

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0841.01 Esther van Mourik x4215

SENATE BILL 13-203

SENATE SPONSORSHIP

Schwartz, Giron, King

HOUSE SPONSORSHIP

Coram, DelGrosso, Priola, Singer, Tyler

Senate Committees
Transportation

House Committees

A BILL FOR AN ACT

101 CONCERNING LIMITATIONS ON THE USE OF CERTAIN PUBLIC LAND FOR
102 AUTOMOTIVE SERVICE STATIONS IN ORDER TO LIMIT
103 GOVERNMENT COMPETITION.

Bill Summary

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

The bill codifies in statute the current federal prohibition on the commercialization of the interstate rest areas. The bill provides an exception for vending machines placed in rest areas in conformance with the federal "Randolph-Sheppard Vending Stand Act".

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.

1 OF THE STATE, INCLUDING A COUNTY, A MUNICIPALITY, THE REGIONAL
2 TRANSPORTATION DISTRICT, OR ANY OTHER SPECIAL DISTRICT.

3 (6) "PRIVATE ENTITY" MEANS ANY INDIVIDUAL, CORPORATION,
4 BUSINESS TRUST, ESTATE, TRUST, LIMITED LIABILITY COMPANY,
5 PARTNERSHIP, ASSOCIATION, OR OTHER LEGAL ENTITY.

6 (7) "PUBLIC ENTITY" MEANS THE COLORADO DEPARTMENT OF
7 TRANSPORTATION OR ANY POLITICAL SUBDIVISION OF THE STATE; EXCEPT
8 THAT "PUBLIC ENTITY" DOES NOT INCLUDE A STATE INSTITUTION OF
9 HIGHER EDUCATION AS DEFINED IN SECTION 23-18-102 (10), C.R.S., OR AN
10 AIRPORT AS DEFINED IN SECTION 41-3-103 (2), C.R.S.

11 **24-113-202. Limit use of public land for retail sales.**

12 (1) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND EXCEPT
13 AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), A PUBLIC ENTITY
14 SHALL NOT PERMIT AUTOMOTIVE SERVICE STATIONS TO BE CONSTRUCTED
15 OR LOCATED ON THE RIGHTS-OF-WAY OF THE INTERSTATE SYSTEM.

16 (b) (I) NOTHING IN THIS SUBSECTION (1) PROHIBITS A PUBLIC
17 ENTITY FROM MAINTAINING EXISTING PUBLIC REST AREAS OR
18 CONSTRUCTING NEW PUBLIC REST AREAS LOCATED, AS ALLOWED BY LAW,
19 ON THE RIGHTS-OF-WAY OF THE INTERSTATE SYSTEM.

20 (II) A PUBLIC ENTITY MAY PERMIT THE PLACEMENT OF VENDING
21 MACHINES IN REST AND RECREATION AREAS, AND IN SAFETY REST AREAS,
22 CONSTRUCTED OR LOCATED ON RIGHTS-OF-WAY OF THE INTERSTATE
23 SYSTEM IN THE STATE. SUCH VENDING MACHINES MAY ONLY DISPENSE
24 FOOD, DRINK, AND OTHER ARTICLES AS THE PUBLIC ENTITY DETERMINES
25 ARE APPROPRIATE AND DESIRABLE. PRIORITY SHALL BE GIVEN TO VENDING
26 MACHINES THAT ARE LICENSED, MANAGED, OR OPERATED PURSUANT TO
27 SECTION 26-8.5-102, C.R.S., OR THE "RANDOLPH-SHEPPARD VENDING

1 STAND ACT", 20 U.S.C. SEC. 107.

2 (2) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A
3 PUBLIC ENTITY SHALL NOT DIRECTLY RETAIL MOTOR FUEL FOR PUBLIC USE
4 AT ANY TRUCK STOP, FUELING STATION, CONVENIENCE STORE, OR OTHER
5 AUTOMOTIVE SERVICE STATION.

6 (b) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A
7 PUBLIC ENTITY MAY CONTRACT WITH A PRIVATE ENTITY TO RETAIL MOTOR
8 FUEL FOR PUBLIC USE AT ANY TRUCK STOP, FUELING STATION,
9 CONVENIENCE STORE, OR OTHER AUTOMOTIVE SERVICE STATION, EXCEPT
10 THAT A PUBLIC ENTITY MAY PROVIDE ELECTRIC VEHICLE CHARGING
11 STATIONS IN ORDER TO CHARGE AN ELECTRIC MOTOR VEHICLE, SO LONG AS
12 SUCH CHARGING STATIONS DO NOT PROVIDE ANY ADDITIONAL SERVICES,
13 LIKE THOSE AN AUTOMOTIVE SERVICE STATION WOULD PROVIDE.

14 (II) IF A PUBLIC ENTITY CONTRACTS WITH A PRIVATE ENTITY TO
15 RETAIL MOTOR FUEL FOR PUBLIC USE PURSUANT TO THIS PARAGRAPH (b),
16 THE CONTRACT SHALL ADDRESS WHETHER THE PRICE CHARGED FOR THE
17 MOTOR FUEL REFLECTS THE DIRECT AND INDIRECT COSTS OF PROVIDING
18 SUCH MOTOR FUEL IN COMPARISON TO THE PRICE CHARGED FOR THE
19 MOTOR FUEL IN THE PRIVATE MARKETPLACE, INCLUDING, BUT NOT LIMITED
20 TO, THE COSTS OF:

21 (A) PROPERTY TAX;

22 (B) BUSINESS PERSONAL PROPERTY TAX;

23 (C) REMITTING THE FUEL EXCISE TAX THROUGH A LICENSED
24 DISTRIBUTOR;

25 (D) MAINTAINING THE PUBLIC LAND ON WHICH THE RETAIL
26 OPERATION IS LOCATED; AND

27 (E) SPECIALIZED EQUIPMENT JOINTLY UTILIZED BY BOTH THE

1 PUBLIC ENTITY AND THE PRIVATE ENTITY.

2 (III) IF A PUBLIC ENTITY CONTRACTS WITH A PRIVATE ENTITY TO
3 RETAIL MOTOR FUEL FOR PUBLIC USE PURSUANT TO THIS PARAGRAPH (b),
4 AND IF THE PRIVATE ENTITY FAILS TO SUFFICIENTLY CLOSE THE FACILITY,
5 THE PUBLIC ENTITY SHALL DISPOSE OF ANY HAZARDOUS MATERIALS AND
6 REMEDIATE THE PROPERTY, INCLUDING ANY STORAGE TANKS OR OTHER
7 INFRASTRUCTURE, AS PROVIDED BY LAW.

8 (c) THE PROVISIONS OF THIS SUBSECTION (2) DO NOT APPLY TO ANY
9 TRUCK STOP, FUELING STATION, CONVENIENCE STORE, OR OTHER
10 AUTOMOTIVE SERVICE STATION THAT RETAILS MOTOR FUEL PRIOR TO THE
11 EFFECTIVE DATE OF THIS SUBSECTION (2).

12 **SECTION 2.** In Colorado Revised Statutes, 24-113-102, **amend**
13 introductory portion as follows:

14 **24-113-102. Definitions.** As used in this ~~article~~ PART 1, unless
15 the context otherwise requires:

16 **SECTION 3. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2014 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.