

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 14-0796.01 Jery Payne x2157

SENATE BILL 14-200

SENATE SPONSORSHIP

Jones and King,

HOUSE SPONSORSHIP

Moreno and Rankin,

Senate Committees

Transportation
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION FOR CERTAIN ALTERNATIVE FUEL**
102 **VEHICLES TO USE HIGH OCCUPANCY LANES.**

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>.)

Current law allows a low-emission vehicle to use high occupancy vehicle (HOV) and high occupancy toll (HOT) lanes if they meet certain criteria and have been issued a sticker or decal. The bill authorizes a transponder in lieu of a sticker or decal. A low-emission vehicle not meeting the definition of an alternative fuel vehicle is no longer allowed

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.*

to use HOV or HOT lanes, but a vehicle authorized or on a waiting list as of April 1, 2014, is allowed to continue to do so. An application for a sticker, decal, or transponder must contain an affidavit in which the applicant attests that his or her vehicle is an alternative fuel vehicle.

Currently, the number of low-emission vehicles authorized to use the HOV or HOT lanes is limited to 2,000. The bill expands the number of vehicles to 6,000 vehicles, but the department of transportation may subsequently increase the limit if new lanes are added. The authorization for an alternative fuel vehicle to use HOV or HOT lanes expires after 4 years or when the vehicle changes ownership.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-1012, **amend**
3 (2.5) as follows:

4 **42-4-1012. High occupancy vehicle (HOV) and high occupancy**
5 **toll (HOT) lanes - repeal.** (2.5) (a) (I) Except as otherwise provided in
6 paragraph (d) of this subsection (2.5), ~~a motor~~ AN ALTERNATIVE FUEL
7 vehicle with a gross vehicle weight of ~~twenty-six thousand~~ NINETEEN
8 THOUSAND FIVE HUNDRED pounds or less ~~that is either an inherently~~
9 ~~low-emission vehicle or a hybrid vehicle~~ may be operated upon high
10 occupancy vehicle lanes without regard to the number of persons in the
11 vehicle and without payment of a special toll or fee. ~~The exemption~~
12 ~~relating to hybrid vehicles shall apply only if such exemption does not~~
13 ~~affect the receipt of federal funds and does not violate any federal laws~~
14 ~~or regulations.~~

15 (II) As used in this subsection (2.5), ~~"inherently low-emission~~
16 ~~vehicle"~~ or ~~"ILEV"~~ "ALTERNATIVE FUEL VEHICLE" means A MOTOR
17 VEHICLE THAT:

18 (A) ~~A light-duty vehicle or light-duty truck, regardless of whether~~
19 ~~such vehicle or truck is part of a motor vehicle fleet, that has been~~
20 ~~certified by the federal environmental protection agency as conforming~~

1 to the ~~ILEV~~ guidelines, procedures, and standards as published in the
2 federal register at 58 FR 11888 (March 1, 1993) and 59 FR 50042
3 (September 30, 1994), as amended from time to time; and CAN BE
4 RECHARGED FROM ANY EXTERNAL SOURCE OF ELECTRICITY AND THE
5 ELECTRICITY STORED IN A RECHARGEABLE BATTERY PACK PROPELS OR
6 CONTRIBUTES TO THE PROPULSION OF THE VEHICLE'S DRIVE WHEELS;

7 (B) ~~A heavy-duty vehicle powered by an engine that has been~~
8 ~~certified as set forth in sub-subparagraph (A) of this subparagraph (H):~~

9 USES NATURAL GAS FOR PROPULSION;

10 (C) USES PROPANE FOR PROPULSION;

11 (D) USES A HYDROGEN FUEL CELL FOR PROPULSION;

12 (E) HAS A GROSS VEHICLE WEIGHT RATING OF MORE THAN
13 FOURTEEN THOUSAND POUNDS AND USES A HYBRID PROPULSION SYSTEM
14 THAT OPERATES ON PRESSURIZED FLUID IN CONJUNCTION WITH
15 COMPRESSED NATURAL GAS, LIQUIFIED NATURAL GAS, LIQUIFIED
16 PETROLEUM GAS, HYDROGEN, ELECTRICITY, OR A TRADITIONAL FUEL; OR

17 (F) USES A HYBRID SYSTEM OF ELECTRICITY DERIVED FROM OR
18 USED IN CONJUNCTION WITH TRADITIONAL FUEL FOR PROPULSION IF THE
19 VEHICLE IS RATED AS HAVING A COMBINED FUEL ECONOMY RATING OF AT
20 LEAST FORTY MILES PER GALLON IN A PUBLICATION THAT IS THE OFFICIAL
21 SOURCE FOR FUEL ECONOMY INFORMATION PUBLISHED BY THE UNITED
22 STATES ENVIRONMENTAL PROTECTION AGENCY.

23 (III) ~~As used in this subsection (2.5), "hybrid vehicle" means a~~
24 ~~motor vehicle with a hybrid propulsion system that uses an alternative~~
25 ~~fuel by operating on both an alternative fuel, including electricity, and a~~
26 ~~traditional fuel.~~

27 (b) ~~No~~ A person shall NOT operate a vehicle upon a high

1 occupancy vehicle lane ~~pursuant to~~ UNDER this subsection (2.5) unless the
2 vehicle:

3 (I) ~~Meets all applicable federal emission standards set forth in 40~~
4 ~~CFR sec. 88.311-93, as amended from time to time; or, subject to~~
5 ~~subparagraph (I) of paragraph (a) of this subsection (2.5), is a hybrid~~
6 ~~vehicle; and~~

7 (II) (A) Is identified by means of a circular sticker or decal at least
8 four inches in diameter, made of ~~bright orange~~ reflective material, and
9 affixed either to the windshield, to the front of the side-view mirror on the
10 driver's side, or to the front bumper of the vehicle, ~~Said~~ WHICH sticker or
11 decal ~~shall be~~ IS approved by the Colorado department of transportation;
12 OR

13 (B) IS IDENTIFIED BY MEANS OF A TRANSPONDER ISSUED BY THE
14 COLORADO DEPARTMENT OF TRANSPORTATION OR BY A PRIVATE ENTITY
15 CONTRACTED TO OPERATE A HIGH OCCUPANCY TOLL LANE.

16 (c) The department of transportation and local authorities, with
17 respect to streets and highways under their respective jurisdictions, shall
18 provide information via official traffic control devices to indicate that
19 ~~HLEVs and, subject to subparagraph (I) of paragraph (a) of this subsection~~
20 ~~(2.5), hybrid vehicles~~ ALTERNATIVE FUEL VEHICLES may be operated upon
21 high occupancy vehicle lanes ~~pursuant to~~ IN ACCORDANCE WITH this
22 section. Such information may, but need not, be added to existing printed
23 signs, but as existing printed signs related to high occupancy vehicle lane
24 use are replaced or new ones are erected, such information shall be added.
25 ~~In addition, whenever existing electronic signs are capable of being~~
26 ~~reprogrammed to carry such information, they shall be so reprogrammed~~
27 ~~by September 1, 2003.~~

1 (d) (I) (A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF
2 THIS SUBPARAGRAPH (I), THE COLORADO DEPARTMENT OF
3 TRANSPORTATION SHALL LIMIT THE NUMBER OF ALTERNATIVE FUEL
4 VEHICLES AUTHORIZED TO USE HIGH OCCUPANCY VEHICLE LANES TO SIX
5 THOUSAND. EXCEPT AS PROVIDED IN PARAGRAPH (f) OF THIS SUBSECTION
6 (2.5), AUTHORIZATION TO USE A HIGH OCCUPANCY VEHICLE LANE EXPIRES
7 ON THE LAST DAY OF THE MONTH THAT IS FORTY-EIGHT MONTHS AFTER
8 THE AUTHORIZATION IS ISSUED.

9 (B) In consultation with the regional transportation district, the
10 department of transportation and local authorities, with respect to streets
11 and highways under their respective jurisdictions, shall, in connection
12 with their periodic level-of-service evaluation of high occupancy vehicle
13 lanes, perform a level-of-service evaluation of the use of high occupancy
14 vehicle lanes by HLEVs, and hybrid vehicles ALTERNATIVE FUEL
15 VEHICLES. If the use of high occupancy vehicle lanes by HLEVs or hybrid
16 vehicles ALTERNATIVE FUEL VEHICLES is determined to cause a significant
17 decrease in the level of service for other bona fide users of such lanes,
18 then the department of transportation or a local authority may restrict or
19 eliminate use of such lanes by HLEVs or hybrid vehicles ALTERNATIVE
20 FUEL VEHICLES. IF NEW HIGH OCCUPANCY VEHICLE LANES ARE ADDED IN
21 NEW CORRIDORS, THE DEPARTMENT OF TRANSPORTATION MAY INCREASE
22 THE NUMBER OF ALTERNATIVE FUEL VEHICLES AUTHORIZED TO USE THE
23 LANES. == == ==

24 (II) If the United States secretary of transportation makes a formal
25 determination that, by giving effect to paragraph (a) of this subsection
26 (2.5) on a particular highway or lane OR FOR A PARTICULAR MOTOR
27 VEHICLE, the state of Colorado would disqualify itself from receiving

1 federal highway funds the state would otherwise qualify to receive or
2 would be required to refund federal transportation grant funds it has
3 already received, then said paragraph (a) shall not be effective ~~as to such~~
4 FOR THE highway, ~~or~~ lane, OR VEHICLE.

5 (e) (I) THE COLORADO DEPARTMENT OF TRANSPORTATION SHALL
6 ESTABLISH A STICKER OR DECAL SYSTEM TO LIMIT THE NUMBER OF
7 ALTERNATIVE FUEL VEHICLES AUTHORIZED TO USE HIGH OCCUPANCY
8 VEHICLE LANES. A STICKER OR DECAL AUTHORIZING THE USE OF A HIGH
9 OCCUPANCY VEHICLE LANE MUST BE APPROVED BY THE COLORADO
10 DEPARTMENT OF TRANSPORTATION.

11 (II) THE COLORADO DEPARTMENT OF TRANSPORTATION SHALL
12 ISSUE ALTERNATIVE FUEL VEHICLE STICKERS OR DECALS IN DIFFERENT
13 COLORS ACCORDING TO THE YEAR IN WHICH THEY WERE ISSUED.

14 (III) A COMPLETED APPLICATION FOR AN ALTERNATIVE FUEL
15 VEHICLE TRANSPONDER AND STICKER OR DECAL MUST CONTAIN:

16 (A) AN AFFIDAVIT, SIGNED BY THE APPLICANT, ATTESTING THAT
17 THE APPLICANT'S VEHICLE IS AN ALTERNATIVE FUEL VEHICLE; AND

18 (B) A SIGNED STATEMENT THAT THE APPLICANT UNDERSTANDS
19 THAT AUTHORIZATION TO USE HIGH OCCUPANCY VEHICLE LANES EXPIRES
20 WHEN THE VEHICLE CHANGES OWNERSHIP AND THAT THE APPLICANT
21 PROMISES TO NOTIFY THE COLORADO DEPARTMENT OF TRANSPORTATION
22 IF THE VEHICLE CHANGES OWNERSHIP.

23 (IV) (A) A TRANSPONDER OR STICKER OR DECAL EXPIRES WHEN
24 THE AUTHORIZATION FOR THE ALTERNATIVE FUEL VEHICLE TO USE HIGH
25 OCCUPANCY VEHICLE LANES EXPIRES UNDER SUB-SUBPARAGRAPH (A) OF
26 SUBPARAGRAPH (I) OF PARAGRAPH (d) OF THIS SUBSECTION (2.5).

27 (B) A STICKER OR DECAL ISSUED ON OR BEFORE APRIL 1, 2014, OR

1 ISSUED BECAUSE THE VEHICLE WAS ON THE DEPARTMENT OF
2 TRANSPORTATION'S WAITING LIST ON OR BEFORE APRIL 1, 2014, DOES NOT
3 EXPIRE.

4 (f) NOTWITHSTANDING PARAGRAPHS (a) AND (d) OF THIS
5 SUBSECTION (2.5), A VEHICLE AUTHORIZED OR ON A WAITING LIST TO USE
6 HIGH OCCUPANCY VEHICLE LANES ON OR BEFORE APRIL 1, 2014, MAY BE
7 USED ON THESE LANES IF:

8 (I) THE VEHICLE DOES NOT CHANGE OWNERSHIP; AND

9 (II) THE OWNER AND THE VEHICLE COMPLY WITH PARAGRAPH (b)
10 OF THIS SUBSECTION (2.5).

11 **SECTION 2. Act subject to petition - effective date.** This act
12 takes effect October 1, 2014; except that, if a referendum petition is filed
13 pursuant to section 1 (3) of article V of the state constitution against this
14 act or an item, section, or part of this act within the ninety-day period
15 after final adjournment of the general assembly, then the act, item,
16 section, or part will not take effect unless approved by the people at the
17 general election to be held in November 2014 and, in such case, will take
18 effect on the date of the official declaration of the vote thereon by the
19 governor.