

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

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

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/bills summaries>.)

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~~ NINE
8 THOUSAND SIX 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 ~~I~~LEV 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 COMPRESSED NATURAL GAS FOR PROPULSION;

10 (C) USES PROPANE FOR PROPULSION;

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

12 (E) USES A HYBRID SYSTEM OF ELECTRICITY DERIVED FROM OR
13 USED IN CONJUNCTION WITH TRADITIONAL FUEL FOR PROPULSION IF THE
14 VEHICLE IS RATED AS HAVING A COMBINED FUEL ECONOMY RATING OF AT
15 LEAST FORTY MILES PER GALLON IN A PUBLICATION THAT IS THE OFFICIAL
16 SOURCE FOR FUEL ECONOMY INFORMATION PUBLISHED BY THE UNITED
17 STATES ENVIRONMENTAL PROTECTION AGENCY. THIS SUB-SUBPARAGRAPH
18 (E) IS REPEALED, EFFECTIVE OCTOBER 1, 2018.

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

23 (b) ~~No~~ A person shall NOT operate a vehicle upon a high
24 occupancy vehicle lane pursuant to UNDER this subsection (2.5) unless the
25 vehicle:

26 (I) ~~Meets all applicable federal emission standards set forth in 40~~
27 ~~CFR sec. 88.311-93, as amended from time to time; or, subject to~~

1 ~~subparagraph (I) of paragraph (a) of this subsection (2.5), is a hybrid~~
2 ~~vehicle; and~~

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

8 OR

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

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

24 (d) (I) (A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF
25 THIS SUBPARAGRAPH (I), THE COLORADO DEPARTMENT OF
26 TRANSPORTATION SHALL LIMIT THE NUMBER OF ALTERNATIVE FUEL
27 VEHICLES AUTHORIZED TO USE HIGH OCCUPANCY VEHICLE LANES TO SIX

1 THOUSAND. EXCEPT AS PROVIDED IN PARAGRAPH (f) OF THIS SUBSECTION
2 (2.5), AUTHORIZATION TO USE A HIGH OCCUPANCY VEHICLE LANE EXPIRES
3 ON THE LAST DAY OF THE MONTH THAT IS FORTY-EIGHT MONTHS AFTER
4 THE AUTHORIZATION IS ISSUED.

5 (B) In consultation with the regional transportation district, the
6 department of transportation and local authorities, with respect to streets
7 and highways under their respective jurisdictions, shall, in connection
8 with their periodic level-of-service evaluation of high occupancy vehicle
9 lanes, perform a level-of-service evaluation of the use of high occupancy
10 vehicle lanes by ~~ILEVs and hybrid vehicles. If the use of high occupancy~~
11 ~~vehicle lanes by ILEVs or hybrid vehicles is determined to cause a~~
12 ~~significant decrease in the level of service for other bona fide users of~~
13 ~~such lanes, then the department of transportation or a local authority may~~
14 ~~restrict or eliminate use of such lanes by ILEVs or hybrid vehicles~~
15 ALTERNATIVE FUEL VEHICLES. IF NEW HIGH OCCUPANCY VEHICLE LANES
16 ARE ADDED IN NEW CORRIDORS, THE DEPARTMENT OF TRANSPORTATION
17 MAY INCREASE THE NUMBER OF ALTERNATIVE FUEL VEHICLES
18 AUTHORIZED TO USE THE LANES. ON OR BEFORE THE OPENING DATE OF
19 ANY NEW HIGH OCCUPANCY VEHICLE LANES, THE DEPARTMENT OF
20 TRANSPORTATION SHALL SUBMIT A RECOMMENDATION TO THE
21 TRANSPORTATION COMMISSION ADDRESSING WHETHER OR HOW MUCH TO
22 INCREASE THE NUMBER OF ALTERNATIVE FUEL VEHICLES AUTHORIZED TO
23 USE HIGH OCCUPANCY VEHICLE LANES. IN DETERMINING WHETHER TO
24 INCREASE THE NUMBER OF ALTERNATIVE FUEL VEHICLES AUTHORIZED TO
25 USE THE LANES, THE DEPARTMENT OF TRANSPORTATION SHALL CONSIDER
26 CURRENT AND PROJECTED CONGESTION, HIGH OCCUPANCY VEHICLE
27 PROJECTIONS, AND TOLL-PAYING VEHICLE PROJECTIONS, AND THE

1 DEPARTMENT OF TRANSPORTATION MAY CONSIDER OTHER RELEVANT
2 FACTORS.

3 (II) If the United States secretary of transportation makes a formal
4 determination that, by giving effect to paragraph (a) of this subsection
5 (2.5) on a particular highway or lane OR FOR A PARTICULAR MOTOR
6 VEHICLE, the state of Colorado would disqualify itself from receiving
7 federal highway funds the state would otherwise qualify to receive or
8 would be required to refund federal transportation grant funds it has
9 already received, then said paragraph (a) shall not be effective ~~as to such~~
10 FOR THE highway, ~~or~~ lane, OR VEHICLE.

11 (e) (I) THE COLORADO DEPARTMENT OF TRANSPORTATION SHALL
12 ESTABLISH A STICKER OR DECAL SYSTEM TO LIMIT THE NUMBER OF
13 ALTERNATIVE FUEL VEHICLES AUTHORIZED TO USE HIGH OCCUPANCY
14 VEHICLE LANES. A STICKER OR DECAL AUTHORIZING THE USE OF A HIGH
15 OCCUPANCY VEHICLE LANE MUST BE APPROVED BY THE COLORADO
16 DEPARTMENT OF TRANSPORTATION.

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

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

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

24 (B) A SIGNED STATEMENT THAT THE APPLICANT UNDERSTANDS
25 THAT AUTHORIZATION TO USE HIGH OCCUPANCY VEHICLE LANES EXPIRES
26 WHEN THE VEHICLE CHANGES OWNERSHIP AND THAT THE APPLICANT
27 PROMISES TO NOTIFY THE COLORADO DEPARTMENT OF TRANSPORTATION

1 IF THE VEHICLE CHANGES OWNERSHIP.

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

6 (B) A STICKER OR DECAL ISSUED ON OR BEFORE APRIL 1, 2014, OR
7 ISSUED BECAUSE THE VEHICLE WAS ON THE DEPARTMENT OF
8 TRANSPORTATION'S WAITING LIST ON OR BEFORE APRIL 1, 2014, DOES NOT
9 EXPIRE.

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

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

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

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