

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

**INTRODUCED**

LLS NO. 05-0814.01 John Hershey

**HOUSE BILL 05-1290**

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**HOUSE SPONSORSHIP**

**Pommer,**

**SENATE SPONSORSHIP**

**Tupa,**

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**House Committees**

Transportation & Energy  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING INCENTIVES TO INCREASE THE USE OF VEHICLES THAT**  
102            **USE ALTERNATIVE FUELS, AND, IN CONNECTION THEREWITH,**  
103            **EXTENDING THE INCOME TAX CREDIT FOR THE PURCHASE OF**  
104            **CERTAIN ALTERNATIVE FUEL VEHICLES AND ALLOWING**  
105            **ALTERNATIVE FUEL VEHICLES TO BE OPERATED ON PUBLICLY**  
106            **FINANCED TOLL HIGHWAYS AND TOLL LANES WITHOUT PAYING**  
107            **TOLLS.**

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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.)*

Maintains the amount of the tax credit for the purchase of

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.*

low-emitting vehicles using alternative fuels, which would otherwise be reduced in the year 2006, until the year 2009. Extends the amount of the credit, which would otherwise expire in the year 2009, to the year 2011.

States that hybrid vehicles and inherently low-emission vehicles may be operated on a publicly financed toll highway or toll lane without payment of a toll.

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

2 **SECTION 1.** 39-22-516 (2.5) (d) (I), Colorado Revised Statutes,  
 3 is amended to read:

4 **39-22-516. Tax credit for purchase of vehicles using alternative**  
 5 **fuels.** (2.5) (d) (I) For the purposes of paragraph (c) of this subsection  
 6 (2.5), except as otherwise provided in subparagraph (II) of this paragraph  
 7 (d), the percentage of the difference in actual cost incurred or the  
 8 percentage of the actual cost incurred that may be claimed as a credit  
 9 pursuant to paragraph (b) of this subsection (2.5) shall be as follows:

10 <b>Certification level:</b>	11 <b>Tax years</b>	12 <b>Tax years</b>	13 <b>Tax years</b>
	14 <b>commencing</b>	15 <b>commencing</b>	16 <b>commencing</b>
	17 <b>on or after</b>	18 <b>on or after</b>	19 <b>on or after</b>
	20 <b>July 1, 1998,</b>	21 <b>July 1, 2006,</b>	22 <b>July 1, 2009,</b>
	23 <b>but prior to</b>	24 <b>but prior to</b>	25 <b>but prior to</b>
	26 <b>July 1, 2006:</b>	27 <b>July 1, 2009:</b>	28 <b>July 1, 2011:</b>
29 Low-emitting			
30 vehicle	31 50%	32 <del>25%</del> 50%	33 <del>0%</del> 25%
34 Ultra-low-emitting			
35 vehicle or			
36 inherently			
37 low-emitting			
38 vehicle	39 75%	40 50%	41 25%

1 Zero-emitting  
2 vehicle 85% 75% 50%

3 **SECTION 2.** Part 10 of article 4 of title 42, Colorado Revised  
4 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
5 read:

6 **42-4-1014. Toll highways and toll lanes - public highways -**  
7 **hybrid vehicles - definitions.** (1) A MOTOR VEHICLE WITH A GROSS  
8 VEHICLE WEIGHT OF TWENTY-SIX THOUSAND POUNDS OR LESS THAT IS  
9 EITHER AN INHERENTLY LOW-EMISSION VEHICLE OR A HYBRID VEHICLE  
10 MAY BE OPERATED WITHOUT PAYMENT OF A TOLL ON A PUBLICLY  
11 FINANCED TOLL HIGHWAY OR TOLL LANE. THIS SECTION SHALL APPLY TO  
12 HYBRID VEHICLES ONLY IF ITS APPLICATION DOES NOT AFFECT THE RECEIPT  
13 OF FEDERAL FUNDS AND DOES NOT VIOLATE ANY FEDERAL LAWS OR  
14 REGULATIONS.

15 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
16 REQUIRES:

17 (a) "HYBRID VEHICLE" HAS THE SAME MEANING AS SET FORTH IN  
18 SECTION 39-22-516 (2.5) (a) (II.5), C.R.S.

19 (b) "INHERENTLY LOW-EMISSION VEHICLE" OR "ILEV" MEANS:

20 (I) A LIGHT-DUTY VEHICLE OR LIGHT-DUTY TRUCK, REGARDLESS  
21 OF WHETHER SUCH VEHICLE OR TRUCK IS PART OF A MOTOR VEHICLE  
22 FLEET, THAT HAS BEEN CERTIFIED BY THE FEDERAL ENVIRONMENTAL  
23 PROTECTION AGENCY AS CONFORMING TO THE ILEV GUIDELINES,  
24 PROCEDURES, AND STANDARDS AS PUBLISHED IN THE FEDERAL REGISTER  
25 AT 58 FR 11888 (MARCH 1, 1993) AND 59 FR 50042 (SEPTEMBER 30,  
26 1994), AS AMENDED FROM TIME TO TIME; AND

27 (II) A HEAVY-DUTY VEHICLE POWERED BY AN ENGINE THAT HAS

1 BEEN CERTIFIED AS SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH  
2 (b).

3 (c) "PUBLICLY FINANCED TOLL HIGHWAY OR TOLL LANE" MEANS  
4 A TOLL HIGHWAY OR TOLL LANE THAT IS CONSTRUCTED USING MONEYS TO  
5 THE CREDIT OF THE DEPARTMENT OF TRANSPORTATION.

6 (3) NO PERSON SHALL OPERATE A VEHICLE ON A PUBLICLY  
7 FINANCED TOLL HIGHWAY OR TOLL LANE PURSUANT TO THIS SECTION  
8 UNLESS THE VEHICLE MEETS ALL APPLICABLE FEDERAL EMISSION  
9 STANDARDS SET FORTH IN 40 CFR 88.311-93, AS AMENDED FROM TIME TO  
10 TIME, OR IS A HYBRID VEHICLE.

11 (4) THE DEPARTMENT OF TRANSPORTATION SHALL PROMULGATE  
12 RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.,  
13 ESTABLISHING A PROCEDURE FOR A VEHICLE THAT IS OPERATED ON A  
14 PUBLICLY FINANCED TOLL HIGHWAY OR TOLL LANE PURSUANT TO THIS  
15 SECTION TO BE IDENTIFIED BY MEANS OF A TRANSPONDER OR OTHER  
16 DEVICE RECOGNIZED BY THE TOLL COLLECTION SYSTEM.

17 (5) THE DEPARTMENT OF TRANSPORTATION AND LOCAL  
18 AUTHORITIES, WITH RESPECT TO STREETS AND HIGHWAYS UNDER THEIR  
19 RESPECTIVE JURISDICTIONS, SHALL PROVIDE INFORMATION VIA OFFICIAL  
20 TRAFFIC CONTROL DEVICES TO INDICATE THAT ILEVs AND HYBRID  
21 VEHICLES MAY BE OPERATED ON PUBLICLY FINANCED TOLL HIGHWAYS AND  
22 TOLL LANES PURSUANT TO THIS SECTION.

23 (6) THIS SECTION SHALL NOT BE EFFECTIVE ON A PARTICULAR  
24 HIGHWAY OR LANE TO THE EXTENT THAT ITS EFFECT WOULD DISQUALIFY  
25 THE STATE FROM RECEIVING FEDERAL HIGHWAY FUNDS THAT THE STATE  
26 WOULD OTHERWISE QUALIFY TO RECEIVE OR TO THE EXTENT THE STATE  
27 WOULD BE REQUIRED TO REFUND FEDERAL TRANSPORTATION GRANT

1 FUNDS IT HAS ALREADY RECEIVED, AS FORMALLY DETERMINED BY THE  
2 UNITED STATES SECRETARY OF TRANSPORTATION.

3 **SECTION 3. Effective date.** This act shall take effect at 12:01  
4 a.m. on the day following the expiration of the ninety-day period after  
5 final adjournment of the general assembly that is allowed for submitting  
6 a referendum petition pursuant to article V, section 1 (3) of the state  
7 constitution (August 10, 2005, if adjournment sine die is on May 11,  
8 2005); except that, if a referendum petition is filed against this act or an  
9 item, section, or part of this act within such period, then the act, item,  
10 section, or part, if approved by the people, shall take effect on the date of  
11 the official declaration of the vote thereon by proclamation of the  
12 governor.