE PROVIDES A BENEFIT TO FEE PAYERS WHEN IT REMEDIATES  
27 THE IMPACTS THEY CAUSE AND THEREFORE OPERATES AS A BUSINESS IN

1 ACCORDANCE WITH THE DETERMINATION OF THE COLORADO SUPREME  
2 COURT IN *COLORADO UNION OF TAXPAYERS FOUNDATION V. CITY OF ASPEN*,  
3 2018 CO 36;

4 (b) CONSISTENT WITH THE DETERMINATION OF THE COLORADO  
5 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896  
6 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS  
7 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE  
8 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL  
9 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS  
10 GENERATED BY FEES, NOT TAXES, BECAUSE THE AIR POLLUTION  
11 MITIGATION PER RIDE FEE AND THE AIR POLLUTION MITIGATION RETAIL  
12 DELIVERY FEE IMPOSED BY THE ENTERPRISE AS AUTHORIZED BY  
13 SUBSECTIONS (7) AND (8) OF THIS SECTION ARE:

14 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE  
15 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE REMEDIATION  
16 SERVICES SPECIFIED IN THIS SECTION, INCLUDING MITIGATING IMPACTS TO  
17 AIR QUALITY AND GREENHOUSE GAS EMISSIONS CAUSED BY THE  
18 ACTIVITIES ON WHICH THE FEES ARE ASSESSED, AND CONTRIBUTE TO THE  
19 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME  
20 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,  
21 MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE TRANSPORTATION  
22 SYSTEM; AND

23 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED  
24 BASED ON THE IMPACTS CAUSED BY FEE PAYERS AND THE COST OF  
25 REMEDIATING THOSE IMPACTS; AND

26 (c) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR  
27 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE

1 REVENUE FROM THE COMMUNITY ACCESS RETAIL DELIVERY FEE  
2 COLLECTED BY THE ENTERPRISE IS NOT STATE FISCAL YEAR SPENDING, AS  
3 DEFINED IN SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN  
4 SECTION 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE  
5 STATE FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE  
6 X OF THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS  
7 DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(D).

8 **43-4-1302. Definitions.** AS USED IN THIS PART 13, UNLESS THE  
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "AIR POLLUTANT" HAS THE SAME MEANING AS SET FORTH IN  
11 SECTION 25-7-103 (1.5).

12 (2) "BATTERY ELECTRIC MOTOR VEHICLE" MEANS A MOTOR  
13 VEHICLE THAT IS POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY  
14 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL  
15 SOURCE OF ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF  
16 PROPULSION.

17 (3) "BOARD" MEANS THE GOVERNING BOARD OF THE ENTERPRISE.

18 (4) "CARSHARE RIDE" MEANS A PREARRANGED RIDE FOR WHICH  
19 THE RIDER AGREES, AT THE TIME THE RIDER REQUESTS THE RIDE THROUGH  
20 A DIGITAL NETWORK, TO BE TRANSPORTED WITH ANOTHER RIDER WHO HAS  
21 SEPARATELY REQUESTED A PREARRANGED RIDE REGARDLESS OF WHETHER  
22 OR NOT ANOTHER RIDER IS ACTUALLY TRANSPORTED WITH THE RIDER.

23 (5) "CMAQ" MEANS THE CONGESTION MITIGATION AND AIR  
24 QUALITY IMPROVEMENT PROGRAM ADMINISTERED BY THE FEDERAL  
25 HIGHWAY ADMINISTRATION OR ANY SUBSTANTIALLY SIMILAR SUCCESSOR  
26 PROGRAM.

27 (6) "DEPARTMENT" MEANS THE DEPARTMENT OF

1 TRANSPORTATION.

2 (7) (a) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A  
3 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN  
4 ACCORDANCE WITH THE MOST RECENT UNITED STATES DECENNIAL  
5 CENSUS, WHERE THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME  
6 IS GREATER THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS  
7 THAT IDENTIFY AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE  
8 PROPORTION OF HOUSEHOLDS THAT ARE HOUSING COST-BURDENED IS  
9 GREATER THAN FORTY PERCENT.

10 (b) AS USED IN THIS SUBSECTION (7):

11 (I) "COST-BURDENED" MEANS A HOUSEHOLD THAT SPENDS MORE  
12 THAN THIRTY PERCENT OF ITS INCOME ON HOUSING.

13 (II) "LOW INCOME" MEANS THE MEDIAN HOUSEHOLD INCOME IS  
14 LESS THAN OR EQUAL TO TWO HUNDRED PERCENT OF THE FEDERAL  
15 POVERTY GUIDELINE.

16 (8) "ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC  
17 MOTOR VEHICLE, A HYDROGEN FUEL CELL MOTOR VEHICLE, OR A PLUG-IN  
18 HYBRID ELECTRIC MOTOR VEHICLE.

19 (9) "ELIGIBLE ENTITY" MEANS A METROPOLITAN PLANNING  
20 ORGANIZATION OR ANY OTHER PUBLIC ENTITY THAT IS ELIGIBLE TO  
21 RECEIVE CMAQ FUNDING AND THAT IS SEEKING FUNDING FROM THE FUND  
22 FOR AN ELIGIBLE PROJECT.

23 (10) "ELIGIBLE PROJECT" MEANS A PROJECT LOCATED WITHIN A  
24 NONATTAINMENT AREA THAT:

25 (a) IS ELIGIBLE FOR CMAQ FUNDING; OR

26 (b) REDUCES EMISSIONS OF AIR POLLUTANTS OR GREENHOUSE GAS  
27 POLLUTANTS.

1 (11) "ENTERPRISE" MEANS THE NONATTAINMENT AREA AIR  
2 POLLUTION MITIGATION ENTERPRISE CREATED IN SECTION 43-4-1303  
3 (1)(a).

4 (12) "FUND" MEANS THE NONATTAINMENT AREA AIR POLLUTION  
5 MITIGATION ENTERPRISE FUND CREATED IN SECTION 43-4-1303 (5).

6 (13) "GREENHOUSE GAS POLLUTANT" MEANS ANTHROPOGENIC  
7 EMISSIONS OF CARBON DIOXIDE, METHANE, NITROUS OXIDE,  
8 HYDROFLUOROCARBONS, PERFLUOROCARBONS, NITROGEN TRIFLUORIDE,  
9 AND SULFUR HEXAFLUORIDE.

10 (14) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR  
11 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL  
12 THAT USES HYDROGEN GAS AS FUEL.

13 (15) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE  
14 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF  
15 LABOR STATISTICS, CONSUMER PRICE INDEX FOR  
16 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN  
17 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR  
18 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE  
19 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE  
20 AIR POLLUTION MITIGATION PER RIDE FEE IMPOSED BY SECTION 43-4-1303  
21 (7) OR THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IMPOSED BY  
22 SECTION 43-4-1303 (8) BEGINS.

23 (16) "NONATTAINMENT AREA" MEANS AN AREA THAT THE AIR  
24 QUALITY CONTROL COMMISSION CREATED IN SECTION 25-7-104 HAS  
25 DESIGNATED AS A NONATTAINMENT AREA PURSUANT TO SECTION  
26 25-7-107.

27 (17) "PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE" MEANS A



1 MOTOR VEHICLE THAT IS POWERED BY BOTH A RECHARGEABLE BATTERY  
2 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL  
3 SOURCE OF ELECTRICITY AND A SECONDARY SOURCE OF PROPULSION SUCH  
4 AS AN INTERNAL COMBUSTION ENGINE.

5 (18) "PREARRANGED RIDE" HAS THE SAME MEANING AS SET FORTH  
6 IN SECTION 40-10.1-602 (2).

7 (19) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE  
8 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE  
9 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE  
10 PURCHASER AT A PHYSICAL ADDRESS IN THE STATE, WHICH SALE INCLUDES  
11 AT LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS SUBJECT  
12 TO TAXATION UNDER ARTICLE 26 OF TITLE 39.

13 (20) "RETAILER" HAS THE SAME MEANING AS SET FORTH IN  
14 SECTION 39-26-102 (8).

15 (21) "RETAIL SALE" HAS THE SAME MEANING AS SET FORTH IN  
16 SECTION 39-26-102 (9).

17 (22) "RIDER" HAS THE SAME MEANING AS SET FORTH IN SECTION  
18 40-10.1-602 (5).

19 (23) "TANGIBLE PERSONAL PROPERTY HAS THE SAME MEANING AS  
20 SET FORTH IN SECTION 39-26-102 (15).

21 (24) "TRANSPORTATION NETWORK COMPANY" HAS THE SAME  
22 MEANING AS SET FORTH IN SECTION 40-10.1-602 (3).

23 (25) "ZERO EMISSIONS MOTOR VEHICLE" MEANS A BATTERY  
24 ELECTRIC MOTOR VEHICLE OR A HYDROGEN FUEL CELL MOTOR VEHICLE.

25 **43-4-1303. Nonattainment area air pollution mitigation**  
26 **enterprise - creation - board - powers and duties - fees - fund.**

27 (1) (a) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION

1 ENTERPRISE IS HEREBY CREATED IN THE DEPARTMENT. THE ENTERPRISE IS  
2 AND OPERATES AS A GOVERNMENT-OWNED BUSINESS WITHIN THE  
3 DEPARTMENT IN ORDER TO EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED  
4 IN SUBSECTION (3) OF THIS SECTION BY EXERCISING THE POWERS AND  
5 PERFORMING THE DUTIES SET FORTH IN THIS SECTION.

6 (b) THE ENTERPRISE EXERCISES ITS POWERS AND PERFORMS ITS  
7 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AS IF THE SAME WERE  
8 TRANSFERRED TO THE DEPARTMENT BY A **TYPE I** TRANSFER, AS DEFINED  
9 IN SECTION 24-1-105.

10 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF  
11 UP TO SEVEN MEMBERS AS FOLLOWS:

12 (I) FIVE MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

13 (A) ONE MEMBER WITH EXPERTISE ON ENVIRONMENTAL,  
14 ENVIRONMENTAL JUSTICE, OR PUBLIC HEALTH ISSUES;

15 (B) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A  
16 DISPROPORTIONATELY IMPACTED COMMUNITY THAT IS A MEMBER OF THE  
17 DENVER REGIONAL COUNCIL OF GOVERNMENTS;

18 (C) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A LOCAL  
19 GOVERNMENT THAT IS A MEMBER OF THE NORTH FRONT RANGE  
20 METROPOLITAN PLANNING ORGANIZATION; AND

21 (D) UP TO TWO MEMBERS WHO ARE REPRESENTATIVES OF  
22 DISPROPORTIONATELY IMPACTED COMMUNITIES;

23 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
24 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

25 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC  
26 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

27 (b) APPOINTED MEMBERS OF THE BOARD SERVE AT THE PLEASURE

1 OF THE GOVERNOR. THE OTHER BOARD MEMBERS SERVE FOR AS LONG AS  
2 THEY HOLD THEIR EXECUTIVE DIRECTOR POSITIONS OR ARE DESIGNATED  
3 TO SERVE BY AN EXECUTIVE DIRECTOR.

4 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO MITIGATE THE  
5 ENVIRONMENTAL AND HEALTH IMPACTS OF INCREASED AIR POLLUTION  
6 FROM MOTOR VEHICLE EMISSIONS IN NONATTAINMENT AREAS THAT  
7 RESULTS FROM THE RAPID AND CONTINUING GROWTH IN RETAIL  
8 DELIVERIES MADE BY MOTOR VEHICLES AND IN PREARRANGED RIDES  
9 PROVIDED BY TRANSPORTATION NETWORK COMPANIES BY PROVIDING  
10 FUNDING FOR ELIGIBLE PROJECTS THAT REDUCE TRAFFIC, INCLUDING  
11 DEMAND MANAGEMENT PROJECTS THAT ENCOURAGE ALTERNATIVES TO  
12 DRIVING ALONE OR THAT DIRECTLY REDUCE AIR POLLUTION, SUCH AS  
13 RETROFITTING OF CONSTRUCTION EQUIPMENT, CONSTRUCTION OF  
14 ROADSIDE VEGETATION BARRIERS, AND PLANTING TREES ALONG MEDIANS.  
15 TO ALLOW THE ENTERPRISE TO ACCOMPLISH THIS PURPOSE AND FULLY  
16 EXERCISE ITS POWERS AND DUTIES THROUGH THE BOARD, THE ENTERPRISE  
17 MAY:

18 (a) IMPOSE AN AIR POLLUTION MITIGATION PER RIDE FEE AND AN  
19 AIR POLLUTION MITIGATION RETAIL DELIVERY FEE AS AUTHORIZED BY  
20 SUBSECTIONS (7) AND (8) OF THIS SECTION;

21 (b) ISSUE GRANTS, LOANS, AND REBATES AS AUTHORIZED BY  
22 SUBSECTION (9) OF THIS SECTION; AND

23 (c) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUE AND  
24 OTHER AVAILABLE MONEY OF THE ENTERPRISE.

25 (4) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES  
26 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT  
27 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS

1 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL  
2 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT  
3 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (4), THE  
4 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE  
5 CONSTITUTION.

6 (5) (a) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION  
7 ENTERPRISE FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND  
8 CONSISTS OF AIR POLLUTION MITIGATION PER RIDE FEE REVENUE AND AIR  
9 POLLUTION MITIGATION RETAIL DELIVERY FEE REVENUE CREDITED TO THE  
10 FUND PURSUANT TO SUBSECTIONS (7) AND (8) OF THIS SECTION, ANY  
11 MONETARY GIFTS, GRANTS, DONATIONS, OR OTHER PAYMENTS RECEIVED  
12 BY THE ENTERPRISE, ANY FEDERAL MONEY THAT MAY BE CREDITED TO THE  
13 FUND, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY  
14 APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL  
15 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND  
16 INVESTMENT OF MONEY IN THE FUND TO THE FUND. MONEY IN THE FUND  
17 IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES  
18 SET FORTH IN THIS PART 13 AND TO PAY THE ENTERPRISE'S REASONABLE  
19 AND NECESSARY OPERATING EXPENSES, INCLUDING THE REPAYMENT OF  
20 ANY LOAN RECEIVED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION.

21 (b) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY  
22 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING  
23 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE  
24 REVENUE OR REVENUE BOND PROCEEDS. THE ENTERPRISE MAY ACCEPT  
25 AND EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY  
26 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE  
27 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY

1 CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE DEPARTMENT TO THE  
2 ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR  
3 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE  
4 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY  
5 TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE  
6 NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE INITIAL  
7 EXPENSES FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY, AND  
8 LOAN LIABILITIES THAT ARE RECORDED IN THE NONATTAINMENT AREA AIR  
9 POLLUTION MITIGATION ENTERPRISE INITIAL EXPENSES FUND BUT THAT  
10 ARE NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR SHALL NOT  
11 BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND  
12 BALANCE FOR PURPOSES OF SECTION 24-75-109. THE STATE TREASURER  
13 SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT  
14 AND INVESTMENT OF MONEY IN THE NONATTAINMENT AREA AIR  
15 POLLUTION MITIGATION ENTERPRISE INITIAL EXPENSES FUND TO THE FUND.  
16 THE NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE  
17 INITIAL EXPENSES FUND IS CONTINUOUSLY APPROPRIATED TO THE  
18 ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE  
19 ENTERPRISE BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND  
20 PROCEEDS. AS THE ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS  
21 OF EXPENSES, THE ENTERPRISE SHALL REIMBURSE THE DEPARTMENT FOR  
22 THE PRINCIPAL AMOUNT OF ANY LOAN MADE BY THE DEPARTMENT PLUS  
23 INTEREST AT A RATE SET BY THE DEPARTMENT.

24 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN  
25 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND  
26 DUTIES:

27 (a) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND

1 THE CONDUCT OF ITS BUSINESS;

2 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND  
3 PERSONAL PROPERTY;

4 (c) IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE  
5 DEPARTMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, TO EMPLOY AND  
6 SUPERVISE INDIVIDUALS, PROFESSIONAL CONSULTANTS, AND  
7 CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS  
8 BUSINESS PURPOSE;

9 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY,  
10 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY  
11 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,  
12 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER  
13 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE,  
14 WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112  
15 OF TITLE 24. THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON A  
16 COMPETITIVE BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE  
17 ENTERPRISE IN ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF  
18 GRANT APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING  
19 SINGLE-SOURCE BIDS.

20 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, DONATIONS, OR  
21 OTHER PAYMENTS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES  
22 OF THIS PART 13 SO LONG AS THE TOTAL AMOUNT OF ALL GRANTS FROM  
23 COLORADO STATE AND LOCAL GOVERNMENTS RECEIVED IN ANY STATE  
24 FISCAL YEAR IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S TOTAL  
25 ANNUAL REVENUE FOR THE STATE FISCAL YEAR. THE ENTERPRISE SHALL  
26 TRANSMIT ANY MONEY RECEIVED THROUGH GIFTS, GRANTS, DONATIONS,  
27 OR OTHER PAYMENTS TO THE STATE TREASURER, WHO SHALL CREDIT THE

1 MONEY TO THE FUND.

2 (f) TO PROVIDE SERVICES AS SET FORTH IN SUBSECTION (9) OF THIS  
3 SECTION;

4 (g) TO PUBLISH THE PROCESSES BY WHICH THE ENTERPRISE  
5 ACCEPTS APPLICATIONS, THE CRITERIA FOR EVALUATING APPLICATIONS,  
6 AND A LIST OF GRANTEES OR PROGRAM PARTICIPANTS PURSUANT TO  
7 SUBSECTION (9) OF THIS SECTION; AND

8 (h) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
9 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
10 GRANTED BY THIS SECTION.

11 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN  
12 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE AN AIR  
13 POLLUTION MITIGATION PER RIDE FEE TO BE PAID BY A TRANSPORTATION  
14 NETWORK COMPANY FOR EACH PREARRANGED RIDE REQUESTED AND  
15 ACCEPTED THROUGH THE COMPANY'S DIGITAL NETWORK. FOR THE  
16 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR TRANSPORTATION  
17 NETWORK COMPANIES AND ADMINISTRATIVE COSTS FOR THE STATE, THE  
18 DEPARTMENT OF REVENUE SHALL COLLECT THE AIR POLLUTION  
19 MITIGATION PER RIDE FEE ON BEHALF OF THE ENTERPRISE, AND A  
20 TRANSPORTATION NETWORK COMPANY SHALL PAY THE FEE TO THE  
21 DEPARTMENT OF REVENUE AS REQUIRED BY SECTION 40-10.1-607.5 (2).

22 (b) FOR PREARRANGED RIDES REQUESTED AND ACCEPTED DURING  
23 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE THE AIR  
24 POLLUTION MITIGATION PER RIDE FEE IN A MAXIMUM AMOUNT OF:

25 (I) ELEVEN AND ONE-QUARTER CENTS FOR EACH PREARRANGED  
26 RIDE THAT IS A CARSHARE RIDE OR FOR WHICH THE DRIVER TRANSPORTS  
27 THE RIDER IN A ZERO EMISSIONS MOTOR VEHICLE; AND

1           (II) TWENTY-TWO AND ONE-HALF CENTS FOR EVERY OTHER  
2       PREARRANGED RIDE.

3           (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II)  
4       OF THIS SECTION, FOR PREARRANGED RIDES REQUESTED AND ACCEPTED  
5       DURING STATE FISCAL YEAR 2023-24 OR DURING ANY SUBSEQUENT STATE  
6       FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE AIR POLLUTION  
7       MITIGATION PER RIDE FEE IN A MAXIMUM AMOUNT THAT IS THE  
8       APPLICABLE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR  
9       ADJUSTED FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE  
10      DEPARTMENT OF REVENUE OF THE AMOUNT OF THE AIR POLLUTION  
11      MITIGATION PER RIDE FEE TO BE COLLECTED FOR RIDES REQUESTED AND  
12      ACCEPTED DURING EACH STATE FISCAL YEAR NO LATER THAN MARCH 15  
13      OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS, AND  
14      THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT NO LATER  
15      THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR  
16      BEGINS.

17          (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF  
18      THE AIR POLLUTION MITIGATION PER RIDE FEE FOR PREARRANGED RIDES  
19      REQUESTED AND ACCEPTED DURING A STATE FISCAL YEAR ONLY IF THE  
20      RATE OF INFLATION IS POSITIVE AND CUMULATIVE INFLATION FROM THE  
21      TIME OF THE LAST ADJUSTMENT IN THE AMOUNT OF THE FEE, WHEN  
22      APPLIED TO THE SUM OF THE CURRENT AIR POLLUTION MITIGATION PER  
23      RIDE FEE AND THE CURRENT CLEAN FLEET PER RIDE FEE IMPOSED AS  
24      REQUIRED BY SECTION 25-7.5-103 (7) AND ROUNDED TO THE NEAREST  
25      WHOLE CENT, WILL RESULT IN AN INCREASE OF AT LEAST ONE WHOLE CENT  
26      IN THE TOTAL AMOUNT OF THE AIR POLLUTION MITIGATION PER RIDE FEE  
27      AND THE CLEAN FLEET PER RIDE FEE PAID BY A PERSON WHO REQUESTS



1 AND ACCEPTS A PREARRANGED RIDE. THE AMOUNT OF CUMULATIVE  
2 INFLATION TO BE APPLIED TO THE SUM OF THE CURRENT AIR POLLUTION  
3 MITIGATION PER RIDE FEE AND THE CURRENT CLEAN FLEET PER RIDE FEE  
4 AND ROUNDED TO THE NEAREST WHOLE CENT IS THE LESSER OF ACTUAL  
5 CUMULATIVE INFLATION OR FIVE PERCENT.

6 (d) AS REQUIRED BY SECTION 40-10.1-607.5 (3)(a), THE  
7 DEPARTMENT OF REVENUE SHALL TRANSMIT ALL NET AIR POLLUTION  
8 MITIGATION PER RIDE FEE REVENUE COLLECTED TO THE STATE TREASURER,  
9 WHO SHALL CREDIT THE REVENUE TO THE FUND.

10 (8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN  
11 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE, AND THE  
12 DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE  
13 ENTERPRISE, AN AIR POLLUTION MITIGATION RETAIL DELIVERY FEE ON  
14 EACH RETAIL DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY  
15 SHALL ADD TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE  
16 PURCHASER, AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND  
17 IN THE MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH  
18 SECTION 43-4-218 (6) THE AIR POLLUTION MITIGATION RETAIL DELIVERY  
19 FEE. FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS  
20 AND ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF  
21 REVENUE SHALL COLLECT AND ADMINISTER THE AIR POLLUTION  
22 MITIGATION RETAIL DELIVERY FEE ON BEHALF OF THE ENTERPRISE IN THE  
23 SAME MANNER IN WHICH IT COLLECTS AND ADMINISTERS THE RETAIL  
24 DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3).

25 (b) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY  
26 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL  
27 IMPOSE THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IN A

1 MAXIMUM AMOUNT OF SEVEN-TENTHS OF ONE CENT.

2 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8)(c)(II)  
3 OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL  
4 PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING  
5 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE  
6 AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT  
7 THAT IS THE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR  
8 ADJUSTED FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE  
9 DEPARTMENT OF REVENUE OF THE AMOUNT OF THE AIR POLLUTION  
10 MITIGATION RETAIL DELIVERY FEE TO BE COLLECTED FOR RETAIL  
11 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING EACH  
12 STATE FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR  
13 IN WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF  
14 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE  
15 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

16 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF  
17 THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE FOR RETAIL  
18 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING A  
19 STATE FISCAL YEAR ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE  
20 AMOUNT OF THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3)  
21 FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED  
22 DURING THE STATE FISCAL YEAR.

23 (9) IN FURTHERANCE OF ITS BUSINESS PURPOSE, AND SUBJECT TO  
24 THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (9), THE ENTERPRISE  
25 IS AUTHORIZED TO PROVIDE GRANTS TO ELIGIBLE ENTITIES FOR ELIGIBLE  
26 PROJECTS. THE ENTERPRISE SHALL ACTIVELY SEEK INPUT FROM  
27 COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY

1 IMPACTED COMMUNITIES, AND LOCAL GOVERNMENTS TO MITIGATE THE  
2 ENVIRONMENTAL AND HEALTH IMPACTS OF HIGHWAY PROJECTS, REDUCE  
3 TRAFFIC CONGESTION, AND IMPROVE NEIGHBORHOOD CONNECTIVITY FOR  
4 COMMUNITIES ADJACENT TO HIGHWAYS. THE ENTERPRISE SHALL INCLUDE  
5 MITIGATION STRATEGIES THAT TAKE INTO ACCOUNT THE INPUT AS WELL  
6 AS ISSUES AND IMPACTS OF PARTICULAR IMPORTANCE TO THE STATE SUCH  
7 AS REDUCTION OF GREENHOUSE GAS EMISSIONS AND FINE PARTICULATE  
8 MATTER.

9 (10) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE  
10 ENTERPRISE SHALL:

11 (I) NO LATER THAN JUNE 1, 2022, PUBLISH AND POST ON ITS  
12 WEBSITE A TEN-YEAR PLAN THAT DETAILS HOW THE ENTERPRISE WILL  
13 EXECUTE ITS BUSINESS PURPOSE DURING STATE FISCAL YEARS 2022-23  
14 THROUGH 2031-32 AND ESTIMATES THE AMOUNT OF FUNDING NEEDED TO  
15 IMPLEMENT THE PLAN. NO LATER THAN JANUARY 1, 2032, THE ENTERPRISE  
16 SHALL PUBLISH AND POST ON ITS WEBSITE A NEW TEN-YEAR PLAN FOR  
17 STATE FISCAL YEARS 2032-33 THROUGH 2041-42;

18 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE  
19 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,  
20 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE  
21 IMPLEMENTATION OF ITS TEN-YEAR PLAN, THE FUNDING STATUS AND  
22 PROGRESS TOWARD COMPLETION OF EACH PROJECT THAT IT WHOLLY OR  
23 PARTLY FUNDS, AND ITS PER PROJECT AND TOTAL FUNDING AND  
24 EXPENDITURES;

25 (III) ENGAGE REGULARLY REGARDING ITS PROJECTS AND  
26 ACTIVITIES WITH THE PUBLIC, INCLUDING BUT NOT LIMITED TO SEEKING  
27 INPUT FROM DISPROPORTIONATELY IMPACTED COMMUNITIES AND

1 INTEREST GROUPS THAT ARE LIKELY TO BE INTERESTED IN THE PROJECTS  
2 AND ACTIVITIES; AND

3 (IV) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND  
4 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION  
5 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE  
6 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND  
7 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE  
8 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY  
9 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL  
10 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN  
11 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT  
12 REQUIRED IN THIS SUBSECTION (10)(a)(IV) TO THE SPECIFIED LEGISLATIVE  
13 COMMITTEES CONTINUES INDEFINITELY.

14 (b) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS  
15 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", CONTAINED IN  
16 PART 4 OF ARTICLE 6 OF TITLE 24, AND THE "COLORADO OPEN RECORDS  
17 ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

18 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART  
19 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE  
20 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS  
21 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION  
22 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS  
23 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS  
24 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND  
25 LOCAL GOVERNMENTS COMBINED.

26 (d) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF PART 2  
27 OF ARTICLE 57 OF TITLE 11.

1           **SECTION 51.** In Colorado Revised Statutes, **repeal** 43-4-714.

2           **SECTION 52. Severability.** If any provision of this Senate Bill  
3 21-\_\_\_ or the application thereof to any person or circumstance is held  
4 invalid, such invalidity does not affect other provisions or applications of  
5 this Senate Bill 21-\_\_\_ that can be given effect without the invalid  
6 provision or application, and to this end the provisions of this Senate Bill  
7 21-\_\_\_ are declared to be severable.

8           **SECTION 53. Effective date.** This act takes effect upon passage;  
9 except that section 43-4-1103 (2)(a)(IV), Colorado Revised Statutes, as  
10 enacted in section 49 of this act takes effect only if Senate Bill 21-238  
11 becomes law and takes effect either upon the effective date of this act or  
12 Senate Bill 21-238, whichever is later.

13           **SECTION 54. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, or safety.