

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0270.02 Pierce Lively x2059

SENATE BILL 23-280

SENATE SPONSORSHIP

Mullica,

HOUSE SPONSORSHIP

Snyder,

Senate Committees
Finance

House Committees

A BILL FOR AN ACT

101 C O N C E R N I N G T H E M I T I G A T I O N O F C E R T A I N
102 T R A N S P O R T A T I O N - R E L A T E D E N V I R O N M E N T A L H A Z A R D S , A N D , I N
103 C O N N E C T I O N T H E R E W I T H , C R E A T I N G T H E F U E L S I M P A C T
104 E N T E R P R I S E T O A D M I N I S T E R P R O G R A M S A N D I M P O S E F E E S T H A T
105 A R E R E L A T E D T O T H E T R A N S P O R T A T I O N O F F U E L W I T H I N T H E
106 S T A T E , M O D I F Y I N G T H E C L E A N F L E E T E N T E R P R I S E S O T H A T I T
107 A D M I N I S T E R S P R O G R A M S A N D I M P O S E S F E E S T H A T A R E
108 D E S I G N E D T O R E D U C E E M I S S I O N S F R O M D I E S E L T R U C K S ,
109 C R E A T I N G A T A X C R E D I T F O R T H E C O N V E R S I O N , L E A S E , O R
110 P U R C H A S E O F C L E A N C O M M E R C I A L V E H I C L E S , M O D I F Y I N G T H E
111 F E E C O L L E C T E D F O R T H E D I S T R I B U T I O N T O T H E
112 P E R F L U O R O A L K Y L A N D P O L Y F L U O R O A L K Y L S U B S T A N C E S C A S H
113 F U N D , M O D I F Y I N G T H E P E T R O L E U M S T O R A G E T A N K F U N D ,

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

101 ALLOWING THE COLORADO STATE PATROL TO CONFORM
102 HAZARD MATERIALS ROUTING REGULATIONS TO
103 TRANSPORTATION COMMISSION RULES, AND PHASING OUT THE
104 USE OF CERTAIN DIESEL TRUCKS ON STATE PROJECTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the fuels impact enterprise. The enterprise imposes a new fuels impact reduction fee on fuel product manufacturers to fund the fuels impact reduction grant program that the fuels impact enterprise administers. The fuels impact reduction fee is equal to \$.06125 per gallon of fuel products delivered during the previous calendar month for sale or use in Colorado. The fee is collected and deposited in the fuels impact enterprise hazardous materials infrastructure cash fund until the fund has an available balance of \$15 million or more.

Under the fuels impact reduction grant program, the fuels impact enterprise provides grants to certain critically impacted communities, governments, and transportation corridors for the improvement of hazardous mitigation corridors and to support key commercial freight corridors, local and state government projects related to emergency responses, environmental mitigation, or projects related to the transportation of fuel within the state.

The bill also amends the clean fleet enterprise so that the clean fleet enterprise imposes, between January 1, 2024, and December 31, 2032, a heavy-duty diesel vehicle registration fee of \$10 for heavy-duty diesel vehicles that are model year 2014 through 2016, \$20 for heavy-duty diesel vehicles that are model year 2010 through 2013, and \$50 for heavy-duty diesel vehicles that are model year 2009 or older.

Under the diesel truck emissions reduction grant program, the clean fleet enterprise, along with the division of administration in the department of public health and environment (division), awards grant money to certain private and public entities to decommission diesel trucks and replace them with newer model trucks through. The clean fleet enterprise and the division are required to determine eligibility for the grant money and the eligible fuel types for qualifying as a replacement vehicle under the grant program.

The bill also replaces a tax credit for a qualified investment in a

commercial truck, truck tractor, or semitrailer that is used solely and exclusively in an enterprise zone with a tax credit for the conversion, lease, or purchase of a bi-fuel renewable fuel truck, electric, hybrid, low nitrogen oxides, plug-in hybrid electric, or renewable fuel truck that is predominantly housed and based at a taxpayer's business facility within an enterprise zone for the 12-month period following its purchase and is not used for personal use. The new credit:

- Is available between tax years 2023 and 2029;
- May be assigned to the financial entity that finances the lease or purchase of the truck;
- May not be carried forward, but may be refunded; and
- Is available in an amount that depends on the type of truck the taxpayer converts, leases, or purchases and when that conversion, lease, or purchase occurs.

Beginning October 1, 2023, the bill modifies the fee that is currently collected for distribution to the perfluoroalkyl and polyfluoroalkyl substances cash fund by extending the collection of the fee to 2036 and by changing the distribution of the fee revenue. Under the new distribution, the state treasurer shall credit:

- An amount equal to the cost of administering the fee to the department of revenue;
- \$2 million of the fee revenue to the department of public safety to support the regulation of hazardous materials on highways in the state as well as the enforcement of commercial and hazardous materials critical corridors determined by the chief of the Colorado state patrol;
- 70% of the amount remaining to the perfluoroalkyl and polyfluoroalkyl substances cash fund; and
- 30% of the amount remaining to the department of transportation to support functions related to the transportation of hazardous materials and the safe and efficient movement of freight as well as to support infrastructure projects that enhance the safety of movement of freight and hazardous materials.

The bill also increases the amount of fee revenue that can be held annually in the perfluoroalkyl and polyfluoroalkyl substances cash fund from \$8 million to \$9 million.

Additionally, the bill:

- Extends authorization for the division of oil and public safety to use the petroleum storage tank fund for costs related to petroleum storage tank facility inspections and meter calibrations from September 1, 2023, to September 1, 2033;
- Delays the effective date of the \$8 million cap on the petroleum storage tank fund from September 1, 2023, to

- September 1, 2033;
- Allows the director of the division of oil and public safety, in consultation with the petroleum storage tank committee, to establish rules that allow an operator of petroleum storage tanks to apply to the petroleum storage tank fund for reimbursement even if the total remediation expenses do not exceed \$10,000;
- Allows the director of the division of oil and public safety to annually transfer up to \$500,000 from the petroleum storage tank fund to the petroleum cleanup and redevelopment fund;
- Allows the Colorado state patrol to conform hazardous materials routing regulations to transportation commission rules; and
- Phases out the use of certain diesel trucks on state projects.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-20.5-103, **amend**
 3 (3) introductory portion, (3)(f)(II), (9)(a)(III), and (9)(a)(IV); and **add**
 4 (3.7) and (9)(a)(V) as follows:

5 **8-20.5-103. Petroleum storage tank fund - petroleum cleanup**
 6 **and redevelopment fund - creation - rules - repeal.** (3) The ~~moneys~~
 7 MONEY in the petroleum storage tank fund ~~are~~ IS continuously
 8 appropriated to the division of oil and public safety; except that ~~moneys~~
 9 THE EXPENDITURE OF MONEY for the purposes specified in ~~paragraphs (b),~~
 10 ~~(f), and (g) of this subsection (3) are~~ SUBSECTIONS (3)(b), (3)(f), AND
 11 (3)(g) OF THIS SECTION IS subject to annual appropriation by the general
 12 assembly. The fund shall be used for:

13 (f) (II) This ~~paragraph (f)~~ SUBSECTION (3)(f) is repealed, effective
 14 ~~September 1, 2023~~ SEPTEMBER 1, 2033.

15 (3.7) THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY
 16 MAY ANNUALLY TRANSFER UP TO FIVE HUNDRED THOUSAND DOLLARS
 17 ANNUALLY FROM THE PETROLEUM STORAGE TANK FUND TO THE

1 PETROLEUM CLEANUP AND REDEVELOPMENT FUND.

2 (9) (a) There is hereby created in the state treasury the petroleum
3 cleanup and redevelopment fund, which is referred to in this subsection
4 (9) as the redevelopment fund. The redevelopment fund's sources of
5 revenue are:

6 (III) Any legislative appropriations made to the redevelopment
7 fund; and

8 (IV) Earned interest, which the state treasurer shall deposit in the
9 redevelopment fund; AND

10 (V) MONEY TRANSFERRED FROM THE PETROLEUM STORAGE TANK
11 FUND PURSUANT TO SUBSECTION (3.7) OF THIS SECTION.

12 **SECTION 2.** In Colorado Revised Statutes, 8-20.5-206, **add**
13 (1)(f) as follows:

14 **8-20.5-206. Financial responsibility for petroleum**
15 **underground storage tanks.** (1) (f) THE DIRECTOR OF THE DIVISION OF
16 OIL AND PUBLIC SAFETY, IN CONSULTATION WITH THE PETROLEUM
17 STORAGE TANK COMMITTEE ESTABLISHED PURSUANT TO SECTION
18 8-20.5-104, MAY ESTABLISH RULES THAT ALLOW THE PAYMENT REQUIRED
19 BY SUBSECTION (1)(b)(I) OF THIS SECTION TO BE BASED ON A PERCENTAGE
20 THAT IS LESS THAN ONE HUNDRED PERCENT OF THE REMEDIATION
21 AMOUNT.

22 **SECTION 3.** In Colorado Revised Statutes, 8-20-206.5, **amend**
23 (1)(c), (6)(a) introductory portion, (6)(b), (6)(d) introductory portion,
24 (6)(e), and (6)(f); and **add** (6)(d.5) and (8) as follows:

25 **8-20-206.5. Environmental response surcharge - liquefied**
26 **petroleum gas and natural gas inspection fund - perfluoroalkyl and**
27 **polyfluoroalkyl substances cash fund - hazardous materials**

1 **infrastructure cash fund - fuels impact reduction grant program -**
2 **definitions.** (1) (c) Notwithstanding ~~paragraph (b) of this subsection (1)~~
3 SUBSECTION (1)(b) OF THIS SECTION, on and after ~~September 1, 2023,~~
4 SEPTEMBER 1, 2033, if the available fund balance in the petroleum storage
5 tank fund is greater than eight million dollars, no surcharge shall be
6 imposed, but if the available fund balance in the fund is less than eight
7 million dollars, the fee imposed by ~~paragraph (a) of this subsection (1)~~
8 SUBSECTION (1)(a) OF THIS SECTION is twenty-five dollars per tank
9 truckload.

10 (6) (a) In addition to the ~~payment~~ PAYMENTS collected ~~under~~
11 ~~subsection~~ PURSUANT TO SUBSECTIONS (1)(a) AND (8)(a) of this section,
12 the executive director of the department of revenue shall also collect a fee
13 to:

14 (b) On and after September 1, 2020, but before ~~September 1, 2026~~
15 SEPTEMBER 1, 2031, every manufacturer of fuel products who
16 manufactures such products for sale within Colorado or who ships such
17 products from any point outside of Colorado to a distributor within
18 Colorado and every distributor who ships such products from any point
19 outside of Colorado to a point within Colorado shall pay to the executive
20 director of the department of revenue, each calendar month, twenty-five
21 dollars per tank truckload of fuel products delivered during the previous
22 calendar month for sale or use in Colorado. This section does not apply
23 to fuel that is used in aviation or to odorized liquefied petroleum gas and
24 natural gas.

25 (d) On and after October 1, 2021, but before ~~October 1, 2026~~
26 OCTOBER 1, 2023, the executive director of the department of revenue
27 shall transmit any fee collected in accordance with this subsection (6) to

1 the state treasurer, who shall credit:

2 (d.5) ON AND AFTER OCTOBER 1, 2023, BUT BEFORE OCTOBER 1,
3 2031, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL
4 TRANSMIT ANY FEE COLLECTED IN ACCORDANCE WITH THIS SUBSECTION
5 (6) TO THE STATE TREASURER, WHO SHALL CREDIT:

6 (I) FIRST, THE COSTS TO THE DEPARTMENT OF REVENUE FOR
7 ADMINISTERING THE FEE;

8 (II) SECOND, TWO MILLION DOLLARS TO THE DEPARTMENT OF
9 PUBLIC SAFETY FOR USE BY THE COLORADO STATE PATROL TO SUPPORT
10 THE REGULATION OF AND RESPONSE TO HAZARDOUS MATERIALS ON
11 HIGHWAYS IN THE STATE AS WELL AS ENFORCEMENT OF COMMERCIAL AND
12 HAZARDOUS MATERIALS CRITICAL CORRIDORS DESIGNATED BY THE CHIEF
13 OF THE COLORADO STATE PATROL; AND

14 (III) THIRD, OF THE AMOUNT REMAINING:

15 (A) SEVENTY PERCENT TO THE PERFLUOROALKYL AND
16 POLYFLUOROALKYL SUBSTANCES CASH FUND; AND

17 (B) THIRTY PERCENT TO THE DEPARTMENT OF TRANSPORTATION
18 TO SUPPORT FUNCTIONS RELATED TO THE TRANSPORTATION OF
19 HAZARDOUS MATERIALS AND THE SAFE AND EFFICIENT MOVEMENT OF
20 FREIGHT, AS WELL AS TO SUPPORT INFRASTRUCTURE PROJECTS THAT
21 ENHANCE THE SAFETY OF THE MOVEMENT OF FREIGHT AND HAZARDOUS
22 MATERIALS SUCH AS THE INSTALLATION OF FOAM SUPPRESSION SYSTEMS
23 IN THE EISENHOWER-JOHNSON TUNNELS, THE MITIGATION OF HAZARDS IN
24 GLENWOOD CANYON, AND OTHER USES NECESSARY TO SECURE THE SAFE
25 TRANSPORT OF FUELS THROUGH THE I-70 MOUNTAIN CORRIDOR.

26 (e) (I) BEFORE OCTOBER 1, 2023, notwithstanding subsection
27 (6)(b) of this section, if the available fund balance in the perfluoroalkyl

1 and polyfluoroalkyl substances cash fund is greater than eight million
2 dollars, the executive director of the department of revenue shall not
3 collect the fee described in subsection (6)(b) of this section, but if the
4 available balance in the fund is less than eight million dollars within a
5 fiscal year, the executive director of the department of revenue shall
6 impose a fee in accordance with subsection (6)(b) of this section.

7 (II) ON OR AFTER OCTOBER 1, 2023, NOTWITHSTANDING
8 SUBSECTION (6)(b) OF THIS SECTION, IF THE AVAILABLE FUND BALANCE IN
9 THE PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES CASH FUND
10 IS GREATER THAN NINE MILLION DOLLARS, THE EXECUTIVE DIRECTOR OF
11 THE DEPARTMENT OF REVENUE SHALL NOT COLLECT THE FEE DESCRIBED
12 IN SUBSECTION (6)(b) OF THIS SECTION, BUT IF THE AVAILABLE BALANCE
13 IN THE FUND IS LESS THAN NINE MILLION DOLLARS WITHIN A FISCAL YEAR,
14 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL
15 IMPOSE A FEE IN ACCORDANCE WITH SUBSECTION (6)(b) OF THIS SECTION.

16 (f) As used in this subsection (6) AND SUBSECTION (8) OF THIS
17 SECTION, "fuel products" means all gasoline; diesel; biodiesel; biodiesel
18 blends; kerosene; and all alcohol blended fuels that are produced,
19 compounded, and offered for sale or used for the purpose of generating
20 heat, light, or power in internal combustion engines or fuel cells, for
21 cleaning, or for any other similar usage. "Fuel products" does not mean
22 INCLUDE fuel that is used in aviation or odorized liquefied petroleum gas
23 and natural gas.

24 (8) (a) IN ADDITION TO THE PAYMENTS COLLECTED UNDER
25 SUBSECTIONS (1)(a) AND (6) OF THIS SECTION, BEGINNING SEPTEMBER 1,
26 2023, THE FUELS IMPACT ENTERPRISE CREATED IN SECTION 43-4-1503
27 SHALL IMPOSE A FUELS IMPACT REDUCTION FEE, THE EXECUTIVE DIRECTOR

1 OF THE DEPARTMENT OF REVENUE SHALL COLLECT THE FEE ON BEHALF OF
2 THE FUELS IMPACT ENTERPRISE, AND THE STATE TREASURER SHALL CREDIT
3 AN AMOUNT OF THE FEE REVENUE TO THE DEPARTMENT OF REVENUE TO
4 COVER THE COSTS OF COLLECTING THE FEE.

5 (b) (I) ON AND AFTER SEPTEMBER 1, 2023, A LICENSED FUEL
6 EXCISE TAX DISTRIBUTOR WITHIN COLORADO, AND A LICENSED FUEL
7 DISTRIBUTOR WHO SHIPS FUEL PRODUCTS FROM ANY POINT OUTSIDE OF
8 COLORADO TO A POINT WITHIN COLORADO, SHALL PAY THE FUELS IMPACT
9 REDUCTION FEE TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
10 REVENUE. TO PAY THIS FEE, EACH CALENDAR MONTH THE DISTRIBUTOR
11 SHALL PAY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE
12 SIX THOUSAND ONE HUNDRED TWENTY-FIVE HUNDRED-THOUSANDTHS OF
13 A DOLLAR PER GALLON OF FUEL PRODUCTS DELIVERED DURING THE
14 PREVIOUS CALENDAR MONTH FOR SALE OR USE IN COLORADO OR A LESSER
15 AMOUNT DETERMINED BY THE FUELS IMPACT ENTERPRISE. THE
16 DISTRIBUTOR SHALL PAY THIS FEE ON A PER GALLON BASIS AND AT THE
17 SAME TIME AND ON THE SAME FORM AS THE FEES COLLECTED PURSUANT
18 TO SUBSECTIONS (1) AND (6) OF THIS SECTION.

19 (II) FOR PURPOSES OF THIS SUBSECTION (8)(b), "DISTRIBUTOR"
20 MEANS THE PERSON WHO REMITS THE APPLICABLE STATE FEE IMPOSED
21 PURSUANT TO SUBSECTION (1) OR (6) OF THIS SECTION.

22 (c) ON AND AFTER SEPTEMBER 1, 2023, THE EXECUTIVE DIRECTOR
23 OF THE DEPARTMENT OF REVENUE SHALL TRANSMIT ANY FUELS IMPACT
24 REDUCTION FEE REVENUE THAT IT COLLECTS ON BEHALF OF THE FUELS
25 IMPACT ENTERPRISE PURSUANT TO THIS SUBSECTION (8) TO THE STATE
26 TREASURER, WHO SHALL CREDIT:

27 (I) THE TOTAL AMOUNT OF FUELS IMPACT REDUCTION FEE

1 REVENUE COLLECTED BY THE DEPARTMENT OF REVENUE, MINUS THE
2 COSTS TO THE DEPARTMENT OF REVENUE FOR ADMINISTERING THE FEE, TO
3 THE FUELS IMPACT ENTERPRISE HAZARDOUS MATERIALS INFRASTRUCTURE
4 CASH FUND CREATED IN SECTION 43-4-1504 (1); AND

5 (II) THE COSTS TO THE DEPARTMENT OF REVENUE FOR
6 ADMINISTERING THE FEE TO THE DEPARTMENT OF REVENUE.

7 **SECTION 4.** In Colorado Revised Statutes, 8-20.5-303, **add**
8 (1)(f) as follows:

9 **8-20.5-303. Financial responsibility for aboveground storage**
10 **tanks.** (1) (f) THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY,
11 IN CONSULTATION WITH THE PETROLEUM STORAGE TANK COMMITTEE
12 ESTABLISHED PURSUANT TO SECTION 8-20.5-104, MAY ESTABLISH RULES
13 THAT ALLOW THE PAYMENT OF REMEDIATION EXPENSES FOR CERTAIN
14 OWNERS AND OPERATORS OF ABOVEGROUND STORAGE TANKS FROM THE
15 PETROLEUM STORAGE TANK FUND TO BE BASED ON A PERCENTAGE THAT
16 IS LESS THAN ONE HUNDRED PERCENT OF THE REMEDIATION AMOUNT.

17 **SECTION 5.** In Colorado Revised Statutes, 25-5-1312, **amend**
18 (1) introductory portion as follows:

19 **25-5-1312. Reporting requirement.** (1) Notwithstanding section
20 24-1-136 (11)(a)(I), the department shall annually report by February 1,
21 2021, and February 1 of each year until ~~February 1, 2027~~ FEBRUARY 1,
22 2036, to the general assembly's committees of reference with jurisdiction
23 over public health regarding:

24 **SECTION 6.** In Colorado Revised Statutes, 25-7.5-103, **amend**
25 (3) introductory portion, (3)(b), (5)(a), (6)(f), (6)(g), and (6)(h); and **add**
26 (3)(a.5), (5.5), (6.5), (8.5), and (9.5) as follows:

27 **25-7.5-103. Clean fleet enterprise - creation - board - powers**

1 **and duties - fees - fund.** (3) The business purpose of the enterprise is to
2 incentivize and support the use of electric motor vehicles, including
3 motor vehicles that originally were powered exclusively by internal
4 combustion engines but have been converted into electric motor vehicles,
5 and, to the extent temporarily necessitated by the limitations of current
6 electric motor vehicle technology for certain fleet uses, compressed
7 natural gas motor vehicles that are fueled by recovered methane, by
8 businesses and governmental entities that own or operate fleets of motor
9 vehicles, including fleets composed of personal motor vehicles owned or
10 leased by individual contractors who provide prearranged rides for
11 transportation network companies or deliver goods for a third-party
12 delivery service, AND TO INCENTIVIZE AND SUPPORT THE REPLACEMENT OF
13 OLDER DIESEL TRUCKS WITH NEWER TRUCKS WITH NEWER SAFETY
14 SYSTEMS AND LOWER EMISSIONS. To allow the enterprise to accomplish
15 this purpose and fully exercise its powers and duties through the board,
16 the enterprise may:

17 (a.5) IMPOSE A HEAVY-DUTY DIESEL VEHICLE REGISTRATION FEE
18 AS AUTHORIZED BY SUBSECTION (8.5) OF THIS SECTION;

19 (b) Issue grants, loans, and rebates as authorized by ~~subsection~~
20 SUBSECTIONS (9) AND (9.5) of this section; and

21 (5) (a) The clean fleet enterprise fund is hereby created in the state
22 treasury. The fund consists of clean fleet per ride fee revenue and clean
23 fleet retail delivery fee revenue credited to the fund pursuant to
24 subsections (7) and (8) of this section, any monetary gifts, grants,
25 donations, or other payments received by the enterprise, any federal
26 money that may be credited to the fund, and any other money that the
27 general assembly may appropriate or transfer to the fund. The state

1 treasurer shall credit all interest and income derived from the deposit and
2 investment of money in the fund to the fund. Money in the fund is
3 continuously appropriated to the enterprise for the purposes set forth in
4 this article 7.5, EXCEPT FOR THE PURPOSES SET FORTH IN SUBSECTIONS
5 (5.5), (8.5), AND (9.5) OF THIS SECTION, and to pay the enterprise's
6 reasonable and necessary operating expenses, including the repayment of
7 any loan received pursuant to subsection (5)(b) of this section.

8 (5.5) (a) THE CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS
9 REDUCTION GRANT PROGRAM CASH FUND IS CREATED IN THE STATE
10 TREASURY. THE CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS
11 REDUCTION GRANT PROGRAM CASH FUND CONSISTS OF HEAVY-DUTY
12 DIESEL VEHICLE REGISTRATION FEE REVENUE CREDITED TO THE CLEAN
13 FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM
14 CASH FUND PURSUANT TO SUBSECTION (8.5) OF THIS SECTION AND ANY
15 MONEY THAT THE GENERAL ASSEMBLY MAY TRANSFER OR APPROPRIATE
16 TO THE CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION
17 GRANT PROGRAM CASH FUND FOR IMPLEMENTATION OF THE DIESEL TRUCK
18 EMISSIONS REDUCTION GRANT PROGRAM CREATED IN SUBSECTION (9.5) OF
19 THIS SECTION. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
20 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
21 CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION GRANT
22 PROGRAM CASH FUND TO THE CLEAN FLEET ENTERPRISE DIESEL TRUCK
23 EMISSIONS REDUCTION GRANT PROGRAM CASH FUND. ANY UNEXPENDED
24 AND UNENCUMBERED MONEY REMAINING IN THE CLEAN FLEET ENTERPRISE
25 DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM CASH FUND AT THE
26 END OF A STATE FISCAL YEAR REMAINS IN THE CLEAN FLEET ENTERPRISE
27 DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM CASH FUND.

1 (b) MONEY IN THE CLEAN FLEET ENTERPRISE DIESEL TRUCK
2 EMISSIONS REDUCTION GRANT PROGRAM CASH FUND IS CONTINUOUSLY
3 APPROPRIATED TO THE ENTERPRISE FOR THE DIRECT AND INDIRECT COSTS
4 OF IMPLEMENTING THE DIESEL TRUCK EMISSIONS REDUCTION GRANT
5 PROGRAM CREATED IN SUBSECTION (9.5) OF THIS SECTION.

6 (c) THE ENTERPRISE SHALL USE ONLY MONEY FROM THE CLEAN
7 FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM
8 CASH FUND, AND NOT MONEY FROM THE CLEAN FLEET ENTERPRISE FUND,
9 FOR THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING THE DIESEL
10 TRUCK EMISSIONS REDUCTION GRANT PROGRAM.

11 (6) In addition to any other powers and duties specified in this
12 section, the board has the following general powers and duties:

13 (f) To provide services as set forth in ~~subsection~~ SUBSECTIONS (9)
14 AND (9.5) of this section;

15 (g) To publish the processes by which the enterprise accepts
16 applications, the criteria for evaluating applications, and a list of grantees
17 or program participants pursuant to ~~subsection~~ SUBSECTIONS (9) AND (9.5)
18 of this section;

19 (h) To promulgate rules for the sole purpose of setting the
20 amounts of the clean fleet per ride fee and the clean fleet retail delivery
21 fee, AND ADJUSTING THE AMOUNT OF THE HEAVY-DUTY DIESEL VEHICLE
22 REGISTRATION FEE, at or below the maximum amounts authorized in this
23 section; and

24 (6.5) THE BOARD MAY CONTRACT FOR GOODS AND SERVICES
25 NEEDED TO EXERCISE ITS POWERS AND DUTIES, AS SET FORTH IN THIS
26 ARTICLE 7.5, WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES
27 101 TO 112 OF TITLE 24.

1 (8.5) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, THE
2 ENTERPRISE SHALL IMPOSE THE HEAVY-DUTY DIESEL VEHICLE
3 REGISTRATION FEE TO BE PAID BY A PERSON WHO REGISTERS A
4 HEAVY-DUTY DIESEL VEHICLE. FOR THE PURPOSE OF MINIMIZING
5 COMPLIANCE COSTS FOR DISTRIBUTORS AND ADMINISTRATIVE COSTS FOR
6 THE STATE, THE DEPARTMENT OF REVENUE SHALL COLLECT THE
7 HEAVY-DUTY DIESEL VEHICLE REGISTRATION FEE ON BEHALF OF THE
8 ENTERPRISE, AND A PERSON WHO REGISTERS A HEAVY-DUTY DIESEL
9 VEHICLE SHALL PAY THE FEE TO THE DEPARTMENT OF REVENUE AS
10 REQUIRED BY SECTION 42-3-304 (20.5)(a).

11 (b) FOR A PERSON WHO REGISTERS A HEAVY-DUTY DIESEL
12 VEHICLE, THE ENTERPRISE SHALL IMPOSE THE HEAVY-DUTY DIESEL
13 VEHICLE REGISTRATION FEE IN A REASONABLE AMOUNT THAT IS EQUAL TO
14 NO MORE THAN TEN DOLLARS FOR HEAVY-DUTY DIESEL VEHICLES THAT
15 ARE MODEL YEAR 2014 THROUGH 2016, NO MORE THAN TWENTY DOLLARS
16 FOR HEAVY-DUTY DIESEL VEHICLES THAT ARE MODEL YEAR 2010
17 THROUGH 2013, AND NO MORE THAN FIFTY DOLLARS FOR HEAVY-DUTY
18 DIESEL VEHICLES THAT ARE MODEL YEAR 2009 OR OLDER. THE FEE APPLIES
19 TO BOTH INTRASTATE AND INTERSTATE HEAVY-DUTY DIESEL VEHICLES.
20 FOR INTERSTATE HEAVY-DUTY DIESEL VEHICLES, THE FEE IS PRORATED
21 BASED ON THE FLEET OWNER'S PERCENTAGE OF MILEAGE IN COLORADO.

22 (c) AS REQUIRED BY SECTION 42-3-304 (20.5)(b), THE
23 DEPARTMENT OF REVENUE SHALL TRANSMIT THE HEAVY-DUTY DIESEL
24 VEHICLE REGISTRATION FEE REVENUE IT COLLECTS ON BEHALF OF THE
25 ENTERPRISE TO THE STATE TREASURER, WHO SHALL TRANSFER THE FEE TO
26 THE CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION
27 GRANT PROGRAM CASH FUND.

1 (9.5) (a) (I) THE GENERAL ASSEMBLY HEREBY FINDS AND
2 DECLARES THAT:

3 (A) OLDER DIESEL TRUCKS CONTRIBUTE DISPROPORTIONATE
4 AMOUNTS OF LOCALIZED EMISSIONS OF PARTICULATE MATTER AND
5 NITROGEN OXIDES IN DISADVANTAGED COMMUNITIES WHERE MAJOR
6 INTERSTATES BRING TRUCK TRAFFIC TO WAREHOUSES, REFINERIES, FLEET
7 YARDS, AND FUEL DEPOTS;

8 (B) THESE LOCALIZED EMISSIONS OF PARTICULATE MATTER AND
9 NITROGEN OXIDES HAVE DISPROPORTIONATELY NEGATIVE EFFECTS ON THE
10 HEALTH OF CHILDREN, SENSITIVE POPULATIONS, AND AT-RISK ADULTS;

11 (C) SUCH NEGATIVE HEALTH EFFECTS CAN INCLUDE ASTHMA,
12 SUSCEPTIBILITY TO RESPIRATORY ILLNESS, LUNG CANCER, AND
13 PREMATURE DEATH;

14 (D) OLDER DIESEL TRUCKS CAN BE REPLACED BY NEWER TRUCKS
15 TO REDUCE FUEL USAGE AND RELATED EMISSIONS OF HAZARDOUS AIR
16 POLLUTANTS AND CRITERIA EMISSIONS THAT NEGATIVELY IMPACT AIR
17 QUALITY;

18 (E) OLDER DIESEL TRUCKS ARE MORE LIKELY THAN NEWER
19 TRUCKS TO BREAK DOWN AND CAUSE CONGESTION AND SAFETY ISSUES IN
20 COLORADO'S URBAN AREAS AND ALONG COLORADO'S MOUNTAIN
21 HIGHWAYS AND INTERSTATES;

22 (F) SMALL BUSINESSES AND SOLE PROPRIETORS THAT OWN OLDER
23 DIESEL TRUCKS ARE LESS LIKELY THAN OTHER VEHICLE OWNERS TO HAVE
24 ACCESS TO THE CAPITAL OR FINANCING REQUIRED TO INVEST IN NEWER,
25 CLEANER MODELS;

26 (G) REPLACING OLDER DIESEL TRUCKS WITH NEWER TRUCKS WITH
27 NEWER SAFETY SYSTEMS WILL REDUCE THE CHANCE OF BREAKDOWNS AND

1 VEHICLE CRASHES ON COLORADO'S MOUNTAIN HIGHWAYS AND
2 INTERSTATES; AND

3 (H) REPLACING OLDER DIESEL TRUCKS WITH NEWER TRUCKS WILL
4 ALSO REDUCE FUEL USAGE, INCREASE FUEL ECONOMY, AND REDUCE
5 EMISSIONS, WHICH WILL HELP COLORADO COMPLY WITH AIR QUALITY
6 ATTAINMENT STANDARDS AND REDUCE GREENHOUSE GAS POLLUTION TO
7 HELP COLORADO MEET ITS GREENHOUSE GAS POLLUTION TARGETS.

8 (II) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS
9 APPROPRIATE TO ESTABLISH THE DIESEL TRUCK EMISSIONS REDUCTION
10 GRANT PROGRAM TO ASSIST PRIVATE AND PUBLIC ENTITIES IN
11 DECOMMISSIONING OLDER DIESEL TRUCKS AND REPLACING THOSE TRUCKS
12 WITH NEWER TRUCKS AND TO FUND THAT GRANT PROGRAM BY CHARGING
13 THE OWNERS OF OLDER HEAVY-DUTY DIESEL VEHICLES A MINOR FEE.

14 (b) (I) THERE IS HEREBY CREATED THE DIESEL TRUCK EMISSIONS
15 REDUCTION GRANT PROGRAM TO PROVIDE GRANTS TO CERTAIN PRIVATE
16 AND PUBLIC ENTITIES FOR DECOMMISSIONING AND REPLACING DIESEL
17 TRUCKS.

18 (II) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH
19 THE GRANT PROGRAM TO DECOMMISSION AND REPLACE DIESEL TRUCKS IN
20 ACCORDANCE WITH POLICIES AND PROCEDURES ESTABLISHED BY THE
21 ENTERPRISE AND THE DIVISION.

22 (III) THE ENTERPRISE SHALL WORK WITH THE DIVISION TO
23 ADMINISTER THE DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM
24 AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
25 PROVIDED IN THIS SECTION. SUBJECT TO AVAILABLE APPROPRIATIONS,
26 GRANTS SHALL BE PAID OUT OF THE CLEAN FLEET ENTERPRISE DIESEL
27 TRUCK EMISSIONS REDUCTION GRANT PROGRAM CASH FUND.

1 (IV) TO ADMINISTER THE DIESEL TRUCK EMISSIONS REDUCTION
2 GRANT PROGRAM, THE ENTERPRISE AND THE DIVISION SHALL DETERMINE
3 THE FOLLOWING:

4 (A) WHO MAY QUALIFY AS AN ELIGIBLE ENTITY;

5 (B) ELIGIBLE FUEL TYPES FOR REPLACEMENT VEHICLES;

6 (C) THE TIME FRAMES FOR APPLYING FOR GRANTS;

7 (D) THE CRITERIA USED TO EVALUATE AND PRIORITIZE
8 APPLICATIONS FOR GRANTS, INCLUDING A PRIORITY FOR APPLICATIONS
9 CONCERNING VEHICLES THAT ARE OPERATED WITHIN
10 DISPROPORTIONATELY IMPACTED COMMUNITIES, NONATTAINMENT AREAS,
11 OR BOTH;

12 (E) THE FORM OF THE GRANT PROGRAM APPLICATION;

13 (F) THE TIME FRAME FOR AWARDING GRANTS; AND

14 (G) ANY OTHER COMPONENTS OF THE DIESEL TRUCK EMISSIONS
15 REDUCTION GRANT PROGRAM NECESSARY FOR ITS IMPLEMENTATION.

16 (c) (I) TO RECEIVE A GRANT, AN ELIGIBLE ENTITY MUST SUBMIT AN
17 APPLICATION IN ACCORDANCE WITH THE POLICIES AND PROCEDURES
18 ESTABLISHED BY THE ENTERPRISE AND THE DIVISION. AT A MINIMUM, THE
19 APPLICATION MUST INCLUDE THE FOLLOWING INFORMATION:

20 (A) THE GRANT APPLICANT'S ORGANIZATIONAL AND CONTACT
21 INFORMATION;

22 (B) THE FUNDING REQUESTED PER VEHICLE;

23 (C) THE MAKE, MODEL, MODEL YEAR, AND MILEAGE OF THE DIESEL
24 TRUCKS TO BE DECOMMISSIONED ONCE THE GRANT IS AWARDED;

25 (D) THE LOCATION OF THE DIESEL TRUCKS TO BE
26 DECOMMISSIONED AND REPLACED;

27 (E) THE OPERATING AREA OF THE DIESEL TRUCKS TO BE

1 DECOMMISSIONED AND REPLACED; AND

2 (F) THE MAKE, MODEL, MODEL YEAR, MILEAGE, AND FUEL TYPE OF
3 THE PROPOSED REPLACEMENT VEHICLES.

4 (II) THE ENTERPRISE AND THE DIVISION MAY CONSULT WITH THE
5 GRANT APPLICANT REGARDING REPLACEMENT VEHICLE OPTIONS, AND, FOR
6 VEHICLES THAT WILL BE REPLACED BY ANOTHER DIESEL VEHICLE,
7 CONSIDERATION SHALL BE GIVEN TO THE REPLACEMENT OF VEHICLES THAT
8 WOULD OTHERWISE BE OPERATED FOR A DECADE OR MORE BASED ON THE
9 GRANT APPLICANT'S TYPICAL PRACTICES.

10 (III) THE ENTERPRISE SHALL USE ONLY MONEY FROM THE CLEAN
11 FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION GRANT PROGRAM
12 CASH FUND, AND NOT MONEY FROM THE CLEAN FLEET ENTERPRISE FUND,
13 TO PROVIDE FUNDING TO DECOMMISSION AND REPLACE DIESEL TRUCKS,
14 AND A GRANTEE SHALL USE THE MONEY RECEIVED THROUGH THE DIESEL
15 TRUCK EMISSIONS REDUCTION GRANT PROGRAM ONLY IN ACCORDANCE
16 WITH THIS SUBSECTION (9.5).

17 (IV) THE DIVISION AND THE ENTERPRISE SHALL DEVELOP A POLICY
18 REGARDING A GRANTEE'S NONCOMPLIANCE WITH A GRANT AWARD
19 AGREEMENT ENTERED INTO BY THE GRANTEE AND THE ENTERPRISE. THIS
20 POLICY MAY INCLUDE A MECHANISM FOR THE ENTERPRISE TO CONVERT
21 THE GRANT TO A LOAN WITH INTEREST.

22 (V) THE ENTERPRISE SHALL NOT AWARD GRANTS AFTER 2032.

23 (d) (I) ON OR BEFORE JUNE 30, 2025, AND ON OR BEFORE JUNE 30
24 OF EACH YEAR THEREAFTER THROUGH 2032, EACH ELIGIBLE ENTITY THAT
25 RECEIVES A GRANT THROUGH THE GRANT PROGRAM SHALL SUBMIT A
26 REPORT TO THE DIVISION. AT A MINIMUM, THE REPORT MUST INCLUDE THE
27 FOLLOWING INFORMATION:

1 (A) THE GRANT APPLICANT'S ORGANIZATIONAL AND CONTACT
2 INFORMATION;

3 (B) THE MAKE, MODEL, MODEL YEAR, AND MILEAGE OF THE
4 REPLACEMENT VEHICLES;

5 (C) THE PURCHASE DATES OF THE REPLACEMENT VEHICLES;

6 (D) THE FUEL TYPE OF THE REPLACEMENT VEHICLES;

7 (E) THE MONTHLY MILEAGE PER REPLACEMENT VEHICLE;

8 (F) THE MONTHLY FUEL USAGE PER REPLACEMENT VEHICLE;

9 (G) CERTIFICATION THAT THE AWARDED VEHICLES ARE STILL
10 ROADWORTHY, OPERATIONAL, AND OWNED BY THE ORIGINAL AWARDEE;

11 (H) THE MAKE, MODEL, MODEL YEAR, AND MILEAGE OF THE DIESEL
12 TRUCKS DECOMMISSIONED;

13 (I) THE LOCATION OF DIESEL TRUCKS DECOMMISSIONED;

14 (J) THE OPERATING AREA OF THE DIESEL TRUCKS
15 DECOMMISSIONED; AND

16 (K) ANY ADDITIONAL INFORMATION REQUIRED BY THE DIVISION.

17 (II) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR
18 BEFORE DECEMBER 1, 2025, AND ON OR BEFORE DECEMBER 1 OF EACH
19 YEAR THEREAFTER THROUGH 2032, THE DEPARTMENT SHALL PREPARE A
20 REPORT SUMMARIZING THE PROGRESS OF THE DIESEL TRUCK EMISSIONS
21 REDUCTION GRANT PROGRAM AND SUBMIT THE REPORT TO THE
22 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE AND THE
23 ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF
24 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE DEPARTMENT
25 SHALL POST A COPY OF EACH REPORT ON ITS WEBSITE. AT A MINIMUM, THE
26 REPORT MUST INCLUDE:

27 (A) THE AMOUNT OF MONEY EXPENDED ON GRANTS DURING THE

1 IMMEDIATELY PRECEDING STATE FISCAL YEAR;

2 (B) THE NUMBER OF DIESEL TRUCKS DECOMMISSIONED AND
3 REPLACED DURING THE IMMEDIATELY PRECEDING STATE FISCAL YEAR;

4 (C) THE ESTIMATED REDUCTION OF ANNUAL EMISSIONS OF
5 PARTICULATE MATTER, NITROGEN OXIDES, AND GREENHOUSE GASES, AS
6 A RESULT OF DIESEL TRUCK REPLACEMENTS FUNDED DURING THE
7 PRECEDING FISCAL YEAR; AND

8 (D) A BREAKDOWN OF THE DIESEL TRUCK CLASSES
9 DECOMMISSIONED AND REPLACED DURING THE IMMEDIATELY PRECEDING
10 STATE FISCAL YEAR.

11 (e) AS USED IN THIS SUBSECTION (9.5), UNLESS THE CONTEXT
12 OTHERWISE REQUIRES:

13 (I) "DECOMMISSION" MEANS RENDERING BOTH THE ENGINE AND
14 THE CHASSIS OF A DIESEL TRUCK INOPERABLE BY CUTTING A THREE INCH
15 HOLE THROUGH THE WALL OF THE ENGINE BLOCK AND CUTTING THE
16 CHASSIS RAILS IN HALF OR BY SIMILARLY EFFECTIVE MEANS, AS
17 DETERMINED BY THE DIVISION.

18 (II) "DIESEL-POWERED MOTOR VEHICLE" MEANS A MOTOR VEHICLE
19 POWERED BY AN INTERNAL COMBUSTION, COMPRESSION IGNITION,
20 DIESEL-FUELED ENGINE. THIS DOES NOT INCLUDE HYBRID DIESEL FUEL
21 TYPES.

22 (III) "DIESEL TRUCK" MEANS A TRUCK POWERED BY AN INTERNAL
23 COMBUSTION, COMPRESSION IGNITION, DIESEL-FUELED ENGINE. THIS DOES
24 NOT INCLUDE HYBRID DIESEL FUEL TYPES.

25 (IV) NOTWITHSTANDING SECTION 25-7.5-102 (7),
26 "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE SAME MEANING
27 AS SET FORTH IN SECTION 24-4-109 (2)(b)(II).

1 (V) "DIVISION" MEANS THE DIVISION OF ADMINISTRATION IN THE
2 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

3 (VI) "ELIGIBLE ENTITY" MEANS ANY PUBLIC ENTITY OR PRIVATE
4 COMPANY THAT OWNS OR LEASES AND USES A QUALIFIED DIESEL TRUCK AS
5 SPECIFIED BY THE DIVISION.

6 (VII) "FUEL PRODUCT" MEANS GASOLINE, BLENDED GASOLINE,
7 GASOLINE SOLD FOR GASOHOL PRODUCTION, GASOHOL, DIESEL, BIODIESEL
8 BLENDS, NATURAL GAS, SPECIAL FUELS, AND SPECIAL FUEL MIXES WITH
9 ALCOHOL.

10 (VIII) "HEAVY-DUTY DIESEL VEHICLE" MEANS A DIESEL-POWERED
11 MOTOR VEHICLE WITH A GROSS VEHICLE WEIGHT RATING OF MORE THAN
12 SIXTEEN THOUSAND POUNDS.

13 (IX) "REPLACEMENT" OR "REPLACE" MEANS THE REPLACEMENT OF
14 AN EXISTING IN-USE MODEL YEAR 2016 OR OLDER DIESEL TRUCK WITH A
15 MODEL YEAR 2017 OR NEWER TRUCK TO BE USED FOR THE SAME OR
16 SIMILAR PURPOSE.

17 **SECTION 7.** In Colorado Revised Statutes, 39-30-104, **amend**
18 (1)(b)(II); and **add** (1)(b)(VIII) and (7) as follows:

19 **39-30-104. Credit against tax - investment in certain property**
20 **- definitions - repeal.** (1) (b) (II) FOR INCOME TAX YEARS BEGINNING ON
21 OR BEFORE JANUARY, 1, 2023, the income tax credit for a qualified
22 investment in a commercial truck, truck tractor, tractor, or semitrailer
23 with a gross vehicle weight rating of fifty-four thousand pounds or greater
24 that is model year 2010 or newer and is designated as Class A personal
25 property as specified in section 42-3-106 (2)(a), ~~C.R.S.~~, as well as any
26 parts associated with the vehicle at the time of purchase, shall be allowed
27 in an amount equal to one and one-half of one percent of the total

1 qualified investment if the model year of the commercial truck, truck
2 tractor, tractor, or semitrailer was sold as new during such income tax
3 year;

4 (VIII) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE JULY 1,
5 2030.

6 (7) (a) IN ACCORDANCE WITH SECTION 39-21-304 (1), WHICH
7 REQUIRES EACH BILL THAT CREATES A NEW TAX EXPENDITURE TO INCLUDE
8 A TAX PREFERENCE PERFORMANCE STATEMENT AS PART OF A STATUTORY
9 LEGISLATIVE DECLARATION, THE GENERAL ASSEMBLY HEREBY FINDS AND
10 DECLARES THAT:

11 (I) THE GENERAL LEGISLATIVE PURPOSES OF THE TAX CREDIT
12 ALLOWED BY THIS SUBSECTION (7) ARE:

13 (A) TO INDUCE CERTAIN DESIGNATED BEHAVIOR BY TAXPAYERS,
14 SPECIFICALLY THE CONVERSION, LEASE, OR PURCHASE OF CLEAN
15 COMMERCIAL TRUCKS; AND

16 (B) TO PROVIDE TAX RELIEF FOR CERTAIN BUSINESSES THAT
17 CONVERT, LEASE, OR PURCHASE CLEAN COMMERCIAL TRUCKS;

18 (II) THE SPECIFIC LEGISLATIVE PURPOSE OF THE TAX CREDIT
19 ALLOWED BY THIS SUBSECTION (7) IS TO INCREASE THE USE OF CLEAN
20 COMMERCIAL TRUCKS BY PROVIDING AN INCENTIVE FOR THE CONVERSION,
21 LEASE, OR PURCHASE OF THESE VEHICLES. IN ORDER TO ALLOW THE
22 GENERAL ASSEMBLY AND THE STATE AUDITOR TO MEASURE THE
23 EFFECTIVENESS OF THE CREDIT, THE DEPARTMENT OF REVENUE, WHEN
24 ADMINISTERING THE CREDIT, SHALL COLLECT THE INFORMATION REQUIRED
25 BY SUBSECTION (7)(h) OF THIS SECTION AND SHALL REQUIRE EACH
26 EMPLOYER THAT CLAIMS THE CREDIT TO CERTIFY, AT A MINIMUM, THAT IN
27 THE CASE OF A RENEWABLE FUEL TRUCK, THE TRUCK WILL OPERATE ON

1 RENEWABLE FUEL FOR AT LEAST EIGHTY PERCENT OF THE TIME AND, IN
2 THE CASE OF A PLUG-IN ELECTRIC TRUCK OR BI-FUEL RENEWABLE FUEL
3 TRUCK, THE TRUCK WILL OPERATE ON ELECTRICITY OR RENEWABLE FUEL
4 AT LEAST FIFTY PERCENT OF THE TIME.

5 (b) AS USED IN THIS SUBSECTION (7), UNLESS THE CONTEXT
6 OTHERWISE REQUIRES:

7 (I) "ACTUAL COST INCURRED" MEANS THE ACTUAL COST PAID BY
8 THE ELIGIBLE TAXPAYER FOR A COMMERCIAL CLEAN VEHICLE.

9 (II) "BATTERY ELECTRIC TRUCK" MEANS A TRUCK THAT IS
10 POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY PACK THAT CAN
11 BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL SOURCE OF
12 ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF PROPULSION.

13 (III) "BI-FUEL RENEWABLE FUEL TRUCK" MEANS A RENEWABLE
14 FUEL TRUCK THAT IS ALSO CAPABLE OF OPERATING ON TRADITIONAL FUEL.

15 (IV) "CLEAN COMMERCIAL TRUCK" MEANS AN ELECTRIC TRUCK,
16 LOW NITROGEN OXIDES TRUCK, PLUG-IN HYBRID ELECTRIC TRUCK, BI-FUEL
17 RENEWABLE FUEL TRUCK, OR RENEWABLE FUEL TRUCK PURCHASED BY AN
18 ELIGIBLE TAXPAYER THAT IS:

19 (A) EITHER TITLED AND REGISTERED IN THE STATE OR REGISTERED
20 UNDER THE INTERNATIONAL REGISTRATION PLAN AND BASE PLATED IN THE
21 STATE;

22 (B) PREDOMINANTLY HOUSED AND BASED AT THE ELIGIBLE
23 TAXPAYER'S BUSINESS FACILITY WITHIN AN ENTERPRISE ZONE FOR THE
24 TWELVE-MONTH PERIOD FOLLOWING ITS PURCHASE; AND

25 (C) IS CLASSIFIED AS CLASS A, CLASS B, OR CLASS C PROPERTY
26 UNDER SECTION 42-3-106 (2).

27 (V) "CONVERSION" MEANS ADDING EQUIPMENT TO A TRADITIONAL

1 FUEL TRUCK AFTER IT IS MANUFACTURED TO ENABLE IT TO OPERATE AS A
2 BI-FUEL RENEWABLE FUEL TRUCK, ELECTRIC TRUCK, HYBRID TRUCK,
3 PLUG-IN HYBRID ELECTRIC TRUCK, OR RENEWABLE FUEL TRUCK.

4 (VI) "ELECTRIC TRUCK" MEANS A BATTERY ELECTRIC TRUCK OR
5 A HYDROGEN FUEL CELL TRUCK.

6 (VII) "ELIGIBLE TAXPAYER" MEANS A BUYER OR LESSEE OF A
7 CLEAN COMMERCIAL TRUCK FOR A USE OTHER THAN PERSONAL USE THAT
8 HAS NOT CLAIMED THE TAX CREDIT FOR INNOVATIVE TRUCKS CREATED IN
9 SECTION 39-22-516.8 FOR THE CONVERSION, LEASE, OR PURCHASE OF AN
10 ELECTRIC TRUCK OR PLUG-IN ELECTRIC TRUCK IN THAT SAME TAX YEAR.
11 A LESSEE SEEKING TO CLAIM A CREDIT ALLOWED BY THIS SUBSECTION (7)
12 MUST ENTER INTO A LEASE WITH A TERM OF NOT LESS THAN TWO YEARS.

13 (VIII) "FINANCING ENTITY" MEANS THE ENTITY THAT FINANCES
14 THE PURCHASE OR LEASE OF A CLEAN COMMERCIAL TRUCK.

15 (IX) "GROSS VEHICLE WEIGHT RATING" HAS THE SAME MEANING
16 AS SET FORTH IN SECTION 42-2-402 (6).

17 (X) "HEAVY-DUTY TRUCK" MEANS A TRUCK WITH A GROSS
18 VEHICLE WEIGHT RATING GREATER THAN TWENTY-SIX THOUSAND POUNDS.

19 (XI) "HYBRID TRUCK" MEANS A TRUCK THAT IS BOTH A PLUG-IN
20 ELECTRIC TRUCK AND CAPABLE OF OPERATING ON RENEWABLE FUELS OR
21 HYDROGEN.

22 (XII) "HYDROGEN FUEL CELL TRUCK" MEANS A TRUCK THAT IS
23 POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL THAT USES
24 HYDROGEN GAS AS FUEL.

25 (XIII) "LEASE" MEANS THE LEASE OF EITHER THE CONVERSION OR
26 PURCHASE OF A CLEAN COMMERCIAL TRUCK.

27 (XIV) "LIGHT-DUTY TRUCK" MEANS A TRUCK WITH A GROSS

1 VEHICLE WEIGHT GREATER THAN OR EQUAL TO TEN THOUSAND POUNDS
2 AND LESS THAN SIXTEEN THOUSAND ONE POUNDS.

3 (XV) "LOW NITROGEN OXIDES TRADITIONAL FUEL TRUCK" MEANS
4 A TRUCK THAT IS POWERED BY FUEL THAT SATISFIES THE UNITED STATES
5 ENVIRONMENTAL PROTECTION AGENCY'S RULE "CONTROL OF AIR
6 POLLUTION FROM NEW MOTOR VEHICLES: HEAVY-DUTY ENGINE AND
7 VEHICLE STANDARDS AND HIGHWAY DIESEL FUEL SULFUR CONTROL
8 REQUIREMENTS" 40 CFR, 69, 80, AND 86.

9 (XVI) "MEDIUM-DUTY TRUCK" MEANS A TRUCK WITH A GROSS
10 VEHICLE WEIGHT OF SIXTEEN THOUSAND ONE POUNDS OR MORE AND NO
11 MORE THAN TWENTY-SIX THOUSAND POUNDS.

12 (XVII) "MOTOR VEHICLE DEALER" HAS THE SAME MEANING AS SET
13 FORTH IN SECTION 44-20-102 (18).

14 (XVIII) "PLUG-IN HYBRID ELECTRIC TRUCK" MEANS A TRUCK THAT
15 HAS BOTH A RECHARGEABLE BATTERY PACK THAT CAN BE RECHARGED BY
16 BEING PLUGGED INTO AN EXTERNAL SOURCE OF ELECTRICITY AND AN
17 INTERNAL COMBUSTION ENGINE USING TRADITIONAL FUEL AND IS CAPABLE
18 OF BEING POWERED BY THE BATTERY PACK, THE INTERNAL COMBUSTION
19 ENGINE, OR BOTH.

20 (XIX) "PURCHASE" MEANS THE PURCHASE OF AN ORIGINAL
21 EQUIPMENT MANUFACTURER TRUCK THAT IS A BI-FUEL RENEWABLE FUEL
22 TRUCK, ELECTRIC TRUCK, HYBRID TRUCK, LOW NITROGEN OXIDES TRUCK,
23 PLUG-IN HYBRID ELECTRIC TRUCK, OR RENEWABLE FUEL TRUCK.

24 (XX) "RENEWABLE FUEL TRUCK" MEANS A TRUCK THAT IS
25 POWERED BY FUEL THAT IS EITHER:

26 (A) COMPRESSED NATURAL GAS, LIQUEFIED NATURAL GAS, OR
27 LIQUIFIED PETROLEUM GAS FROM A PRODUCTION SOURCE THAT IS ELIGIBLE

1 FOR A RENEWABLE IDENTIFICATION NUMBER PURSUANT TO THE UNITED
2 STATES ENVIRONMENTAL PROTECTION AGENCY'S RENEWAL FUEL
3 STANDARD PROGRAM ESTABLISHED IN 40 CFR 80; OR

4 (B) RECOVERED METHANE, AS DEFINED IN SECTION 25-7.5-102
5 (20).

6 (XXI) "TRADITIONAL FUEL" MEANS A PETROLEUM-BASED MOTOR
7 FUEL COMMONLY USED ON THE HIGHWAYS OF THE STATE IN THE YEAR
8 2008.

9 (XXII) "TRUCK" HAS THE SAME MEANING AS THE TERM IS DEFINED
10 IN SECTION 42-1-102 (108).

11 (c) FOR INCOME TAX YEARS BEGINNING ON OR AFTER JULY 1, 2023,
12 BUT BEFORE JANUARY 1, 2029, THERE IS ALLOWED A CREDIT TO EACH
13 ELIGIBLE TAXPAYER IN THE FOLLOWING AMOUNTS:

14 (I) FOR THE CONVERSION, LEASE, OR PURCHASE OF A TRUCK
15 DURING THE 2023, 2024, AND 2025 TAX YEARS:

16 (A) THREE THOUSAND FIVE HUNDRED DOLLARS FOR THE PURCHASE
17 OF A LIGHT-DUTY TRUCK THAT IS AN ELECTRIC TRUCK, HYBRID TRUCK, OR
18 RENEWABLE FUEL TRUCK;

19 (B) ONE THOUSAND SEVEN HUNDRED FIFTY DOLLARS FOR THE
20 PURCHASE OF A LIGHT-DUTY TRUCK THAT IS A BI-FUEL RENEWABLE FUELS
21 TRUCK, LOW NITROGEN OXIDES TRUCK, OR PLUG-IN HYBRID ELECTRIC
22 TRUCK;

23 (C) FIVE THOUSAND DOLLARS FOR THE PURCHASE OF A
24 MEDIUM-DUTY TRUCK THAT IS AN ELECTRIC TRUCK, HYBRID TRUCK, OR
25 RENEWABLE FUEL TRUCK;

26 (D) TWO THOUSAND FIVE HUNDRED DOLLARS FOR THE PURCHASE
27 OF A MEDIUM-DUTY TRUCK THAT IS A BI-FUEL RENEWABLE FUELS TRUCK,

1 LOW NITROGEN OXIDES TRUCK, OR PLUG-IN HYBRID ELECTRIC TRUCK;

2 (E) TEN THOUSAND DOLLARS FOR THE PURCHASE OF A
3 HEAVY-DUTY TRUCK THAT IS AN ELECTRIC TRUCK, HYBRID TRUCK, OR
4 RENEWABLE FUEL TRUCK; OR

5 (F) FIVE THOUSAND DOLLARS FOR THE PURCHASE OF A
6 HEAVY-DUTY TRUCK THAT IS A BI-FUEL RENEWABLE FUELS TRUCK, LOW
7 NITROGEN OXIDES TRUCK, OR PLUG-IN HYBRID ELECTRIC TRUCK;

8 (II) FOR THE CONVERSION, LEASE, OR PURCHASE OF AN ELIGIBLE
9 TRUCK DURING THE 2026, 2027, 2028, AND 2029 TAX YEARS:

10 (A) ONE THOUSAND FIVE HUNDRED DOLLARS FOR THE PURCHASE
11 OF A LIGHT-DUTY TRUCK THAT IS AN ELECTRIC TRUCK, HYBRID TRUCK, OR
12 RENEWABLE FUEL TRUCK;

13 (B) SEVEN HUNDRED FIFTY DOLLARS FOR THE PURCHASE OF A
14 LIGHT-DUTY TRUCK THAT IS A BI-FUEL RENEWABLE FUELS TRUCK, LOW
15 NITROGEN OXIDES TRUCK, OR PLUG-IN HYBRID ELECTRIC TRUCK;

16 (C) THREE THOUSAND FIVE HUNDRED DOLLARS FOR THE PURCHASE
17 OF A MEDIUM-DUTY TRUCK THAT IS AN ELECTRIC TRUCK, HYBRID TRUCK,
18 OR RENEWABLE FUEL TRUCK;

19 (D) ONE THOUSAND SEVEN HUNDRED FIFTY DOLLARS FOR THE
20 PURCHASE OF A MEDIUM-DUTY TRUCK THAT IS A BI-FUEL RENEWABLE
21 FUELS TRUCK, LOW NITROGEN OXIDES TRUCK, OR PLUG-IN HYBRID
22 ELECTRIC TRUCK;

23 (E) SEVEN THOUSAND FIVE HUNDRED DOLLARS FOR THE PURCHASE
24 OF A HEAVY-DUTY TRUCK THAT IS AN ELECTRIC TRUCK, HYBRID TRUCK, OR
25 RENEWABLE FUEL TRUCK; OR

26 (F) THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS FOR THE
27 PURCHASE OF A HEAVY-DUTY TRUCK THAT IS A BI-FUEL RENEWABLE FUELS

1 TRUCK, LOW NITROGEN OXIDES TRUCK, OR PLUG-IN HYBRID ELECTRIC
2 TRUCK.

3 (d) A TAXPAYER CLAIMING THE CREDIT AUTHORIZED BY THIS
4 SUBSECTION (7) SHALL NOT CLAIM THE CREDIT IN AN AMOUNT THAT
5 EXCEEDS THE DIFFERENCE BETWEEN THE MANUFACTURER'S SUGGESTED
6 RETAIL PRICE FOR THE CLEAN COMMERCIAL TRUCK AND A COMPARABLE
7 TRADITIONAL FUEL TRUCK; EXCEPT THAT, FOR A CONVERSION, THE PRICE
8 OF THE CONVERSION SERVES AS THE AMOUNT THAT THE CREDIT MAY NOT
9 EXCEED.

10 (e) (I) AN ELIGIBLE TAXPAYER MAY ASSIGN THE TAX CREDIT
11 ALLOWED IN THIS SUBSECTION (7) FOR THE PURCHASE OR LEASE OF A
12 CLEAN COMMERCIAL TRUCK COMPLETED ON OR AFTER JULY 1, 2023, TO A
13 FINANCING ENTITY OR MOTOR VEHICLE DEALER AS FOLLOWS:

14 (A) THE ASSIGNMENT TO THE FINANCING ENTITY OR MOTOR
15 VEHICLE DEALER MUST BE COMPLETED AT THE TIME OF PURCHASE OR
16 LEASE BY ENTERING INTO AN ELECTION STATEMENT AS SET FORTH IN
17 SUBSECTION (7)(e)(III) OF THIS SECTION;

18 (B) THE ELIGIBLE TAXPAYER MUST TITLE AND REGISTER THE
19 VEHICLE IN THE STATE OR REGISTER THE VEHICLE UNDER THE
20 INTERNATIONAL REGISTRATION PLAN AND BASE PLATE THE VEHICLE IN THE
21 STATE AS REQUIRED BY STATE LAW;

22 (C) THE ELIGIBLE TAXPAYER MUST ASSIGN THE TAX CREDIT TO THE
23 FINANCING ENTITY OR MOTOR VEHICLE DEALER AND FORFEIT THE RIGHT
24 TO CLAIM THE TAX CREDIT ON THE ELIGIBLE TAXPAYER'S TAX RETURN IN
25 EXCHANGE FOR GOOD AND VALUABLE CONSIDERATION AS DESCRIBED IN
26 SUBSECTION (7)(e)(I)(D) OF THIS SECTION; AND

27 (D) THE FINANCING ENTITY OR MOTOR VEHICLE DEALER SHALL

1 COMPENSATE THE ELIGIBLE TAXPAYER FOR THE FULL NOMINAL VALUE OF
2 THE TAX CREDIT; EXCEPT THAT THE FINANCING ENTITY OR MOTOR VEHICLE
3 DEALER MAY COLLECT AN ADMINISTRATIVE FEE NOT TO EXCEED ONE
4 HUNDRED FIFTY DOLLARS FOR PROCESSING THE ASSIGNMENT. THE
5 COMPENSATION PAID TO THE ELIGIBLE TAXPAYER IS CONSIDERED A
6 REFUND OF STATE TAXES AND IS NOT INCOME.

7 (II) NOTWITHSTANDING SECTION 39-21-108 (3), IF AN ELIGIBLE
8 TAXPAYER ASSIGNS THE TAX CREDIT TO A FINANCING ENTITY OR MOTOR
9 VEHICLE DEALER PURSUANT TO THIS SUBSECTION (7)(e), THE FINANCING
10 ENTITY OR MOTOR VEHICLE DEALER RECEIVES THE FULL AMOUNT OF THE
11 TAX CREDIT THAT THE ELIGIBLE TAXPAYER IS ALLOWED IN THIS
12 SUBSECTION (7). ANY UNPAID BALANCE OR UNPAID DEBT OF THE ELIGIBLE
13 TAXPAYER MAY NOT BE CREDITED FROM THE AMOUNT OF THE TAX CREDIT
14 ALLOWED IN THIS SUBSECTION (7).

15 (III) TO COMPLETE THE TAX CREDIT ASSIGNMENT, THE ELIGIBLE
16 TAXPAYER AND THE FINANCING ENTITY OR MOTOR VEHICLE DEALER SHALL
17 ENTER INTO AN ELECTION STATEMENT THAT:

18 (A) IDENTIFIES THE VEHICLE IDENTIFICATION NUMBER OF THE
19 VEHICLE FOR WHICH A CREDIT IS ALLOWED IN THIS SUBSECTION (7);

20 (B) IDENTIFIES THE MANUFACTURER'S SUGGESTED RETAIL PRICE
21 FOR THE CLEAN COMMERCIAL TRUCK FOR WHICH A CREDIT IS ALLOWED IN
22 THIS SECTION;

23 (C) IDENTIFIES THE MANUFACTURER'S SUGGESTED RETAIL PRICE
24 FOR A TRADITIONAL FUEL TRUCK COMPARABLE TO THE RELEVANT CLEAN
25 COMMERCIAL TRUCK; AND

26 (D) AFFIRMS THAT THE REQUIREMENTS SPECIFIED IN SUBSECTION
27 (7)(e)(I) OF THIS SECTION WERE MET.

1 (IV) THE FINANCING ENTITY OR MOTOR VEHICLE DEALER MAY
2 AUTHORIZE AN AGENT OR A DESIGNEE TO SIGN THE ELECTION STATEMENT
3 ON ITS BEHALF.

4 (V) FOR THE PURCHASE OR LEASE OF A CLEAN COMMERCIAL TRUCK
5 ON OR AFTER JULY 1, 2023, THE FINANCING ENTITY OR MOTOR VEHICLE
6 DEALER SHALL ELECTRONICALLY SUBMIT A REPORT CONTAINING THE
7 INFORMATION CONTAINED IN THE ELECTION STATEMENT DESCRIBED IN
8 SUBSECTION (7)(e)(III) OF THIS SECTION TO THE DEPARTMENT OF REVENUE
9 IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT AND WITHIN
10 THIRTY DAYS OF THE ELIGIBLE TAXPAYER PURCHASING OR LEASING A
11 CLEAN COMMERCIAL TRUCK.

12 (VI) THE FINANCING ENTITY OR MOTOR VEHICLE DEALER SHALL
13 ALSO FILE THE ELECTION STATEMENT DESCRIBED IN SUBSECTION (7)(e)(III)
14 OF THIS SECTION WITH THE ORIGINAL TAX RETURN FOR THE TAXABLE YEAR
15 IN WHICH THE ELIGIBLE TAXPAYER LEASES OR PURCHASES THE CLEAN
16 COMMERCIAL TRUCK.

17 (VII) THE DEPARTMENT OF REVENUE, IN CONSULTATION WITH THE
18 COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101, SHALL
19 DEVELOP A MODEL REPORT AND ELECTION STATEMENT NO LATER THAN
20 DECEMBER 1, 2023.

21 (f) IF A CREDIT AUTHORIZED IN THIS SUBSECTION (7) EXCEEDS THE
22 INCOME TAX DUE ON THE INCOME OF THE TAXPAYER FOR THE TAXABLE
23 YEAR, THE EXCESS CREDIT MAY NOT BE CARRIED FORWARD AND MUST BE
24 REFUNDED TO THE TAXPAYER.

25 (g) (I) NO MORE THAN ONE TAX CREDIT SHALL BE GRANTED
26 PURSUANT TO THIS SUBSECTION (7) FOR ANY INDIVIDUAL CLEAN
27 COMMERCIAL TRUCK.

1 (II) AN ELIGIBLE TAXPAYER THAT CLAIMS A CREDIT ALLOWED IN
2 THIS SUBSECTION (7) SHALL NOT CLAIM ANY OTHER CREDIT OTHERWISE
3 ALLOWED IN THIS SECTION FOR THE SAME CLEAN COMMERCIAL TRUCK.

4 (h) WITH RESPECT TO TAX YEARS COMMENCING ON OR AFTER
5 JANUARY 1, 2023, THE TAXPAYER CLAIMING A CREDIT ALLOWED IN THIS
6 SUBSECTION (7) SHALL PROVIDE THE DEPARTMENT OF REVENUE WITH, AND
7 THE DEPARTMENT SHALL COMMENCE TRACKING OF, THE VEHICLE
8 IDENTIFICATION NUMBER OF THE CLEAN COMMERCIAL TRUCK FOR WHICH
9 A CREDIT IS CLAIMED AS ALLOWED IN THIS SUBSECTION (7).

10 (i) MAKING THE ELIGIBLE TAXPAYER AWARE OF THE INCOME TAX
11 CREDIT ALLOWED IN THIS SUBSECTION (7) OR HELPING THE ELIGIBLE
12 TAXPAYER ASSIGN THE INCOME TAX CREDIT TO A FINANCING ENTITY OR
13 MOTOR VEHICLE DEALER AS ALLOWED IN THIS SUBSECTION (7) DOES NOT
14 RISE TO THE LEVEL OF PROVIDING THE ELIGIBLE TAXPAYER WITH
15 UNAUTHORIZED TAX ADVICE.

16 (j) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE DECEMBER 31,
17 2034.

18 **SECTION 8.** In Colorado Revised Statutes, 42-3-304, **add** (20.5)
19 as follows:

20 **42-3-304. Registration fees - passenger-mile taxes - pilot**
21 **program - report - rules - definitions.** (20.5) (a) BEGINNING JANUARY
22 1, 2024, AND THROUGH DECEMBER 31, 2032, IN ADDITION TO ANY OTHER
23 FEE IMPOSED BY THIS SECTION, THE CLEAN FLEET ENTERPRISE SHALL
24 IMPOSE, AND THE DEPARTMENT SHALL COLLECT, AT THE TIME OF
25 REGISTRATION, A HEAVY-DUTY DIESEL VEHICLE REGISTRATION FEE THAT
26 IS EQUAL TO NO MORE THAN TEN DOLLARS FOR HEAVY-DUTY DIESEL
27 VEHICLES THAT ARE MODEL YEAR 2014 THROUGH 2016, NO MORE THAN

1 TWENTY DOLLARS FOR HEAVY-DUTY DIESEL VEHICLES THAT ARE MODEL
2 YEAR 2010 THROUGH 2013, AND NO MORE THAN FIFTY DOLLARS FOR
3 HEAVY-DUTY DIESEL VEHICLES THAT ARE MODEL YEAR 2009 OR OLDER.
4 THIS FEE APPLIES TO BOTH INTRASTATE AND INTERSTATE HEAVY-DUTY
5 DIESEL VEHICLES. FOR INTERSTATE HEAVY-DUTY DIESEL VEHICLES, THE
6 FEE IS PRORATED BASED ON THE FLEET OWNER'S PERCENTAGE OF MILEAGE
7 IN COLORADO.

8 (b) THE DEPARTMENT SHALL TRANSMIT THE HEAVY-DUTY DIESEL
9 VEHICLE REGISTRATION FEE REVENUE IT COLLECTS ON BEHALF OF THE
10 CLEAN FLEET ENTERPRISE PURSUANT TO THIS SUBSECTION (20.5) TO THE
11 STATE TREASURER, WHO SHALL TRANSFER THE FEE REVENUE TO THE
12 CLEAN FLEET ENTERPRISE DIESEL TRUCK EMISSIONS REDUCTION GRANT
13 PROGRAM CASH FUND CREATED IN SECTION 25-7.5-103 (5.5).

14 (c) AS USED IN THIS SUBSECTION (20.5), UNLESS THE CONTEXT
15 OTHERWISE REQUIRES:

16 (I) "DIESEL-POWERED MOTOR VEHICLE" MEANS A MOTOR VEHICLE
17 POWERED BY AN INTERNAL COMBUSTION, COMPRESSION IGNITION,
18 DIESEL-FUELED ENGINE. THIS DOES NOT INCLUDE HYBRID DIESEL FUEL
19 TYPES.

20 (II) "HEAVY-DUTY DIESEL VEHICLE" MEANS A DIESEL-POWERED
21 MOTOR VEHICLE WITH A GROSS VEHICLE WEIGHT RATING OF MORE THAN
22 SIXTEEN THOUSAND POUNDS.

23 **SECTION 9.** In Colorado Revised Statutes, **add** 42-4-318 as
24 follows:

25 **42-4-318. Restrictions on types of trucks used in state projects**
26 **- fine - legislative declaration - definition.** (1) THE GENERAL ASSEMBLY
27 HEREBY FINDS AND DECLARES THAT:

1 (a) COLORADO'S STATE GOVERNMENT IS COMMITTED TO
2 IMPROVING COLORADO'S AIR QUALITY AND REDUCING OVERALL EMISSIONS
3 AND GREENHOUSE GASES WITHIN COLORADO;

4 (b) COLORADO'S STATE GOVERNMENT HAS POLICIES AND
5 PROGRAMS TO REDUCE EMISSIONS AND THE GREENHOUSE GAS FOOTPRINT
6 OF STATE AGENCIES;

7 (c) COLORADO'S STATE GOVERNMENT SHOULD BE A LEADER IN
8 PROMOTING AND IMPLEMENTING MEASURES TO IMPROVE AIR QUALITY;

9 (d) ALTHOUGH COLORADO'S STATE GOVERNMENT IS PURSUING
10 ACTIONS TO REDUCE EMISSIONS AND GREENHOUSE GASES IN ITS VEHICLE
11 FLEETS, MANY OLDER HIGH-EMITTING TRUCKS TRAVEL TO AND FROM
12 STATE PROJECT SITES AS CONTRACTORS AND SUBCONTRACTORS; AND

13 (e) THEREFORE, IT IS IN THE BEST INTEREST OF BOTH COLORADO'S
14 STATE GOVERNMENT AND COLORADO'S CITIZENS THAT THE STATE TAKE
15 ACTION AND CREATE POLICIES THAT PRECLUDE HIGH EMITTING DIESEL
16 TRUCKS FROM OPERATING ON STATE AWARDED PROJECTS.

17 (2) STATE AGENCIES SHALL BEGIN TO PHASE OUT OLDER HIGH
18 EMITTING DIESEL TRUCKS FROM OPERATING ON STATE AWARDED PROJECTS
19 ON THE FOLLOWING SCHEDULE:

20 (a) ON AND AFTER JANUARY 1, 2025, DIESEL TRUCKS WITH A
21 GROSS VEHICLE WEIGHT OF SIXTEEN THOUSAND ONE POUNDS OR GREATER
22 THAT ARE OLDER THAN MODEL YEAR 2002 SHALL NOT BE PERMITTED ON
23 ANY STATE PROJECT SITE; AND

24 (b) ON AND AFTER JANUARY 1, 2027, DIESEL TRUCKS WITH A
25 GROSS VEHICLE WEIGHT OF SIXTEEN THOUSAND ONE POUNDS OR GREATER
26 THAT ARE OLDER THAN MODEL YEAR 2010 SHALL NOT BE PERMITTED ON
27 ANY STATE PROJECT SITES.

1 (3) A DIESEL TRUCK OWNER SHALL BE FINED FIVE HUNDRED
2 DOLLARS FOR THE FIRST VIOLATION OF THIS SECTION. FOR A SECOND OR
3 SUBSEQUENT VIOLATION, A DIESEL TRUCK OWNER SHALL BE FINED ONE
4 THOUSAND DOLLARS AND MAY BE BARRED FROM WORKING ON ANY STATE
5 AWARDED CONTRACTS FOR SIX MONTHS.

6 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES, "DIESEL TRUCK" MEANS A TRUCK POWERED BY AN INTERNAL,
8 COMBUSTION, COMPRESSION IGNITION, DIESEL-FUELED ENGINE. THIS DOES
9 NOT INCLUDE HYBRID DIESEL FUEL TYPES.

10 **SECTION 10.** In Colorado Revised Statutes, 42-20-301, **amend**
11 (3) as follows:

12 **42-20-301. Route designation.** (3) (a) Notwithstanding any other
13 provision of this part 3 or part 1 or 2 of this ~~article~~ ARTICLE 20 to the
14 contrary, the transportation commission may regulate hours of operation
15 of the Eisenhower-Johnson tunnels, structure numbers F13Y and F13X,
16 respectively, on interstate 70.

17 (b) THE PATROL MAY CONFORM HAZARDOUS MATERIALS ROUTING
18 REGULATIONS MADE PURSUANT TO THIS SECTION TO TRANSPORTATION
19 COMMISSION REGULATIONS MADE PURSUANT TO SUBSECTION (3)(a) OF
20 THIS SECTION.

21 **SECTION 11.** In Colorado Revised Statutes, **add** part 15 to
22 article 4 of title 43 as follows:

23 PART 15

24 FUELS IMPACT ENTERPRISE

25 **43-4-1501. Legislative declaration.** (1) (a) (I) THE GENERAL
26 ASSEMBLY FINDS AND DECLARES THAT:

27 (A) CERTAIN COMMUNITIES IN THE STATE SERVE AS THE

1 DISTRIBUTION POINTS FOR ALMOST ALL OF THE FUEL TRANSPORTED IN THE
2 STATE;

3 (B) LICENSED FUEL DISTRIBUTORS RELY ON THE HAZARDOUS
4 MITIGATION CORRIDOR INFRASTRUCTURE IN THESE COMMUNITIES TO
5 SUPPORT THE ECONOMIC FUNCTIONS OF THE STATE; AND

6 (C) INCREASING REQUIREMENTS ON FUEL COMPOSITION AND
7 BLENDS WILL CAUSE THE INFRASTRUCTURE IN THESE COMMUNITIES TO BE
8 RELIED UPON EVEN MORE.

9 (II) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS
10 APPROPRIATE TO ESTABLISH THE FUELS IMPACT REDUCTION GRANT
11 PROGRAM TO PROVIDE GRANTS TO THOSE COMMUNITIES FOR THE
12 IMPROVEMENT OF THEIR HAZARDOUS MITIGATION CORRIDOR
13 INFRASTRUCTURE AND FOR PROJECTS RELATED TO THE TRANSPORTATION
14 OF FUEL WITHIN THE STATE.

15 (b) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS
16 REASONABLE TO ESTABLISH THE FUELS IMPACT ENTERPRISE TO ASSIST IN
17 THE ADMINISTRATION OF THE PROGRAMS DESCRIBED IN THIS SUBSECTION
18 (1) AND TO COLLECT THE FEES NECESSARY TO IMPLEMENT THESE
19 PROGRAMS.

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

21 (a) THE FUELS IMPACT ENTERPRISE PROVIDES IMPACT REDUCTION
22 SERVICES WHEN, IN EXCHANGE FOR THE PAYMENT OF THE FUELS IMPACT
23 REDUCTION FEE BY LICENSED FUEL EXCISE TAX DISTRIBUTORS AND
24 LICENSED FUEL DISTRIBUTORS, IT ACTS AS AUTHORIZED BY THIS SECTION
25 TO PROVIDE ASSISTANCE IN IMPROVING HAZARDOUS MITIGATION
26 CORRIDORS AND PROJECTS RELATED TO THE TRANSPORTATION OF FUEL
27 WITHIN THE STATE;

1 (b) BY PROVIDING IMPACT REDUCTION SERVICES AS AUTHORIZED
2 BY THIS SECTION, THE FUELS IMPACT ENTERPRISE PROVIDES A BENEFIT TO
3 FEE PAYERS BY IMPROVING THE TRANSPORTATION OF FUEL IN THE STATE,
4 AND MONITORING VEHICLE EMISSIONS, AND, THEREFORE OPERATES AS A
5 BUSINESS IN ACCORDANCE WITH THE DETERMINATION OF THE COLORADO
6 SUPREME COURT IN *COLORADO UNION OF TAXPAYERS FOUNDATION V. CITY*
7 *OF ASPEN*, 2018 CO 36;

8 (c) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
9 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
10 P.2D 859 (COLO. 1995), THE POWER TO IMPOSE TAXES IS INCONSISTENT
11 WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE X OF THE STATE
12 CONSTITUTION, AND, THEREFORE, IT IS THE CONCLUSION OF THE GENERAL
13 ASSEMBLY THAT THE REVENUE COLLECTED BY THE FUELS IMPACT
14 ENTERPRISE IS GENERATED BY FEES, NOT TAXES, BECAUSE THE FUELS
15 IMPACT REDUCTION FEE IMPOSED BY THE ENTERPRISE IS:

16 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
17 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE SERVICES SPECIFIED
18 IN THIS SECTION; AND

19 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED
20 BASED ON THE COSTS OF THE SERVICES PROVIDED BY THE ENTERPRISE;
21 AND

22 (d) 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 FUELS IMPACT REDUCTION FEE IS NOT STATE FISCAL
25 YEAR SPENDING, AS DEFINED IN SECTION 24-77-102 (17), OR STATE
26 REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c), AND DOES NOT
27 COUNT AGAINST EITHER THE STATE FISCAL YEAR SPENDING LIMIT IMPOSED

1 BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS
2 STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(G).

3 **43-4-1502. Definitions.** AS USED IN THIS PART 15, UNLESS THE
4 CONTEXT OTHERWISE REQUIRES:

5 (1) "ENTERPRISE" MEANS THE FUELS IMPACT ENTERPRISE CREATED
6 IN SECTION 43-4-1503.

7 (2) "FUEL PRODUCT" MEANS GASOLINE, BLENDED GASOLINE,
8 GASOLINE SOLD FOR GASOHOL PRODUCTION, GASOHOL, DIESEL, BIODIESEL
9 BLENDS, NATURAL GAS, AND SPECIAL FUELS, AND SPECIAL FUEL MIXES
10 WITH ALCOHOL.

11 (3) "FUELS IMPACT REDUCTION FEE" MEANS THE FEE IMPOSED BY
12 THE ENTERPRISE PURSUANT TO SECTION 43-4-1505 (1).

13 (4) "FUND" MEANS THE FUELS IMPACT ENTERPRISE FUND CREATED
14 IN SECTION 43-4-1504.

15 (5) "GRANT PROGRAM" MEANS THE FUELS IMPACT REDUCTION
16 GRANT PROGRAM CREATED IN SECTION 43-4-1506.

17 **43-4-1503. Fuels impact enterprise - creation - powers and**
18 **duties.** (1) (a) THE FUELS IMPACT ENTERPRISE IS CREATED IN THE
19 DEPARTMENT. THE ENTERPRISE IS AND OPERATES AS A
20 GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER TO
21 EXECUTE ITS BUSINESS PURPOSES AS SPECIFIED IN SUBSECTION (2) OF THIS
22 SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES AND
23 FUNCTIONS SET FORTH IN THIS SECTION.

24 (b) THE ENTERPRISE IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
25 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND
26 FUNCTIONS UNDER THE DEPARTMENT. THE GOVERNING BOARD OF THE
27 ENTERPRISE IS MADE UP OF THE TRANSPORTATION COMMISSION CREATED

1 IN SECTION 43-1-106 (1).

2 (2) THE BUSINESS PURPOSES OF THE ENTERPRISE ARE TO IMPROVE
3 THE TRANSPORTATION OF FUEL IN THE STATE AND MONITOR VEHICLE
4 EMISSIONS. TO ALLOW THE ENTERPRISE TO ACCOMPLISH THESE BUSINESS
5 PURPOSES AND FULLY EXERCISE ITS POWERS AND DUTIES, THE ENTERPRISE
6 MAY:

7 (a) IMPOSE A FUELS IMPACT REDUCTION FEE AS AUTHORIZED BY
8 SECTION 43-4-1505 (1);

9 (b) ISSUE GRANTS AS AUTHORIZED BY THE FUELS IMPACT
10 REDUCTION GRANT PROGRAM CREATED IN SECTION 43-4-1506; AND

11 (c) ISSUE REVENUE BONDS PAYABLE FROM FUELS IMPACT
12 REDUCTION FEE REVENUE AND OTHER AVAILABLE MONEY OF THE
13 ENTERPRISE.

14 (3) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
15 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
16 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
17 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL
18 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT
19 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (3), THE
20 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE
21 CONSTITUTION.

22 (4) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
23 THIS SECTION, THE ENTERPRISE HAS THE FOLLOWING GENERAL POWERS
24 AND DUTIES:

25 (a) TO PROVIDE SERVICES AS SET FORTH IN SECTION 43-4-1506;

26 AND

27 (b) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY

1 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
2 GRANTED BY THIS SECTION.

3 **43-4-1504. Fuels impact enterprise cash fund - definition.**

4 (1) (a) (I) THE FUELS IMPACT ENTERPRISE CASH FUND IS CREATED IN THE
5 STATE TREASURY. THE FUND CONSISTS OF FUELS IMPACT REDUCTION FEE
6 REVENUE CREDITED TO THE FUND PURSUANT TO SECTION 43-4-1505 (1),
7 ANY MONEY THAT THE GENERAL ASSEMBLY MAY TRANSFER OR
8 APPROPRIATE TO THE FUND FOR THE IMPLEMENTATION OF THE GRANT
9 PROGRAM, AND ANY FEDERAL MONEY OR GIFTS, GRANTS, OR DONATIONS
10 RECEIVED. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
11 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
12 FUND TO THE FUND.

13 (II) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
14 ENTERPRISE FOR THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING THE
15 GRANT PROGRAM.

16 (III) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
17 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
18 FUND TO THE FUND.

19 (b) (I) NOTWITHSTANDING SECTION 8-20-206.5 (8)(b), IF THE
20 AVAILABLE FUND BALANCE IN THE FUND IS GREATER THAN FIFTEEN
21 MILLION DOLLARS, THE ENTERPRISE SHALL NOT IMPOSE, AND THE
22 DEPARTMENT OF REVENUE SHALL NOT COLLECT, THE FUELS IMPACT
23 REDUCTION FEE DESCRIBED IN SECTION 8-20-206.5 (8), BUT IF THE
24 AVAILABLE BALANCE IN THE FUND IS LESS THAN FIFTEEN MILLION
25 DOLLARS WITHIN A FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE, AND THE
26 DEPARTMENT OF REVENUE SHALL COLLECT, THE FUELS IMPACT REDUCTION
27 FEE IN ACCORDANCE WITH SECTION 8-20-206.5 (8)(b).

1 (II) FOR THE PURPOSES OF THIS SUBSECTION (1)(b), "AVAILABLE
2 FUND BALANCE" MEANS THE SUM OF THE CURRENT YEAR REVENUES AND
3 THE PREVIOUS FUND BALANCE MINUS THE SUM OF THE OBLIGATIONS
4 APPROVED BY THE ENTERPRISE AND THE COSTS INCURRED BY THE
5 DEPARTMENT OF REVENUE IN COLLECTING THE FUELS IMPACT REDUCTION
6 FEE REVENUE.

7 (c) FOR PURPOSES OF THIS PART 15, THE ENTERPRISE MAY SEEK,
8 ACCEPT, AND EXPEND MONEY FROM FEDERAL SOURCES.

9 (2) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY
10 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING
11 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE
12 REVENUE OR REVENUE BOND PROCEEDS. THE ENTERPRISE MAY ACCEPT
13 AND EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY
14 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE
15 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY
16 CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE DEPARTMENT TO THE
17 ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR
18 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
19 CONSTITUTION, OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY
20 TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE
21 FUND. LOAN LIABILITIES THAT ARE RECORDED IN THE FUELS IMPACT FUND
22 BUT THAT ARE NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR
23 SHALL NOT BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY
24 FUND BALANCE FOR PURPOSES OF SECTION 24-75-109. AS THE ENTERPRISE
25 RECEIVES SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE ENTERPRISE
26 SHALL REIMBURSE THE DEPARTMENT FOR THE PRINCIPAL AMOUNT OF ANY
27 LOAN MADE BY THE DEPARTMENT PLUS INTEREST AT A RATE SET BY THE

1 DEPARTMENT.

2 **43-4-1505. Fuels impact reduction fee.** (1) (a) IN FURTHERANCE
3 OF ITS BUSINESS PURPOSE, BEGINNING SEPTEMBER 1, 2023, THE
4 ENTERPRISE SHALL IMPOSE A FUELS IMPACT REDUCTION FEE PER GALLON
5 TO BE PAID BY A LICENSED FUEL EXCISE TAX DISTRIBUTOR WITHIN
6 COLORADO AND A LICENSED FUEL DISTRIBUTOR WHO SHIPS PRODUCTS
7 FROM OUTSIDE OF COLORADO TO A POINT WITHIN COLORADO. FOR THE
8 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR DISTRIBUTORS AND
9 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE
10 SHALL COLLECT THE FUELS IMPACT REDUCTION FEE ON BEHALF OF THE
11 ENTERPRISE, AND A FUEL DISTRIBUTOR SHALL PAY THE FEE TO THE
12 DEPARTMENT OF REVENUE AS REQUIRED BY SECTION 8-20-206.5 (8)(a).

13 (b) FOR A LICENSED FUEL EXCISE TAX DISTRIBUTOR WITHIN
14 COLORADO AND A LICENSED FUEL DISTRIBUTOR WHO SHIPS PRODUCTS
15 FROM OUTSIDE OF COLORADO TO A POINT WITHIN COLORADO, BEGINNING
16 SEPTEMBER 1, 2023, THE ENTERPRISE SHALL IMPOSE THE FUELS IMPACT
17 REDUCTION FEE IN A REASONABLE AMOUNT THAT IS NO MORE THAN SIX
18 THOUSAND ONE HUNDRED TWENTY-FIVE HUNDRED-THOUSANDTHS OF A
19 DOLLAR PER GALLON OF FUEL PRODUCTS DELIVERED FOR SALE OR USE IN
20 COLORADO.

21 (c) AS REQUIRED BY SECTION 8-20-206.5 (8)(c), THE EXECUTIVE
22 DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL TRANSMIT ANY FUELS
23 IMPACT REDUCTION FEE REVENUE IT COLLECTS TO THE STATE TREASURER
24 WHO SHALL CREDIT THE REVENUE, MINUS THE COSTS TO THE DEPARTMENT
25 OF REVENUE FOR COLLECTING THE FEE, TO THE FUND.

26 **43-4-1506. Fuels impact reduction grant program.** (1) THERE
27 IS HEREBY CREATED THE FUELS IMPACT REDUCTION GRANT PROGRAM TO

1 PROVIDE GRANTS TO CERTAIN CRITICALLY IMPACTED COMMUNITIES,
2 GOVERNMENTS, AND TRANSPORTATION CORRIDORS FOR THE
3 IMPROVEMENT OF HAZARDOUS MITIGATION CORRIDORS AND TO SUPPORT
4 LOCAL AND STATE GOVERNMENT PROJECTS RELATED TO EMERGENCY
5 RESPONSES, ENVIRONMENTAL MITIGATION, OR PROJECTS RELATED TO THE
6 TRANSPORTATION OF FUEL WITHIN THE STATE.

7 (2) (a) AS PART OF THE FUELS IMPACT REDUCTION GRANT
8 PROGRAM, THE ENTERPRISE SHALL ANNUALLY DISTRIBUTE TEN MILLION
9 DOLLARS FROM THE FUND TO THE FOLLOWING POLITICAL SUBDIVISIONS
10 FOR THE IMPROVEMENT OF HAZARDOUS MITIGATION CORRIDORS IN THE
11 STATE:

12 (I) SIX MILLION FOUR HUNDRED THOUSAND DOLLARS TO ADAMS
13 COUNTY;

14 (II) TWO MILLION DOLLARS TO THE CITY OF AURORA;

15 (III) ONE MILLION THREE HUNDRED THOUSAND DOLLARS TO EL
16 PASO COUNTY;

17 (IV) TWO HUNDRED FORTY THOUSAND DOLLARS TO MESA
18 COUNTY; AND

19 (V) SIXTY THOUSAND DOLLARS TO OTERO COUNTY.

20 (b) IF A POLITICAL SUBDIVISION IS UNABLE TO ACCEPT THE ANNUAL
21 DISTRIBUTION MADE PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION,
22 THE ENTERPRISE SHALL DISTRIBUTE THE UNACCEPTED AMOUNTS TO THE
23 OTHER POLITICAL SUBDIVISIONS ON A PROPORTIONATE BASIS.

24 (3) THE ENTERPRISE SHALL ANNUALLY DISTRIBUTE UP TO FIVE
25 MILLION DOLLARS FROM THE FUND, AFTER MAKING THE TRANSFERS
26 REQUIRED BY SUBSECTION (2) OF THIS SECTION AND AFTER PROVIDING FOR
27 THE ADMINISTRATIVE EXPENSES OF THE ENTERPRISE, TO KEY COMMERCIAL

1 FREIGHT CORRIDORS, TO SUPPORT STATE GOVERNMENT PROJECTS RELATED
2 TO EMERGENCY RESPONSES, ENVIRONMENTAL MITIGATION, OR TO SUPPORT
3 PROJECTS RELATED TO THE TRANSPORTATION OF FUEL WITHIN THE STATE
4 ON ROUTES NECESSARY FOR THE TRANSPORTATION OF HAZARDOUS
5 MATERIALS.

6 **43-4-1507. Repeal of part.** THIS PART 15 IS REPEALED, EFFECTIVE
7 JANUARY 1, 2030.

8 **SECTION 12. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly; except
11 that, if a referendum petition is filed pursuant to section 1 (3) of article V
12 of the state constitution against this act or an item, section, or part of this
13 act within such period, then the act, item, section, or part will not take
14 effect unless approved by the people at the general election to be held in
15 November 2024 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.