

**First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 09-0622.01 Esther van Mourik

**HOUSE BILL 09-1298**

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**HOUSE SPONSORSHIP**

**McFadyen and Gardner C.**, Liston, Rice, Solano

**SENATE SPONSORSHIP**

**Mitchell**, Heath, Scheffel, Schwartz

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**House Committees**

Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING ECONOMIC DEVELOPMENT FOR THE TRUCKING INDUSTRY**  
102             **IN COLORADO, AND MAKING AN APPROPRIATION IN CONNECTION**  
103             **THEREWITH.**

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**Bill Summary**

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

Allows a taxpayer to claim a refund of a percentage of all state sales and use taxes paid on the sale, storage, or use of a motor vehicle, truck, truck tractor, trailer, or semitrailer designated as class A personal property. Specifies that the amount of the refund will be calculated by the division of motor vehicles, and establishes the method for calculating the refund.

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

For specified income tax years, for purposes of the enterprise zone income tax credit for investments in certain property, establishes that a commercial truck, truck tractor, tractor, or semitrailer with a vehicle weight rating of 16,000 pounds or greater that is model year 2008 or newer, and any parts associated with the vehicle at the time of purchase, shall be deemed to be used solely and exclusively in an enterprise zone and therefore considered qualified property for purposes of the income tax credit if:

- ! The vehicle is licensed and registered within the state; and
- ! The vehicle is predominantly housed and based at the taxpayer's business trucking facility within an enterprise zone for the 12-month period following its purchase.

Specifies that a taxpayer may claim an income tax credit in an amount equal to specified percentages of the total qualified investment in a truck, truck tractor, tractor, or semitrailer. Specifies that the credit shall be phased in over 3 years.

Creates the green truck grant program to be administered by the governor's energy office to provide:

- ! Reimbursements of a specified percentage, not to exceed a specified amount, of the overall cost incurred by a qualified recipient in purchasing or installing specific fuel-efficient technologies and emission-control devices to reduce fuel consumption and emissions of greenhouse gases and other harmful air pollutants from trucks. Specifies a maximum amount of reimbursements to be granted in a fiscal year.
- ! Grants up to a specified amount per qualified recipient for the retirement and scrapping of older model year trucks that meet certain requirements. Specifies a maximum amount of grants to be awarded in a fiscal year.

Creates the green truck grant program fund.

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

2 **SECTION 1.** Part 1 of article 26 of title 39, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
4 read:

5 **39-26-113.5. Refund of state sales taxes for vehicles used in**  
6 **interstate commerce.** (1) (a) FOR THE CALENDAR YEAR COMMENCING  
7 ON JANUARY 1, 2011, AND FOR EACH CALENDAR YEAR THEREAFTER, A  
8 TAXPAYER MAY CLAIM A REFUND OF A PERCENTAGE OF ALL STATE SALES

1 AND USE TAXES PAID BY THE TAXPAYER PURSUANT TO THIS PART 1 AND  
2 PART 2 OF THIS ARTICLE ON THE SALE, STORAGE, OR USE OF A MODEL YEAR  
3 2010 OR NEWER TRUCK TRACTOR WITH A GROSS VEHICLE WEIGHT RATING  
4 OF TWENTY-SIX THOUSAND POUNDS OR GREATER DESIGNATED AS CLASS  
5 A PERSONAL PROPERTY AS SPECIFIED IN SECTION 42-3-106 (2) (a), C.R.S.

6 (b) THE TOTAL REFUND SHALL BE CALCULATED BY THE DIVISION  
7 OF MOTOR VEHICLES IN THE DEPARTMENT OF REVENUE IN THE SAME  
8 MANNER AS THE DIVISION CALCULATES THE PRORATION OF THE ANNUAL  
9 SPECIFIC OWNERSHIP TAX PAYABLE ON CLASS A PERSONAL PROPERTY AS  
10 SPECIFIED IN SECTION 42-3-107 (4), C.R.S.

11 (c) THE TOTAL REFUND SHALL BE CLAIMED AS FOLLOWS:

12 (I) FOR THE CALENDAR YEAR IN WHICH THE TRUCK TRACTOR WAS  
13 PURCHASED, STORED, OR USED, TEN PERCENT OF THE TOTAL AMOUNT OF  
14 THE REFUND;

15 (II) FOR THE FIRST CALENDAR YEAR AFTER THE CALENDAR YEAR  
16 IN WHICH THE TRUCK TRACTOR WAS PURCHASED, STORED, OR USED,  
17 FIFTEEN PERCENT OF THE TOTAL AMOUNT OF THE REFUND;

18 (III) FOR THE SECOND CALENDAR YEAR AFTER THE CALENDAR  
19 YEAR IN WHICH THE TRUCK TRACTOR WAS PURCHASED, STORED, OR USED,  
20 TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT OF THE REFUND;

21 (IV) FOR THE THIRD CALENDAR YEAR AFTER THE CALENDAR YEAR  
22 IN WHICH THE TRUCK TRACTOR WAS PURCHASED, STORED, OR USED,  
23 TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT OF THE REFUND; AND

24 (V) FOR THE FOURTH CALENDAR YEAR AFTER THE CALENDAR YEAR  
25 IN WHICH THE TRUCK TRACTOR WAS PURCHASED, STORED, OR USED,  
26 TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT OF THE REFUND.

27 (2) TO CLAIM A REFUND ALLOWED BY SUBSECTION (1) OF THIS

1 SECTION, A TAXPAYER SHALL SUBMIT A REFUND APPLICATION TO THE  
2 DEPARTMENT OF REVENUE ON A FORM PROVIDED BY THE DEPARTMENT.  
3 THE APPLICATION SHALL BE ACCOMPANIED BY PROOF OF PAYMENT OF  
4 STATE SALES AND USE TAXES PAID BY THE TAXPAYER. THE APPLICATION  
5 SHALL ALSO INCLUDE ANY ADDITIONAL INFORMATION THAT THE  
6 DEPARTMENT OF REVENUE MAY REQUIRE BY RULE.

7 **SECTION 2.** 39-30-104 (1), Colorado Revised Statutes, is  
8 amended to read:

9 **39-30-104. Credit against tax - investment in certain property**  
10 **- repeal.** (1) (a) In lieu of any credit allowable under section  
11 39-22-507.5, there shall be allowed to any person as a credit against the  
12 tax imposed by article 22 of this title, for income tax years commencing  
13 on or after January 1, 1986, an amount equal to the total of three percent  
14 of the total qualified investment, as determined under section 46 (c) (2)  
15 of the federal "Internal Revenue Code of 1986", as amended, in such  
16 taxable year in qualified property as defined in section 48 of the internal  
17 revenue code to the extent that such investment is in property ~~which~~ THAT  
18 is used solely and exclusively in an enterprise zone for at least one year.  
19 The references in this subsection (1) to sections 46 (c) (2) and 48 of the  
20 internal revenue code mean sections 46 (c) (2) and 48 of the internal  
21 revenue code as they existed immediately prior to the enactment of the  
22 federal "Revenue Reconciliation Act of 1990".

23 (b) (I) FOR INCOME TAX YEARS COMMENCING ON OR AFTER  
24 JANUARY 1, 2011, BUT BEFORE JANUARY 1, 2016, A COMMERCIAL TRUCK,  
25 TRUCK TRACTOR, TRACTOR, OR SEMITRAILER WITH A GROSS VEHICLE  
26 WEIGHT RATING OF SIXTEEN THOUSAND POUNDS OR GREATER THAT IS  
27 MODEL YEAR 2010 OR NEWER, AS WELL AS ANY PARTS ASSOCIATED WITH

1 THE VEHICLE AT THE TIME OF PURCHASE, SHALL BE DEEMED TO BE USED  
2 SOLELY AND EXCLUSIVELY IN AN ENTERPRISE ZONE IF IT IS LICENSED AND  
3 REGISTERED WITHIN THE STATE AND PREDOMINANTLY HOUSED AND BASED  
4 AT THE TAXPAYER'S BUSINESS TRUCKING FACILITY WITHIN AN ENTERPRISE  
5 ZONE FOR THE TWELVE-MONTH PERIOD FOLLOWING ITS PURCHASE.

6 (II) THE INCOME TAX CREDIT FOR A QUALIFIED INVESTMENT IN A  
7 COMMERCIAL TRUCK, TRUCK TRACTOR, TRACTOR, OR SEMITRAILER WITH  
8 A GROSS VEHICLE WEIGHT RATING OF SIXTEEN THOUSAND POUNDS OR  
9 GREATER THAT IS MODEL YEAR 2010 OR NEWER, AS WELL AS ANY PARTS  
10 ASSOCIATED WITH THE VEHICLE AT THE TIME OF PURCHASE, SHALL BE  
11 ALLOWED AS FOLLOWS:

12 (A) FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1,  
13 2011, AN AMOUNT EQUAL TO ONE-HALF OF ONE PERCENT OF THE TOTAL  
14 QUALIFIED INVESTMENT;

15 (B) FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1,  
16 2012, AN AMOUNT EQUAL TO ONE PERCENT OF THE TOTAL QUALIFIED  
17 INVESTMENT;

18 (C) FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1,  
19 2013, AN AMOUNT EQUAL TO ONE AND ONE-HALF PERCENT OF THE TOTAL  
20 QUALIFIED INVESTMENT;

21 (D) FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1,  
22 2014, AN AMOUNT EQUAL TO TWO PERCENT OF THE TOTAL QUALIFIED  
23 INVESTMENT; AND

24 (E) FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1,  
25 2015, AN AMOUNT EQUAL TO THREE PERCENT OF THE TOTAL QUALIFIED  
26 INVESTMENT.

27 (III) FOR PURPOSES OF THIS PARAGRAPH (b), "FACILITY" MEANS

1 ANY FACTORY, MILL, PLANT, REFINERY, WAREHOUSE, FEEDLOT, BUILDING,  
2 OR COMPLEX OF BUILDINGS LOCATED WITHIN THE STATE, INCLUDING THE  
3 LAND ON WHICH SUCH FACILITY IS LOCATED AND ALL MACHINERY,  
4 EQUIPMENT, AND OTHER REAL AND TANGIBLE PERSONAL PROPERTY  
5 LOCATED AT OR WITHIN SUCH FACILITY AND USED IN CONNECTION WITH  
6 THE OPERATION OF SUCH FACILITY, WHICH FACILITY THE TAXPAYER OWNS,  
7 RENTS, OR LEASES IN THE BUSINESS'S NAME AT WHICH CONTINUOUS AND  
8 ONGOING OPERATIONAL ACTIVITIES OF THE BUSINESS ARE MAINTAINED  
9 AND AT WHICH AT LEAST ONE FULL-TIME EMPLOYEE OF THE BUSINESS IS  
10 EMPLOYED.

11 (IV) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JANUARY 1,  
12 2017.

13 **SECTION 3.** Article 1 of title 42, Colorado Revised Statutes, is  
14 amended BY THE ADDITION OF A NEW PART to read:

15 **PART 3**

16 **GREEN TRUCK GRANT PROGRAM**

17 **42-1-301. Short title.** THIS PART 3 SHALL BE KNOWN AND MAY BE  
18 CITED AS THE "GREEN TRUCK GRANT PROGRAM ACT".

19 **42-1-302. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
20 HEREBY FINDS AND DECLARES THAT:

21 (a) IT IS COMMON FOR TRUCK DRIVERS TO RUN THEIR ENGINES TO  
22 STAY WARM OR COOL IN THEIR VEHICLES WHILE RESTING AFTER LONG  
23 HAULS. THE GENERAL ASSEMBLY FINDS THAT DRIVER COMFORT IS  
24 ESSENTIAL TO THE JOB.

25 (b) LONG-DURATION IDLING IS COSTLY TO THE DRIVER, THE FLEET  
26 OWNER, AND THE ENVIRONMENT. SOME SURVEYS SAY THAT TRUCKS IDLE  
27 ANYWHERE FROM SIX TO EIGHT HOURS A DAY FOR AS MANY AS THREE

1 HUNDRED DAYS EACH YEAR. DEPENDING ON FUEL PRICES, THIS CAN COST  
2 SIX THOUSAND DOLLARS OR MORE PER YEAR IN FUEL COSTS PER TRUCK.

3 (c) LONG-DURATION IDLING OF TRUCK ENGINES ANNUALLY  
4 CONSUMES OVER ONE BILLION GALLONS OF DIESEL FUEL AND ANNUALLY  
5 EMITS ELEVEN MILLION TONS OF CARBON DIOXIDE, TWO HUNDRED  
6 THOUSAND TONS OF OXIDES OF NITROGEN, AND FIVE THOUSAND TONS OF  
7 PARTICULATE MATTER INTO THE AIR. IDLING CAN INCREASE ENGINE  
8 MAINTENANCE COSTS, SHORTEN ENGINE LIFE, ADVERSELY AFFECT DRIVER  
9 WELL-BEING, AND CREATE ELEVATED NOISE LEVELS.

10 (d) ALTERNATIVES TO LONG-DURATION IDLING EXIST AND A  
11 GRANT PROGRAM TO HELP TRUCK OWNERS INSTALL SUCH ALTERNATIVES  
12 ON THEIR TRUCKS IS IN THE INTEREST OF THE STATE'S ENVIRONMENT; AND

13 (e) BETTER FUEL ECONOMY AND A CLEANER RIDE WILL GIVE ALL  
14 CARRIERS A SIGNIFICANT RETURN ON THEIR INVESTMENT.

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

16 (a) TRUCKS THAT ARE TWENTY YEARS OLD OR OLDER EMIT SOME  
17 OF THE HIGHEST LEVELS OF POLLUTANTS INTO THE AIR AND CONSUME  
18 MORE DIESEL FUEL; AND

19 (b) A GRANT PROGRAM TO ENCOURAGE THE RETIREMENT AND  
20 SCRAPPING OF OLDER TRUCKS IS IN THE INTEREST OF THE STATE'S  
21 ENVIRONMENT.

22 **42-1-303. Definitions.** AS USED IN THIS PART 3, UNLESS THE  
23 CONTEXT OTHERWISE REQUIRES:

24 (1) "GOVERNOR'S ENERGY OFFICE" OR "OFFICE" MEANS THE  
25 GOVERNOR'S ENERGY OFFICE CREATED IN SECTION 24-38.5-101, C.R.S.

26 (2) "GREEN TRUCK GRANT PROGRAM" OR "GRANT PROGRAM"  
27 MEANS THE GREEN TRUCK GRANT PROGRAM CREATED IN SECTION

1 42-1-304 (1).

2 (3) "QUALIFIED RECIPIENT" MEANS AN OWNER OF A COMMERCIAL  
3 TRUCK REGISTERED IN THE STATE FOR PURPOSES OF INTERSTATE OR  
4 INTRASTATE COMMERCE.

5 (4) "TRUCK" MEANS A TRUCK, TRUCK TRACTOR, TRAILER, OR  
6 SEMITRAILER REGISTERED IN THE STATE FOR PURPOSES OF INTERSTATE OR  
7 INTRASTATE COMMERCE.

8 **42-1-304. Green truck grant program - created.** (1) THERE IS  
9 HEREBY CREATED IN THE GOVERNOR'S ENERGY OFFICE THE GREEN TRUCK  
10 GRANT PROGRAM TO PROVIDE GRANTS TO QUALIFIED RECIPIENTS FOR  
11 REDUCTIONS IN TRUCK EMISSIONS AND ENERGY USAGE BY:

12 (a) (I) REIMBURSEMENTS OF TWENTY-FIVE PERCENT, NOT TO  
13 EXCEED FIFTY THOUSAND DOLLARS TO A QUALIFIED RECIPIENT, OF THE  
14 OVERALL COST INCURRED BY A QUALIFIED RECIPIENT IN PURCHASING OR  
15 INSTALLING FUEL-EFFICIENT TECHNOLOGIES AND EMISSION-CONTROL  
16 DEVICES APPROVED BY THE UNITED STATES ENVIRONMENTAL PROTECTION  
17 AGENCY'S SMARTWAY TRANSPORT PARTNERSHIP PROGRAM, OR ANY  
18 SUCCESSOR PROGRAM, TO REDUCE FUEL CONSUMPTION AND EMISSIONS OF  
19 GREENHOUSE GASES AND OTHER HARMFUL AIR POLLUTANTS FROM  
20 TRUCKS.

21 (II) THE TOTAL OF ALL REIMBURSEMENTS ISSUED BY THE OFFICE  
22 TO QUALIFIED RECIPIENTS PURSUANT TO SUBPARAGRAPH (I) OF THIS  
23 PARAGRAPH (a) SHALL NOT EXCEED FIVE HUNDRED THOUSAND DOLLARS  
24 IN A FISCAL YEAR.

25 (b) (I) PROVIDING GRANTS OF UP TO FIVE THOUSAND DOLLARS PER  
26 QUALIFIED RECIPIENT FOR THE RETIREMENT AND SCRAPPING OF A 1989 OR  
27 OLDER MODEL YEAR TRUCK THAT IS:

1 (A) DOCUMENTED TO HAVE BEEN IN USE FOR AT LEAST TEN  
2 THOUSAND MILES DURING THE CALENDAR YEAR PRECEDING THE  
3 QUALIFIED RECIPIENT'S APPLICATION FOR THE GRANT; AND

4 (B) DONATED TO AN ESTABLISHED AUTO PARTS RECYCLER, AS  
5 DEFINED IN SECTION 42-4-1802, OR A SCRAP METAL BUSINESS, THAT  
6 OPERATES PURSUANT TO ALL LAWS, RULES, AND REGULATIONS OF THE  
7 STATE AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
8 REGARDING RECYCLING.

9 (II) THE TOTAL OF ALL GRANTS ISSUED BY THE OFFICE TO  
10 QUALIFIED RECIPIENTS PURSUANT TO SUBPARAGRAPH (I) OF THIS  
11 PARAGRAPH (b) SHALL NOT EXCEED TWO HUNDRED FIFTY THOUSAND  
12 DOLLARS IN A FISCAL YEAR.

13 (2) (a) THE OFFICE SHALL ADMINISTER THE GRANT PROGRAM AND  
14 SHALL AWARD REIMBURSEMENTS AND GRANTS AS PROVIDED IN THIS PART  
15 3. REIMBURSEMENTS AND GRANTS SHALL BE PAID OUT OF THE GREEN  
16 TRUCK GRANT PROGRAM FUND CREATED IN SECTION 42-1-305.

17 (b) THE OFFICE SHALL ADOPT POLICIES FOR THE IMPLEMENTATION  
18 OF THE GREEN TRUCK GRANT PROGRAM. AT A MINIMUM, THE POLICIES  
19 SHALL SPECIFY THE PROCEDURES FOR APPLYING FOR A REIMBURSEMENT  
20 OR GRANT, THE FORM OF THE REIMBURSEMENT OR GRANT APPLICATION,  
21 AND THE INFORMATION TO BE PROVIDED BY THE APPLICANT.

22 (c) THE OFFICE SHALL REVIEW EACH REIMBURSEMENT OR GRANT  
23 APPLICATION RECEIVED FROM A QUALIFIED RECIPIENT AND SHALL MAKE  
24 A DETERMINATION AS TO WHETHER THE REIMBURSEMENT OR GRANT  
25 SHOULD BE AWARDED AND, SUBJECT TO THE LIMITATIONS IN PARAGRAPHS  
26 (a) AND (b) OF SUBSECTION (1) OF THIS SECTION, THE AMOUNT OF THE  
27 REIMBURSEMENT OR GRANT. IF THE OFFICE DETERMINES AN APPLICATION

1 IS MISSING ANY INFORMATION REQUIRED TO BE INCLUDED WITH THE  
2 APPLICATION, THE OFFICE MAY CONTACT THE APPLICANT TO OBTAIN THE  
3 MISSING INFORMATION.

4 **42-1-305. Green truck grant program fund - created.**

5 (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE GREEN  
6 TRUCK GRANT PROGRAM FUND, REFERRED TO IN THIS SECTION AS THE  
7 "FUND". THE FUND SHALL BE ADMINISTERED BY THE OFFICE AND SHALL  
8 CONSIST OF:

9 (a) ANY GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC  
10 SOURCES THAT THE OFFICE IS HEREBY AUTHORIZED TO SEEK AND ACCEPT;  
11 AND

12 (b) ANY MONEYS APPROPRIATED TO THE FUND BY THE GENERAL  
13 ASSEMBLY.

14 (2) ALL MONEYS IN THE FUND SHALL BE CONTINUOUSLY  
15 APPROPRIATED BY THE GENERAL ASSEMBLY TO THE OFFICE TO BE USED  
16 FOR THE PURPOSES SET FORTH IN THIS PART 3. ALL MONEYS NOT  
17 EXPENDED OR ENCUMBERED, AND ALL INTEREST EARNED ON THE  
18 INVESTMENT OR DEPOSIT OF MONEYS IN THE FUND, SHALL REMAIN IN THE  
19 FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND  
20 AT THE END OF ANY FISCAL YEAR.

21 **SECTION 4.** 24-38.5-102 (1), Colorado Revised Statutes, is  
22 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

23 **24-38.5-102. Governor's energy office - duties and powers.**

24 (1) The governor's energy office shall:

25 (q) ADMINISTER THE GREEN TRUCK GRANT PROGRAM PURSUANT  
26 TO PART 3 OF ARTICLE 1 OF TITLE 42, C.R.S.

27 **SECTION 5. Appropriation.** In addition to any other

1 appropriation, there is hereby appropriated, out of any moneys in the  
2 general fund not otherwise appropriated, to the office of the governor, for  
3 allocation to the governor's energy office, for the fiscal year beginning  
4 July 1, 2009, the sum of twenty-four thousand twenty-nine dollars  
5 (\$24,029) and 0.4 FTE, or so much thereof as may be necessary, for the  
6 implementation of this act.

7           **SECTION 6. Safety clause.** The general assembly hereby finds,  
8 determines, and declares that this act is necessary for the immediate  
9 preservation of the public peace, health, and safety.