

First Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 03-0384.01 Thomas Morris

SENATE BILL 03-091

SENATE SPONSORSHIP

Tupa, and Phillips

HOUSE SPONSORSHIP

Briggs,

Senate Committees

Transportation
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING INCENTIVES FOR INCREASED USE OF ALTERNATIVE**
102 **FUELS, AND, IN CONNECTION THEREWITH, ALLOWING HYBRID**
103 **VEHICLES TO USE HIGH OCCUPANCY VEHICLE LANES AND**
104 **REQUIRING THE USE OF ALTERNATIVE FUELS FOR CERTAIN**
105 **STATE VEHICLES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Clarifies that a hybrid motor vehicle qualifies for the income tax credit available for motor vehicles that use alternative fuels. Allows a hybrid vehicle to use high occupancy vehicle lanes notwithstanding the fact that only one person may be riding in such vehicle and requires the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Amended 3rd Reading
February 18, 2003

SENATE
Amended 2nd Reading
February 17, 2003

department of transportation to inform motorists of the availability of such use. Requires that at least 10% of state-owned vehicles that can use both gasoline and an alternative fuel actually use only alternative fuels by July 1, 2010.

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

2 **SECTION 1.** 39-22-516 (2.5) (a), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

4 **39-22-516. Tax credit for purchase of vehicles using alternative**
5 **fuels - repeal.** (2.5) (a) As used in this subsection (2.5), unless the
6 context otherwise requires:

7 (II.5) "HYBRID VEHICLE" MEANS A MOTOR VEHICLE WITH A HYBRID
8 PROPULSION SYSTEM THAT USES AN ALTERNATIVE FUEL BY OPERATING ON
9 BOTH AN ALTERNATIVE FUEL, INCLUDING ELECTRICITY, AND A
10 TRADITIONAL FUEL.

11 **SECTION 2.** 39-22-516 (2.5) (b) (II) (B) and (2.5) (g), Colorado
12 Revised Statutes, are amended to read:

13 **39-22-516. Tax credit for purchase of vehicles using alternative**
14 **fuels - repeal.** (2.5) (b) (II) With respect to tax years commencing on or
15 after July 1, 2000, but prior to July 1, 2011, there shall be allowed to any
16 person a credit against the tax imposed by this article for each motor
17 vehicle owned by such person that:

18 (B) Uses or is converted to use an alternative fuel, IS A HYBRID
19 VEHICLE, or has its power source replaced with a power source that uses
20 an alternative fuel.

21 (g) WITH RESPECT TO TAX YEARS COMMENCING ON OR AFTER JULY
22 1, 1998, BUT PRIOR TO JULY 1, 2000, for a motor vehicle that was not used
23 solely and exclusively for business purposes during the tax year for which

1 a credit is claimed, the amount of the credit allowed pursuant to this
2 subsection (2.5) shall be prorated in proportion to the percentage of time
3 during the tax year that the motor vehicle was used for business purposes.

4 **SECTION 3.** 42-4-1012 (2.5) (a) (I), (2.5) (b) (I), (2.5) (c), and
5 (2.5) (d) (I), Colorado Revised Statutes, are amended, and the said
6 42-4-1012 (2.5) (a) is further amended BY THE ADDITION OF A NEW
7 SUBPARAGRAPH, to read:

8 **42-4-1012. High occupancy vehicle (HOV) and high occupancy**
9 **toll (HOT) lanes.** (2.5) (a) (I) Except as otherwise provided in
10 paragraph (d) of this subsection (2.5), ~~an inherently low-emission vehicle~~
11 A MOTOR VEHICLE with a gross vehicle weight of twenty-six thousand
12 pounds or less THAT IS EITHER AN INHERENTLY LOW-EMISSION VEHICLE OR
13 A HYBRID VEHICLE may be operated upon high occupancy vehicle lanes
14 without regard to the number of persons in the vehicle and without
15 payment of a special toll or fee. THE EXEMPTION RELATING TO HYBRID
16 VEHICLES SHALL APPLY ONLY IF SUCH EXEMPTION DOES NOT AFFECT THE
17 RECEIPT OF FEDERAL FUNDS AND DOES NOT VIOLATE ANY FEDERAL LAWS
18 OR REGULATIONS.

19 (III) AS USED IN THIS SUBSECTION (2.5), "HYBRID VEHICLE" HAS
20 THE MEANING ESTABLISHED IN SECTION 39-22-516 (2.5) (a) (II.5), C.R.S.

21 (b) No person shall operate a vehicle upon a high occupancy
22 vehicle lane pursuant to this subsection (2.5) unless the vehicle:

23 (I) Meets all applicable federal emission standards set forth in 40
24 CFR sec. 88.311-93, as amended from time to time, OR, SUBJECT TO
25 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (2.5), IS A
26 HYBRID VEHICLE; and

27 (c) The department of transportation and local authorities, with

1 respect to streets and highways under their respective jurisdictions, shall
2 provide information via official traffic control devices to indicate that
3 ILEVs AND, SUBJECT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS
4 SUBSECTION (2.5), HYBRID VEHICLES may be operated upon high
5 occupancy vehicle lanes pursuant to this section. Such information may,
6 but need not, be added to existing printed signs, but as existing printed
7 signs related to high occupancy vehicle lane use are replaced or new ones
8 are erected, such information shall be added. In addition, whenever
9 existing electronic signs are capable of being reprogrammed to carry such
10 information, they shall be so reprogrammed BY SEPTEMBER 1, 2003.

11 (d) (I) In consultation with the regional transportation district, the
12 department of transportation and local authorities, with respect to streets
13 and highways under their respective jurisdictions, shall, in connection
14 with their periodic level-of-service evaluation of high occupancy vehicle
15 lanes, perform a level-of-service evaluation of the use of high occupancy
16 vehicle lanes by ILEVs AND HYBRID VEHICLES. If the use of high
17 occupancy vehicle lanes by ILEVs OR HYBRID VEHICLES is determined to
18 cause a significant decrease in the level of service for other bona fide
19 users of such lanes, then the department of transportation or a local
20 authority may restrict or eliminate use of such lanes by ILEVs OR HYBRID
21 VEHICLES.

22 **SECTION 4.** 24-30-1104 (2) (c), Colorado Revised Statutes, is
23 amended to read:

24 **24-30-1104. Central services functions of the department.**

25 (2) In addition to the county-specific functions set forth in subsection (1)
26 of this section, the department of personnel shall take such steps as are
27 necessary to fully implement a central state motor vehicle fleet system by

1 January 1, 1993. The department of personnel shall perform the
2 following functions pertaining to the motor vehicle fleet system
3 throughout the state for the executive branch of the state of Colorado, its
4 departments, institutions, and agencies, under the direction of the
5 executive director:

6 (c) (I) Adopt uniform rules ~~and regulations~~ for motor vehicle
7 acquisition, operation, maintenance, repair, and disposal standards.
8 Uniform rules ~~and regulations~~ adopted by the executive director of the
9 department of personnel pertaining to acquisition of motor vehicles by
10 lease or purchase shall provide that low energy consumption shall be a
11 favorable factor in determining the low responsible bidder. The size of
12 any passenger motor vehicle shall not be greater than necessary to
13 accomplish its purpose.

14 (II) BY JULY 1, 2010, AT LEAST TEN PERCENT OF ALL
15 STATE-OWNED BI-FUELED VEHICLES SHALL BE FUELED EXCLUSIVELY WITH
16 AN ALTERNATIVE FUEL. TO ENSURE COMPLIANCE WITH THIS
17 SUBPARAGRAPH (II), FOR ONE OR MORE STATE FISCAL YEARS COMMENCING
18 BEFORE JULY 1, 2010, THE RULES PROMULGATED PURSUANT TO THIS
19 PARAGRAPH (c) MAY ESTABLISH PROGRESSIVELY MORE STRINGENT
20 PERCENTAGE REQUIREMENTS.

21 (III) FOR PURPOSES OF THIS PARAGRAPH (c):

22 (A) "ALTERNATIVE FUEL" HAS THE MEANING ESTABLISHED IN
23 SECTION 25-7-106.8, C.R.S.

24 (B) "BI-FUELED VEHICLE" MEANS A MOTOR VEHICLE, WHICH MAY
25 BE PURCHASED TO COMPLY WITH APPLICABLE FEDERAL REQUIREMENTS
26 INCLUDING, BUT NOT LIMITED TO, THE FEDERAL "ENERGY POLICY ACT OF
27 1992", 42 U.S.C. SEC. 13257, AND 42 U.S.C. SEC. 7587, THAT CAN

1 OPERATE ON BOTH AN ALTERNATIVE FUEL AND A TRADITIONAL FUEL OR
2 THAT CAN OPERATE ALTERNATELY ON A TRADITIONAL FUEL AND AN
3 ALTERNATIVE FUEL.

4 **SECTION 5. Effective date - applicability.** (1) This act shall
5 take effect September 1, 2003.

6 (2) However, if a referendum petition is filed against this act or
7 an item, section, or part of this act during the 90-day period after final
8 adjournment of the general assembly that is allowed for submitting a
9 referendum petition pursuant to article V, section 1 (3) of the state
10 constitution, then the act, item, section, or part, shall not take effect
11 unless approved by the people at a biennial regular general election and
12 shall take effect on the date specified in subsection (1) or on the date of
13 the official declaration of the vote thereon by proclamation of the
14 governor, whichever is later.

15 (3) The provisions of this act shall apply to acts occurring on or
16 after the applicable effective date of this act.