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Seventy-third General Assembly  
STATE OF COLORADO

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LLS NO. 21-0263.01 Jason Gelender x4330

SENATE BILL

SENATE SPONSORSHIP

Fenberg and Winter,

HOUSE SPONSORSHIP

Garnett and Gray,

**BILL TOPIC:** "Sustainability Of The Transportation System"

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 IMPACTS OF TRANSPORTATION  
109 SYSTEM USE; AND EXPANDING AUTHORITY FOR REGIONAL  
110 TRANSPORTATION IMPROVEMENTS.

Bill Summary

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

*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, supervision, and regulation 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 impacts and health impacts of transportation system use as follows:

- **Section 5** 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 of up to a specified amount to fund its business purpose. The governance and powers and duties of the community access enterprise are specified.
- **Section 6** 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 any additional general fund revenue made available due to the restoration of the Referendum C cap by **Section 7** of the bill.
- **Section 7** restores the excess state revenues (Referendum C) cap, which the general assembly reduced in 2017, to its maximum voter-approved level.
- **Section 10** 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 businesses and governmental entities that own or operate fleets of motor vehicles. The clean fleet enterprise is authorized to impose a clean fleet retail delivery fee and a clean fleet per ride fee that is to be paid by a transportation network company (TNC) on each ride offered and accepted by the TNC of up to a specified amount to fund its business purpose. The governance and powers and duties of the clean fleet enterprise are specified.

- **Section 22** 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 10 and 47, Both fees are first imposed for rides offered and accepted in state FY 2022-23 and are annually adjusted for consumer price index (CPI) inflation thereafter.
- **Section 23** 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 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 23 also imposes a commercial electric motor vehicle fee. The increase and new fee revenue is credited to the HUFF 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 F'S 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 HUFF 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, clean transit, and nonattainment area enterprise retail delivery fees imposed, respectively, by the community access, clean fleet, 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 HUFF 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 the department of revenue (DOR) on behalf of and credited to the cash fund controlled by the enterprise.

- **Sections 40, 41, and 43** 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. The bridge and tunnel impact fee is phased in from state F'S 2022-23 through 2031-32 and thereafter indexed to NHCCI inflation
- Section **42** 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 44 through 46** 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 47** 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 47** 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. **Sections 2 and 3** 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 4** requires 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 4 also specifies a methodology to be used by CEO, CDOT, and CDPHE to estimate the social costs of greenhouse gas pollution.

**Sections 8, 29, 39, and 48** 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 9** 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 13** clarifies that sales and use tax is not levied on the retail delivery fees imposed by or as authorized by the bill. **Sections 15-20** 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 24** creates the office of freight mobility is created in CDOT's transportation development division. **Section 25** requires CDOT 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 certificated taxi carrier parity study. **Section 26** allows some of the general fund money transferred to the state highway fund pursuant to **section 6** to be used for multimodal transportation projects. **Section 28** specifies the manner in which revenue credited to the HUFF s required by the bill is to be allocated and expended.

**Sections 31 through 38** 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 the department of transportation (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 42** 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.

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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, supervision, and regulation of  
7 a sustainable 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;

11 (II) Is safe, well-maintained, accessible, integrated, and  
12 multimodal;

13 (III) Is planned, funded designed, constructed, maintained,

1 supervised, and regulated in a way that:

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

5 (B) Equitably distributes the benefits and burdens of  
6 transportation infrastructure among both urban and rural users in the state  
7 and is funded adequately and equitably with contributions from users that  
8 bear a reasonable relationship to a user's use of and impacts on the system  
9 and the environment and the costs incurred in mitigating those impacts;

10 (C) Reduces and mitigates roadway wear and tear as well as  
11 adverse environmental impacts and human health impacts resulting from  
12 motor vehicle and other transportation related emissions by promoting  
13 the adoption of electric motor vehicles, electric alternatives to motor  
14 vehicles, and associated transportation technologies that do not rely on  
15 fossil fuels;

16 (IV) Addresses inequities in transportation access and the  
17 increased exposure to transportation related air pollution such as the  
18 impact on disproportionately impacted communities and communities  
19 near major roadways; and

20 (V) Incentivizes widespread adoption of clean and efficient  
21 transportation technology such as personal electric vehicles, motor  
22 vehicle fleet and transit electrification, and electric motor vehicle  
23 charging and fueling infrastructure.

24 (c) Although a sustainable transportation system is a public good  
25 that benefits all Coloradans and the state has intermittently expended  
26 general fund money to fund transportation infrastructure, transportation  
27 system user charges such as per gallon charges on motor fuels, motor



1 vehicle registration fees, and, increasingly, tolls have provided and  
2 continue to provide the vast majority of dedicated transportation funding;

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

6 (I) Such flat rate per gallon charges were last increased nearly  
7 three decades ago and are not indexed to inflation; and

8 (II) As internal combustion engines become more fuel efficient  
9 and use of electric motor vehicles increases, flat rate per gallon charges  
10 generate less revenue per vehicle mile traveled and do not accurately  
11 reflect the burden put on transportation infrastructure by more efficient  
12 vehicles.

13 (e) Due to the decreased purchasing power of current flat rate per  
14 gallon motor fuel charges, current sources of dedicated transportation  
15 funding have failed to adequately fund and will continue to fail to  
16 adequately fund both:

17 (I) The planning, development, construction, maintenance,  
18 supervision, and regulation of traditional highway transportation  
19 infrastructure needed to ensure that the transportation system has the  
20 capacity necessary and is in good enough condition to allow efficient  
21 movement of people, goods, and services in all parts of the state; and

22 (II) The multimodal infrastructure and other modern and  
23 innovative infrastructure, programs, and incentives needed to sufficiently  
24 reduce and mitigate the adverse environmental effects and health effects  
25 of transportation related air pollution and greenhouse gas emissions to  
26 create a sustainable transportation system;

27 (f) While it is necessary and appropriate to increase general fund



1 expenditures for transportation as provided for in this act, because the  
2 state has a myriad of other critical needs that require general fund money,  
3 it is also necessary, appropriate, and more equitable to continue to rely on  
4 transportation system user charges based on the costs users impose on the  
5 transportation system as the primary source of dedicated transportation  
6 funding;

7 (g) Because charges imposed on electric motor vehicles are  
8 annually applied whereas charges on motor vehicles powered by internal  
9 combustion engines are applied on a per gallon basis, it is necessary and  
10 appropriate to evaluate future opportunities to further equalize the  
11 average aggregate amount paid by owners of electric motor vehicles and  
12 motor vehicles powered by internal combustion engines, which  
13 opportunities may include through charges based on vehicle miles  
14 traveled, annual charges, or other charges.

15 (h) To ensure that transportation system user charges are imposed  
16 reasonably and equitably on transportation system users and at adequate  
17 levels for the funding of a sustainable transportation system, it is  
18 necessary, appropriate, equitable, and in the best interest of all  
19 Coloradans to:

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

22 (II) Increase motor vehicle registration fees imposed on electric  
23 motor vehicles to equalize the average aggregate amount of registration  
24 fees and motor fuel charges annually paid by owners of electric motor  
25 vehicles and owners of motor vehicles powered by internal combustion  
26 engines and index those fees to inflation;

27 (III) Impose new retail delivery fees on each delivery made to a

1 consumer who makes a retail purchase of tangible personal property for  
2 delivery to the consumer's home or business and index those fees to  
3 inflation because:

4 (A) Rising demand for retail deliveries has increased and will  
5 continue to increase usage and wear and tear on transportation  
6 infrastructure and, as documented by the World Economic Forum and  
7 also reported by many other organizations, has also increased and will  
8 continue to increase traffic congestion, motor vehicle emissions, and  
9 associated adverse environmental impacts and health impacts;

10 (B) Imposing reasonably calculated retail delivery fees on each  
11 retail delivery made to a consumer helps to ensure that consumers pay  
12 their fair share for the impacts of their use of the transportation system  
13 and generates the revenue needed to mitigate the impact of retail  
14 deliveries on transportation system infrastructure and reduce and mitigate  
15 retail delivery related environmental impacts and health impacts;

16 (IV) Impose new fees on passenger rides arranged through a  
17 transportation network company and index those fees to inflation  
18 because:

19 (A) Such rides result in substantially more air pollution and  
20 greenhouse gas pollution from motor vehicle emissions than the  
21 alternative forms of transportation not used for the same trips, with the  
22 Union of Concerned Scientists estimating that the average ride arranged  
23 in the United States causes sixty-nine percent more greenhouse gas  
24 pollution than the alternative form of transportation not used due to  
25 factors such as deadhead miles driven without a passenger and  
26 displacement of walking, biking, and transit trips; and

27 (B) Imposing reasonably calculated per ride fees on each

1 passenger ride arranged through a transportation network company helps  
2 to ensure that transportation network companies pay their fair share of the  
3 costs of reducing and mitigating the increased environmental impacts and  
4 health impacts of such prearranged rides;

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

9 (i) Because greenhouse gas pollution resulting from the  
10 production, distribution, and use of motor vehicle fuels produces many  
11 social costs, including but not limited to adverse public health impacts,  
12 increased heat waves, droughts and water supply shortages, flooding,  
13 biodiversity loss, and forest health issues such as forest fires, and also  
14 adversely impacts specific industries such as agriculture and outdoor  
15 recreation, it is necessary and appropriate that the state, when estimating  
16 the social costs of greenhouse gas pollution, estimate those costs as  
17 accurately as possible and that the methodology to be used by the state  
18 when making such estimates be specified by law as provided for in this  
19 act; and

20 (j) (I) As part of its national infrastructure funding plan, the  
21 federal government may provide a significant amount of funding to the  
22 state for public transit, rail, and other forms of multimodal transportation  
23 and for the purpose of modernizing the state transportation system so that  
24 the system can support the widespread adoption of electric motor vehicles  
25 and otherwise be modified and improved to minimize and mitigate its  
26 adverse environmental impacts and health impacts.

27 (II) If the state receives such federal funding, the general assembly

1 intends that the state executive branch departments and agencies that are  
2 involved in the planning, funding, development, construction,  
3 maintenance, supervision, and regulation of a sustainable transportation  
4 system evaluate whether, without reducing the total amount of such  
5 revenue dedicated to mitigation of the adverse environmental impacts and  
6 health impacts of the state transportation system, the allocation of revenue  
7 generated by the fees imposed as authorized by this act should be  
8 modified. If it is determined that the allocation should be modified, the  
9 general assembly intends that recommendations be made to the general  
10 assembly regarding the modifications that should be made.

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

12 (a) The planning, funding, development, construction,  
13 maintenance, supervision, and regulation of a sustainable transportation  
14 system requires the implementation of a comprehensive regulatory  
15 scheme that appropriately balances and funds the necessary elements of  
16 such a system, including but not limited to:

17 (I) The construction, maintenance, and supervision of highways  
18 and traditional highway infrastructure; and

19 (II) The infrastructure, programs, and incentives needed to support  
20 the widespread adoption of electric motor vehicles for personal,  
21 commercial, and government use and, by doing so and through other  
22 appropriate means, minimize and mitigate the adverse environmental  
23 impacts and health impacts of transportation related air pollution and  
24 greenhouse gas pollutant emissions that affect the general public but more  
25 severely affect disproportionately impacted communities;

26 (b) The implementation of the comprehensive regulatory scheme  
27 depends, at a minimum, on the institutional and individual knowledge,

1 expertise, and experience of the Colorado energy office, the department  
2 of transportation, the department of public health and environment, the  
3 department of revenue, other organizations and individuals interested in  
4 a sustainable transportation system, and the general public;

5 (c) It is necessary and appropriate to coordinate the  
6 implementation of the comprehensive regulatory scheme by:

7 (I) Providing additional sustainable funding for the construction,  
8 maintenance, and supervision of traditional highway infrastructure by the  
9 department of transportation, counties, and municipalities and for  
10 multimodal transportation projects;

11 (II) Creating and funding a community access enterprise, a clean  
12 fleet enterprise, a clean transit enterprise, and a nonattainment area air  
13 pollution mitigation enterprise, each of which uses its distinctive  
14 competencies to contribute in a distinct way to the implementation of the  
15 comprehensive regulatory scheme to support a sustainable transportation  
16 system and each of which has a governing board that includes members  
17 selected in part based on knowledge, expertise, or experience deemed  
18 specifically relevant to the development and use of the distinctive  
19 competencies of the enterprise and the individual mission of the  
20 enterprise;

21 (d) The community access enterprise, the clean fleet enterprise,  
22 the clean transit enterprise, and the nonattainment area air pollution  
23 mitigation enterprise, created in this act have distinctive competencies  
24 and are each charged with implementing different components of the  
25 comprehensive regulatory scheme required for the planning, funding,  
26 development, construction, maintenance, supervision, and regulation of  
27 a sustainable transportation system. Specifically:

1 (I) The community access enterprise is created to serve the  
2 primary business purpose of equitably reducing and mitigating the  
3 adverse environmental impacts and health impacts of air pollution and  
4 greenhouse gas emissions produced by motor vehicles used to make retail  
5 deliveries to consumers within communities. The enterprise will support  
6 the adoption of electric motor vehicles and electric alternatives to motor  
7 vehicles at the community level, INCLUDING BUT NOT LIMITED TO  
8 disproportionately impacted communities throughout the state, and will  
9 pursue its primary business purpose by, at a minimum, providing funding  
10 or financing to:

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

14 (B) Providing financial incentives and assistance, especially in  
15 disproportionately impacted communities, that make it possible for  
16 owners of older, less fuel efficient, and higher polluting vehicles to  
17 replace those motor vehicles with electric motor vehicles and encourage  
18 use of electric alternatives to motor vehicles and public transit.

19 (II) The clean fleet enterprise is created to serve the primary  
20 business purpose of reducing and mitigating the adverse environmental  
21 impacts and health impacts of air pollution and greenhouse gas emissions  
22 produced by transportation network companies by supporting the  
23 electrification of their fleets and other fleets owned or operated by  
24 businesses and governments, and the enterprise will support the  
25 electrification of motor vehicle fleets and pursue its primary business  
26 purpose by, at a minimum, providing funding or financing to:

27 (A) Help owners and operators of motor vehicle fleets finance

1 electric motor vehicle acquisitions and upgrades and construction or  
2 installation of specialized electric motor vehicle charging and hydrogen  
3 refueling infrastructure;

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

7 (C) Provide or support the delivery of companion services such as  
8 fleet motor vehicle testing, inspection, and readjustment services.

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

19 (IV) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION  
20 ENTERPRISE IS CREATED TO SERVE THE PRIMARY BUSINESS PURPOSE OF  
21 MITIGATE THE ENVIRONMENTAL IMPACTS AND HEALTH IMPACTS OF  
22 INCREASED AIR POLLUTION FROM MOTOR VEHICLE EMISSIONS IN  
23 NONATTAINMENT AREAS THAT RESULTS FROM THE RAPID AND CONTINUING  
24 GROWTH IN RETAIL DELIVERIES MADE BY MOTOR VEHICLES AND IN  
25 PREARRANGED RIDES PROVIDED BY TRANSPORTATION NETWORK  
26 COMPANIES BY PROVIDING FUNDING FOR ELIGIBLE PROJECTS THAT REDUCE  
27 TRAFFIC CONGESTION, INCLUDING DEMAND MANAGEMENT PROJECTS THAT



1 ENCOURAGE ALTERNATIVES TO DRIVING ALONE, AND THEREBY REDUCE  
2 TRAVEL DELAYS, ENGINE IDLE TIME, AND UNPRODUCTIVE FUEL  
3 CONSUMPTION OR THAT DIRECTLY REDUCE EMISSIONS BY MEANS SUCH AS  
4 RETROFITTING OF CONSTRUCTION EQUIPMENT.

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

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

18 (g) Consistent with the determination of the Colorado supreme  
19 court in *Colorado Union of Taxpayers v. City of Aspen*, 2018 CO 36, that  
20 a charge is not a tax if the primary purpose of the charge is to not to raise  
21 revenue for general governmental purposes but is instead to defray some  
22 of the costs of regulating an activity under a comprehensive regulatory  
23 scheme, the charges imposed by the state and by each enterprise as  
24 authorized by this act are fees, not taxes, because each fee is collected  
25 from transportation system users for the primary purpose of defraying the  
26 costs of mitigating the impact caused by the transportation system user  
27 when engaging in the activity that is subject to the fee in an amount

1 reasonably related to the impacts caused by the activity subject to the fee  
2 and the amount expended to mitigate that impact.

3 **SECTION 2.** In Colorado Revised Statutes, 24-1-119, **add** (13)  
4 as follows:

5 **24-1-119. Department of public health and environment -**  
6 **creation.** (13) THE CLEAN FLEET ENTERPRISE, CREATED BY SECTION  
7 25-7.5-103, SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF  
8 THE SAME WERE TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN  
9 SECTION 24-1-105, TO THE DEPARTMENT OF PUBLIC HEALTH AND  
10 ENVIRONMENT.

11 **SECTION 3.** In Colorado Revised Statutes, 24-1-128.7, **add** (9)  
12 and (10) as follows:

13 **24-1-128.7. Department of transportation - creation.** (9) THE  
14 CLEAN TRANSIT ENTERPRISE, CREATED IN SECTION 43-4-1203, SHALL  
15 EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF THE SAME WERE  
16 TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN SECTION 24-1-105,  
17 TO THE DEPARTMENT OF TRANSPORTATION.

18 (10) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION  
19 ENTERPRISE, CREATED IN SECTION 43-4-1303, SHALL EXERCISE ITS POWERS  
20 AND PERFORM ITS DUTIES AS IF THE SAME WERE TRANSFERRED BY A **TYPE**  
21 **1** TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE DEPARTMENT OF  
22 TRANSPORTATION.

23 **SECTION 4.** In Colorado Revised Statutes, **add** 24-38.5-110 and  
24 24-38.5-111 as follows:

25 **24-38.5-110. Electric vehicle plan and greenhouse gas**  
26 **pollution reduction roadmap - annual progress reports.** FOR STATE  
27 FISCAL YEAR 2022-23 AND FOR EACH SUBSEQUENT STATE FISCAL YEAR,

1 THE COLORADO ENERGY OFFICE AND THE DEPARTMENT OF PUBLIC HEALTH  
2 AND ENVIRONMENT SHALL, AFTER CONSULTATION WITH THE DEPARTMENT  
3 OF TRANSPORTATION, JOINTLY PREPARE AND PRESENT TO THE  
4 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND  
5 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE  
6 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY  
7 SUCCESSOR COMMITTEES, AN ANNUAL REPORT DETAILING THE PROGRESS  
8 MADE TOWARD THE ELECTRIC MOTOR VEHICLE ADOPTION GOALS SET  
9 FORTH IN THE "COLORADO ELECTRIC VEHICLE PLAN 2020" AND THE  
10 TRANSPORTATION SECTOR GREENHOUSE GAS POLLUTION REDUCTION  
11 GOALS SET FORTH IN THE "COLORADO GREENHOUSE GAS POLLUTION  
12 REDUCTION ROADMAP", PUBLISHED BY THE COLORADO ENERGY OFFICE.  
13 THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION 24-38.5-303  
14 (1) AND THE CLEAN FLEET ENTERPRISE CREATED IN SECTION 25-7.5-103  
15 (1)(a) SHALL ALSO POST THE ANNUAL REPORT ON THEIR WEBSITES.

16 **24-38.5-111. Social cost of greenhouse gas pollution - estimate**  
17 **methodology.** EXCEPT WHERE A DIFFERENT METHODOLOGY IS  
18 PRESCRIBED BY LAW, THE COLORADO ENERGY OFFICE, THE DEPARTMENT  
19 OF TRANSPORTATION, AND THE DEPARTMENT OF PUBLIC HEALTH AND  
20 ENVIRONMENT SHALL, WHEN ESTIMATING THE SOCIAL COSTS OF  
21 GREENHOUSE GAS POLLUTION, BASE ITS ESTIMATE ON THE MOST RECENT  
22 ASSESSMENT OF THE SOCIAL COST OF CARBON DIOXIDE AND OTHER  
23 GREENHOUSE GAS POLLUTANTS DEVELOPED BY THE FEDERAL  
24 GOVERNMENT USING A DISCOUNT RATE THAT IS TWO AND ONE-HALF  
25 PERCENT OR LESS AND DOES NOT YIELD A LOWER ESTIMATE OF COSTS  
26 THAN THE COSTS PUBLISHED IN THE TECHNICAL SUPPORT DOCUMENT OF  
27 THE FEDERAL INTERAGENCY WORKING GROUP ON THE SOCIAL COST OF

1 GREENHOUSE GASES, ENTITLED "TECHNICAL UPDATE OF THE SOCIAL COST  
2 OF CARBON FOR REGULATORY IMPACT ANALYSIS UNDER EXECUTIVE  
3 ORDER 12866".

4 **SECTION 5.** In Colorado Revised Statutes, **add** part 3 to article  
5 38.5 of title 24 as follows:

6 PART 3

7 COMMUNITY ACCESS TO ELECTRIC VEHICLE  
8 CHARGING AND FUELING INFRASTRUCTURE

9 **24-38.5-301. Legislative declaration.** (1) THE GENERAL  
10 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

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

13 (b) THE MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES ARE  
14 SOME OF THE MOST POLLUTING VEHICLES ON THE ROAD, WHICH HAS  
15 RESULTED IN ADDITIONAL AND INCREASING AIR AND GREENHOUSE GAS  
16 POLLUTION AT THE LOCAL COMMUNITY LEVEL FROM IDLING DELIVERY  
17 VEHICLES IN NEIGHBORHOODS;

18 (c) THE ADVERSE HEALTH IMPACTS AND ENVIRONMENTAL IMPACTS  
19 OF INCREASED LOCAL EMISSIONS FROM MOTOR VEHICLES USED TO MAKE  
20 RETAIL DELIVERIES CAN MITIGATED AND OFFSET BY INVESTING IN THE  
21 CHARGING AND FUELING INFRASTRUCTURE NEEDED TO SUPPORT  
22 WIDESPREAD PUBLIC ADOPTION OF ELECTRIC MOTOR VEHICLES AND ZERO  
23 EMISSION VEHICLES AND BY REPLACING THE STATE'S DIRTIEST PASSENGER  
24 VEHICLES WITH ZERO EMISSION VEHICLES;

25 (d) INSTEAD OF REDUCING THE IMPACTS OF RETAIL DELIVERIES BY  
26 LIMITING RETAIL DELIVERY ACTIVITY THROUGH REGULATION, IT IS MORE  
27 APPROPRIATE TO CONTINUE TO ALLOW PERSONS WHO RECEIVE RETAIL

1 DELIVERIES TO BENEFIT FROM THE CONVENIENCE AFFORDED BY  
2 UNFETTERED RETAIL DELIVERIES AND INSTEAD IMPOSE A SMALL FEE ON  
3 EACH RETAIL DELIVERY AND USE FEE REVENUE TO FUND NECESSARY  
4 MITIGATION ACTIVITIES.

5 (a) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF  
6 THE STATE AND ALL COLORADANS TO INCENTIVIZE, SUPPORT, AND  
7 ACCELERATE THE USE OF ELECTRIC MOTOR VEHICLES THROUGHOUT THE  
8 STATE AND TO ENABLE THE STATE TO ACHIEVE ITS ELECTRIC MOTOR  
9 VEHICLE ADOPTION GOALS AS SET FORTH IN THE COLORADO ENERGY  
10 OFFICE'S "COLORADO ELECTRIC VEHICLE PLAN 2020" BECAUSE  
11 WIDESPREAD ADOPTION OF ELECTRIC MOTOR VEHICLES:

12 (I) REDUCES EMISSIONS OF AIR POLLUTANTS, INCLUDING  
13 HAZARDOUS AIR POLLUTANTS AND GREENHOUSE GASES, THAT  
14 CONTRIBUTE TO ADVERSE ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT  
15 LIMITED TO CLIMATE CHANGE, AND ADVERSE HUMAN HEALTH EFFECTS  
16 SUCH AS ASTHMA, HEART ATTACKS, AND LUNG CANCER AND HELPS THE  
17 STATE MEET ITS STATEWIDE GREENHOUSE GAS POLLUTION REDUCTION  
18 TARGETS ESTABLISHED IN SECTION 25-7-102 (2)(g) AND ITS  
19 TRANSPORTATION SECTOR GREENHOUSE GAS POLLUTION REDUCTION  
20 TARGETS ESTABLISHED IN THE COLORADO ENERGY OFFICE'S "COLORADO  
21 GREENHOUSE GAS POLLUTION REDUCTION ROADMAP" AND COMPLY WITH  
22 AIR QUALITY ATTAINMENT STANDARDS;

23 (II) HELPS BUSINESSES AND GOVERNMENTAL ENTITIES OPERATE  
24 MORE EFFICIENTLY AND HELPS INDIVIDUALS AND FAMILIES SAVE MONEY  
25 OVER TIME BY REDUCING FUEL AND MAINTENANCE COSTS ASSOCIATED  
26 WITH THE USE OF MOTOR VEHICLES; AND

27 (III) REDUCES THE SOCIAL COSTS OF GREENHOUSE GAS EMISSIONS

1 ANDEMISSIONS OF OTHER AIR POLLUTANTS BY REDUCING SUCH EMISSIONS;

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

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

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

25 (a) TO INCENTIVIZE, SUPPORT, AND ACCELERATE THE  
26 CONSTRUCTION OF ELECTRIC MOTOR VEHICLE CHARGING AND FUELING  
27 INFRASTRUCTURE IN COMMUNITIES THROUGHOUT THE STATE;

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

22 (b) THE SPECIFIC FOCUS OF THE ENTERPRISE IS THE EQUITABLE  
23 REDUCTION AND MITIGATION OF THE ADVERSE ENVIRONMENTAL IMPACTS  
24 AND HEALTH IMPACTS OF AIR POLLUTION AND GREENHOUSE GAS  
25 EMISSIONS AT THE COMMUNITY LEVEL PRODUCED BY MOTOR VEHICLES  
26 USED TO MAKE RETAIL DELIVERIES TO CONSUMERS WITHIN COMMUNITIES  
27 BY SUPPORT THE ADOPTION OF ELECTRIC MOTOR VEHICLES AND ELECTRIC



1 ALTERNATIVES TO MOTOR VEHICLES AT THE COMMUNITY LEVEL,  
2 INCLUDING BUT NOT LIMITED TO WITHIN DISPROPORTIONATELY IMPACTED  
3 COMMUNITIES THROUGHOUT THE STATE;

4 (c) THE ENTERPRISE PROVIDES BUSINESS SERVICES WHEN, IN  
5 EXCHANGE FOR THE PAYMENT OF COMMUNITY ACCESS RETAIL DELIVERY  
6 FEES BY PURCHASERS OF TANGIBLE PERSONAL PROPERTY FOR RETAIL  
7 DELIVERY, IT INVESTS IN TRANSPORTATION INFRASTRUCTURE, MAKES  
8 GRANTS, OR PROVIDES REBATES OR OTHER FINANCING OPTIONS TO  
9 MITIGATE THE IMPACTS ON COMMUNITIES OF RESIDENTIAL AND  
10 COMMERCIAL DELIVERIES ON THE STATE'S TRANSPORTATION  
11 INFRASTRUCTURE, AIR QUALITY, AND EMISSIONS BY:

12 (I) FUNDING THE CONSTRUCTION OF ELECTRIC MOTOR VEHICLE  
13 CHARGING INFRASTRUCTURE THAT SUPPORTS THE USE OF CLEAN AND  
14 QUIET ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR VEHICLES USED TO  
15 MAKE RETAIL DELIVERIES;

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

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

1 (IV) CONTRIBUTING TO THE COMPREHENSIVE REGULATORY  
2 SCHEME REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT,  
3 CONSTRUCTION, MAINTENANCE, SUPERVISION, AND REGULATION OF A  
4 SUSTAINABLE TRANSPORTATION SYSTEM; AND

5 (V) PROVIDING ADDITIONAL BUSINESS SERVICES TO FEE PAYERS AS  
6 MAY BE PROVIDED BY LAW;

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

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

20 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE  
21 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE BUSINESS SERVICES  
22 SPECIFIED IN THIS SECTION, INCLUDING MITIGATING IMPACTS TO SURFACE  
23 TRANSPORTATION INFRASTRUCTURE, AIR QUALITY, AND GREENHOUSE GAS  
24 EMISSIONS AND BY CONTRIBUTING TO THE IMPLEMENTATION OF THE  
25 COMPREHENSIVE REGULATORY SCHEME REQUIRED FOR THE PLANNING,  
26 FUNDING, DEVELOPMENT, CONSTRUCTION, MAINTENANCE, SUPERVISION,  
27 AND REGULATION OF A SUSTAINABLE TRANSPORTATION SYSTEM, TO FEE

1 PAYERS; AND  
2 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED  
3 BASED ON THE COST OF REMEDIATING IMPACTS AND THE BENEFITS  
4 RECEIVED BY THOSE ENTITIES AND THE COSTS OF THE OTHER SERVICES  
5 THAT THE ENTERPRISE PROVIDES; AND

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

15 **24-38.5-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE  
16 CONTEXT OTHERWISE REQUIRES:

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

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

23 (3) (a) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A  
24 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN  
25 ACCORDANCE WITH THE MOST RECENT UNITED STATES CENSUS, WHERE  
26 THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME IS GREATER  
27 THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS THAT IDENTIFY

1 AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE PROPORTION OF  
2 HOUSEHOLDS THAT ARE HOUSING COST BURDENED IS GREATER THAN  
3 FORTY PERCENT.

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

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

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

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

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

17 (6) "ENTERPRISE" MEANS THE COMMUNITY ACCESS ENTERPRISE  
18 CREATED IN SECTION 24-38.5-303 (1).

19 (7) "FUND" MEANS THE COMMUNITY ACCESS ENTERPRISE FUND  
20 CREATED IN SECTION 24-38.5-303 (5)

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

25 (9) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR  
26 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL  
27 THAT USES HYDROGEN GAS AS FUEL.

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

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

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

18           (13) "MOTOR VEHICLE" HAS THE MEANING SET FORTH IN SECTION  
19 42-1-102 (58). THE TERM DOES NOT INCLUDE A PERSONAL DELIVERY  
20 DEVICE.

21           (14) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY  
22 OPERATED ROBOT THAT IS:

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

27           (II) WEIGHS NO MORE THAN FIVE HUNDRED FIFTY POUNDS,

1 EXCLUDING ANY TANGIBLE PERSONAL PROPERTY BEING TRANSPORTED;  
2 AND

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

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

11 (16) "RETAILER" HAS THE SAME MEANING AS SET FORTH IN  
12 SECTION 39-26-102 (8).

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 THIS STATE, WHICH SALE  
17 INCLUDES AT LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS  
18 SUBJECT TO TAXATION UNDER ARTICLE 26 OF TITLE 39.

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

21 (19) "TANGIBLE PERSONAL PROPERTY" HAS THE SAME MEANING AS  
22 SET FORTH IN SECTION 39-26-102 (15).

23 **24-38.5-303. Community access enterprise - creation - board**  
24 **- powers and duties - fund - fee - transparency and reporting.**

25 (1) THE COMMUNITY ACCESS ENTERPRISE IS HEREBY CREATED IN THE  
26 COLORADO ENERGY OFFICE. THE ENTERPRISE IS AND OPERATES AS A  
27 GOVERNMENT-OWNED BUSINESS WITHIN THE OFFICE TO EXECUTE ITS

1 BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION BY  
2 EXERCISING THE POWERS AND PERFORMING THE DUTIES SET FORTH IN THIS  
3 SECTION.

4 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF  
5 SEVEN MEMBERS AS FOLLOWS:

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

21 (II) THE EXECUTIVE DIRECTOR OF THE COLORADO ENERGY OFFICE  
22 OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

23 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC  
24 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE;  
25 AND;

26 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
27 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE.



1           (b) THE MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR  
2 SERVE FOR TERMS OF FOUR YEARS; EXCEPT THAT TWO OF THE MEMBERS  
3 INITIALLY APPOINTED SHALL SERVE FOR INITIAL TERMS OF THREE YEARS.  
4 A MEMBER WHO IS APPOINTED BY THE GOVERNOR TO FILL A VACANCY ON  
5 THE BOARD SHALL SERVE THE REMAINDER OF THE UNEXPIRED TERM OF  
6 THE FORMER MEMBER. THE OTHER BOARD MEMBERS SERVE FOR AS LONG  
7 AS THEY HOLD THEIR EXECUTIVE DIRECTOR POSITIONS OR ARE  
8 DESIGNATED TO SERVE BY AN EXECUTIVE DIRECTOR.

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

13           (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO SUPPORT THE  
14 WIDESPREAD ADOPTION OF ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR  
15 VEHICLES THAT ORIGINALLY WERE POWERED BY FOSSIL FUELS BUT HAVE  
16 BEEN CONVERTED INTO ELECTRIC MOTOR VEHICLES, IN AN EQUITABLE  
17 MANNER BY DIRECTLY INVESTING IN TRANSPORTATION INFRASTRUCTURE,  
18 MAKING GRANTS OR PROVIDING REBATES OR OTHER FINANCING OPTIONS  
19 TO FUND THE CONSTRUCTION OF ELECTRIC MOTOR VEHICLE CHARGING  
20 INFRASTRUCTURE THROUGHOUT THE STATE, AND INCENTIVIZING THE  
21 ACQUISITION AND USE OF ELECTRIC MOTOR VEHICLES AND ELECTRIC  
22 ALTERNATIVES TO MOTOR VEHICLES IN COMMUNITIES, INCLUDING BUT NOT  
23 LIMITED TO DISPROPORTIONATELY IMPACTED COMMUNITIES. TO ALLOW  
24 THE ENTERPRISE TO ACCOMPLISH THIS BUSINESS PURPOSE AND FULLY  
25 EXERCISE ITS POWERS AND DUTIES THROUGH THE BOARD, THE ENTERPRISE  
26 MAY:

27           (a) IMPOSE A COMMUNITY ACCESS RETAIL DELIVERY FEE AS

1 AUTHORIZED BY SUBSECTION (7) OF THIS SECTION;

2 (b) INVEST IN TRANSPORTATION INFRASTRUCTURE PROGRAMS AS

3 AUTHORIZED BY SUBSECTION (8) OF THIS SECTION; AND

4 (c) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUE AND

5 OTHER AVAILABLE MONEY OF THE ENTERPRISE.

6 (4) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES

7 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT

8 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS

9 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL

10 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT

11 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (4), THE

12 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE

13 CONSTITUTION.

14 (5) (a) THE COMMUNITY ACCESS ENTERPRISE FUND IS HEREBY

15 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF COMMUNITY

16 ACCESS RETAIL DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT

17 TO SUBSECTION (7) OF THIS SECTION, ANY MONETARY GIFTS, GRANTS,

18 DONATIONS, OR OTHER PAYMENTS RECEIVED BY THE ENTERPRISE, ANY

19 FEDERAL MONEY THAT MAY BE CREDITED TO THE FUND, AND ANY OTHER

20 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER

21 TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND

22 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE

23 FUND TO THE FUND. MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED

24 TO THE ENTERPRISE AND MAY BE EXPENDED TO PROVIDE GRANTS AND

25 REBATES, PAY ITS REASONABLE AND NECESSARY OPERATING EXPENSES,

26 INCLUDING THE REPAYMENT OF ANY LOAN RECEIVED PURSUANT TO

27 SUBSECTION (5)(b) OF THIS SECTION, AND OTHERWISE EXERCISE ITS

1 POWERS AND PERFORM ITS DUTIES AS AUTHORIZED BY THIS PART 3.  
2 (b) THE COLORADO ENERGY OFFICE MAY TRANSFER MONEY FROM  
3 THE CLEAN ENERGY FUND CREATED IN SECTION 24-38.5-102.4 TO THE  
4 ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE  
5 ENTERPRISE BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND  
6 PROCEEDS. THE ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEY SO  
7 TRANSFERRED, AND, NOTWITHSTANDING ANY STATE FISCAL RULE OR  
8 GENERALLY ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE  
9 BE INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, SUCH A  
10 TRANSFER IS A LOAN FROM THE COLORADO ENERGY OFFICE TO THE  
11 ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR  
12 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE  
13 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY  
14 TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE  
15 COMMUNITY ACCESS ENTERPRISE INITIAL EXPENSES FUND, WHICH IS  
16 HEREBY CREATED IN THE STATE TREASURY, AND LOAN LIABILITIES THAT  
17 ARE RECORDED IN THE COMMUNITY ACCESS ENTERPRISE INITIAL  
18 EXPENSES FUND BUT WHICH ARE NOT REQUIRED TO BE PAID IN THE  
19 CURRENT FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING  
20 SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF SECTION  
21 24-75-109. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
22 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
23 COMMUNITY ACCESS ENTERPRISE INITIAL EXPENSES FUND TO THE FUND.  
24 THE COMMUNITY ACCESS ENTERPRISE INITIAL EXPENSES FUND IS  
25 CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSE OF  
26 DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES  
27 FEE REVENUE OR REVENUE BOND PROCEEDS. AS THE ENTERPRISE RECEIVES

1 SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE ENTERPRISE SHALL  
2 REIMBURSE THE CLEAN ENERGY FUND FOR THE PRINCIPAL AMOUNT OF ANY  
3 LOAN FROM THE CLEAN ENERGY FUND MADE BY THE COLORADO ENERGY  
4 OFFICE PLUS INTEREST AT A RATE SET BY THE COLORADO ENERGY OFFICE.

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

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

10 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND  
11 PERSONAL PROPERTY;

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

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

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

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

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

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

1 SHALL COLLECT AND ADMINISTER THE COMMUNITY ACCESS RETAIL  
2 DELIVERY FEE ON BEHALF OF THE ENTERPRISE IN THE SAME MANNER IN  
3 WHICH IT COLLECTS AND ADMINISTERS THE RETAIL DELIVERY FEE IMPOSED  
4 BY SECTION 43-4-218 (3).

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

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

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

1 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING THE  
2 STATE FISCAL YEAR.

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

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

9 (I) PUBLIC, WORKPLACE, TRANSPORTATION NETWORK COMPANY,  
10 AND MULTIFAMILY ELECTRIC VEHICLE CHARGERS;

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

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

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

18 (V) NETWORKS AND PLAZAS OF DIRECT CURRENT CHARGING  
19 INFRASTRUCTURE THAT OFFER FAST CHARGING FOR ELECTRIC MOTOR  
20 VEHICLES.

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

24 (c) TO SUPPORT THE ADOPTION OF ELECTRIC MOTOR VEHICLES IN  
25 COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY  
26 IMPACTED COMMUNITIES, INCLUDING BY INCENTIVIZING REPLACEMENT OF  
27 HIGH-EMITTING MOTOR VEHICLES WITH ELECTRIC MOTOR VEHICLES.

1           (9) THE ENTERPRISE SHALL CONTRACT WITH THE AIR POLLUTION  
2 CONTROL DIVISION OF THE DEPARTMENT OF PUBLIC HEALTH AND  
3 ENVIRONMENT TO DEVELOP PROPOSED RULES FOR THE CONSIDERATION OF  
4 THE AIR QUALITY CONTROL COMMISSION THAT WILL SUPPORT THE  
5 ENTERPRISE'S BUSINESS SERVICES IN A MANNER THAT MAINTAINS  
6 COMPLIANCE WITH THE FEDERAL AND STATE STATUTES AND REGULATIONS  
7 GOVERNING AIR QUALITY. THE DIVISION SHALL COLLABORATE WITH THE  
8 COLORADO ENERGY OFFICE AND THE DEPARTMENT OF TRANSPORTATION  
9 WHEN DEVELOPING THE RULES.

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

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

19           (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE  
20 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,  
21 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE  
22 IMPLEMENTATION OF ITS TEN-YEAR PLAN, THE FUNDING STATUS AND  
23 PROGRESS TOWARD COMPLETION OF EACH PROJECT THAT IT WHOLLY OR  
24 PARTLY FUNDS, AND ITS PER PROJECT AND TOTAL FUNDING AND  
25 EXPENDITURES;

26           (III) ENGAGE REGULARLY REGARDING ITS PROJECTS AND  
27 ACTIVITIES WITH THE PUBLIC, SPECIFICALLY REACHING OUT TO AND



1 SEEKING INPUT FROM COMMUNITIES, INCLUDING BUT NOT LIMITED TO  
2 DISPROPORTIONATELY IMPACTED COMMUNITIES, AND INTEREST GROUPS  
3 THAT ARE LIKELY TO BE INTERESTED IN THE PROJECTS AND ACTIVITIES;  
4 AND

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

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

20 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART  
21 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE  
22 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS  
23 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION  
24 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS  
25 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS  
26 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND  
27 LOCAL GOVERNMENTS COMBINED.

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

3 **SECTION 6.** In Colorado Revised Statutes, 24-75-219, **amend**  
4 (1)(g); **repeal** (2) and (5); and **add** (7) as follows:

5 **24-75-219. Transfers - transportation - capital construction -**  
6 **definitions - repeal.** (1) As used in this section, unless the context  
7 otherwise requires:

8 (g) "Multimodal transportation AND MITIGATION options fund"  
9 means the multimodal transportation AND MITIGATION options fund  
10 created in section 43-4-1103 (1).

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

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

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

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

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

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

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

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

25 ~~(I) Repealed.~~

26 ~~(II) Sixty million dollars from the general fund to the capital~~  
27 ~~construction fund.~~

1           ~~(c.7) On June 30, 2020, the state treasurer shall transfer:~~  
2           ~~(I) Repealed.~~  
3           ~~(II) Sixty million dollars from the general fund to the capital~~  
4           ~~construction fund.~~  
5           ~~(d) For each state fiscal year beginning on or after July 1, 2020,~~  
6           ~~the general assembly may appropriate or transfer, in its sole discretion,~~  
7           ~~moneys from the general fund to the highway users tax fund, the capital~~  
8           ~~construction fund, or both funds.~~  
9           ~~(e) Repealed.~~  
10          ~~(5) (a) On July 1, 2018, the state treasurer shall transfer a total~~  
11          ~~amount of four hundred ninety-five million dollars from the general fund~~  
12          ~~for the purposes of funding state and local transportation needs as~~  
13          ~~follows:~~  
14               ~~(I) Three hundred forty-six million five hundred thousand dollars~~  
15               ~~to the state highway fund;~~  
16               ~~(II) Seventy-four million two hundred fifty thousand dollars to the~~  
17               ~~highway users tax fund for allocation to counties and municipalities as~~  
18               ~~specified in section 43-4-205 (6.4); and~~  
19               ~~(III) Seventy-four million two hundred fifty thousand dollars to~~  
20               ~~the multimodal transportation options fund.~~  
21          ~~(b) On July 1, 2019, the state treasurer shall transfer a total~~  
22          ~~amount of one hundred fifty million dollars from the general fund for the~~  
23          ~~purposes of funding state and local transportation needs as follows:~~  
24               ~~(I) One hundred five million dollars to the state highway fund;~~  
25               ~~(II) Twenty-two million five hundred thousand dollars to the~~  
26               ~~highway users tax fund for allocation to counties and municipalities as~~  
27               ~~specified in section 43-4-205 (6.4); and~~

1           ~~(HH) Twenty-two million five hundred thousand dollars to the~~  
2 ~~multimodal transportation options fund.~~

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

6           ~~(5)(c) The state treasurer shall transfer fifty million dollars from~~  
7 ~~the general fund to the state highway fund on June 30, 2020. Except as~~  
8 ~~otherwise provided in subsection (5)(d) of this section and section~~  
9 ~~43-4-714 (2)(a), On June 30, 2023, and on each succeeding June 30~~  
10 ~~through June 30, 2040, the state treasurer shall transfer money from the~~  
11 ~~general fund to the state highway fund. as follows:~~

12           ~~(I) and (H) Repealed.~~

13           ~~(HH) (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 "No/Against", fifty million~~  
18 ~~dollars;~~

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

20           ~~(C) This subsection (5)(c)(HH) 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 "Yes/For";~~

26           ~~(D) This subsection (5)(c)(HH)(D) and subsection (5)(c)(HH)(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 "No/Against"; or~~

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

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

13 ~~(C) This subsection (5)(c)(IV) is repealed, effective January 1,~~  
14 ~~2022, if a ballot issue that authorizes the state to issue transportation~~  
15 ~~revenue anticipation notes is submitted to the registered electors of the~~  
16 ~~state for their approval or rejection at the November 2021 statewide~~  
17 ~~election pursuant to section 43-4-705 (13)(b) and a majority of the~~  
18 ~~electors voting on the ballot issue vote "No/Against";~~

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

26 ~~(d) (I) If the transportation commission allocates money from the~~  
27 ~~transportation revenue anticipation notes reserve account of the state~~

1 ~~highway fund pursuant to section 43-4-714 (2) during any state fiscal~~  
2 ~~year, the amount of any transfer required by subsection (5)(c)(IV)(A) of~~  
3 ~~this section is reduced by an amount equal to the amount of the allocation~~  
4 ~~from the account.~~

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

6 ~~(A) (Deleted by amendment, L. 2019.)~~

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

13 ~~(H) This subsection (5)(d)(H) and subsection (5)(d)(I) of this~~  
14 ~~section are repealed, effective January 1, 2022, if a ballot issue that~~  
15 ~~authorizes the state to issue transportation revenue anticipation notes is~~  
16 ~~submitted to the registered electors of the state for their approval or~~  
17 ~~rejection at the November 2021 statewide election pursuant to section~~  
18 ~~43-4-705 (13)(b) and a majority of the electors voting on the ballot issue~~  
19 ~~vote "Yes/For".~~

20 (7) IN ADDITION TO ANY OTHER TRANSFERS REQUIRED BY THIS  
21 SECTION:

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

24 (I) THREE HUNDRED TWENTY-NINE MILLION TEN THOUSAND  
25 DOLLARS FROM THE GENERAL FUND TO THE STATE HIGHWAY FUND;

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

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

4           (IV) AN ADDITIONAL EIGHT MILLION ONE HUNDRED SIXTY  
5 THOUSAND DOLLARS FROM THE GENERAL FUND TO THE STATE HIGHWAY  
6 FUND FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR THE  
7 REVITALIZING MAIN STREETS AND SAFER MAIN STREETS PROGRAMS OF THE  
8 DEPARTMENT OF TRANSPORTATION.

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

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

14           (I) TEN MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE  
15 GENERAL FUND TO THE MULTIMODAL TRANSPORTATION AND MITIGATION  
16 OPTIONS FUND; AND

17           (II) SEVEN MILLION DOLLARS FROM THE GENERAL FUND TO THE  
18 STATE HIGHWAY FUND FOR THE PURPOSE OF PROVIDING ADDITIONAL  
19 FUNDING FOR THE REVITALIZING MAIN STREETS AND SAFER MAIN STREETS  
20 PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION.

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

25           (e) (I) ON JUNE 30, 2022, THE STATE TREASURER SHALL TRANSFER  
26 FROM THE GENERAL FUND AN AMOUNT EQUAL TO THE LESSER OF FIFTY  
27 PERCENT OF THE AMOUNT BY WHICH REVENUE FOR THE 2020-21 STATE

1 FISCAL YEAR THAT IS SUBJECT TO THE EXCESS STATE REVENUES CAP, AS  
2 DEFINED IN SECTION 24-77-103.6 (6)(b), AND DOES NOT EXCEED THE CAP  
3 EXCEEDED WHAT THE CAP WOULD HAVE BEEN IF THE CAP HAD BEEN  
4 CALCULATED IN ACCORDANCE WITH LAW IN EFFECT IMMEDIATELY PRIOR  
5 TO THE ENACTMENT OF SENATE BILL 21-\_\_\_\_, ENACTED IN 2021, OR ONE  
6 HUNDRED FIFTEEN MILLION DOLLARS AS FOLLOWS:

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

9 (B) SIX PERCENT OF THE AMOUNT TO THE STATE HIGHWAY FUND  
10 FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR THE  
11 REVITALIZING MAIN STREETS AND SAFER MAIN STREETS PROGRAMS OF THE  
12 DEPARTMENT OF TRANSPORTATION

13 (II) ON JUNE 30, 2023, AND ON JUNE 30 OF EACH SUCCEEDING  
14 STATE FISCAL YEAR THROUGH JUNE 30, 2026, THE STATE TREASURER  
15 SHALL TRANSFER FROM THE GENERAL FUND AN AMOUNT EQUAL TO THE  
16 LESSER OF THE AMOUNT BY WHICH REVENUE FOR THE PRIOR STATE FISCAL  
17 YEAR THAT IS SUBJECT TO THE EXCESS STATE REVENUES CAP, AS DEFINED  
18 IN SECTION 24-77-103.6 (6)(b), AND DOES NOT EXCEED THE CAP FOR THE  
19 PRIOR STATE FISCAL YEAR IS ESTIMATED TO EXCEED WHAT THE CAP  
20 WOULD HAVE BEEN IF THE CAP HAD BEEN CALCULATED IN ACCORDANCE  
21 WITH LAW IN EFFECT IMMEDIATELY PRIOR TO THE ENACTMENT OF SENATE  
22 BILL 21-\_\_\_\_, ENACTED IN 2021, OR ONE HUNDRED FIFTEEN MILLION  
23 DOLLARS LESS THE CUMULATIVE AMOUNT OF ALL TRANSFERS PREVIOUSLY  
24 MADE PURSUANT TO THIS SUBSECTION (7)(e) AS FOLLOWS:

25 (A) NINETY-FOUR PERCENT OF THE AMOUNT TO THE MULTIMODAL  
26 TRANSPORTATION OPTIONS FUND; AND

27 (B) SIX PERCENT OF THE AMOUNT TO THE STATE HIGHWAY FUND



1 FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR THE  
2 REVITALIZING MAIN STREETS AND SAFER MAIN STREETS PROGRAMS OF THE  
3 DEPARTMENT OF TRANSPORTATION.

4 **SECTION 7.** In Colorado Revised Statutes, 24-77-103.6, **amend**  
5 (6)(b)(I)(C) and (6)(b)(I)(D); and **add** (6)(b)(I)(E), (6)(b)(I)(F), and  
6 (6)(b)(I)(G) as follows:

7 **24-77-103.6. Retention of excess state revenues - general fund**  
8 **exempt account - required uses - excess state revenues legislative**  
9 **report - definitions.** (6) As used in this section:

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

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

17 (D) For the 2018-19 fiscal year, ~~and each succeeding fiscal year,~~  
18 the amount of the excess state revenues cap for the 2017-18 fiscal year  
19 calculated pursuant to subsection (6)(b)(I)(C) of this section, adjusted  
20 ~~each subsequent fiscal year~~ for inflation, the percentage change in state  
21 population, the qualification or disqualification of enterprises, and debt  
22 service changes;

23 (E) FOR THE 2019-20 FISCAL YEAR, THE AMOUNT OF THE EXCESS  
24 STATE REVENUES CAP FOR THE 2018-19 FISCAL YEAR CALCULATED  
25 PURSUANT TO SUBSECTION (6)(b)(I)(D) OF THIS SECTION, ADJUSTED FOR  
26 INFLATION, THE PERCENTAGE CHANGE IN STATE POPULATION, THE  
27 QUALIFICATION OR DISQUALIFICATION OF ENTERPRISES, AND DEBT SERVICE

1 CHANGES;

2 (F) FOR THE 2020-21 FISCAL YEAR, AN AMOUNT THAT IS EQUAL TO

3 THE EXCESS STATE REVENUES CAP FOR THE 2019-20 FISCAL YEAR

4 CALCULATED PURSUANT TO SUBSECTION (6)(b)(I)(E) OF THIS SECTION,

5 ADJUSTED FOR INFLATION, THE PERCENTAGE CHANGE IN STATE

6 POPULATION, THE QUALIFICATION OR DISQUALIFICATION OF ENTERPRISES,

7 AND DEBT SERVICE CHANGES, PLUS TWO HUNDRED TWENTY-FOUR MILLION

8 NINE HUNDRED FIFTY-SEVEN THOUSAND SIX HUNDRED TWO DOLLARS; AND

9 (G) FOR THE 2021-22 FISCAL YEAR AND EACH SUCCEEDING FISCAL

10 YEAR, THE AMOUNT OF THE EXCESS STATE REVENUES CAP FOR THE

11 2020-21 FISCAL YEAR CALCULATED PURSUANT TO SUBSECTION (6)(b)(I)(F)

12 OF THIS SECTION, ADJUSTED EACH SUBSEQUENT FISCAL YEAR FOR

13 INFLATION, THE PERCENTAGE CHANGE IN STATE POPULATION, THE

14 QUALIFICATION OR DISQUALIFICATION OF ENTERPRISES, AND DEBT SERVICE

15 CHANGES.

16 **SECTION 8.** In Colorado Revised Statutes, 24-82-1303, **repeal**

17 **as they will become effective only if a ballot issue is proclaimed by the**

18 **governor** (2)(b) and (2)(d)(II) as follows:

19 **24-82-1303. Lease-purchase agreements for capital**

20 **construction and transportation projects.** (2) (b) ~~The anticipated~~

21 ~~annual state-funded payments for the principal and interest components~~

22 ~~of the amount payable under all lease-purchase agreements entered into~~

23 ~~pursuant to subsection (2)(a) of this section shall not exceed one hundred~~

24 ~~twelve million five hundred thousand dollars.~~

25 (d) Any lease-purchase agreement executed as required by

26 subsection (2)(a) of this section shall provide that all of the obligations of

27 the state under the agreement are subject to the action of the general

1 assembly in annually making money available for all payments  
2 thereunder. Payments under any lease-purchase agreement must be made,  
3 subject to annual allocation pursuant to section 43-1-113 by the  
4 transportation commission created in section 43-1-106 (1) or subject to  
5 annual appropriation by the general assembly, as applicable, from the  
6 following sources of money:

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

20 **SECTION 9.** In Colorado Revised Statutes, **add** 24-93-110 as  
21 follows:

22 **24-93-110. Department of transportation - additional**  
23 **requirements for integrated project delivery contracts - short-listing**  
24 **- transparency.** (1) THE DEPARTMENT OF TRANSPORTATION SHALL NOT  
25 EXCLUDE A PARTICIPATING ENTITY FROM A SHORT LIST, PREPARED AND  
26 ANNOUNCED BY THE DEPARTMENT AS REQUIRED BY SECTION 24-93-105  
27 (2), OF RESPONDING PARTICIPATING ENTITIES THAT HAVE BEEN

1 DETERMINED TO BE MOST QUALIFIED TO RECEIVE A REQUEST FOR  
2 PROPOSALS FOR AN IPD CONTRACT FOR A PUBLIC PROJECT BASED SOLELY  
3 ON THE PARTICIPATING ENTITY'S LACK OF EXPERIENCE IN DELIVERING A  
4 PUBLIC PROJECT IN THIS STATE BY THE IPD METHOD TO BE USED FOR THE  
5 PUBLIC PROJECT.

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

10 (I) HOLD PUBLIC MEETINGS WITH THE CONSTRUCTION INDUSTRY  
11 AND THE GENERAL PUBLIC TO DISCUSS THE JUSTIFICATION FOR SELECTING  
12 THE IPD METHOD. THE REQUIRED PUBLIC MEETINGS MAY BE HELD IN  
13 CONJUNCTION WITH OTHER REQUIRED PUBLIC MEETINGS ABOUT THE  
14 PROJECT OR AS STAND-ALONE MEETINGS.

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

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

20 (I) BEFORE BEGINNING THE PROCUREMENT PROCESS, PUBLISH ON  
21 THE DEPARTMENT'S WEBSITE, THE JUSTIFICATION FOR SELECTING THE IPD  
22 METHOD;

23 (II) DURING THE PROCUREMENT PROCESS, INCLUDE THE  
24 JUSTIFICATION FOR SELECTING THE IPD METHOD IN ANY REQUEST FOR  
25 QUALIFICATIONS, AND IN THE REQUEST FOR PROPOSALS;

26 (III) FOLLOWING THE AWARD OF THE IPD CONTRACT TO A  
27 PARTICIPATING ENTITY, PUBLISH ON THE DEPARTMENT'S WEBSITE THE

1 EVALUATION SCORES FOR EACH STEP OF THE IPD CONTRACT SOLICITATION  
2 PHASE FOR ALL SOLICITATIONS RECEIVED AND EVALUATED; AND

3 (IV) FROM THE TIME THE IPD CONTRACT IS EXECUTED UNTIL THE  
4 DEPARTMENT'S FINAL ACCEPTANCE OF THE COMPLETED PUBLIC PROJECT,  
5 PROVIDE MAINTAIN, AND UPDATE ON THE DEPARTMENT'S WEBSITE A  
6 TRANSPARENCY PLATFORM SUCH AS A DASHBOARD THAT INDICATES THE  
7 ONGOING STATUS OF THE PUBLIC PROJECT.

8 **SECTION 10.** In Colorado Revised Statutes, **add** article 7.5 to  
9 title 25 as follows:

10 **ARTICLE 7.5**

11 **Clean Motor Vehicle Fleet Support**

12 **25-7.5-101. Legislative declaration.** (1) THE GENERAL  
13 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

14 (a) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF  
15 THE STATE AND ALL COLORADANS TO INCENTIVIZE AND SUPPORT THE USE  
16 OF ELECTRIC MOTOR VEHICLES, AND, TO THE EXTENT TEMPORARILY  
17 NECESSITATED BY THE LIMITATIONS OF CURRENT ELECTRIC MOTOR  
18 VEHICLE TECHNOLOGY FOR CERTAIN FLEET USES, COMPRESSED NATURAL  
19 GAS MOTOR VEHICLES THAT PRODUCE FEWER EMISSIONS THAN GASOLINE  
20 OR DIESEL POWERED MOTOR VEHICLES, BY BUSINESSES AND  
21 GOVERNMENTAL ENTITIES THAT USE FLEETS OF MOTOR VEHICLES,  
22 INCLUDING FLEETS COMPOSED OF PERSONAL MOTOR VEHICLES OWNED BY  
23 INDIVIDUAL CONTRACTORS WHO PROVIDE PREARRANGED RIDES FOR  
24 TRANSPORTATION NETWORK COMPANIES OR MAKE RETAIL DELIVERIES,  
25 AND TO ENABLE THE STATE TO ACHIEVE ITS STATED ELECTRIC VEHICLE  
26 ADOPTION GOALS BECAUSE INCREASED USAGE OF ELECTRIC MOTOR  
27 VEHICLES IN MOTOR VEHICLE FLEETS:

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

15 (II) SPECIFICALLY REDUCES HIGHER LOCALIZED EMISSIONS OF SUCH  
16 AIR POLLUTANTS IN COMMUNITIES, INCLUDING BUT NOT LIMITED TO  
17 DISPROPORTIONATELY IMPACTED COMMUNITIES, WHERE:

18 (A) FLEET YARDS, WAREHOUSES, DISTRIBUTION CENTERS,  
19 REFINERIES, FUEL DEPOTS, WASTE FACILITIES, AND MAJOR INTERSTATE  
20 HIGHWAYS ARE LOCATED;

21 (B) USAGE OF FLEET MOTOR VEHICLES IS CONCENTRATED; AND

22 (C) RESIDENTS EXPERIENCE INCREASED RISKS OF AIR POLLUTION  
23 RELATED HEALTH IMPACTS SUCH AS ASTHMA, RESPIRATORY INFECTIONS,  
24 HEART DISEASE, AND LUNG CANCER; AND

25 (II) BY REDUCING FUEL AND MAINTENANCE COSTS, HELPS  
26 BUSINESSES AND GOVERNMENTAL ENTITIES OPERATE MORE EFFICIENTLY  
27 OVER TIME, ALLOWING THE COST SAVINGS TO BE REINVESTED IN BUSINESS

1 GROWTH OR USED FOR BENEFICIAL PUBLIC PURPOSES.

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

3 (a) TO INCENTIVIZE, SUPPORT, AND ACCELERATE THE ADOPTION OF

4 ELECTRIC MOTOR VEHICLES IN MOTOR VEHICLE FLEETS IN THE STATE AND

5 THEREBY MINIMIZE AND MITIGATE THE ENVIRONMENTAL AND HEALTH

6 IMPACTS OF THE TRANSPORTATION SYSTEM AND REAP THE

7 ENVIRONMENTAL, HEALTH, AND BUSINESS AND GOVERNMENTAL

8 OPERATIONAL EFFICIENCY BENEFITS THAT RESULT FROM MOTOR VEHICLE

9 FLEET ELECTRIFICATION, IT IS NECESSARY, APPROPRIATE, AND IN THE BEST

10 INTEREST OF THE STATE TO CREATE A CLEAN FLEET ENTERPRISE THAT CAN

11 PROVIDE SPECIALIZED BUSINESS SERVICES THAT HELP BUSINESSES AND

12 GOVERNMENTAL ENTITIES THAT OWN OR OPERATE FLEETS OF MOTOR

13 VEHICLES USE MORE ELECTRIC MOTOR VEHICLES, AND, TO THE EXTENT

14 TEMPORARILY NECESSITATED BY THE LIMITATIONS OF CURRENT ELECTRIC

15 MOTOR VEHICLE TECHNOLOGY FOR CERTAIN FLEET USES, MORE

16 COMPRESSED NATURAL GAS MOTOR VEHICLES, IN THEIR MOTOR VEHICLE

17 FLEETS.

18 (b) THE ENTERPRISE PROVIDES BUSINESS SERVICES WHEN, IN

19 EXCHANGE FOR THE PAYMENT OF FEES IT:

20 (I) PROVIDES FINANCING THROUGH GRANT PROGRAMS, REBATE

21 PROGRAMS, REVOLVING LOAN FUNDS OR ANY OTHER STRATEGIES THAT

22 THE BOARD FINDS EFFECTIVE;

23 (II) HELPS OWNERS AND OPERATORS OF MOTOR VEHICLE FLEETS

24 REDUCE THE UP-FRONT AND TOTAL COSTS OF USING MORE ELECTRIC

25 MOTOR VEHICLES, AND, TO THE EXTENT TEMPORARILY NECESSITATED BY

26 THE LIMITATIONS OF CURRENT ELECTRIC MOTOR VEHICLE TECHNOLOGY

27 FOR CERTAIN FLEET USES, MORE COMPRESSED NATURAL GAS MOTOR

- 1 VEHICLES, IN THEIR FLEETS;
- 2 (III) SUPPORTS COMPANION SERVICES SUCH AS TESTING,  
3 INSPECTION AND READJUSTMENT SERVICES;
- 4 (IV) PROVIDES OUTREACH, EDUCATION, OR TRAINING TO SUPPORT  
5 THE SUCCESSFUL APPLICATION AND PERFORMANCE OF ENTITIES RECEIVING  
6 FUNDS;
- 7 (V) SUPPORTS THE DEVELOPMENT OF A CLEAN TRANSPORTATION  
8 WORKFORCE THAT CAN SUPPORT BUSINESSES AS THEY TRANSITION TO  
9 USING MORE ELECTRIC MOTOR VEHICLES IN THEIR FLEETS;
- 10 (VI) ASSESSES AND SUPPORTS THE IMPLEMENTATION OF CLEANER  
11 AND MORE EFFICIENT COMMERCIAL VEHICLE TECHNOLOGY TO SUPPORT  
12 MOTOR VEHICLE FLEET ELECTRIFICATION;
- 13 (VII) RESEARCHES AND DEVELOPS STRATEGIES, BUSINESS PLANS  
14 AND GUIDANCE TO SUPPORT THE CONSISTENT APPLICATION OF GRANTS  
15 AND OTHER ENTERPRISE BUSINESS SERVICES;
- 16 (VII) CONTRIBUTES TO THE COMPREHENSIVE REGULATORY  
17 SCHEME REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT,  
18 CONSTRUCTION, MAINTENANCE, SUPERVISION, AND REGULATION OF A  
19 SUSTAINABLE TRANSPORTATION SYSTEM; AND
- 20 (IX) PROVIDES ADDITIONAL BUSINESS SERVICES TO FEE PAYERS AS  
21 MAY BE PROVIDED BY LAW, INCLUDING BUT NOT LIMITED TO:
- 22 (A) INCENTIVIZING THE USE OF CLEAN MOBILE EQUIPMENT;
- 23 (B) PROVIDING PLANNING SERVICES TO SUPPORT COMMUNITIES,  
24 INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY IMPACTED  
25 COMMUNITIES; AND
- 26 (C) PROVIDING SCRAPPAGE SERVICES.
- 27 (c) BY PROVIDING BUSINESS SERVICES AS AUTHORIZED BY THIS



1 SECTION, THE CLEAN FLEET ENTERPRISE ENGAGES IN AN ACTIVITY  
2 CONDUCTED IN THE PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND  
3 THEREFORE OPERATES AS A BUSINESS;

4 (d) 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 FEES IMPOSED BY THE  
11 ENTERPRISE AS AUTHORIZED BY SECTION 25-7.5-103 (7) AND (8) ARE:

12 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE  
13 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE BUSINESS SERVICES  
14 SPECIFIED IN THIS SECTION TO FEE PAYERS; AND

15 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED  
16 BASED ON THE BENEFITS RECEIVED BY THOSE ENTITIES AND THE COSTS OF  
17 THE SERVICES, INCLUDING THE COSTS OF CONTRIBUTING TO THE  
18 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME  
19 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,  
20 MAINTENANCE, SUPERVISION, AND REGULATION OF A SUSTAINABLE  
21 TRANSPORTATION SYSTEM THAT THE ENTERPRISE PROVIDES; 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 FEES COLLECTED BY THE ENTERPRISE IS NOT STATE  
25 FISCAL 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)(D).

3 **25-7.5-102. Definitions.** AS USED IN THIS ARTICLE 7.5, UNLESS  
4 THE CONTEXT OTHERWISE REQUIRES:

5 (1) "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 (2) "BOARD" MEANS THE GOVERNING BOARD OF THE ENTERPRISE.

11 (3) "CARSHARE RIDE" MEANS A PREARRANGED RIDE FOR WHICH  
12 THE RIDER AGREES, AT THE TIME THE RIDER REQUESTS THE RIDE THROUGH  
13 A DIGITAL NETWORK, TO BE TRANSPORTED WITH ANOTHER RIDER WHO HAS  
14 SEPARATELY REQUESTED A PREARRANGED RIDE REGARDLESS OF WHETHER  
15 OR NOT ANOTHER RIDER IS ACTUALLY TRANSPORTED WITH THE RIDER.

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

18 (5) "COMPRESSED NATURAL GAS MOTOR VEHICLE" MEANS A  
19 VEHICLE THAT IS POWERED BY AN ENGINE FUELED BY COMPRESSED  
20 NATURAL GAS.

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

23 (7) (a) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A  
24 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN  
25 ACCORDANCE WITH THE MOST RECENT UNITED STATES CENSUS, WHERE  
26 THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME IS GREATER  
27 THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS THAT IDENTIFY

1 AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE PROPORTION OF  
2 HOUSEHOLDS THAT ARE HOUSING COST BURDENED IS GREATER THAN  
3 FORTY PERCENT.

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

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

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

10 (8) "ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC  
11 MOTOR VEHICLE, A HYDROGEN FUEL CELL MOTOR VEHICLE, OR A PLUG-IN  
12 HYBRID ELECTRIC MOTOR VEHICLE.

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

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

17 (11) "HEAVY-DUTY MOTOR VEHICLE" MEANS A MOTOR VEHICLE  
18 THAT HAS A GROSS VEHICLE WEIGHT RATING, AS DEFINED IN SECTION  
19 42-2-402 (6), OF GREATER THAN TWENTY-SIX THOUSAND POUNDS.

20 (12) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR  
21 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL  
22 THAT USES HYDROGEN GAS AS FUEL.

23 (13) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE  
24 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF  
25 LABOR STATISTICS, CONSUMER PRICE INDEX FOR  
26 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN  
27 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR

1 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE  
2 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE  
3 CLEAN FLEET PER RIDE FEE IMPOSED BY SECTION 25-7.5-103 (7) OR THE  
4 CLEAN FLEET RETAIL DELIVERY FEE IMPOSED BY SECTION 25-7.5-103 (8)  
5 BEGINS.

6 (14) "MEDIUM-DUTY MOTOR VEHICLE" MEANS A MOTOR VEHICLE  
7 THAT HAS A GROSS VEHICLE WEIGHT RATING, AS DEFINED IN SECTION  
8 42-4-402 (6), OF MORE THAN TEN THOUSAND POUNDS AND NOT MORE  
9 THAN TWENTY-SIX THOUSAND POUNDS.

10 (15) "MOTOR VEHICLE" HAS THE MEANING SET FORTH IN SECTION  
11 42-1-102 (58). THE TERM DOES NOT INCLUDE A PERSONAL DELIVERY  
12 DEVICE.

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

15 (a) BY A GOVERNMENTAL ENTITY FOR A PUBLIC PURPOSE  
16 INCLUDING BUT NOT LIMITED TO PUBLIC SCHOOL TRANSPORTATION OR  
17 LAW ENFORCEMENT; OR

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

19 (I) THE GROUP OF MOTOR VEHICLES IS COMPOSED PRIMARILY OF  
20 HEAVY-DUTY MOTOR VEHICLES, MEDIUM-DUTY MOTOR VEHICLES, OR  
21 REFRIGERATED TRAILER UNITS; OR

22 (II) THE GROUP OF MOTOR VEHICLES IS OWNED OR OPERATED  
23 DIRECTLY, OR INDIRECTLY THROUGH INDEPENDENT CONTRACTORS WHO  
24 OWN OR LEASE INDIVIDUAL MOTOR VEHICLES IN THE GROUP, BY A  
25 TRANSPORTATION NETWORK COMPANY OR BY A RETAILER FOR THE  
26 PURPOSE OF MAKING RETAIL DELIVERIES.

27 (17) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY

1 OPERATED ROBOT THAT IS:

2 (I) DESIGNED AND MANUFACTURED FOR THE PURPOSE OF  
3 TRANSPORTING TANGIBLE PERSONAL PROPERTY PRIMARILY ON  
4 SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY THAT ARE  
5 TYPICALLY USED BY PEDESTRIANS;

6 (II) WEIGHS NO MORE THAN FIVE HUNDRED FIFTY POUNDS,  
7 EXCLUDING ANY TANGIBLE PERSONAL PROPERTY BEING TRANSPORTED;  
8 AND

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

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

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

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

22 (a) BIOMETHANE;

23 (b) METHANE DERIVED FROM:

24 (I) MUNICIPAL SOLID WASTE;

25 (II) THE PYROLYSIS OF MUNICIPAL SOLID WASTE OR OF TIRES, AS  
26 DEFINED IN SECTION 30-20-1402 (8), EXCEPT FOR THE PYROLYSIS OF  
27 SOURCE-SEPARATED RECYCLABLE MATERIALS THAT COULD OTHERWISE BE

1 ECONOMICALLY RECYCLED AS DETERMINED BY THE DEPARTMENT OF  
2 PUBLIC HEALTH AND THE ENVIRONMENT;

3 (III) BIOMASS PYROLYSIS OR ENZYMATIc BIOMASS; OR

4 (IV) WASTEWATER TREATMENT; AND

5 (c) COAL MINE METHANE, AS DEFINED IN SECTION 40-2-124  
6 (1)(a)(II).

7 (21) "RETAILER" HAS THE SAME MEANING AS SET FORTH IN  
8 SECTION 39-26-102 (8).

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

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

17 (24) "RIDER" HAS THE SAME MEANING AS SET FORTH IN SECTION  
18 40-10.1-602 (5).

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

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

23 (27) "ZERO EMISSIONS MOTOR VEHICLE" MEANS A BATTERY  
24 ELECTRIC MOTOR VEHICLE OR A HYDROGEN FUEL CELL MOTOR VEHICLE.

25 **25-7.5-103. Clean fleet enterprise - creation - board - powers**  
26 **and duties -fees - fund.** (1) (a) THE CLEAN FLEET ENTERPRISE IS HEREBY  
27 CREATED IN THE DEPARTMENT. THE ENTERPRISE IS AND OPERATES AS A

1 GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER TO  
2 EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF THIS  
3 SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES SET  
4 FORTH IN THIS SECTION.

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

9 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF  
10 NINE MEMBERS AS FOLLOWS:

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

25 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC  
26 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

27 (III) THE EXECUTIVE DIRECTOR OF THE COLORADO ENERGY OFFICE

1 OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

2 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
3 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

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

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

16 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO INCENTIVIZE  
17 AND SUPPORT THE USE OF ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR  
18 VEHICLES THAT ORIGINALLY WERE POWERED BY FOSSIL FUELS BUT HAVE  
19 BEEN CONVERTED INTO ELECTRIC MOTOR VEHICLES, AND, TO THE EXTENT  
20 TEMPORARILY NECESSITATED BY THE LIMITATIONS OF CURRENT ELECTRIC  
21 MOTOR VEHICLE TECHNOLOGY FOR CERTAIN FLEET USES, COMPRESSED  
22 NATURAL GAS MOTOR VEHICLES, BY BUSINESSES AND GOVERNMENTAL  
23 ENTITIES THAT OWN OR OPERATE FLEETS OF MOTOR VEHICLES, INCLUDING  
24 FLEETS COMPOSED OF PERSONAL MOTOR VEHICLES OWNED OR LEASED BY  
25 INDIVIDUAL CONTRACTORS WHO PROVIDE PREARRANGED RIDES FOR  
26 TRANSPORTATION NETWORK COMPANIES OR DELIVER GOODS FOR A  
27 THIRD-PARTY DELIVERY SERVICE. TO ALLOW THE ENTERPRISE TO



1 ACCOMPLISH THIS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES  
2 THROUGH THE BOARD, THE ENTERPRISE MAY:

3 (a) IMPOSE A CLEAN FLEET PER RIDE FEE AND A CLEAN FLEET  
4 DELIVERY FEE AS AUTHORIZED BY SUBSECTIONS (7) AND (8) OF THIS  
5 SECTION;

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

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

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

18 (5) (a) THE CLEAN FLEET ENTERPRISE FUND IS HEREBY CREATED IN  
19 THE STATE TREASURY. THE FUND CONSISTS OF CLEAN FLEET PER RIDE FEE  
20 REVENUE AND CLEAN FLEET RETAIL DELIVERY FEE REVENUE CREDITED TO  
21 THE FUND PURSUANT TO SUBSECTIONS (7) AND (8) OF THIS SECTION, ANY  
22 MONETARY GIFTS, GRANTS, DONATIONS, OR OTHER PAYMENTS RECEIVED  
23 BY THE ENTERPRISE, ANY FEDERAL MONEY THAT MAY BE CREDITED TO THE  
24 FUND, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY  
25 APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL  
26 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND  
27 INVESTMENT OF MONEY IN THE FUND TO THE FUND. MONEY IN THE FUND

1 IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES  
2 SET FORTH IN THIS ARTICLE 7.5 AND TO PAY THE ENTERPRISE'S  
3 REASONABLE AND NECESSARY OPERATING EXPENSES, INCLUDING THE  
4 REPAYMENT OF ANY LOAN RECEIVED PURSUANT TO SUBSECTION (5)(b) OF  
5 THIS SECTION.

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

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

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

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

14 (c) IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE  
15 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, OR THE EXECUTIVE  
16 DIRECTOR'S DESIGNEE, TO EMPLOY AND SUPERVISE INDIVIDUALS,  
17 PROFESSIONAL CONSULTANTS AND CONTRACTORS AS ARE NECESSARY IN  
18 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 TITLE 24. THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON A  
26 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 ARTICLE 7.5 SO LONG AS THE TOTAL AMOUNT OF ALL GRANTS  
6 FROM THE STATE AND COLORADO LOCAL GOVERNMENTS RECEIVED IN ANY  
7 STATE FISCAL YEAR IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S  
8 TOTAL ANNUAL REVENUE FOR THE STATE FISCAL YEAR. THE ENTERPRISE  
9 SHALL TRANSMIT ANY MONEY RECEIVED THROUGH GIFTS, GRANTS,  
10 DONATIONS, OR OTHER PAYMENTS TO THE STATE TREASURER, WHO SHALL  
11 CREDIT THE MONEY TO THE FUND.

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

14 (g) TO PUBLISH THE PROCESSES BY WHICH THE ENTERPRISE  
15 ACCEPTS APPLICATIONS, THE CRITERIA FOR EVALUATING APPLICATIONS,  
16 AND A LIST OF GRANTEEES OR PROGRAM PARTICIPANTS PURSUANT TO  
17 SUBSECTION (9) OF THIS SECTION; AND

18 (h) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
19 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
20 GRANTED BY THIS SECTION.

21 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN  
22 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE A CLEAN  
23 FLEET PER RIDE FEE TO BE PAID BY A TRANSPORTATION NETWORK  
24 COMPANY FOR EACH PREARRANGED RIDE REQUESTED AND ACCEPTED  
25 THROUGH THE COMPANY'S DIGITAL NETWORK. FOR THE PURPOSE OF  
26 MINIMIZING COMPLIANCE COSTS FOR TRANSPORTATION NETWORK  
27 COMPANIES AND ADMINISTRATIVE COSTS FOR THE STATE, THE

1 DEPARTMENT OF REVENUE SHALL COLLECT THE CLEAN FLEET PER RIDE FEE  
2 ON BEHALF OF THE ENTERPRISE, AND A TRANSPORTATION NETWORK  
3 COMPANY SHALL PAY THE FEE TO THE DEPARTMENT OF REVENUE AS  
4 REQUIRED BY SECTION 40-10.1-607.5 (2).

5 (b) FOR PREARRANGED RIDES REQUESTED AND ACCEPTED DURING  
6 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE THE CLEAN  
7 FLEET PER RIDE FEE IN A MAXIMUM AMOUNT OF:

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

11 (II) SEVEN AND ONE-HALF CENTS FOR EVERY OTHER  
12 PREARRANGED RIDE.

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

26 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF  
27 THE CLEAN FLEET PER RIDE FEE FOR PREARRANGED RIDES REQUESTED AND

1 ACCEPTED DURING A STATE FISCAL YEAR ONLY IF THE RATE OF INFLATION  
2 IS POSITIVE AND CUMULATIVE INFLATION FROM THE TIME OF THE LAST  
3 ADJUSTMENT IN THE AMOUNT OF THE FEE, WHEN APPLIED TO THE SUM OF  
4 THE CURRENT CLEAN FLEET PER RIDE FEE AND THE CURRENT AIR  
5 POLLUTION MITIGATION PER RIDE FEE IMPOSED AS REQUIRED BY SECTION  
6 43-4-1303 (7) AND ROUNDED TO THE NEAREST WHOLE CENT, WILL RESULT  
7 IN AN INCREASE OF AT LEAST ONE WHOLE CENT IN THE TOTAL AMOUNT OF  
8 THE CLEAN FLEET PER RIDE FEE AND THE AIR POLLUTION MITIGATION PER  
9 RIDE FEE PAID BY A PERSON WHO REQUESTS AND ACCEPTS A PREARRANGED  
10 RIDE. THE AMOUNT OF CUMULATIVE INFLATION TO BE APPLIED TO THE SUM  
11 OF THE CURRENT CLEAN FLEET PER RIDE FEE AND THE CURRENT AIR  
12 POLLUTION MITIGATION PER RIDE FEE AND ROUNDED TO THE NEAREST  
13 WHOLE CENT IS THE LESSER OF ACTUAL CUMULATIVE INFLATION OR FIVE  
14 PERCENT.

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

19 (8) (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 CLEAN FLEET 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 CLEAN FLEET RETAIL DELIVERY FEE. FOR THE PURPOSE

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

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

11 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8)(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 CLEAN FLEET RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT THAT IS THE  
16 MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR ADJUSTED FOR  
17 INFLATION. THE ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF REVENUE  
18 OF THE AMOUNT OF THE CLEAN FLEET RETAIL DELIVERY FEE TO BE  
19 COLLECTED FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY  
20 PURCHASED DURING EACH STATE FISCAL YEAR NO LATER THAN MARCH 15  
21 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS, AND  
22 THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT NO LATER  
23 THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR  
24 BEGINS.

25 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF  
26 THE CLEAN FLEET 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 (9) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, AND SUBJECT  
6 TO THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (9), THE  
7 ENTERPRISE IS AUTHORIZED TO INCENTIVIZE, SUPPORT, AND ACCELERATE  
8 THE ADOPTION OF ELECTRIC MOTOR VEHICLES IN MOTOR VEHICLE FLEETS.

9 (b) THE ENTERPRISE MAY PROVIDE FUNDING OR FINANCING  
10 THROUGH GRANT PROGRAMS, REBATE PROGRAMS, REVOLVING LOAN  
11 FUNDS, OR SUCH OTHER STRATEGIES AS THE ENTERPRISE BOARD FINDS  
12 EFFECTIVE:

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

22 (II) TO ASSESS AND IMPLEMENT CLEANER MOBILE SOURCE  
23 TECHNOLOGY TO SUPPORT ELECTRIFICATION OF MOTOR VEHICLES AND  
24 ELECTRIC MOTOR VEHICLE FLEETS;

25 (III) TO COORDINATE ENGAGEMENT WITH PUBLIC ENTITIES AND  
26 OWNERS AND OPERATORS OF MOTOR VEHICLE FLEETS TO DEVELOP  
27 STRATEGIES FOR ELECTRIFYING MOTOR VEHICLE FLEETS AND OTHER NOT



1 YET ELECTRIFIED FREIGHT TRANSPORTATION AND RETAIL DELIVERY  
2 OPERATIONS THAT CAN BE ELECTRIFIED;

3 (IV) TO RESEARCH AND ASSESS INNOVATIVE AND EMERGING  
4 MOTOR VEHICLE EMISSION STRATEGIES FOR MOTOR VEHICLES AND  
5 ENGINES AND MODERNIZE AND IMPROVE CURRENT TESTING, INSPECTION,  
6 AND READJUSTMENT SERVICES OFFERED BY THE DEPARTMENT;

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

10 (VI) TO RESEARCH AND DEVELOP STRATEGIES, BUSINESS PLANS,  
11 AND GUIDANCE TO SUPPORT THE CONSISTENT APPLICATION OF GRANTS  
12 AND OTHER ENTERPRISE BUSINESS SERVICES;

13 (VII) TO PROVIDE OUTREACH, EDUCATION, OR TRAINING TO  
14 SUPPORT THE SUCCESSFUL APPLICATION AND PERFORMANCE BY ENTITIES  
15 RECEIVING FUNDS;

16 (VIII) TO PROVIDE OR SUPPORT THE DELIVERY OF COMPANION  
17 SERVICES SUCH AS FLEET MOTOR VEHICLE TESTING, INSPECTION, AND  
18 READJUSTMENT SERVICES;

19 (IX) TO ADDRESS NONATTAINMENT OF NATIONAL AMBIENT AIR  
20 QUALITY STANDARDS BEFORE IT BECOMES NECESSARY TO IMPOSE MORE  
21 RESTRICTIVE MEASURES TO ACHIEVE ATTAINMENT THAT WOULD IMPOSE  
22 BURDENS ON BUSINESS THAT OWN OR OPERATE MOTOR VEHICLES FLEETS  
23 IN OR NEAR NONATTAINMENT AREAS;

24 (X) TO ADDRESS DISPROPORTIONATELY IMPACTED COMMUNITIES  
25 AND HEALTH DISPARITIES IN SUCH COMMUNITIES RESULTING FROM  
26 INCREASED EXPOSURE TO MOTOR VEHICLE FLEET OPERATIONS; AND

27 (XI) TO PROVIDE ADDITIONAL BUSINESS SERVICES TO FEE PAYERS

1 AS MAY BE PROVIDED BY LAW INCLUDING BUT NOT LIMITED TO  
2 INCENTIVIZING THE USE OF CLEAN MOBILE EQUIPMENT, PROVIDE PLANNING  
3 SERVICES TO SUPPORT COMMUNITIES, INCLUDING BUT NOT LIMITED TO  
4 DISPROPORTIONATELY IMPACTED COMMUNITIES, OR PROVIDE SCRAPPAGE  
5 SERVICES.

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

14 (11) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE  
15 ENTERPRISE SHALL:

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

23 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE  
24 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,  
25 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE  
26 IMPLEMENTATION OF ITS TEN-YEAR PLAN, THE FUNDING STATUS AND  
27 PROGRESS TOWARD COMPLETION OF EACH PROJECT THAT IT WHOLLY OR

1 PARTLY FUNDS, AND ITS PER PROJECT AND TOTAL FUNDING AND  
2 EXPENDITURES;

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

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

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

24 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART  
25 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE  
26 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS  
27 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION

1 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS  
2 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS  
3 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND  
4 LOCAL GOVERNMENTS COMBINED.

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

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

9 **39-21-102. Scope.** (7) THE PROVISIONS OF THIS ARTICLE APPLY TO  
10 THE FEES IMPOSED PURSUANT TO PART 3 OF ARTICLE 38.5 OF TITLE 24,  
11 ARTICLE 7.5 OF TITLE 25, AND THE FEES COLLECTED PURSUANT TO SECTION  
12 40-10.1-607.5, BUT ONLY TO THE EXTENT THAT THE PROVISIONS OF THIS  
13 ARTICLE ARE NOT INCONSISTENT WITH THE PROVISIONS OF PART 3 OF  
14 ARTICLE 38.5 OF TITLE 24, ARTICLE 7.5 OF TITLE 25, AND SECTION  
15 40-10.1-607.5.

16 **SECTION 12.** In Colorado Revised Statutes, 39-21-119.5,  
17 **amend** (2)(i), (2)(s), (2)(t), (4)(d), (4)(i), and (4)(j); and **add** (2)(u) and  
18 (4)(k) as follows:

19 **39-21-119.5. Mandatory electronic filing of returns -**  
20 **mandatory electronic payment - penalty - waiver - definitions.**

21 (2) Except as provided in subsection (6) of this section, the  
22 executive director may, as specified in subsection (3) of this section,  
23 require the electronic filing of returns and require the payment of any tax  
24 or fee due by electronic funds transfer for the following:

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

27 (s) Any prepaid wireless 911 charge report required to be filed and

1 payment required to be made pursuant to section 29-11-102.5 (3); ~~and~~

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

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

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

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

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

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

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

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

23 **SECTION 13.** In Colorado Revised Statutes, 39-26-102, **amend**  
24 (7)(a) introductory portion as follows:

25 **39-26-102. Definitions.** As used in this article 26, unless the  
26 context otherwise requires:

27 (7) (a) "Purchase price" means the price to the consumer,

1 exclusive of any direct tax imposed by the federal government or by this  
2 article, EXCLUSIVE OF ANY RETAIL DELIVERY FEE AND ENTERPRISE RETAIL  
3 DELIVERY FEES IMPOSED OR COLLECTED AS SPECIFIED IN SECTION  
4 43-4-218, and, in the case of all retail sales involving the exchange of  
5 property, also exclusive of the fair market value of the property  
6 exchanged at the time and place of the exchange, if:

7 **SECTION 14.** In Colorado Revised Statutes, 39-26-123, **repeal**  
8 (3.5) as follows:

9 **39-26-123. Receipts - disposition - transfers of general fund**  
10 **surplus - sales tax holding fund - creation - definitions.** (3.5) For each  
11 ~~state fiscal year commencing on or after the first state fiscal year in which~~  
12 ~~an appropriation or transfer is permitted pursuant to section 24-75-219~~  
13 ~~(2)(d), C.R.S., 24-75-219 (2), the general assembly may appropriate or~~  
14 ~~transfer, in its sole discretion, moneys from the general fund to the sales~~  
15 ~~and use tax holding fund.~~

16 **SECTION 15.** In Colorado Revised Statutes, 39-27-301, **amend**  
17 (1), (4), and (6); and **add** (3.3) as follows:

18 **39-27-301. Definitions.** As used in this part 3, unless the context  
19 otherwise requires: (1) "Agreement" means a motor fuel tax AND FEE  
20 agreement under this part 3.

21 (3.3) "FEE" MEANS THE ROAD USAGE FEE IMPOSED BY SECTION  
22 43-4-217 (3) AND (4) AND THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED  
23 BY SECTION 43-4-805 (5)(g.5).

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

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

1           **SECTION 16.** In Colorado Revised Statutes, **amend** 39-27-302  
2 as follows:

3           **39-27-302. Agreements between jurisdictions.** The department  
4 may enter into a motor fuel tax AND FEE cooperative agreement with  
5 another jurisdiction or jurisdictions that provide for the administration,  
6 collection, and enforcement of each jurisdiction's motor fuel taxes AND  
7 FEES on motor fuel used by motor carriers. The agreement shall not  
8 contain any provision that exempts any motor vehicle, owner, or operator  
9 from complying with the laws, rules, and regulations pertaining to motor  
10 vehicle licensing, size, weight, load, or operation upon the public  
11 highways of this state.

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

14           **39-27-304. Provisions of agreements.** (1) An agreement entered  
15 into under this part 3 may provide for:

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

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

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

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

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

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

4 **SECTION 18.** In Colorado Revised Statutes, **amend** 39-27-305  
5 as follows:

6 **39-27-305. Credit for purchases.** Any licensee purchasing more  
7 tax-paid AND FEE-PAID motor fuel in this state than the licensee uses in  
8 this state during the course of a reporting period shall be permitted a  
9 credit against future tax AND FEE liability for the excess tax-paid AND  
10 FEE-PAID fuel purchased. Upon request, this credit may be refunded to the  
11 licensee by the department in accordance with the agreement.

12 **SECTION 19.** In Colorado Revised Statutes, 39-27-306, **amend**  
13 (1) as follows:

14 **39-27-306. Tax and fee collection.** (1) The agreement may  
15 require the department to perform audits of licensees or persons required  
16 to be licensed and who are based in this state to determine whether motor  
17 fuel taxes AND FEES to be collected under the agreement have been  
18 reported properly and paid to each jurisdiction that is a party to the  
19 agreement. The agreement may authorize other jurisdictions to perform  
20 audits on licensees or persons required to be licensed and who are based  
21 in such other jurisdictions on behalf of the state of Colorado and forward  
22 the audit findings to the department. Such findings may be served upon  
23 the licensee or such other person in the same manner as audits performed  
24 by the department.

25 **SECTION 20.** In Colorado Revised Statutes, 39-27-310, **amend**  
26 (1) as follows:

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



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

5 **SECTION 21.** 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 22.** 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 -definitions.** (1) AS USED IN THIS SECTION,  
22 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 23.** 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), and (25)(a.8)  
18 as follows:

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

1 REGISTRATION PERIODS BEGINNING DURING ANY GIVEN STATE FISCAL  
2 YEAR IS THE AMOUNT OF THE FEE COLLECTED FOR REGISTRATION PERIODS  
3 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 (III) OF THIS SECTION AND ON EVERY  
24 PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE AS SPECIFIED IN SUBSECTION  
25 (25)(a.5)(IV) AND (V) OF THIS SECTION. THE AUTHORIZED AGENT SHALL  
26 TRANSMIT THE FEE TO THE STATE TREASURER, WHO SHALL CREDIT IT TO  
27 THE HIGHWAY USERS TAX FUND FOR ALLOCATION AND EXPENDITURE AS

1 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, THE ELECTRIC MOTOR  
9 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 MOTOR FUEL CHARGES ARE PAID THROUGHOUT  
15 THE YEAR RATHER THAN AT THE TIME OF ANNUAL MOTOR VEHICLE  
16 REGISTRATION, THE DEPARTMENT SHALL IMPLEMENT A PILOT PROGRAM TO  
17 ALLOW FEES IMPOSED PURSUANT TO THIS SUBSECTION (25) TO BE PAID ON  
18 AN AUTOMATED PRORATED QUARTERLY BASIS. AFTER EVALUATING THE  
19 SUCCESS OF THE PILOT PROGRAM AFTER THE SECOND YEAR OF  
20 IMPLEMENTATION, THE DEPARTMENT SHALL MAKE THE PILOT PROGRAM  
21 PERMANENT UNLESS THERE IS COMPELLING EVIDENCE THAT THE PILOT  
22 PROGRAM HAS NOT BEEN SUCCESSFUL. THE DEPARTMENT MAY  
23 PROMULGATE RULES TO IMPLEMENT THIS SUBSECTION (25)(a.6).

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

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

6 (I) 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 (II) 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 (III) THE STATE TREASURER SHALL CREDIT FEE REVENUE  
6 COLLECTED PURSUANT SUBSECTIONS (25)(a.7)(I) AND (25)(a.7)(II) 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 43-12-145 (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 24.** In Colorado Revised Statutes, 43-1-117, **add** (4)  
8 as follows:

9 **43-1-117. Transportation development division - created -**  
10 **duties.** (4) THE OFFICE OF FREIGHT MOBILITY IS CREATED IN THE  
11 TRANSPORTATION DEVELOPMENT DIVISION. THE FUNCTION OF THE OFFICE  
12 IS TO PLAN AND COORDINATE FREIGHT MOBILITY WITH THE FREIGHT  
13 INDUSTRY.

14 **SECTION 25.** In Colorado Revised Statutes, **add** 43-1-128 and  
15 43-1-129 as follows:

16 **43-1-128. Environmental impacts of capacity projects -**  
17 **additional requirements - definitions - legislative declaration -**  
18 **definitions.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES  
19 THAT:

20 (a) TRANSPORTATION CAPACITY PROJECTS, INCLUDING BUT NOT  
21 LIMITED TO LARGE HIGHWAY PROJECTS THAT ARE INTENDED TO ALLEVIATE  
22 TRAFFIC CONGESTION BY INCREASING THE CAPACITY OF HIGHWAYS IN  
23 MAJOR TRANSPORTATION CORRIDORS, CAN CAUSE ADVERSE  
24 ENVIRONMENTAL IMPACTS, INCLUDING BUT NOT LIMITED TO INCREMENTAL  
25 ACCELERATION OF CLIMATE CHANGE, AND ADVERSE HEALTH IMPACTS;

26 (b) THESE IMPACTS FALL MOST HEAVILY ON COMMUNITIES IN THE  
27 AREAS WHERE THE PROJECTS ARE LOCATED, WHICH IN MANY CASES ARE

1 DISPROPORTIONATELY IMPACTED COMMUNITIES;  
2 (c) TO MINIMIZE THE ADVERSE ENVIRONMENTAL AND HEALTH  
3 IMPACTS OF TRANSPORTATION CAPACITY PROJECTS AND ADDRESS  
4 INEQUITABLE DISTRIBUTION OF THE BURDENS OF SUCH PROJECTS, IT IS  
5 NECESSARY, APPROPRIATE, AND IN THE BEST INTERESTS OF THE STATE AND  
6 ALL COLORADANS TO REQUIRE THE STATE'S PRIMARY TRANSPORTATION  
7 PLANNING ENTITIES WITH RESPONSIBILITY FOR SELECTING AND FUNDING  
8 TRANSPORTATION CAPACITY PROJECTS, THE DEPARTMENT AND  
9 METROPOLITAN PLANNING ORGANIZATIONS, TO ENGAGE IN AN ENHANCED  
10 LEVEL OF PLANNING, ANALYSIS, COMMUNITY ENGAGEMENT, AND  
11 MONITORING WITH RESPECT TO SUCH PROJECTS AS REQUIRED BY THIS  
12 SECTION; AND

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

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

22 (a) "AIR POLLUTANT" HAS THE SAME MEANING AS SET FORTH IN  
23 SECTION 25-7-103 (1.5).

24 (b) "CRITERIA POLLUTANT" MEANS CARBON MONOXIDE,  
25 GROUND-LEVEL OZONE, LEAD, NITROGEN DIOXIDE, PARTICULATE MATTER,  
26 AND SULFUR DIOXIDE.

27 (c) (I) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A

1 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN  
2 ACCORDANCE WITH THE MOST RECENT UNITED STATES CENSUS, WHERE  
3 THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME IS GREATER  
4 THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS THAT IDENTIFY  
5 AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE PROPORTION OF  
6 HOUSEHOLDS THAT ARE HOUSING COST BURDENED IS GREATER THAN  
7 FORTY PERCENT.

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

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

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

14 (d) "GREENHOUSE GAS POLLUTANTS" MEANS ANTHROPOGENIC  
15 EMISSIONS OF CARBON DIOXIDE, METHANE, NITROUS OXIDE,  
16 HYDROFLUOROCARBONS, PERFLUOROCARBONS, NITROGEN TRIFLUORIDE,  
17 AND SULFUR HEXAFLUORIDE.

18 (e) "STATEWIDE GREENHOUSE GAS POLLUTION" HAS THE SAME  
19 MEANING AS SET FORTH IN SECTION 25-1-107 (22.5).

20 (f) "TRANSPORTATION CAPACITY PROJECT" OR "PROJECT" MEANS  
21 ANY CHANGE IN A ROADWAY THAT INCREASES THE MAXIMUM  
22 THROUGHPUT FOR AT LEAST ONE MILE, SUCH AS:

23 (I) CONSTRUCTION OF A NEW OR ADDITIONAL TRAVEL LANE;

24 (II) WIDENING OR RESTRIPIING OF LANES OR SHOULDERS TO ALLOW  
25 THE OPERATION OF AN ADDITIONAL TRAVEL LANE WITHIN THE CROSS  
26 SECTION OF THE ROADWAY; OR

27 (III) ADDITION OF TRANSIT FACILITIES OR OPERATIONS.

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

13           (a) TO IMPLEMENT RELEVANT REGULATIONS AS ISSUED BY THE AIR  
14 QUALITY CONTROL COMMISSION PURSUANT TO SECTION 25-7-105;

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

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

24           (4) IF A TRANSPORTATION CAPACITY PROJECT IS A REGIONALLY  
25 SIGNIFICANT PROJECT, AS DETERMINED BY THE DEPARTMENT WITH  
26 CONSIDERATION GIVEN TO FEDERAL LAW OR REGULATIONS THAT DEFINE  
27 OR DESCRIBE SUCH PROJECTS, THE DEPARTMENT SHALL:

1 (a) THOROUGHLY AND APPROPRIATELY MODEL AIR POLLUTANT  
2 EMISSIONS IMPACTS FOR THE PROJECT, INCLUDING WHERE FEASIBLE AND  
3 APPROPRIATE MONITORING AND MEASUREMENT OF CRITERIA POLLUTANTS;

4 (b) DEVELOP AND IMPLEMENT A CONSTRUCTION PLAN TO PROVIDE  
5 TRANSPARENT PUBLIC REPORTING OF CRITERIA POLLUTANT DATA AND  
6 TIMELY PUBLIC ALERTS WHEN CRITERIA POLLUTANT EXCEEDANCE EVENTS  
7 OCCUR; AND

8 (c) DEVELOP AND IMPLEMENT A PLAN TO MITIGATE AIR QUALITY  
9 IMPACTS ON DISPROPORTIONATELY IMPACTED COMMUNITIES IN THE AREA  
10 OF THE PROJECT WITH PARTICULAR FOCUS WHERE FEASIBLE ON  
11 MITIGATION OF FINE PARTICULATE MATTER POLLUTION.

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

25 **43-1-129. Certificated taxi carrier parity study -**  
26 **recommendations - legislative declaration.** (1) THE GENERAL  
27 ASSEMBLY HEREBY FINDS AND DECLARES THAT:



1           (a) WHEN THE GENERAL ASSEMBLY ENACTED SENATE BILL 21 \_\_\_\_,  
2 ENACTED IN 2021, IT ESTABLISHED A POLICY THAT A SUSTAINABLE  
3 TRANSPORTATION SYSTEM MUST BE FUNDED ADEQUATELY AND  
4 EQUITABLY WITH CONTRIBUTIONS FROM USERS THAT BEAR A REASONABLE  
5 RELATIONSHIP TO A USER'S USE OF AND IMPACTS ON THE SYSTEM AND THE  
6 ENVIRONMENT AND THE COSTS INCURRED IN MITIGATING THOSE IMPACTS;

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

13           (c) CONSISTENT WITH THE POLICY THAT THE TRANSPORTATION  
14 SYSTEM BE FUNDED ADEQUATELY AND EQUITABLY WITH CONTRIBUTIONS  
15 FROM USERS, IT IS NECESSARY AND APPROPRIATE TO ASSESS WHETHER  
16 THERE IS PARITY BETWEEN CERTIFICATED TAXI CARRIERS AND  
17 TRANSPORTATION NETWORK COMPANIES WITH RESPECT TO THEIR  
18 CONTRIBUTIONS TO THE FUNDING OF THE TRANSPORTATION SYSTEM.

19           (2) THE DEPARTMENT SHALL CONDUCT A STUDY TO ASSESS  
20 WHETHER, TAKING INTO ACCOUNT ANY RELEVANT DIFFERENCES IN THEIR  
21 BUSINESS MODELS, REGULATORY BURDENS, AND IMPACTS ON THE  
22 SUSTAINABILITY OF THE TRANSPORTATION SYSTEM, THERE IS PARITY  
23 BETWEEN CERTIFICATED TAXI CARRIERS AND TRANSPORTATION NETWORK  
24 COMPANIES WITH RESPECT TO THEIR CONTRIBUTIONS TO THE FUNDING OF  
25 THE TRANSPORTATION SYSTEM. THE DEPARTMENT SHALL REPORT THE  
26 RESULTS OF THE STUDY TO THE TRANSPORTATION LEGISLATION REVIEW  
27 COMMITTEE OF THE GENERAL ASSEMBLY CREATED IN SECTION 43-2-145

1 (1)(a) DURING THE 2022 LEGISLATIVE INTERIM.

2 **SECTION 26.** In Colorado Revised Statutes, **amend** 43-1-219 as  
3 follows:

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

1           **SECTION 27.** In Colorado Revised Statutes, 43-4-203, **amend**  
2 (1) introductory portion; and **add** (1)(f) and (1)(g) as follows:

3           **43-4-203. Sources of revenue.** (1) All net revenue from the  
4 following sources shall be paid into and credited to the highway users tax  
5 fund as soon as IT IS received:

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

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

11           **SECTION 28.** In Colorado Revised Statutes, 43-4-205, **amend**  
12 (6) introductory portion and (6)(b) introductory portion; and **add** (6.8)  
13 and (6.9) as follows:

14           **43-4-205. Allocation of fund.** (6) ~~Revenues~~ REVENUE raised by  
15 the excise tax imposed on gasoline and special fuel pursuant to sections  
16 39-27-102 and 39-27-102.5, ~~C.R.S.~~, in excess of seven cents per gallon  
17 of tax, shall be placed in the highway users tax fund to be allocated as  
18 follows; except that ~~revenues~~ REVENUE raised by the excise tax imposed  
19 on gasoline in excess of eighteen cents per gallon of tax shall be allocated  
20 according to ~~the provisions of paragraph (b) of this subsection (6)~~  
21 SUBSECTION (6)(b) OF THIS SECTION:

22           (b) The remaining balance of such revenue may be expended only  
23 for improvements to highways within the state, including new  
24 construction, safety improvements, maintenance, and capacity  
25 improvements, and for other transportation-related projects to the extent  
26 authorized by SUBSECTION (6.8) OF THIS SECTION AND sections 43-4-206  
27 (3), 43-4-207 (1), and 43-4-208 (1), and may not be expended for

1 administrative purposes. Such revenue is allocated as follows:

2 (6.8) (a) REVENUE FROM THE ELECTRIC MOTOR VEHICLE FEE, THE  
3 ELECTRIC MOTOR VEHICLE ROAD USAGE EQUALIZATION FEE, AND THE  
4 COMMERCIAL ELECTRIC MOTOR VEHICLE FEE IMPOSED PURSUANT TO  
5 SECTION 42-3-304 (25) THAT IS CREDITED TO THE HIGHWAY USERS TAX  
6 FUND AS REQUIRED BY SECTION 42-3-304 (25)(a), (25)(a.5), AND (25)(a.7)  
7 AND REVENUE FROM THE ROAD USAGE FEES IMPOSED PURSUANT TO  
8 SECTION 43-4-217 (3) AND (4) THAT IS CREDITED TO THE HIGHWAY USERS  
9 TAX FUND AS REQUIRED BY SECTION 43-4-217 (8) MUST BE ALLOCATED  
10 AND EXPENDED IN ACCORDANCE WITH THE FORMULA SPECIFIED IN  
11 SUBSECTION (6)(b) OF THIS SECTION.

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

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

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

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

26 (II) REVENUE FROM THE RETAIL DELIVERY FEE MAY BE EXPENDED  
27 FOR THE PURPOSES SPECIFIED IN SUBSECTION (6)(b) OF THIS SECTION AND

1 MAY ALSO BE EXPENDED FOR TRANSIT-RELATED PROJECTS NEEDED TO  
2 INTEGRATE DIFFERENT TRANSPORTATION MODES WITHIN A MULTIMODAL  
3 TRANSPORTATION SYSTEM.

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

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

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

15 **SECTION 29.** In Colorado Revised Statutes, 43-4-206, **amend**  
16 (2)(b) introductory portion, (2)(b)(III), and (2)(b)(IV) as follows:

17 **43-4-206. State allocation.** (2) (b) Notwithstanding section  
18 24-1-136 (11)(a)(I), beginning in 1998, the department of transportation  
19 shall report annually to the transportation committee of the senate and the  
20 transportation and energy committee of the house of representatives  
21 concerning the revenue expended by the department pursuant to  
22 subsection (2)(a) of this section and, beginning in 2019, ~~any state general~~  
23 ~~fund money that is credited to the state highway fund pursuant to section~~  
24 ~~24-75-219 (5) and any net proceeds of lease-purchase agreements~~  
25 ~~executed as required by section 24-82-1303 (2)(a) that are credited to the~~  
26 ~~state highway fund pursuant to section 24-82-1303 (4)(b) and expended~~  
27 ~~by the department pursuant to subsection (1)(b)(V) of this section. and~~

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

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

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

16 **SECTION 30.** In Colorado Revised Statutes, **add** 43-4-217 and  
17 43-4-218 as follows:

18 **43-4-217. Additional funding - road usage fees - legislative**  
19 **declaration - definition.** (1) THE GENERAL ASSEMBLY HEREBY FINDS  
20 AND DECLARES THAT:

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

25 (b) THE AMOUNT OF MOTOR FUEL TAXES PAID FOR MOTOR FUEL  
26 USED TO PROPEL A MOTOR VEHICLE BEARS A REASONABLE RELATIONSHIP  
27 TO THE VEHICLE'S USE OF AND IMPACT ON THE HIGHWAYS, ROADS, AND

1 STREETS OF THE STATE BECAUSE THE AMOUNT OF MOTOR FUEL USED BY A  
2 VEHICLE IS IN LARGE PART A FUNCTION OF THE AMOUNT OF MILES  
3 TRAVELED BY THE VEHICLE AND THE WEIGHT OF THE VEHICLE;

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

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

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

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

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

1 CONSUMPTION;

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

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

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

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

26 (III) THE FEES ARE IMPOSED AT RATES THAT ARE REASONABLY  
27 CALCULATED TO DEFRAY THE COSTS OF PROVIDING THE SERVICE, ARE



1       BASED ON THE USE AND IMPACT ON THE TRANSPORTATION SYSTEM BY FEE  
2       PAYERS, AND ARE THUS PROPORTIONAL TO THE BENEFITS RECEIVED BY FEE  
3       PAYERS.

4               (2) AS USED IN THIS SECTION:

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

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

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

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

1 THIS SECTION OR ANNUALLY CALCULATED BY THE DEPARTMENT OF  
2 REVENUE AS REQUIRED BY SUBSECTION (3)(b)(II) OR (3)(b)(III) OF THIS  
3 SECTION.

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

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

13 AND

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

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

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

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

27 (III) AN ADJUSTMENT FOR INFLATION SHALL BE MADE PURSUANT

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

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

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

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

24 AND

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

27 (II) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4)(b)(III) OF

1 THIS SECTION, THE AMOUNT OF THE ROAD USAGE FEE FOR EACH GALLON  
2 OF SPECIAL FUEL ACQUIRED, SOLD, OFFERED FOR SALE, OR USED IN THIS  
3 STATE DURING STATE FISCAL YEAR 2032-33 OR DURING ANY SUBSEQUENT  
4 STATE FISCAL YEAR IS THE SUM OF:

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

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

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

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

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

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

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

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

25 (6) THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF  
26 THE ROAD USAGE FEES IMPOSED BY SUBSECTION (3) OR (4) OF THIS  
27 SECTION, AND THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS

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

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

25 **43-4-218. Additional funding - retail delivery fee -**  
26 **simultaneous collection of enterprise fees - legislative declaration -**  
27 **definitions.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES

1 THAT:

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

5 (b) THE WORLD ECONOMIC FORUM ESTIMATES THAT BY 2030  
6 THERE WILL BE OVER THIRTY PERCENT MORE DELIVERY VEHICLES ON  
7 ROADS TO DELIVER SEVENTY-EIGHT PERCENT MORE PACKAGES, WHICH  
8 WILL INCREASE USAGE OF THE HIGHWAYS, ROADS, AND STREETS OF THE  
9 STATE BY MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES AND  
10 INCREASE TRAFFIC CONGESTION AND RETAIL DELIVERY RELATED  
11 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 GROUND LEVEL OZONE,  
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) (A) TO AUTHORIZE THE COMMUNITY ACCESS ENTERPRISE  
6 CREATED IN SECTION 24-38.5-303 (1) TO IMPOSE A COMMUNITY ACCESS  
7 RETAIL DELIVERY FEE AS SPECIFIED IN SECTION 24-38.5-303 (7),  
8 AUTHORIZE THE CLEAN FLEET ENTERPRISE CREATED IN SECTION  
9 25-7.5-103 (1)(a) TO IMPOSE A CLEAN FLEET RETAIL DELIVERY FEE AS  
10 SPECIFIED IN SECTION 25-7.5-103 (8), AUTHORIZE THE STATEWIDE BRIDGE  
11 AND TUNNEL ENTERPRISE CREATED IN SECTION 43-4-805 (2)(a)(I) TO  
12 IMPOSE A BRIDGE AND TUNNEL RETAIL DELIVERY FEE AS SPECIFIED IN  
13 SECTION 43-4-805 (5)(g.7), AUTHORIZE THE CLEAN TRANSIT ENTERPRISE  
14 CREATED IN SECTION 43-4-1203 (1)(a) TO IMPOSE A CLEAN TRANSIT RETAIL  
15 DELIVERY FEE AS SPECIFIED IN SECTION 43-4-1203 (7), AND AUTHORIZE  
16 THE NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE  
17 CREATED IN SECTION 43-4-1303 (1)(a) TO IMPOSE AN AIR POLLUTION  
18 MITIGATION RETAIL DELIVERY FEE AS SPECIFIED IN SECTION 43-1-1303 (8)  
19 TO HELP FUND THE ENTERPRISES' PURSUIT OF THEIR RESPECTIVE BUSINESS  
20 PURPOSES; AND

21 (B) 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 clean  
14 transit enterprise created in section 43-4-1203 (1)(a) AS SPECIFIED IN  
15 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) "RETAILER" HAS THE SAME MEANING AS SET FORTH IN SECTION  
18 39-26-102 (8).

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

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

27 (h) "TANGIBLE PERSONAL PROPERTY HAS THE MEANING SET FORTH

1 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 IMPOSED  
2 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 31.** 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 32.** 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 33.** 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 34.** 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 35.** 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 36.** 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 37.** 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 38.** 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 ANALYZE AND  
13 DOCUMENT TO THE DEPARTMENT OF TRANSPORTATION THE SYSTEM'S  
14 ANTICIPATED IMPACTS ON THE ACHIEVEMENT OF THE STATE GREENHOUSE  
15 GAS POLLUTION GOALS SET FORTH IN SECTION 25-7-102 (2)(g) AND ON  
16 COMPLIANCE WITH APPLICABLE STANDARDS UNDER THE ATTAINMENT  
17 PROGRAM CREATED AND DEVELOPED PURSUANT TO PART 3 OF ARTICLE 7  
18 OF TITLE 25. UPON THE REQUEST OF A RURAL TRANSPORTATION PLANNING  
19 ORGANIZATION, THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE  
20 TECHNICAL ASSISTANCE TO FACILITATE THE COMPLETION OF THE  
21 ANALYSIS.

22 (4) NOTWITHSTANDING ANY PROVISION OF THIS PART 6 TO THE  
23 CONTRARY, A TRANSPORTATION PLANNING ORGANIZATION MAY NOT  
24 EXERCISE ANY OF THE POWERS OF AN AUTHORITY WITHIN THE BOUNDARIES  
25 OF AN EXISTING AUTHORITY WITHOUT THE PRIOR APPROVAL OF THE BOARD  
26 OF THE EXISTING AUTHORITY BY ADOPTION OF A RESOLUTION BY THE  
27 AFFIRMATIVE VOTE OF TWO-THIRDS OF THE DIRECTORS OF THE



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

9 **SECTION 39.** In Colorado Revised Statutes, 43-4-705, **repeal**  
10 (2)(a)(II.5) and (13)(b) as follows:

11 **43-4-705. Revenue anticipation notes - ballot issue - repeal.**

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

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

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

1 their issuance shall provide that the state may pay the notes in full without  
2 penalty no later than ten years following the date of issuance:

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

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

27 (IV) No later than May 1, 2021, the department shall provide to

1 the director of research of the legislative council the most recent available  
2 list of qualified federal aid transportation projects, including multimodal  
3 capital projects, that are designated for tier 1 funding as ten-year  
4 development program projects on the department's 2021 development  
5 program project list and that the department will fund with proceeds of  
6 any transportation revenue anticipation notes issued as authorized by this  
7 subsection (13)(b). In order to fully inform the voters of the state  
8 concerning the projects to be funded with proceeds of any such additional  
9 transportation revenue anticipation notes before the voters vote on the  
10 ballot question specified in subsection (13)(b)(III) of this section, the  
11 director of research shall publish the list, including any subsequent  
12 updates to the list made before final approval by the legislative council of  
13 the 2021 ballot information booklet prepared pursuant to section  
14 1-40-124.5, which updates the department shall expeditiously provide to  
15 the director of research, in the ballot information booklet.

16 (V) (A) (Deleted by amendment, L. 2019.)

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

20 (C) This subsection (13)(b)(V) is repealed, effective January 1,  
21 2022, if a majority of the electors voting on the ballot issue in subsection  
22 (13)(b)(III) of this section vote "Yes/For".

23 **SECTION 40.** In Colorado Revised Statutes, 43-4-802, **amend**  
24 (2)(c), (2)(d), (2)(f), and (3)(a) introductory portion as follows:

25 **43-4-802. Legislative declaration.**

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

27 (c) Increasing funding for designated bridge projects, TUNNEL

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

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

23 (f) Granting the bridge enterprise and the transportation enterprise  
24 both responsibility for the completion, respectively, of designated bridge  
25 projects AND TUNNEL PROJECTS and other important surface transportation  
26 projects and the flexibility to execute their respective missions in a variety  
27 of innovative ways will ensure that available resources for such projects

1 are efficiently and effectively leveraged so that both the projects and the  
2 state's economic recovery can be completed as quickly as possible.

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

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

12 **SECTION 41.** In Colorado Revised Statutes, 43-4-803, **amend**  
13 (4) and (7); and **add** (26.5) as follows:

14 **43-4-803. Definitions.** As used in this part 8, unless the context  
15 otherwise requires: (4) "Bridge enterprise" means the statewide bridge  
16 AND TUNNEL enterprise created in section 43-4-805 (2).

17 (7) "Bridge special fund" means the statewide bridge AND TUNNEL  
18 enterprise special revenue fund created in section 43-4-805 (3)(a).

19 (26.5) "TUNNEL PROJECT" MEANS A PROJECT TO REPAIR, MAINTAIN  
20 OR ENHANCE THE OPERATION OF ANY TUNNEL THAT IS PART OF THE STATE  
21 HIGHWAY SYSTEM.

22 **SECTION 42.** In Colorado Revised Statutes, 43-4-804, **amend**  
23 (1)(a)(I) introductory portion and (1)(b)(I); and **add** (1)(a)(VIII) and  
24 (1)(b)(IV) as follows:

25 **43-4-804. Highway safety projects - surcharges and fees -**  
26 **crediting of money to highway users tax fund - definition.** (1) On and  
27 after July 1, 2009, the following surcharges, fees, and fines shall be

1 collected and credited to the highway users tax fund created in section  
2 43-4-201 (1)(a) and allocated to the state highway fund, counties, and  
3 municipalities as specified in section 43-4-205 (6.3):

4 (a) (I) A road safety surcharge, which, except as otherwise  
5 provided in subsections (1)(a)(II) and (1)(a)(VI) of this section, is  
6 imposed for any registration period that commences on or after July 1,  
7 2009, upon the registration of any vehicle for which a registration fee  
8 must be paid pursuant to ~~the provisions of~~ part 3 of article 3 of title 42.  
9 Except as otherwise provided in subsections ~~(1)(a)(IV) and (1)(a)(V)~~  
10 (1)(a)(IV), (1)(a)(V), AND (1)(a)(VIII) of this section, the amount of the  
11 surcharge is:

12 (VIII) FOR ANY REGISTRATION PERIOD THAT BEGINS ON OR AFTER  
13 JANUARY 1, 2022, BUT BEFORE JANUARY 1, 2024, THE AMOUNT OF EACH  
14 ROAD SAFETY SURCHARGE IMPOSED PURSUANT TO SUBSECTION (1)(a)(I)  
15 OF THIS SECTION IS REDUCED BY FIVE DOLLARS AND FIFTY-FIVE CENTS.

16 (b) (I) (A) Except as otherwise provided in ~~subparagraph (III) of~~  
17 ~~this paragraph (b)~~ SUBSECTIONS (1)(b)(III) AND (1)(b)(IV) OF THIS  
18 SECTION, a daily vehicle rental fee is imposed on all short-term vehicle  
19 rentals at the rate of two dollars per day; except that a subsequent renewal  
20 of a short-term vehicle rental is exempt from the fee to the extent that the  
21 renewal extends the total rental period beyond thirty days. The rental  
22 invoice shall list the daily vehicle rental fee separately as a Colorado road  
23 safety program fee. ON AND AFTER JULY 1, 2022, A CAR SHARING  
24 PROGRAM, AS DEFINED IN SECTION 6-1-1202 (4), SHALL COLLECT THE  
25 DAILY VEHICLE RENTAL FEE FOR ANY SHORT-TERM VEHICLE RENTAL OF  
26 TWENTY-FOUR HOURS OR LONGER THAT IS ENABLED BY THE CAR SHARING  
27 PROGRAM.

1 (B) As used in this ~~section~~ SUBSECTION (1)(b), "short-term vehicle  
2 rental" means the rental of any motor vehicle, as defined in section  
3 42-1-102 (58), ~~C.R.S.~~, with a gross vehicle weight rating of twenty-six  
4 thousand pounds or less that is rented within Colorado for a period of not  
5 more than thirty days.

6 (IV) (A) FOR SHORT-TERM VEHICLE RENTALS BEGINNING DURING  
7 STATE FISCAL YEAR 2022-23 AND FOR SHORT-TERM VEHICLE RENTAL  
8 PERIODS BEGINNING DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE  
9 DEPARTMENT OF REVENUE SHALL ANNUALLY ADJUST THE AMOUNT OF THE  
10 DAILY VEHICLE RENTAL FEE FOR INFLATION. THE DEPARTMENT OF  
11 REVENUE SHALL CALCULATE THE INFLATION ADJUSTED AMOUNT OF THE  
12 SHORT-TERM VEHICLE RENTAL FEE FOR EACH STATE FISCAL YEAR AND  
13 SHALL PUBLISH THE AMOUNT NO LATER THAN THE MAY 1 OF THE  
14 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

15 (B) AS USED IN THIS SUBSECTION (1)(b)(IV), "INFLATION" MEANS  
16 THE AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES  
17 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE  
18 INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN  
19 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR  
20 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE  
21 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO THE SHORT-TERM  
22 VEHICLE RENTAL FEE IS TO BE MADE BEGINS.

23 **SECTION 43.** In Colorado Revised Statutes, 43-4-805, **amend**  
24 (1), (2)(a)(I), (2)(b) introductory portion, (2)(b)(I), (2)(c), (3)(a), (3)(c),  
25 (4), (5)(c), (5)(k), (5)(r)(I), and (5)(r)(III)(A); and **add** (5)(g.5) and  
26 (5)(g.7) as follows:

27 **43-4-805. Statewide bridge enterprise - creation - board -**

1 **funds - powers and duties - legislative declaration.** (1) The general  
2 assembly hereby finds and declares that:

3 (a) The completion of designated bridge projects AND TUNNEL  
4 PROJECTS is essential to address increasing traffic congestion and delays,  
5 hazards, injuries, and fatalities;

6 (b) Due to the limited availability of state and federal funding and  
7 the need to accomplish the financing, repair, reconstruction, and  
8 replacement of designated bridges AND TUNNEL PROJECTS as promptly and  
9 efficiently as possible, it is necessary to create a statewide bridge AND  
10 TUNNEL enterprise and to authorize the enterprise to:

11 (I) Enter into agreements with the commission or the department  
12 to finance, repair, reconstruct, and replace designated bridges AND  
13 COMPLETE TUNNEL PROJECTS in the state; and

14 (II) Impose a bridge safety surcharge, A BRIDGE AND TUNNEL  
15 IMPACT FEE, AND A BRIDGE AND TUNNEL RETAIL DELIVERY FEE at rates  
16 reasonably calculated to defray the costs of completing designated bridge  
17 projects AND TUNNEL PROJECTS and distribute the burden of defraying the  
18 costs in a manner based on the benefits received by persons paying the  
19 fees and using designated bridges AND TUNNELS AND RECEIVING RETAIL  
20 DELIVERIES, receive and expend ~~revenues~~ REVENUE generated by the  
21 surcharge AND FEES and other ~~moneys~~, MONEY, issue revenue bonds and  
22 other obligations, contract with the state, if required approvals are  
23 obtained, to receive one or more loans of ~~moneys~~ MONEY received by the  
24 state under the terms of one or more lease-purchase agreements  
25 authorized by this part 8, expend ~~revenues~~ revenue generated by the  
26 surcharge to repay any such loan or loans received, and exercise other  
27 powers necessary and appropriate to carry out its purposes; and



1 (c) The creation of a statewide bridge AND TUNNEL enterprise is  
2 in the public interest and will promote the health, safety, and welfare of  
3 all Coloradans and visitors to the state by providing bridges AND  
4 REPAIRING, MAINTAINING, AND OPERATING TUNNELS IN A MANNER that  
5 ~~incorporate~~ INCORPORATES the benefits of advanced engineering design,  
6 experience, and safety.

7 (2) (a) (I) The statewide bridge AND TUNNEL enterprise is hereby  
8 created. The bridge enterprise ~~shall be and shall operate~~ IS AND OPERATES  
9 as a government-owned business within the department. The commission  
10 shall serve as the bridge enterprise board and shall, with the consent of  
11 the executive director, appoint a bridge enterprise director who shall  
12 possess such qualifications as may be established by the commission and  
13 the state personnel board. The bridge enterprise director shall oversee the  
14 discharge of all responsibilities of the bridge enterprise and shall serve at  
15 the pleasure of the bridge enterprise board.

16 (b) The business purpose of the bridge enterprise is to finance,  
17 repair, reconstruct, and replace any designated bridge in the state and  
18 COMPLETE TUNNEL PROJECTS AND, as agreed upon by the enterprise and  
19 the commission, or the department to the extent authorized by the  
20 commission, to maintain the bridges it finances, repairs, reconstructs, and  
21 replaces. To allow the bridge enterprise to accomplish this purpose and  
22 fully exercise its powers and duties through the bridge enterprise board,  
23 the bridge enterprise may:

24 (I) Impose a bridge safety surcharge, a bridge and tunnel impact  
25 fee, and a bridge and tunnel retail delivery fee as authorized in paragraph  
26 ~~(g) of subsection (5)~~ BY SUBSECTIONS (5)(g), (5)(g.5), AND (5)(g.7) of this  
27 section;

1 (c) The bridge enterprise shall constitute an enterprise for  
2 purposes 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 than ten  
4 percent of its total revenues in grants from all Colorado state and local  
5 governments combined. So long as it constitutes an enterprise pursuant  
6 to this ~~paragraph (c)~~ SUBSECTION (2)(c), the bridge enterprise shall not be  
7 subject to any provisions of section 20 of article X of the state  
8 constitution. Consistent with the determination of the Colorado supreme  
9 court in *Nicholl v. E-470 Public Highway Authority*, 896 P.2d 859 (Colo.  
10 1995), that the power to impose taxes is inconsistent with "enterprise"  
11 status under section 20 of article X of the state constitution, the general  
12 assembly finds and declares that a bridge safety surcharge, A BRIDGE AND  
13 TUNNEL IMPACT FEE, OR A BRIDGE AND TUNNEL RETAIL DELIVERY FEE  
14 imposed by the bridge enterprise ~~pursuant to paragraph (g) of subsection~~  
15 ~~(5)~~ AS AUTHORIZED BY SUBSECTION (5)(g), (5)(g.5), OR (5)(g.7) of this  
16 section is not a tax but is instead a fee imposed by the bridge enterprise  
17 to defray the cost of completing designated bridge projects AND TUNNEL  
18 PROJECTS that the enterprise provides as a specific service to the persons  
19 upon whom the fee is imposed and at rates reasonably calculated based  
20 on the benefits received by such persons.

21 (3) (a) The statewide bridge AND TUNNEL enterprise special  
22 revenue fund, referred to in this part 8 as the "bridge special fund", is  
23 hereby created in the state treasury. All ~~revenues~~ REVENUE received by  
24 the bridge enterprise, including, but not limited to, ~~any revenues~~ REVENUE  
25 from a bridge safety surcharge ~~collected pursuant to paragraph (g) of~~  
26 ~~subsection (5)~~ IMPOSED AS AUTHORIZED BY SUBSECTION (5)(g) of this  
27 section, REVENUE FROM A BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS

1 AUTHORIZED BY SUBSECTION (5)(g.5) OF THIS SECTION, REVENUE FROM A  
2 BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED AS AUTHORIZED BY  
3 SUBSECTION (5)(g.7) OF THIS SECTION, and any ~~moneys~~ MONEY loaned to  
4 the enterprise by the state pursuant to ~~paragraph (r) of subsection (5) of~~  
5 SUBSECTION (5)(r) of this section, shall be deposited into the bridge  
6 special fund. The bridge enterprise board may establish separate accounts  
7 within the bridge special fund as needed in connection with any specific  
8 designated bridge project. The bridge enterprise also may deposit or  
9 permit others to deposit other ~~moneys~~ MONEY into the bridge special fund,  
10 but in no event may ~~revenues~~ REVENUE from any tax otherwise available  
11 for general purposes be deposited into the bridge special fund. The state  
12 treasurer, after consulting with the bridge enterprise board, shall invest  
13 any ~~moneys~~ MONEY in the bridge special fund, including any surplus or  
14 reserves, but excluding any proceeds from the sale of bonds or earnings  
15 on such proceeds invested pursuant to section 43-4-807 (2), that are not  
16 needed for immediate use. Such ~~moneys~~ MONEY may be invested in the  
17 types of investments authorized in sections 24-36-109, 24-36-112, and  
18 24-36-113. ~~C.R.S.~~

19 (c) The bridge enterprise may expend ~~moneys~~ MONEY in the  
20 bridge special fund to pay bond or loan obligations, to fund the  
21 administration, planning, financing, repair, reconstruction, replacement,  
22 or maintenance of designated bridges AND THE COMPLETION OF TUNNEL  
23 PROJECTS, and for the acquisition of land to the extent required in  
24 connection with any designated bridge project. The bridge enterprise may  
25 also expend ~~moneys~~ MONEY in the bridge special fund to pay its operating  
26 costs and expenses. The bridge enterprise board shall have exclusive  
27 authority to budget and approve the expenditure of ~~moneys~~ MONEY in the

1 bridge special fund.

2 (4) The commission may transfer moneys from the state highway  
3 fund created in section 43-1-219 to the bridge enterprise for the purpose  
4 of defraying expenses incurred by the enterprise prior to the receipt of  
5 bond proceeds or revenues by the enterprise. The bridge enterprise may  
6 accept and expend any moneys so transferred, and, notwithstanding any  
7 state fiscal rule or generally accepted accounting principle that could  
8 otherwise be interpreted to require a contrary conclusion, such a transfer  
9 shall constitute a loan from the commission to the bridge enterprise and  
10 shall not be considered a grant for purposes of section 20 (2)(d) of article  
11 X of the state constitution. As the bridge enterprise receives sufficient  
12 revenues in excess of expenses, the enterprise shall reimburse the state  
13 highway fund for the principal amount of any loan from the state highway  
14 fund made by the commission plus interest at a rate set by the  
15 commission. Any ~~moneys~~ MONEY loaned from the state highway fund to  
16 the bridge enterprise pursuant to this section shall be deposited into a  
17 fund to be known as the statewide bridge AND TUNNEL enterprise  
18 operating fund, which fund is hereby created, and shall not be deposited  
19 into the bridge special fund. ~~Moneys~~ MONEY from the bridge special fund  
20 may, however, be used to reimburse the state highway fund for the  
21 amount of any loan from the state highway fund or any interest thereon.

22 (5) In addition to any other powers and duties specified in this  
23 section, the bridge enterprise board has the following powers and duties:

24 (c) To issue revenue bonds, payable solely from the bridge special  
25 fund, for the purpose of paying the cost of financing, repairing,  
26 reconstructing, replacing, and maintaining designated bridges AND  
27 COMPLETING TUNNEL PROJECTS;

1 (g.5) (I) IN FURTHERANCE OF ITS BUSINESS PURPOSE, TO IMPOSE A  
2 BRIDGE AND TUNNEL IMPACT FEE TO BE PAID IN THE AMOUNT IMPOSED BY  
3 THE BRIDGE ENTERPRISE AS AUTHORIZED BY SUBSECTION (5)(g.5)(II) OR  
4 (5)(g.5)(III) OF THIS SECTION BY EACH DISTRIBUTOR OF SPECIAL FUEL, AS  
5 DEFINED IN SECTION 43-4-217 (2)(c), THAT PAYS THE EXCISE TAX IMPOSED  
6 ON SPECIAL FUEL PURSUANT TO ARTICLE 27 OF TITLE 39, AT THE SAME  
7 TIME AND IN THE SAME MANNER AS THE EXCISE TAX AND THE ROAD USAGE  
8 FEE IMPOSED PURSUANT TO SECTION 43-4-217 (3) AND (4). FOR THE  
9 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR DISTRIBUTORS AND  
10 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE  
11 SHALL COLLECT AND ADMINISTER THE BRIDGE AND TUNNEL IMPACT FEE ON  
12 BEHALF OF THE BRIDGE ENTERPRISE IN THE SAME MANNER IN WHICH IT  
13 COLLECTS AND ADMINISTERS THE EXCISE TAX AND THE ROAD USAGE FEE  
14 IMPOSED PURSUANT TO SECTION 43-4-217 (3) AND (4).

15 (II) FOR EACH GALLON OF SPECIAL FUEL ACQUIRED, SOLD, OFFERED  
16 FOR SALE, OR USED IN THIS STATE DURING STATE FISCAL YEARS 2022-23  
17 THROUGH 2031-32, THE BRIDGE ENTERPRISE SHALL IMPOSE THE BRIDGE  
18 AND TUNNEL IMPACT FEE IN AN AMOUNT OF UP TO:

- 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           (III) FOR EACH GALLON OF SPECIAL FUEL ACQUIRED, SOLD,  
2 OFFERED FOR SALE, OR USED IN THIS STATE DURING STATE FISCAL YEARS  
3 2032-33 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE BRIDGE  
4 ENTERPRISE SHALL IMPOSE THE BRIDGE AND TUNNEL IMPACT FEE IN AN  
5 AMOUNT OF UP TO THE MAXIMUM AMOUNT OF THE FEE FOR THE PRIOR  
6 STATE FISCAL YEAR ADJUSTED FOR INFLATION. THE BRIDGE ENTERPRISE  
7 SHALL NOTIFY THE DEPARTMENT OF REVENUE OF THE AMOUNT OF THE  
8 BRIDGE AND TUNNEL IMPACT FEE TO BE COLLECTED FOR EACH STATE  
9 FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR IN  
10 WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF  
11 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE  
12 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

13           (IV) AS USED IN THIS SUBSECTION (5)(g.5), "INFLATION" MEANS  
14 THE AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES  
15 DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION,  
16 NATIONAL HIGHWAY CONSTRUCTION COST INDEX OR ITS APPLICABLE  
17 PREDECESSOR OR SUCCESSOR INDEX FOR THE FIVE-YEAR PERIOD ENDING  
18 ON THE LAST DECEMBER 31 BEFORE A STATE FISCAL YEAR FOR WHICH AN  
19 ADJUSTMENT TO THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS  
20 AUTHORIZED BY THIS SUBSECTION (5)(g.5)(III) IS TO BE MADE BEGINS.

21           (g.7) (I) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING  
22 IN STATE FISCAL YEAR 2022-23, THE BRIDGE ENTERPRISE SHALL IMPOSE,  
23 AND THE DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE  
24 BRIDGE ENTERPRISE, A BRIDGE AND TUNNEL RETAIL DELIVERY FEE ON  
25 EACH RETAIL DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY  
26 SHALL ADD TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE  
27 PURCHASER, AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND

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

9 (II) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY  
10 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE BRIDGE ENTERPRISE  
11 SHALL IMPOSE THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE IN A  
12 MAXIMUM AMOUNT OF TWO AND SEVEN-TENTHS CENTS.

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

27 (B) THE BRIDGE ENTERPRISE IS AUTHORIZED TO ADJUST THE

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

7 (IV) AS USED IN THIS SUBSECTION (5)(g.7), "INFLATION" MEANS  
8 THE AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES  
9 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE  
10 INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN  
11 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR  
12 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE  
13 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE  
14 BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED PURSUANT TO THIS  
15 SUBSECTION (5)(g.7) BEGINS.

16 (k) To prepare, or cause to be prepared, detailed plans,  
17 specifications, or estimates for any designated bridge project OR TUNNEL  
18 PROJECT within the state;

19 (r) (I) To contract with the state to borrow ~~moneys~~ MONEY under  
20 the terms of one or more loan contracts entered into by the state and the  
21 bridge enterprise pursuant to ~~subparagraph (III) of this paragraph (r)~~  
22 SUBSECTION (5)(r)(III) OF THIS SECTION, to expend any ~~moneys~~ MONEY  
23 borrowed from the state for the purpose of completing designated bridge  
24 projects AND TUNNEL PROJECTS and for any other authorized purpose that  
25 constitutes the construction, supervision, and maintenance of the public  
26 highways of this state for purposes of section 18 of article X of the state  
27 constitution, and to use ~~revenues~~ REVENUE generated by any bridge safety



1 surcharge, BRIDGE AND TUNNEL IMPACT FEE, OR BRIDGE AND TUNNEL  
2 RETAIL DELIVERY FEE imposed pursuant to ~~paragraph (g) of this~~  
3 ~~subsection (5)~~ SUBSECTION (5)(g), (5)(g.5), OR (5)(g.7) OF THIS SECTION  
4 and any other legally available ~~moneys~~ MONEY of the bridge enterprise to  
5 repay the ~~moneys~~ MONEY borrowed and any other amounts payable under  
6 the terms of the loan contract.

7 (III) (A) If the state treasurer receives a list from the governor  
8 pursuant to ~~subparagraph (H) of this paragraph (r)~~ SUBSECTION (5)(r)(II)  
9 OF THIS SECTION, the state, acting by and through the state treasurer, may  
10 enter into a loan contract with the bridge enterprise and may raise the  
11 money needed to make a loan pursuant to the terms of the loan contract  
12 by selling or leasing one or more of the state buildings or other state  
13 capital facilities on the list. The state treasurer shall have sole discretion  
14 to enter into a loan contract on behalf of the state and to determine the  
15 amount of a loan; except that the principal amount of a loan shall not  
16 exceed the maximum amount specified by the governor pursuant to  
17 ~~subparagraph (H) of this paragraph (r)~~ SUBSECTION (5)(r)(II) OF THIS  
18 SECTION. The state treasurer shall also have sole discretion to determine  
19 the timing of the entry of the state into any loan contract or the sale or  
20 lease of one or more state buildings or other state capital facilities. The  
21 loan contract shall require the bridge enterprise to pledge to the state all  
22 or a portion of the revenues of any bridge safety surcharge, BRIDGE AND  
23 TUNNEL IMPACT FEE, OR BRIDGE AND TUNNEL RETAIL DELIVERY FEE  
24 imposed pursuant to ~~paragraph (g) of this subsection (5)~~ SUBSECTION  
25 (5)(g), (5)(g.5), OR (5)(g.7) OF THIS SECTION for the repayment of the loan  
26 and may also require the BRIDGE enterprise to pledge to the state any other  
27 legally available ~~revenues~~ REVENUE of the BRIDGE enterprise. Any loan

1 contract entered into by the state, acting by and through the state  
2 treasurer, and the bridge enterprise pursuant to this ~~sub-subparagraph (A)~~  
3 SUBSECTION (5)(r)(III)(A) and any pledge of ~~revenues~~ REVENUE by the  
4 BRIDGE enterprise pursuant to such a loan contract shall be only for the  
5 benefit of, and enforceable only by, the state and the BRIDGE enterprise.  
6 Specifically, but without limiting the generality of said limitation, no such  
7 loan contract or pledge shall be for the benefit of, or enforceable by, a  
8 lessor under a lease-purchase agreement entered into pursuant to this  
9 ~~subparagraph (H)~~ SUBSECTION (5)(r)(III), an owner of any instrument  
10 evidencing rights to receive rentals or other payments made and to be  
11 made under such a lease-purchase agreement as authorized by  
12 ~~sub-subparagraph (B) of subparagraph (IV) of this paragraph (r)~~  
13 SUBSECTION (5)(r)(IV)(B) OF THIS SECTION, a party to any ancillary  
14 agreement or instrument entered into pursuant to ~~subparagraph (V) of this~~  
15 ~~paragraph (r)~~ SUBSECTION (5)(r)(V) OF THIS SECTION, or a party to any  
16 interest rate exchange agreement entered into pursuant to  
17 ~~sub-subparagraph (A) of subparagraph (VII) of this paragraph (r)~~  
18 SUBSECTION (5)(r)(VII)(A) OF THIS SECTION.

19 **SECTION 44.** In Colorado Revised Statutes, **amend** 43-4-1101  
20 as follows:

21 **43-4-1101. Legislative declaration.** (1) The general assembly  
22 hereby finds and declares that it is necessary, appropriate, and in the best  
23 interest of the state to use a portion of the general fund money that is  
24 dedicated for transportation purposes pursuant to section 24-75-219 ~~(5)~~  
25 to fund multimodal transportation projects and operations throughout the  
26 state AND TO USE A PORTION OF THE MONEY THAT IS GENERATED BY THE  
27 RETAIL DELIVERY FEE IMPOSED ON THE DELIVERY OF RETAIL GOODS

1 TRANSPORTED TO THE DELIVERY SITE BY MOTOR VEHICLE PURSUANT TO  
2 SECTION 43-4-218 (3) TO FUND TRANSPORTATION RELATED GREENHOUSE  
3 GAS MITIGATION EXPENSES THROUGHOUT THE STATE as authorized by this  
4 part 11 because, in addition to the general benefits that it provides to all  
5 Coloradans, a complete and integrated multimodal transportation system  
6 THAT INCLUDES GREENHOUSE GAS MITIGATION INFRASTRUCTURE AND  
7 SERVICES:

- 8 (a) Benefits seniors by making aging in place more feasible for  
9 them;
- 10 (b) Benefits residents of rural areas by providing them with  
11 flexible public transportation services;
- 12 (c) Provides enhanced mobility for persons with disabilities; and
- 13 (d) Provides safe routes to schools for children; AND
- 14 (e) REDUCES THE NEGATIVE IMPACTS OF MOTORIZED  
15 TRANSPORTATION ON AIR QUALITY, THE CLIMATE, AND PUBLIC HEALTH.

16 **SECTION 45.** In Colorado Revised Statutes, 43-4-1102, **amend**  
17 (4) and (5); **repeal** (1); and **add** (4.5) as follows:

18 **43-4-1102. Definitions.** As used in this part 11, unless the context  
19 otherwise requires:

20 (1) ~~"Account" means the transportation revenue anticipation notes~~  
21 ~~proceeds account of the multimodal transportation options fund created~~  
22 ~~in section 43-4-1103 (1)(b).~~

23 (4) "Fund" means the multimodal transportation AND MITIGATION  
24 options fund created in section 43-4-1103 (1)(a).

25 (4.5) "GREENHOUSE GAS MITIGATION PROJECT" MEANS A PROJECT  
26 THAT HELPS ACHIEVE COMPLIANCE WITH FEDERAL OR STATE LAWS OR  
27 RULES THAT REGULATE TRANSPORTATION RELATED GREENHOUSE GAS

1 EMISSIONS.

2 (5) "Multimodal projects" means capital or operating costs for  
3 fixed route and on-demand transit, transportation demand management  
4 programs, multimodal mobility projects enabled by new technology,  
5 multimodal transportation studies, MODELING TOOLS, GREENHOUSE GAS  
6 MITIGATION PROJECTS, and bicycle or pedestrian projects.

7 **SECTION 46.** In Colorado Revised Statutes, 43-4-1103, **amend**  
8 (1)(a), (2)(a)(I) introductory portion, (2)(c), (3)(a) introductory portion,  
9 (3)(a)(I), and (3)(a)(II) introductory portion; **repeal** (1)(b), (2)(a)(II),  
10 (2)(a)(III), and (2)(b); and **add** (2)(a)(IV) and (3)(a.5) as follows:

11 **43-4-1103. Multimodal transportation options fund - creation**  
12 **- revenue sources for fund - use of fund.** (1) (a) The multimodal  
13 transportation AND MITIGATION options fund is hereby created in the state  
14 treasury. The fund consists of money transferred from the general fund to  
15 the fund pursuant to section 24-75-219, ~~(5)(a)(III) and (5)(b)(III)~~ RETAIL  
16 DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT TO SECTION  
17 43-4-218 (5)(a)(II), and any other money that the general assembly may  
18 appropriate or transfer to the fund. The state treasurer shall credit all  
19 interest and income derived from the deposit and investment of money in  
20 the fund to the fund.

21 (b) ~~The transportation revenue anticipation notes proceeds account~~  
22 ~~is hereby created in the fund. Net proceeds of transportation revenue~~  
23 ~~anticipation notes that the state issues shall be credited to the account as~~  
24 ~~specified in section 43-4-714 (1)(b). The state treasurer shall credit all~~  
25 ~~interest and income derived from the deposit and investment of money in~~  
26 ~~the account to the account.~~

27 (2) (a) (I) Except as otherwise provided in ~~subsections (2)(a)(II)~~

1 ~~and (2)(a)(III)~~ SUBSECTION (2)(a)(IV) of this section, subject to annual  
2 appropriation by the general assembly, money must be expended from the  
3 fund as follows:

4 (II) ~~On July 1, 2018, the state treasurer shall transfer two million~~  
5 ~~five hundred thousand dollars from the fund to the fund created in section~~  
6 ~~43-4-1002 (1).~~

7 (III) ~~On June 30, 2020, the state treasurer shall transfer ten million~~  
8 ~~dollars from the fund to the general fund.~~

9 (IV) ON FEBRUARY 15, 2022, THE STATE TREASURER SHALL  
10 TRANSFER TWO AND ONE-HALF MILLION DOLLARS TO THE FUND CREATED  
11 IN SECTION 43-4-1002.

12 (b) ~~(I) Subject to the limitations set forth in subsection (2)(b)(II)~~  
13 ~~of this section, money must be expended from the account as follows:~~

14 ~~(A) Eighty-five percent to the commission for local multimodal~~  
15 ~~projects; and~~

16 ~~(B) Fifteen percent to the commission for state multimodal~~  
17 ~~projects that are selected by the commission.~~

18 ~~(II) The commission shall ensure, in cooperation with each~~  
19 ~~recipient of such money from the account, that any net proceeds of~~  
20 ~~tax-exempt transportation revenue anticipation notes credited to the~~  
21 ~~account and any interest and income derived from the deposit and~~  
22 ~~investment of any such proceeds are expended only in compliance with~~  
23 ~~all applicable federal laws and regulations governing the use of~~  
24 ~~tax-exempt note proceeds.~~

25 (c) With respect to the ~~distribution~~ DISTRIBUTIONS of money for  
26 local multimodal projects required by subsection (2)(a)(I)(A) of this  
27 section, ~~and, for net proceeds of taxable transportation revenue~~

1 ~~anticipation notes and interest and income derived from the deposit and~~  
2 ~~investment of such proceeds only, the distribution of money for local~~  
3 ~~multimodal projects required by subsection (2)(b)(I)(A) of this section,~~  
4 the commission shall establish a formula for disbursement of the amount  
5 allocated for local multimodal projects, based on population and transit  
6 ridership, in consultation with the transportation advisory committee  
7 created in section 43-1-1104, the transit and rail advisory committee of  
8 the department, transit advocacy organizations, and bicycle and pedestrian  
9 advocacy organizations. Recipients shall provide a match equal to the  
10 amount of the award; except that the commission may create a formula  
11 for reducing or exempting the match requirement for local governments  
12 or agencies due to their size or any other special circumstances AND MAY  
13 ALSO, IF RECOMMENDED BY DEPARTMENT STAFF, REDUCE OR EXEMPT ANY  
14 INDIVIDUAL RECIPIENT FROM THE MATCH REQUIREMENT FOR A SPECIFIC  
15 PROJECT.

16 (3) (a) The department shall annually report to the transportation  
17 legislation review committee of the general assembly created in section  
18 43-2-145 (1) regarding its expenditures from the fund ~~and the account~~  
19 including, at a minimum:

20 (I) An aggregate accounting of all money expended from the fund  
21 ~~and the account~~ during the prior fiscal year; and

22 (II) A listing of all projects receiving funding from the fund ~~and~~  
23 ~~the account~~ during the prior fiscal year that includes for each project:

24 (3) (a.5) EACH TRANSPORTATION PLANNING REGION SHALL  
25 ANNUALLY REPORT TO THE DEPARTMENT REGARDING THE STATUS OF  
26 LOCAL MULTIMODAL PROJECTS WITHIN THE REGION THAT HAVE RECEIVED  
27 FUNDING FROM THE FUND.



1 ELECTRIFICATION OF PUBLIC TRANSIT AND THEREBY REAP THE  
2 ENVIRONMENTAL, HEALTH, BUSINESS, AND OPERATIONAL EFFICIENCY  
3 BENEFITS OF ELECTRIFICATION, IT IS NECESSARY, APPROPRIATE, AND IN  
4 THE BEST INTEREST OF THE STATE TO CREATE A CLEAN TRANSIT  
5 ENTERPRISE THAT CAN PROVIDE SPECIALIZED BUSINESS SERVICES THAT  
6 HELP PUBLIC TRANSIT PROVIDERS FUND BOTH THE CONSTRUCTION OF THE  
7 CHARGING INFRASTRUCTURE NEEDED TO SUPPORT ELECTRIFICATION AND  
8 THE ACQUISITION OF ELECTRIC MOTOR VEHICLES;

9 (b) THE ENTERPRISE PROVIDES BUSINESS SERVICES WHEN:

10 (I) IN EXCHANGE FOR THE PAYMENT OF CLEAN TRANSIT RETAIL  
11 DELIVERY FEES, IT MAKES GRANTS OR LOANS OR PROVIDES REBATES TO  
12 FUND THE CONSTRUCTION OF CHARGING INFRASTRUCTURE THAT SUPPORTS  
13 THE USE OF CLEAN, QUIET, AND COST-EFFICIENT ELECTRIC MOTOR  
14 VEHICLES FOR PUBLIC TRANSIT AND THEREBY:

15 (A) IMPROVES TRANSPORTATION OPTIONS FOR FEE PAYERS AND  
16 THE GENERAL PUBLIC AND MAKES TRANSIT MORE ATTRACTIVE TO NEW OR  
17 INFREQUENT USERS;

18 (B) BY MAKING TRANSIT MORE ATTRACTIVE, REDUCES TRAFFIC  
19 CONGESTION, WHICH ALLOWS MORE TIMELY AND EFFICIENT RETAIL  
20 DELIVERIES, REDUCES EMISSIONS OF AIR POLLUTANTS AND GREENHOUSE  
21 GAS POLLUTANTS FROM PERSONAL MOTOR VEHICLES, AND REDUCES AND  
22 MITIGATES THE ADVERSE ENVIRONMENTAL IMPACTS AND HEALTH IMPACTS  
23 OF SUCH EMISSIONS;

24 (II) CONTRIBUTES IN A UNIQUE AND TARGETED WAY TO THE  
25 COMPREHENSIVE REGULATORY SCHEME REQUIRED FOR THE PLANNING,  
26 FUNDING, DEVELOPMENT, CONSTRUCTION, MAINTENANCE, SUPERVISION,  
27 AND REGULATION OF A SUSTAINABLE TRANSPORTATION SYSTEM; AND



1 (III) PROVIDES ADDITIONAL BUSINESS SERVICES TO FEE PAYERS AS  
2 MAY BE PROVIDED BY LAW;

3 (c) BY PROVIDING BUSINESS SERVICES AS AUTHORIZED BY THIS  
4 SECTION, THE CLEAN TRANSIT ENTERPRISE ENGAGES IN AN ACTIVITY  
5 CONDUCTED IN THE PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND  
6 THEREFORE OPERATES AS A BUSINESS;

7 (d) CONSISTENT WITH THE DETERMINATION OF THE COLORADO  
8 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896  
9 P.2D 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS  
10 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE  
11 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL  
12 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS  
13 GENERATED BY FEES, NOT TAXES, BECAUSE THE CLEAN TRANSIT RETAIL  
14 DELIVERY FEE IMPOSED BY THE ENTERPRISE AS AUTHORIZED BY SECTION  
15 43-4-1203 (7) IS:

16 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE  
17 ENTERPRISE TO DEFRAY THE COSTS OF MITIGATING THE IMPACTS OF  
18 PROVIDING THE BUSINESS SERVICES, INCLUDING THE COSTS OF  
19 CONTRIBUTING TO THE IMPLEMENTATION OF THE COMPREHENSIVE  
20 REGULATORY SCHEME REQUIRED FOR THE PLANNING, FUNDING,  
21 DEVELOPMENT, CONSTRUCTION, MAINTENANCE, SUPERVISION, AND  
22 REGULATION OF A SUSTAINABLE TRANSPORTATION SYSTEM SPECIFIED IN  
23 THIS SECTION TO FEE PAYERS; AND

24 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED  
25 BASED ON THE BENEFITS RECEIVED BY THOSE ENTITIES AND THE COSTS OF  
26 THE SERVICES THAT THE ENTERPRISE PROVIDES; AND

27 (e) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR

1 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE  
2 REVENUE FROM THE CLEAN TRANSIT RETAIL DELIVERY FEE COLLECTED BY  
3 THE ENTERPRISE IS NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN  
4 SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION  
5 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE  
6 FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF  
7 THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS  
8 DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(D).

9 **43-4-1202. Definitions.** AS USED IN THIS PART 12, UNLESS THE  
10 CONTEXT OTHERWISE REQUIRES:

11 (1) "BATTERY ELECTRIC MOTOR VEHICLE" MEANS A MOTOR  
12 VEHICLE THAT IS POWERED EXCLUSIVELY BY A RECHARGEABLE BATTERY  
13 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL  
14 SOURCE OF ELECTRICITY AND THAT HAS NO SECONDARY SOURCE OF  
15 PROPULSION.

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

17 (3) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION  
18 CREATED IN SECTION 43-1-106 (1).

19 (4) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION  
20 CREATED IN SECTION 21-1-128.7.

21 (5) (a) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A  
22 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN  
23 ACCORDANCE WITH THE MOST RECENT UNITED STATES CENSUS, WHERE  
24 THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME IS GREATER  
25 THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS THAT IDENTIFY  
26 AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE PROPORTION OF  
27 HOUSEHOLDS THAT ARE HOUSING COST BURDENED IS GREATER THAN

1 FORTY PERCENT.

2 (b) AS USED IN THIS SUBSECTION (5):

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

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

8 (5) "ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC  
9 MOTOR VEHICLE, A HYDROGEN FUEL CELL MOTOR VEHICLE, OR A PLUG-IN  
10 HYBRID ELECTRIC MOTOR VEHICLE.

11 (6) "ENTERPRISE" MEANS THE CLEAN TRANSIT ENTERPRISE  
12 CREATED IN SECTION 43-4-1203 (1)(a).

13 (7) "FUND" MEANS THE CLEAN TRANSIT ENTERPRISE FUND  
14 CREATED IN SECTION 43-4-1203 (5)

15 (8) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR  
16 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL  
17 THAT USES HYDROGEN GAS AS FUEL.

18 (9) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE  
19 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF  
20 LABOR STATISTICS, CONSUMER PRICE INDEX FOR  
21 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 BE MADE TO THE  
25 CLEAN TRANSIT RETAIL DELIVERY FEE IMPOSED PURSUANT TO SECTION  
26 43-4-1203 (7) BEGINS.

27 (10) "MOTOR VEHICLE" HAS THE MEANING SET FORTH IN SECTION

1 42-1-102 (58). THE TERM DOES NOT INCLUDE A PERSONAL DELIVERY  
2 DEVICE.

3 (11) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY  
4 OPERATED ROBOT THAT IS:

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

9 (b) WEIGHS NO MORE THAN FIVE HUNDRED FIFTY POUNDS,  
10 EXCLUDING ANY TANGIBLE PERSONAL PROPERTY BEING TRANSPORTED;  
11 AND

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

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

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

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

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

3           (16) "TANGIBLE PERSONAL PROPERTY HAS THE SAME MEANING AS  
4 SET FORTH IN SECTION 39-26-102 (15).

5           (17) "TRANSIT" MEANS MASS TRANSIT, AS DEFINED IN SECTION  
6 43-1-102 (4).

7           (18) "ZERO EMISSIONS MOTOR VEHICLE" MEANS A BATTERY  
8 ELECTRIC MOTOR VEHICLE OR A HYDROGEN FUEL CELL MOTOR VEHICLE.

9           **43-4-1203. Clean transit enterprise - creation - board - powers**  
10 **and duties - fees - fund.** (1) (a) THE CLEAN TRANSIT ENTERPRISE IS  
11 HEREBY CREATED IN THE DEPARTMENT. THE ENTERPRISE IS AND OPERATES  
12 AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER  
13 TO EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF  
14 THIS SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES  
15 SET FORTH IN THIS SECTION.

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

20           (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF  
21 NINE MEMBERS APPOINTED AS FOLLOWS:

22           (I) THE GOVERNOR SHALL APPOINT SIX MEMBERS WHO SHALL  
23 SERVE AT THE PLEASURE OF THE GOVERNOR FOR TERMS OF THE LENGTH  
24 SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION. THE GOVERNOR SHALL  
25 MAKE REASONABLE EFFORTS, TO THE EXTENT SUCH APPLICATIONS HAVE  
26 BEEN SUBMITTED FOR CONSIDERATION FOR THE BOARD, TO CONSIDER  
27 MEMBERS THAT REFLECT THE STATE'S GEOGRAPHIC DIVERSITY WHEN

1 MAKING APPOINTMENTS AND SHALL MAKE INITIAL APPOINTMENTS NO  
2 LATER THAN OCTOBER 1, 2021. OF THE MEMBERS APPOINTED BY THE  
3 GOVERNOR:

4 (A) ONE MEMBER MUST BE A MEMBER OF THE COMMISSION AND  
5 HAVE STATEWIDE TRANSPORTATION EXPERTISE;

6 (B) ONE MEMBER MUST REPRESENT AN URBAN AREA AND HAVE  
7 TRANSIT EXPERTISE;

8 (C) ONE MEMBER MUST REPRESENT A RURAL AREA AND HAVE  
9 TRANSIT EXPERTISE;

10 (D) ONE MEMBER MUST HAVE EXPERTISE IN ZERO-EMISSIONS  
11 TRANSPORTATION, MOTOR VEHICLE FLEETS, OR UTILITIES;

12 (E) ONE MEMBER MUST REPRESENT A TRANSPORTATION-FOCUSED  
13 ORGANIZATION THAT SERVES AN ENVIRONMENTAL JUSTICE COMMUNITY;

14 AND

15 (F) ONE MEMBER MUST REPRESENT A PUBLIC ADVOCACY GROUP  
16 THAT HAS TRANSIT OR COMPREHENSIVE TRANSPORTATION EXPERTISE.

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

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

21 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC  
22 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

23 (b) MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR SERVE  
24 FOR TERMS OF FOUR YEARS; EXCEPT THAT FOUR OF THE MEMBERS  
25 INITIALLY APPOINTED SHALL SERVE FOR INITIAL TERMS OF THREE YEARS  
26 AND THE TERM OF THE MEMBER APPOINTED PURSUANT TO SUBSECTION  
27 (2)(a)(I)(A) OF THIS SECTION CONTINUES FOR AS LONG AS THE MEMBER IS

1 A MEMBER OF THE COMMISSION. A MEMBER WHO IS APPOINTED TO FILL A  
2 VACANCY ON THE BOARD SHALL SERVE THE REMAINDER OF THE  
3 UNEXPIRED TERM OF THE FORMER MEMBER. THE OTHER BOARD MEMBERS  
4 SERVE FOR AS LONG AS THEY HOLD THEIR EXECUTIVE DIRECTOR POSITIONS  
5 OR ARE DESIGNATED TO SERVE BY AN EXECUTIVE DIRECTOR.

6 (c) MEMBERS OF THE BOARD SERVE WITHOUT COMPENSATION BUT  
7 MUST BE REIMBURSED FROM MONEY IN THE FUND FOR ACTUAL AND  
8 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES  
9 PURSUANT TO THIS PART 13.

10 (3) THE PRIMARY BUSINESS PURPOSE OF THE ENTERPRISE IS TO  
11 REDUCE AND MITIGATE THE ADVERSE ENVIRONMENTAL IMPACTS AND  
12 HEALTH IMPACTS OF AIR POLLUTION AND GREENHOUSE GAS EMISSIONS  
13 PRODUCED BY MOTOR VEHICLES USED FOR PUBLIC TRANSIT BY SUPPORTING  
14 THE REPLACEMENT OF EXISTING GASOLINE AND DIESEL TRANSIT VEHICLES  
15 WITH ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR VEHICLES THAT  
16 ORIGINALLY WERE POWERED BY FOSSIL FUELS BUT HAVE BEEN CONVERTED  
17 INTO ELECTRIC MOTOR VEHICLES, PROVIDING THE ASSOCIATED  
18 RECHARGING INFRASTRUCTURE FOR ELECTRIC TRANSIT FLEET MOTOR  
19 VEHICLES, SUPPORTING FACILITY MODIFICATIONS THAT ALLOW FOR THE  
20 SAFE OPERATION AND MAINTENANCE OF ELECTRIC TRANSIT MOTOR  
21 VEHICLES FUNDING PLANNING STUDIES THAT ENABLE TRANSIT AGENCIES  
22 TO PLAN FOR TRANSIT VEHICLE ELECTRIFICATION. TO ALLOW THE  
23 ENTERPRISE TO ACCOMPLISH THIS BUSINESS PURPOSE AND FULLY EXERCISE  
24 ITS POWERS AND DUTIES THROUGH THE BOARD, THE ENTERPRISE MAY:

25 (a) IMPOSE A CLEAN TRANSIT RETAIL DELIVERY FEE AS  
26 AUTHORIZED BY SUBSECTION (7) OF THIS SECTION;

27 (b) ISSUE GRANTS AND PROVIDE LOANS AND REBATES AS

1 AUTHORIZED BY SUBSECTION (8) OF THIS SECTION; AND

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

4 (4) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES  
5 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  
7 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL  
8 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT  
9 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (4), THE  
10 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE  
11 CONSTITUTION.

12 (5)(a) THE CLEAN TRANSIT ENTERPRISE FUND IS HEREBY CREATED  
13 IN THE STATE TREASURY. THE FUND CONSISTS OF CLEAN TRANSIT RETAIL  
14 DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT TO  
15 SUBSECTION (7) OF THIS SECTION, ANY MONETARY GIFTS, GRANTS,  
16 DONATIONS, OR OTHER MONEY RECEIVED BY THE ENTERPRISE, ANY  
17 FEDERAL MONEY THAT MAY BE CREDITED TO THE FUND, AND ANY OTHER  
18 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER  
19 TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
20 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
21 FUND TO THE FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE  
22 GENERAL ASSEMBLY, THE ENTERPRISE MAY EXPEND MONEY FROM THE  
23 FUND TO PROVIDE GRANTS, PAY ITS REASONABLE AND NECESSARY  
24 OPERATING EXPENSES, INCLUDING REPAYMENT OF ANY LOAN RECEIVED BY  
25 THE ENTERPRISE PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION, AND  
26 OTHERWISE EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS  
27 AUTHORIZED BY THIS PART 3.



1           (b) THE COMMISSION MAY TRANSFER MONEY FROM THE STATE  
2 HIGHWAY FUND CREATED IN SECTION 43-1-219 TO THE ENTERPRISE FOR  
3 THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE  
4 BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND PROCEEDS, AND A  
5 TRANSFER FOR SUCH PURPOSE IS MADE, IN ACCORDANCE WITH SECTION 18  
6 OF ARTICLE X OF THE STATE CONSTITUTION, FOR THE SUPERVISION OF THE  
7 PUBLIC HIGHWAYS OF THIS STATE. THE ENTERPRISE MAY ACCEPT AND  
8 EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY  
9 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE  
10 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY  
11 CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE COMMISSION TO THE  
12 ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR  
13 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE  
14 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY  
15 TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE  
16 CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND, WHICH IS HEREBY  
17 CREATED IN THE STATE TREASURY, AND LOAN LIABILITIES THAT ARE  
18 RECORDED IN THE FUND BUT WHICH ARE NOT REQUIRED TO BE PAID IN THE  
19 CURRENT FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING  
20 SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF SECTION  
21 24-75-109. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
22 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
23 CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND TO THE FUND. THE  
24 CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND IS CONTINUOUSLY  
25 APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING  
26 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE  
27 REVENUE OR REVENUE BOND PROCEEDS. AS THE ENTERPRISE RECEIVES

1 SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE ENTERPRISE SHALL  
2 REIMBURSE THE STATE HIGHWAY FUND FOR THE PRINCIPAL AMOUNT OF  
3 ANY LOAN MADE BY THE COMMISSION PLUS INTEREST AT A RATE SET BY  
4 THE COMMISSION.

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

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

10 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND  
11 PERSONAL PROPERTY;

12 (c) TO EMPLOY AND SUPERVISE INDIVIDUALS, PROFESSIONAL  
13 CONSULTANTS AND CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT  
14 TO CARRY OUT ITS BUSINESS PURPOSE;

15 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY;

16 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, AND  
17 DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS  
18 PART 12. THE ENTERPRISE SHALL TRANSMIT ANY MONEY RECEIVED  
19 THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO  
20 SHALL CREDIT THE MONEY TO THE FUND;

21 (f) TO DIRECTLY PROVIDE ANY SERVICE THAT IT IS AUTHORIZED TO  
22 PROVIDE INDIRECTLY THROUGH GRANTS AWARDED PURSUANT TO  
23 SUBSECTION (8) OF THIS SECTION;

24 (g) TO PROMULGATE RULES GOVERNING THE PROCESS BY WHICH  
25 THE ENTERPRISE ACCEPTS APPLICATIONS FOR, AWARDS, AND OVERSEES  
26 GRANTS PURSUANT TO SUBSECTION (8) OF THIS SECTION; AND

27 (h) 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 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN  
4 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE, AND THE  
5 DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE  
6 ENTERPRISE, A CLEAN TRANSIT RETAIL DELIVERY FEE ON EACH RETAIL  
7 DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY SHALL ADD  
8 TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE PURCHASER,  
9 AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND IN THE  
10 MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH SECTION  
11 43-4-218 (6) THE CLEAN TRANSIT RETAIL DELIVERY FEE. FOR THE PURPOSE  
12 OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS AND ADMINISTRATIVE  
13 COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE SHALL COLLECT  
14 AND ADMINISTER THE CLEAN TRANSIT RETAIL DELIVERY FEE ON BEHALF  
15 OF THE ENTERPRISE IN THE SAME MANNER IN WHICH IT COLLECTS AND  
16 ADMINISTERS THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218  
17 (3).

18 (b) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY  
19 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL  
20 IMPOSE THE CLEAN TRANSIT RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT  
21 OF THREE CENTS.

22 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II)  
23 OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL  
24 PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING  
25 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE  
26 CLEAN TRANSIT RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT THAT IS  
27 THE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR ADJUSTED FOR

1 INFLATION. THE ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF REVENUE  
2 OF THE AMOUNT OF THE CLEAN TRANSIT RETAIL DELIVERY FEE TO BE  
3 COLLECTED FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY  
4 PURCHASED DURING EACH STATE FISCAL YEAR NO LATER THAN MARCH 15  
5 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS, AND  
6 THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT NO LATER  
7 THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR  
8 BEGINS.

9 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF  
10 THE CLEAN TRANSIT RETAIL DELIVERY FEE FOR RETAIL DELIVERIES OF  
11 TANGIBLE PERSONAL PROPERTY PURCHASED DURING A STATE FISCAL YEAR  
12 ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE AMOUNT OF THE  
13 RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3) FOR RETAIL  
14 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING THE  
15 STATE FISCAL YEAR.

16 (8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, AND SUBJECT  
17 TO THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (8), THE  
18 ENTERPRISE IS AUTHORIZED TO MAKE GRANTS, LOANS, OR REBATES TO  
19 SUPPORT ELECTRIFICATION OF PUBLIC TRANSIT.

20 (b) THE ENTERPRISE MAY MAKE GRANTS, LOANS, OR REBATES TO  
21 FUND:

22 (I) CLEAN TRANSIT PLANNING EFFORTS;

23 (II) FACILITY UPGRADES NECESSARY FOR THE SAFE OPERATION  
24 AND MAINTENANCE OF ELECTRIC MOTOR VEHICLES USED BY PUBLIC  
25 TRANSIT PROVIDERS;

26 (III) THE CONSTRUCTION OF CHARGING INFRASTRUCTURE FOR  
27 ELECTRIC MOTOR VEHICLES USED BY PUBLIC TRANSIT PROVIDERS; AND

1 (IV) THE REPLACEMENT BY ELECTRIC MOTOR VEHICLES OF MOTOR  
2 VEHICLES USED BY PUBLIC TRANSIT PROVIDERS THAT ARE NOT ELECTRIC  
3 MOTOR VEHICLES.

4 (c) THE ENTERPRISE SHALL AWARD GRANTS ON A COMPETITIVE  
5 BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE ENTERPRISE IN  
6 ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF GRANT  
7 APPLICATIONS.

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 IN A MANNER THAT MAINTAINS  
13 COMPLIANCE WITH THE FEDERAL AND STATE STATUTES AND REGULATIONS  
14 GOVERNING AIR QUALITY. THE DIVISION SHALL COLLABORATE WITH THE  
15 COLORADO ENERGY OFFICE AND THE DEPARTMENT WHEN DEVELOPING THE  
16 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 TITLE 24, AND THE "COLORADO OPEN RECORDS  
26 ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

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

1 2 OF ARTICLE 72 OF 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 PART 13  
11 NONATTAINMENT AREA AIR POLLUTION  
12 MITIGATION ENTERPRISE

13 **43-4-1301. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
14 HEREBY FINDS AND DECLARES THAT:

15 (a) RAPID AND CONTINUING GROWTH IN RETAIL DELIVERIES MADE  
16 BY MOTOR VEHICLES AND IN PREARRANGED RIDES ARRANGED THROUGH  
17 TRANSPORTATION NETWORK COMPANIES HAS INCREASED AND WILL  
18 CONTINUE TO INCREASE TRAFFIC CONGESTION AND AIR POLLUTION FROM  
19 MOTOR VEHICLE EMISSIONS, ALONG WITH THE ADVERSE ENVIRONMENTAL  
20 IMPACTS AND HEALTH IMPACTS THAT RESULT FROM SUCH POLLUTION, IN  
21 NONATTAINMENT AREAS, ESPECIALLY IN DISPROPORTIONATELY IMPACTED  
22 COMMUNITIES AND COMMUNITIES ADJACENT TO HIGHWAYS;

23 (b) IT IS NECESSARY AND APPROPRIATE TO OFFSET AND MITIGATE  
24 THESE IMPACTS BY CREATING A NONATTAINMENT AREA AIR POLLUTION  
25 MITIGATION ENTERPRISE THAT HAS THE BUSINESS PURPOSE OF PROVIDING  
26 FUNDING FOR ELIGIBLE PROJECTS THAT REDUCE TRAFFIC CONGESTION,  
27 INCLUDING DEMAND MANAGEMENT PROJECTS THAT ENCOURAGE

1 ALTERNATIVES TO DRIVING ALONE, AND THEREBY REDUCE TRAVEL  
2 DELAYS, ENGINE IDLE TIME, AND UNPRODUCTIVE FUEL CONSUMPTION OR  
3 THAT DIRECTLY REDUCE EMISSIONS BY MEANS SUCH AS RETROFITTING OF  
4 CONSTRUCTION EQUIPMENT;

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

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

17 (a) BY PROVIDING BUSINESS SERVICES AS AUTHORIZED BY THIS  
18 SECTION, THE NONATTAINMENT AREA AIR POLLUTION MITIGATION  
19 ENTERPRISE ENGAGES IN AN ACTIVITY CONDUCTED IN THE PURSUIT OF A  
20 BENEFIT, GAIN, OR LIVELIHOOD AND THEREFORE OPERATES AS A BUSINESS;

21 (b) CONSISTENT WITH THE DETERMINATION OF THE COLORADO  
22 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896  
23 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS  
24 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE  
25 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL  
26 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS  
27 GENERATED BY FEES, NOT TAXES, BECAUSE THE COMMUNITY ACCESS



1 RETAIL DELIVERY FEE IMPOSED BY THE ENTERPRISE AS AUTHORIZED BY  
2 SECTION 24-38.5-303 (7) IS:

3 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE  
4 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE BUSINESS SERVICES  
5 SPECIFIED IN THIS SECTION, INCLUDING MITIGATING IMPACTS TO SURFACE  
6 TRANSPORTATION INFRASTRUCTURE, AIR QUALITY, AND GREENHOUSE GAS  
7 EMISSIONS AND CONTRIBUTING TO THE IMPLEMENTATION OF THE  
8 COMPREHENSIVE REGULATORY SCHEME REQUIRED FOR THE PLANNING,  
9 FUNDING, DEVELOPMENT, CONSTRUCTION, MAINTENANCE, SUPERVISION,  
10 AND REGULATION OF A SUSTAINABLE TRANSPORTATION SYSTEM, TO FEE  
11 PAYERS; AND

12 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED  
13 BASED ON THE COST OF REMEDIATING IMPACTS AND THE BENEFITS  
14 RECEIVED BY THOSE ENTITIES AND THE COSTS OF THE OTHER SERVICES  
15 THAT THE ENTERPRISE PROVIDES; AND

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

25 **43-4-1302. Definitions.** AS USED IN THIS PART 13, UNLESS THE  
26 CONTEXT OTHERWISE REQUIRES:

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

1 SECTION 25-7-103 (1.5).

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

7 (3) "BOARD" MEANS THE GOVERNING BOARD OF THE ENTERPRISE.

8 (4) "CARSHARE RIDE" MEANS A PREARRANGED RIDE FOR WHICH  
9 THE RIDER AGREES, AT THE TIME THE RIDER REQUESTS THE RIDE THROUGH  
10 A DIGITAL NETWORK, TO BE TRANSPORTED WITH ANOTHER RIDER WHO HAS  
11 SEPARATELY REQUESTED A PREARRANGED RIDE REGARDLESS OF WHETHER  
12 OR NOT ANOTHER RIDER IS ACTUALLY TRANSPORTED WITH THE RIDER.

13 (5) "CMAQ" MEANS THE CONGESTION MITIGATION AND AIR  
14 QUALITY IMPROVEMENT PROGRAM ADMINISTERED BY THE FEDERAL  
15 HIGHWAY ADMINISTRATION OR ANY SUBSTANTIALLY SIMILAR SUCCESSOR  
16 PROGRAM.

17 (6) "DEPARTMENT" MEANS THE DEPARTMENT OF  
18 TRANSPORTATION.

19 (7) (a) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A  
20 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN  
21 ACCORDANCE WITH THE MOST RECENT UNITED STATES CENSUS, WHERE  
22 THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME IS GREATER  
23 THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS THAT IDENTIFY  
24 AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE PROPORTION OF  
25 HOUSEHOLDS THAT ARE HOUSING COST BURDENED IS GREATER THAN  
26 FORTY PERCENT.

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

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

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

6 (8) "ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC  
7 MOTOR VEHICLE, A HYDROGEN FUEL CELL MOTOR VEHICLE, OR A PLUG-IN  
8 HYBRID ELECTRIC MOTOR VEHICLE.

9 (9) "ELIGIBLE ENTITY" MEANS A METROPOLITAN PLANNING  
10 ORGANIZATION OR ANY OTHER PUBLIC ENTITY THAT IS ELIGIBLE TO  
11 RECEIVE CMAQ FUNDING AND THAT IS SEEKING FUNDING FROM THE FUND  
12 FOR AN ELIGIBLE PROJECT.

13 (10) "ELIGIBLE PROJECT" MEANS A PROJECT LOCATED WITHIN A  
14 NONATTAINMENT AREA THAT:

15 (a) IS ELIGIBLE FOR CMAQ FUNDING; OR

16 (b) REDUCES EMISSIONS OF AIR POLLUTANTS OR GREENHOUSE GAS  
17 POLLUTANTS.

18 (11) "ENTERPRISE" MEANS THE NONATTAINMENT AREA AIR  
19 POLLUTION MITIGATION ENTERPRISE CREATED IN SECTION 43-4-1303  
20 (1)(a).

21 (12) "FUND" MEANS THE NONATTAINMENT AREA AIR POLLUTION  
22 MITIGATION ENTERPRISE FUND CREATED IN SECTION 43-4-1303 (5)

23 (13) "GREENHOUSE GAS POLLUTANT" MEANS ANTHROPOGENIC  
24 EMISSIONS OF CARBON DIOXIDE, METHANE, NITROUS OXIDE,  
25 HYDROFLUOROCARBONS, PERFLUOROCARBONS, NITROGEN TRIFLUORIDE,  
26 AND SULFUR HEXAFLUORIDE.

27 (14) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR

1 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL  
2 THAT USES HYDROGEN GAS AS FUEL.

3 (15) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE  
4 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF  
5 LABOR STATISTICS, CONSUMER PRICE INDEX FOR  
6 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN  
7 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR  
8 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE  
9 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE  
10 AIR POLLUTION MITIGATION PER RIDE FEE IMPOSED BY SECTION 43-4-1303  
11 (7) OR THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IMPOSED BY  
12 SECTION 43-4-1303 (8) BEGINS.

13 (16) "NONATTAINMENT AREA" MEANS AN AREA THAT THE AIR  
14 QUALITY CONTROL COMMISSION CREATED IN SECTION 25-7-104 HAS  
15 DESIGNATED AS A NONATTAINMENT AREA PURSUANT TO SECTION  
16 25-7-107.

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

22 (18) "PREARRANGED RIDE" HAS THE SAME MEANING AS SET FORTH  
23 IN SECTION 40-10.1-602 (2).

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

26 (20) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE  
27 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE

1 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE  
2 PURCHASER AT A PHYSICAL ADDRESS IN THIS STATE, WHICH SALE  
3 INCLUDES AT LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS  
4 SUBJECT TO TAXATION UNDER ARTICLE 26 OF TITLE 39.

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

7 (22) "RIDER" HAS THE SAME MEANING AS SET FORTH IN SECTION  
8 40-10.1-602 (5).

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

11 (24) "TRANSPORTATION NETWORK COMPANY" HAS THE SAME  
12 MEANING AS SET FORTH IN SECTION 40-10.1-602 (3).

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

15 **43-4-1303. Nonattainment area air pollution mitigation**  
16 **enterprise - creation - board - powers and duties - fees - fund.**

17 (1) (a) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION  
18 ENTERPRISE IS HEREBY CREATED IN THE DEPARTMENT. THE ENTERPRISE IS  
19 AND OPERATES AS A GOVERNMENT-OWNED BUSINESS WITHIN THE  
20 DEPARTMENT IN ORDER TO EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED  
21 IN SUBSECTION (3) OF THIS SECTION BY EXERCISING THE POWERS AND  
22 PERFORMING THE DUTIES SET 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 FIVE MEMBERS AS FOLLOWS:

2 (I) THREE MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

3 (A) ONE MEMBER WHO IS A REPRESENTATIVE OF A  
4 NONGOVERNMENTAL ORGANIZATION THAT FOCUSES ON ENVIRONMENTAL  
5 OR PUBLIC HEALTH ISSUES;

6 (B) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A  
7 DISPROPORTIONATELY IMPACTED COMMUNITY THAT IS A MEMBER OF THE  
8 DENVER REGIONAL COUNCIL OF GOVERNMENTS; AND

9 (C) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A LOCAL  
10 GOVERNMENT THAT IS A MEMBER OF THE NORTH FRONT RANGE  
11 METROPOLITAN PLANNING ORGANIZATION;

12 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
13 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

14 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC  
15 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

16 (b) APPOINTED MEMBERS OF THE BOARD SERVE AT THE PLEASURE  
17 OF THE GOVERNOR. THE OTHER BOARD MEMBERS SERVE FOR AS LONG AS  
18 THEY HOLD THEIR EXECUTIVE DIRECTOR POSITIONS OR ARE DESIGNATED  
19 TO SERVE BY AN EXECUTIVE DIRECTOR.

20 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO MITIGATE THE  
21 ENVIRONMENTAL IMPACTS AND HEALTH IMPACTS OF INCREASED AIR  
22 POLLUTION FROM MOTOR VEHICLE EMISSIONS IN NONATTAINMENT AREAS  
23 THAT RESULTS FROM THE RAPID AND CONTINUING GROWTH IN RETAIL  
24 DELIVERIES MADE BY MOTOR VEHICLES AND IN PREARRANGED RIDES  
25 PROVIDED BY TRANSPORTATION NETWORK COMPANIES BY PROVIDING  
26 FUNDING FOR ELIGIBLE PROJECTS THAT REDUCE TRAFFIC CONGESTION,  
27 INCLUDING DEMAND MANAGEMENT PROJECTS THAT ENCOURAGE

1 ALTERNATIVES TO DRIVING ALONE, AND THEREBY REDUCE TRAVEL  
2 DELAYS, ENGINE IDLE TIME, AND UNPRODUCTIVE FUEL CONSUMPTION OR  
3 THAT DIRECTLY REDUCE EMISSIONS BY MEANS SUCH AS RETROFITTING OF  
4 CONSTRUCTION EQUIPMENT. TO ALLOW THE ENTERPRISE TO ACCOMPLISH  
5 THIS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES THROUGH  
6 THE BOARD, THE ENTERPRISE MAY:

7 (a) IMPOSE AN AIR POLLUTION MITIGATION PER RIDE FEE AND AN  
8 AIR POLLUTION MITIGATION RETAIL DELIVERY FEE AS AUTHORIZED BY  
9 SUBSECTIONS (7) AND (8) OF THIS SECTION;

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

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

14 (4) 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 (4), THE  
20 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE  
21 CONSTITUTION.

22 (5) (a) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION  
23 ENTERPRISE FUND IS HEREBY CREATED IN THE STATE TREASURY. THE  
24 FUND CONSISTS OF AIR POLLUTION MITIGATION PER RIDE FEE REVENUE  
25 AND AIR POLLUTION MITIGATION RETAIL DELIVERY FEE REVENUE  
26 CREDITED TO THE FUND PURSUANT TO SUBSECTIONS (7) AND (8) OF THIS  
27 SECTION, ANY MONETARY GIFTS, GRANTS, DONATIONS, OR OTHER

1 PAYMENTS RECEIVED BY THE ENTERPRISE, ANY FEDERAL MONEY THAT  
2 MAY BE CREDITED TO THE FUND, AND ANY OTHER MONEY THAT THE  
3 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE  
4 STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED  
5 FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE  
6 FUND. MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE  
7 ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS PART 13 AND TO PAY  
8 THE ENTERPRISE'S REASONABLE AND NECESSARY OPERATING EXPENSES,  
9 INCLUDING THE REPAYMENT OF ANY LOAN RECEIVED PURSUANT TO  
10 SUBSECTION (5)(b) OF THIS SECTION.

11 (b) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY  
12 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING  
13 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE  
14 REVENUE OR REVENUE BOND PROCEEDS. THE ENTERPRISE MAY ACCEPT  
15 AND EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING  
16 ANY STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING  
17 PRINCIPLE THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A  
18 CONTRARY CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE  
19 DEPARTMENT TO THE ENTERPRISE THAT IS REQUIRED TO BE REPAID AND  
20 IS NOT A GRANT FOR PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE  
21 STATE CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL  
22 MONEY TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED  
23 TO THE NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE  
24 INITIAL EXPENSES FUND, WHICH IS HEREBY CREATED IN THE STATE  
25 TREASURY, AND LOAN LIABILITIES THAT ARE RECORDED IN THE  
26 NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE INITIAL  
27 EXPENSES FUND BUT WHICH ARE NOT REQUIRED TO BE PAID IN THE



1 CURRENT FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING  
2 SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF SECTION  
3 24-75-109. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
4 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
5 NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE INITIAL  
6 EXPENSES FUND TO THE FUND. THE NONATTAINMENT AREA AIR  
7 POLLUTION MITIGATION ENTERPRISE INITIAL EXPENSES FUND IS  
8 CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSE OF  
9 DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES  
10 FEE REVENUE OR REVENUE BOND PROCEEDS. AS THE ENTERPRISE RECEIVES  
11 SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE ENTERPRISE SHALL  
12 REIMBURSE THE DEPARTMENT FOR THE PRINCIPAL AMOUNT OF ANY LOAN  
13 MADE BY THE DEPARTMENT PLUS INTEREST AT A RATE SET BY THE  
14 DEPARTMENT.

15 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN  
16 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND  
17 DUTIES:

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

20 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND  
21 PERSONAL PROPERTY;

22 (c) IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE  
23 DEPARTMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, TO EMPLOY AND  
24 SUPERVISE INDIVIDUALS, PROFESSIONAL CONSULTANTS AND  
25 CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS  
26 BUSINESS PURPOSE;

27 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY

1 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY  
2 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,  
3 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER  
4 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE,  
5 WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112  
6 OF TITLE 24. THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON A  
7 COMPETITIVE BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE  
8 ENTERPRISE IN ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF  
9 GRANT APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING  
10 SINGLE-SOURCE BIDS.

11 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, DONATIONS, OR  
12 OTHER PAYMENTS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES  
13 OF THIS PART 13 SO LONG AS THE TOTAL AMOUNT OF ALL GRANTS FROM  
14 THE STATE AND COLORADO LOCAL GOVERNMENTS RECEIVED IN ANY  
15 STATE FISCAL YEAR IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S  
16 TOTAL ANNUAL REVENUE FOR THE STATE FISCAL YEAR. THE ENTERPRISE  
17 SHALL TRANSMIT ANY MONEY RECEIVED THROUGH GIFTS, GRANTS,  
18 DONATIONS, OR OTHER PAYMENTS TO THE STATE TREASURER, WHO SHALL  
19 CREDIT THE MONEY TO THE FUND.

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

22 (g) TO PUBLISH THE PROCESSES BY WHICH THE ENTERPRISE  
23 ACCEPTS APPLICATIONS, THE CRITERIA FOR EVALUATING APPLICATIONS,  
24 AND A LIST OF GRANTEEES OR PROGRAM PARTICIPANTS PURSUANT TO  
25 SUBSECTION (9) OF THIS SECTION; AND

26 (h) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
27 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES

1 GRANTED BY THIS SECTION.

2 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN  
3 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE AN AIR  
4 POLLUTION MITIGATION PER RIDE FEE TO BE PAID BY A TRANSPORTATION  
5 NETWORK COMPANY FOR EACH PREARRANGED RIDE REQUESTED AND  
6 ACCEPTED THROUGH THE COMPANY'S DIGITAL NETWORK. FOR THE  
7 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR TRANSPORTATION  
8 NETWORK COMPANIES AND ADMINISTRATIVE COSTS FOR THE STATE, THE  
9 DEPARTMENT OF REVENUE SHALL COLLECT THE AIR POLLUTION  
10 MITIGATION PER RIDE FEE ON BEHALF OF THE ENTERPRISE, AND A  
11 TRANSPORTATION NETWORK COMPANY SHALL PAY THE FEE TO THE  
12 DEPARTMENT OF REVENUE AS REQUIRED BY SECTION 40-10.1-607.5 (2).

13 (b) FOR PREARRANGED RIDES REQUESTED AND ACCEPTED DURING  
14 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE THE AIR  
15 POLLUTION MITIGATION PER RIDE FEE IN A MAXIMUM AMOUNT OF:

16 (I) ELEVEN AND ONE-QUARTER CENTS FOR EACH PREARRANGED  
17 RIDE THAT IS A CARSHARE RIDE OR FOR WHICH THE DRIVER TRANSPORTS  
18 THE RIDER IN A ZERO EMISSIONS MOTOR VEHICLE; AND

19 (II) TWENTY-TWO AND ONE-HALF CENTS FOR EVERY OTHER  
20 PREARRANGED RIDE.

21 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II)  
22 OF THIS SECTION, FOR PREARRANGED RIDES REQUESTED AND ACCEPTED  
23 DURING STATE FISCAL YEAR 2023-24 OR DURING ANY SUBSEQUENT STATE  
24 FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE AIR POLLUTION  
25 MITIGATION PER RIDE FEE IN A MAXIMUM AMOUNT THAT IS THE  
26 APPLICABLE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR  
27 ADJUSTED FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE

1 DEPARTMENT OF REVENUE OF THE AMOUNT OF THE AIR POLLUTION  
2 MITIGATION PER RIDE FEE TO BE COLLECTED FOR RIDES REQUESTED AND  
3 ACCEPTED DURING EACH STATE FISCAL YEAR NO LATER THAN MARCH 15  
4 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS, AND  
5 THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT NO LATER  
6 THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR  
7 BEGINS.

8 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF  
9 THE AIR POLLUTION MITIGATION PER RIDE FEE FOR PREARRANGED RIDES  
10 REQUESTED AND ACCEPTED DURING A STATE FISCAL YEAR ONLY IF THE  
11 RATE OF INFLATION IS POSITIVE AND CUMULATIVE INFLATION FROM THE  
12 TIME OF THE LAST ADJUSTMENT IN THE AMOUNT OF THE FEE, WHEN  
13 APPLIED TO THE SUM OF THE CURRENT AIR POLLUTION MITIGATION PER  
14 RIDE FEE AND THE CURRENT CLEAN FLEET PER RIDE FEE IMPOSED AS  
15 REQUIRED BY SECTION 25-7.5-103 (7) AND ROUNDED TO THE NEAREST  
16 WHOLE CENT, WILL RESULT IN AN INCREASE OF AT LEAST ONE WHOLE CENT  
17 IN THE TOTAL AMOUNT OF THE AIR POLLUTION MITIGATION PER RIDE FEE  
18 AND THE CLEAN FLEET PER RIDE FEE PAID BY A PERSON WHO REQUESTS  
19 AND ACCEPTS A PREARRANGED RIDE. THE AMOUNT OF CUMULATIVE  
20 INFLATION TO BE APPLIED TO THE SUM OF THE CURRENT AIR POLLUTION  
21 MITIGATION PER RIDE FEE AND THE CURRENT CLEAN FLEET PER RIDE FEE  
22 AND ROUNDED TO THE NEAREST WHOLE CENT IS THE LESSER OF ACTUAL  
23 CUMULATIVE INFLATION OR FIVE PERCENT.

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

1           (8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN  
2 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE, AND THE  
3 DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE  
4 ENTERPRISE, AN AIR POLLUTION MITIGATION RETAIL DELIVERY FEE ON  
5 EACH RETAIL DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY  
6 SHALL ADD TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE  
7 PURCHASER, AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND  
8 IN THE MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH  
9 SECTION 43-4-218 (6) THE AIR POLLUTION MITIGATION RETAIL DELIVERY  
10 FEE. FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS  
11 AND ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF  
12 REVENUE SHALL COLLECT AND ADMINISTER THE AIR POLLUTION  
13 MITIGATION RETAIL DELIVERY FEE ON BEHALF OF THE ENTERPRISE IN THE  
14 SAME MANNER IN WHICH IT COLLECTS AND ADMINISTERS THE RETAIL  
15 DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3).

16           (b) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY  
17 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL  
18 IMPOSE THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IN A  
19 MAXIMUM AMOUNT OF SEVEN-TENTHS OF ONE CENT.

20           (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8)(c)(II)  
21 OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL  
22 PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING  
23 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE  
24 AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT  
25 THAT IS THE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR  
26 ADJUSTED FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE  
27 DEPARTMENT OF REVENUE OF THE AMOUNT OF THE AIR POLLUTION

1 MITIGATION RETAIL DELIVERY FEE TO BE COLLECTED FOR RETAIL  
2 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING EACH  
3 STATE FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR  
4 IN WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF  
5 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE  
6 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

7 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF  
8 THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE FOR RETAIL  
9 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING A  
10 STATE FISCAL YEAR ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE  
11 AMOUNT OF THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3)  
12 FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED  
13 DURING THE STATE FISCAL YEAR.

14 (9) IN FURTHERANCE OF ITS BUSINESS PURPOSE, AND SUBJECT TO  
15 THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (9), THE ENTERPRISE  
16 IS AUTHORIZED TO PROVIDE GRANTS TO ELIGIBLE ENTITIES FOR ELIGIBLE  
17 PROJECTS. THE ENTERPRISE SHALL ACTIVELY SEEK INPUT FROM  
18 COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY  
19 IMPACTED COMMUNITIES, AND LOCAL GOVERNMENTS TO MITIGATE THE  
20 ENVIRONMENTAL IMPACTS AND HEALTH IMPACTS OF HIGHWAY PROJECTS,  
21 REDUCE TRAFFIC CONGESTION, AND IMPROVE NEIGHBORHOOD  
22 CONNECTIVITY FOR COMMUNITIES ADJACENT TO HIGHWAYS. THE  
23 ENTERPRISE SHALL INCLUDE MITIGATION STRATEGIES THAT TAKE INTO  
24 ACCOUNT THE INPUT AS WELL AS ISSUES AND IMPACTS OF PARTICULAR  
25 IMPORTANCE TO THE STATE SUCH AS REDUCTION OF GREENHOUSE GAS  
26 EMISSIONS AND FINE PARTICULATE MATTER.

27 (10) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE

1 ENTERPRISE SHALL:

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

9 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE  
10 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,  
11 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE  
12 IMPLEMENTATION OF ITS TEN-YEAR PLAN, THE FUNDING STATUS AND  
13 PROGRESS TOWARD COMPLETION OF EACH PROJECT THAT IT WHOLLY OR  
14 PARTLY FUNDS, AND ITS PER PROJECT AND TOTAL FUNDING AND  
15 EXPENDITURES;

16 (III) ENGAGE REGULARLY REGARDING ITS PROJECTS AND  
17 ACTIVITIES WITH THE PUBLIC, INCLUDING BUT NOT LIMITED TO SEEKING  
18 INPUT FROM DISPROPORTIONATELY IMPACTED COMMUNITIES AND  
19 INTEREST GROUPS THAT ARE LIKELY TO BE INTERESTED IN THE PROJECTS  
20 AND ACTIVITIES; AND

21 (IV) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND  
22 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION  
23 COMMISSION CREATED IN SECTION 43-1-106 (1) AND 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. THE ENTERPRISE SHALL ALSO POST THE ANNUAL

1 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN  
2 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT  
3 REQUIRED IN THIS SUBSECTION (10)(a)(IV) TO THE SPECIFIED LEGISLATIVE  
4 COMMITTEES CONTINUES INDEFINITELY.

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

9 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART  
10 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE  
11 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS  
12 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION  
13 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS  
14 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS  
15 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND  
16 LOCAL GOVERNMENTS COMBINED.

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

19 **SECTION 48.** In Colorado Revised Statutes, **repeal** 43-4-714.

20 **SECTION 49. Severability.** If any provision of this Senate Bill  
21 21-\_\_\_ or the application thereof to any person or circumstance is held  
22 invalid, such invalidity does not affect other provisions or applications of  
23 this Senate Bill 21-\_\_\_ that can be given effect without the invalid  
24 provision or application, and to this end the provisions of this Senate Bill  
25 21-\_\_\_ are declared to be severable.

26 **SECTION 50. Effective date.** This act takes effect upon passage;  
27 except that section 43-4-1103 (2)(a)(IV), Colorado Revised Statutes, as



1 enacted in section 47 of this act takes effect only if Senate Bill 21-238  
2 becomes law and takes effect either upon the effective date of this act or  
3 Senate Bill 21-238, whichever is later.

4 **SECTION 51. Safety clause.** The general assembly hereby finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, or safety.