

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

DRAFT

LLS NO. 20-0897.01 Jennifer Berman x3286

HOUSE BILL

HOUSE SPONSORSHIP

Arndt, Valdez D., Van Winkle

SENATE SPONSORSHIP

Moreno, Tate, Woodward, Zenzinger

House Committees

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

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

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

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

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

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

Sections 6 and 7 make conforming amendments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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