

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0614.01 Sam Anderson x4218

HOUSE BILL 26-1076

HOUSE SPONSORSHIP

Paschal and Lindsay,

SENATE SPONSORSHIP

(None),

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO SELECT STATUTORY PROVISIONS**
102 **RELATING TO TRANSPORTATION.**

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://leg.colorado.gov>.)

The bill makes the following changes to statutes concerning the department of transportation (department):

- Changes the name of the freight mobility and safety branch within the transportation development division of the department to the office of freight mobility and safety (**sections 1, 3, 5, and 9** of the bill);

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- Clarifies that each state agency is responsible for paying its proportionate part of the cost of maintenance and operation of fueling infrastructure to support its motor vehicle fleet (**section 2**);
- Clarifies that a driver of a commercial vehicle may not enter the farthest left-hand general purpose lane when driving specified sections of interstate 70 (**section 4**);
- Clarifies which transportation commission district represents the city and county of Broomfield (**section 6**);
- Relocates a provision concerning the chief engineer from the statutory section governing the highway maintenance division to the statutory section governing the chief engineer (**sections 7 and 8**);
- Repeals a statutory section concerning a study prepared by legislative council staff on the transportation commission districts, which has been completed (**section 10**);
- Redirects revenue from a permitting fee imposed by the department on companies authorized to install and remove tire chains, as established in Senate Bill 25-069, from the highway users tax fund to the state highway fund (**section 11**);
- Repeals outdated and obsolete provisions concerning the highway users tax fund (**sections 12 and 13**);
- Defines "toll evasion" for purposes of civil penalties, enforcement, and administration of the use of a toll highway (**section 14**);
- Establishes a 4-year term limit for members of the nonattainment area air pollution mitigation enterprise board who are appointed by the governor and clarifies when the initial term for each appointment ends (**section 15**); and
- Repeals a requirement that the transportation commission approve transfers of money directed by the division of aeronautics from the aviation account of the transportation infrastructure revolving fund to the aviation fund, which amounts must not exceed transfers previously approved by the Colorado aeronautical board (**section 16**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-20-206.5, **amend**

3 (6)(a)(II) as follows:

4 **8-20-206.5. Environmental response surcharge - liquefied**

1 **petroleum gas and natural gas inspection fund - perfluoroalkyl and**
2 **polyfluoroalkyl substances cash fund - hazardous materials**
3 **infrastructure cash fund - fuels impact reduction grant program -**
4 **definitions - repeal.**

5 (6) (a) In addition to the payments collected pursuant to
6 subsections (1)(a) and (8)(a) of this section, the executive director of the
7 department of revenue shall also collect a fee to:

8 (II) Support the department of transportation in functions related
9 to freight movement and infrastructure in the state, including the
10 functions of the OFFICE OF freight mobility and safety ~~branch of~~ IN the
11 transportation development division of the department of transportation
12 created in section 43-1-117 (4), as well as infrastructure projects that
13 enhance the safety of movement of commercial materials;

14 **SECTION 2.** In Colorado Revised Statutes, 24-30-1104, amend
15 (2)(k) as follows:

16 **24-30-1104. Functions of the department - definitions - rules.**

17 (2) In addition to the county-specific functions set forth in
18 subsection (1) of this section, the department of personnel shall take such
19 steps as are necessary to fully implement a central state motor vehicle
20 fleet system by January 1, 1993. The provisions of the motor vehicle fleet
21 system created pursuant to this subsection (2) apply to the executive
22 branch of the state of Colorado, its departments, its institutions, and its
23 agencies; except that the governing board of each institution of higher
24 education, by formal action of the board, and the Colorado commission
25 on higher education, by formal action of the commission, may elect to be
26 exempt from the provisions of this subsection (2) and may obtain a motor
27 vehicle fleet system independent of the state motor vehicle fleet system.

1 Under the direction of the executive director, the department of personnel
2 shall perform the following functions pertaining to the motor vehicle fleet
3 system throughout the state:

4 (k) Allocate and charge against each state agency to which
5 transportation OR FUELING INFRASTRUCTURE is furnished ~~on the basis of~~
6 ~~mileage or on the basis of the period of time for which each vehicle is~~
7 ~~assigned to the agency;~~ its proportionate part of the cost of maintenance
8 and operation of the motor vehicle fleet AND ITS SUPPORTING FUELING
9 INFRASTRUCTURE;

10 **SECTION 3.** In Colorado Revised Statutes, 42-4-106, **amend**
11 (5)(a)(I)(G) as follows:

12 **42-4-106. Who may restrict right to use highways - definitions**
13 **- rules.**

14 (5) (a) (I) (G) On August 7, 2024, the OFFICE OF freight mobility
15 and safety ~~branch~~ created in section 43-1-117 (4) shall launch an
16 awareness campaign on any laws enacted that modify subsection
17 (5)(a)(I)(C) of this section.

18 **SECTION 4.** In Colorado Revised Statutes, 42-4-1014, **amend**
19 (1) introductory portion as follows:

20 **42-4-1014. No commercial vehicles in the left lane - penalty.**

21 (1) A driver of a commercial vehicle may not enter the ~~furthest~~
22 ~~left~~ FARTHEST LEFT-HAND GENERAL PURPOSE lane when driving in the
23 following areas of interstate 70 unless specifically required or authorized
24 to pass by law:

25 **SECTION 5.** In Colorado Revised Statutes, 42-4-1701, **amend**
26 (4)(d.7)(II)(B) as follows:

27 **42-4-1701. Traffic offenses and infractions classified -**

1 **penalties - penalty and surcharge schedule - repeal.**

2 (4) (d.7) (II) (B) Notwithstanding any provision of law to the
3 contrary, for each fine collected pursuant to section 42-4-617 (4) and
4 subsection (4)(d.7)(I) of this section, the state treasurer shall credit
5 one-half of the amount of the fine to the account. All money credited to
6 the account is continuously appropriated to the department of
7 transportation and to the OFFICE OF freight mobility and safety branch
8 created within the transportation development division of the department
9 of transportation pursuant to section 43-1-117 to pay costs associated with
10 the provision of educational outreach and public information about
11 runaway truck events, the purchase and implementation of equipment for
12 the purpose of reducing the frequency of runaway truck events, and the
13 completion of studies of means by which the state may reduce the
14 frequency of runaway truck events and improve overall commercial
15 motor vehicle safety on state highways that pass through the mountains
16 of the state.

17 **SECTION 6.** In Colorado Revised Statutes, 43-1-106, **amend** (2)
18 introductory portion and (2)(d) as follows:

19 **43-1-106. Transportation commission - efficiency and**
20 **accountability committee - powers and duties - report - rules -**
21 **definitions.**

22 (2) ~~One member of the commission shall be appointed by the~~
23 ~~governor from each of the following districts~~ THE GOVERNOR SHALL
24 APPOINT ONE MEMBER OF THE COMMISSION FROM EACH OF THE
25 FOLLOWING DISTRICTS:

26 (d) District 4: The counties of Adams and Boulder AND THE CITY
27 AND COUNTY OF BROOMFIELD;

1 **SECTION 7.** In Colorado Revised Statutes, 43-1-110, **add with**
2 **amended and relocated provisions (5)** as follows:

3 **43-1-110. Powers and duties of the chief engineer - hearings**
4 **- rule-making.**

5 (5) **[Formerly 43-1-114 (3)]** Whenever the chief engineer is
6 authorized to enter into contracts or agreements, ~~the contracts or~~
7 ~~agreements must be executed~~ THE CHIEF ENGINEER, OR THEIR DESIGNEE,
8 MUST EXECUTE THE CONTRACTS OR AGREEMENTS in the name of the
9 department of transportation, state of Colorado. ~~by the chief engineer, or~~
10 ~~his or her designee~~ Whenever the chief engineer is authorized to acquire
11 or convey real or personal property, ~~title thereto must be acquired or~~
12 ~~conveyed~~ THE CHIEF ENGINEER, OR THEIR DESIGNEE, MUST ACQUIRE OR
13 CONVEY THE TITLE in the name of the department of transportation, state
14 of Colorado, and THE CHIEF ENGINEER, OR THEIR DESIGNEE, MUST
15 EXECUTE all such conveyances. ~~must be executed by the chief engineer,~~
16 ~~or his or her designee~~ All suits or proceedings brought by or against the
17 chief engineer must be in the name of the department of transportation,
18 state of Colorado.

19 **SECTION 8.** In Colorado Revised Statutes, 43-1-114, **repeal (3)**
20 as follows:

21 **43-1-114. Highway maintenance division - creation.**

22 (3) ~~Whenever the chief engineer is authorized to enter into~~
23 ~~contracts or agreements, the contracts or agreements must be executed in~~
24 ~~the name of the department of transportation, state of Colorado, by the~~
25 ~~chief engineer, or his or her designee. Whenever the chief engineer is~~
26 ~~authorized to acquire or convey real or personal property, title thereto~~
27 ~~must be acquired or conveyed in the name of the department of~~

1 transportation, state of Colorado, and all such conveyances must be
2 executed by the chief engineer, or his or her designee. All suits or
3 proceedings brought by or against the chief engineer must be in the name
4 of the department of transportation, state of Colorado.

5 **SECTION 9.** In Colorado Revised Statutes, 43-1-117, **amend** (4)
6 as follows:

7 **43-1-117. Transportation development division - created -**
8 **duties - office of freight mobility and safety - repeal.**

9 (4) The OFFICE OF freight mobility and safety ~~branch~~ is created in
10 the transportation development division. The function of the OFFICE OF
11 freight mobility and safety ~~branch~~ is to plan, design, and implement
12 programs and projects that enhance freight mobility and safety within the
13 state. No later than January 1, 2022, the OFFICE OF freight mobility and
14 safety ~~branch~~ shall provide to the commission a long-term strategic plan
15 that sets forth the vision and goals for the ~~branch~~ OFFICE, key priorities for
16 all freight-related programs, activities, and projects, and guidelines for
17 coordination between the ~~branch~~ OFFICE and the freight advisory
18 committee.

19 **SECTION 10.** In Colorado Revised Statutes, **repeal** 43-1-124 as
20 follows:

21 **43-1-124. Study of transportation commission districts.**

22 ~~No later than August 1, 2016, legislative council staff, with the~~
23 ~~cooperation of the department, shall prepare and present to the~~
24 ~~transportation legislation review committee a research study of the~~
25 ~~commission districts established in section 43-1-106 (2). The study must~~
26 ~~document changes since the last time the general assembly modified the~~
27 ~~number and boundaries of the commission districts, including changes in~~

1 population, number of lane miles, and annual vehicle miles traveled for
2 each of the districts and must take into account existing county and
3 municipal boundaries, regional transportation authorities and districts,
4 and transportation planning regions.

5 **SECTION 11.** In Colorado Revised Statutes, 43-2-150, **amend**
6 (2)(d) as follows:

7 **43-2-150. Roadside chain service - rules - permits - fees -**
8 **liability - definition.**

9 (2) (d) The department may charge a fee to issue a permit to an
10 applicant. The fee must be set in an amount to offset the direct and
11 indirect costs of issuing permits under this subsection (2). The state
12 treasurer shall credit the fees to the STATE highway users tax fund created
13 in ~~section 43-4-201~~ SECTION 43-1-219.

14 **SECTION 12.** In Colorado Revised Statutes, 43-4-205, **amend**
15 (6) introductory portion, (6)(b) introductory portion, and (6.5)(a); and
16 **repeal** (6)(a), (7), and (13) as follows:

17 **43-4-205. Allocation of fund - repeal.**

18 (6) Revenue raised by the excise tax imposed on gasoline and
19 special fuel pursuant to sections 39-27-102 and 39-27-102.5 in excess of
20 seven cents per gallon of tax ~~shall~~ MUST be placed in the highway users
21 tax fund to be allocated as follows: ~~except that revenue raised by the~~
22 ~~excise tax imposed on gasoline in excess of eighteen cents per gallon of~~
23 ~~tax shall be allocated according to subsection (6)(b) of this section~~

24 (a) ~~Sixteen percent of such revenue shall be deposited in a special~~
25 ~~account within the highway users tax fund until July 1, 1997, and shall be~~
26 ~~expended only for highway bridge repair, replacement, or posting,~~
27 ~~pursuant to provisions of paragraph (a) of subsection (7) of this section.~~

(6.5) (a) Except as otherwise provided in subsections (6.4) and (6.7) of this section, the revenue accrued to and transferred to the highway users tax fund pursuant to section 24-75-219 or 39-26-123 (4)(a) or appropriated to the highway users tax fund pursuant to House Bill 02-1389, enacted in 2002, must be paid to the state highway fund for allocation to the department of transportation and expended as provided in section 43-4-206 (2).

(7) (a) Revenues accumulated in the special account for highway bridges, as provided in paragraph (a) of subsection (6) of this section, shall be allocated at least once each year among state, counties, and municipal highway systems based on total cost needs under the criteria developed by means of the most current report of the federal bridge inventory program. For the fiscal year commencing on July 1, 1981, the allocation shall be determined in accordance with needs developed by October 1, 1981. In subsequent fiscal years, the allocation shall be determined in accordance with needs reports available on January 1, 1982, and January 1 of each subsequent year, with the allocation amounts to be effective on July 1 of each year. After allocation of the state share of the special bridge account, the share for the counties and municipalities shall be allocated, subject to annual appropriation by the general

1 assembly, based upon need as determined by the special highway
2 committee which shall be composed of four representatives each from
3 counties and municipalities. Allocations to local governments shall
4 require a minimum of twenty percent of local matching funds from
5 revenues other than the special bridge account within the highway users
6 tax fund.

7 (b) Repealed.

8 (13) All of the additional revenues which are credited to the
9 highway users tax fund as a result of the enactment of House Bill No.
10 1012 at the first extraordinary session of the fifty-seventh general
11 assembly shall be expended only for improvements to highways within
12 the state, including new construction, safety improvements, maintenance,
13 and capacity improvements. No moneys shall be expended for
14 administrative purposes.

15 **SECTION 13.** In Colorado Revised Statutes, 43-4-206, amend
16 (2)(a) introductory portion as follows:

17 **43-4-206. State allocation.**

18 (2) (a) Revenue accrued to and transferred to the highway users
19 tax fund pursuant to section 39-26-123 (4)(a) or appropriated to the
20 highway users tax fund pursuant to House Bill 02-1389, enacted at the
21 second regular session of the sixty-third general assembly, and credited
22 to the state highway fund pursuant to section 43-4-205 (6.5) shall be
23 expended by the department of transportation for the implementation of
24 the strategic transportation project investment program:

25 **SECTION 14.** In Colorado Revised Statutes, 43-4-803, add
26 (23.7) as follows:

27 **43-4-803. Definitions.**

7 **SECTION 15.** In Colorado Revised Statutes, 43-4-1303, **amend**
8 (2)(b); and **add** (2)(c) as follows:

9 **43-4-1303. Nonattainment area air pollution mitigation**
10 **enterprise - creation - board - powers and duties - rules - fees - fund.**

19 (c) THE TERM OF EACH INITIAL MEMBER OF THE BOARD APPOINTED
20 BY THE GOVERNOR ENDS ON JANUARY 15, 2027. FOR ONLY THE TERM
21 IMMEDIATELY FOLLOWING THIS INITIAL TERM, THE MEMBERS DESCRIBED
22 IN SUBSECTIONS (2)(a)(I)(A) AND (2)(a)(I)(B) OF THIS SECTION AND ONE
23 OF THE MEMBERS DESCRIBED IN SUBSECTION (2)(a)(I)(D) OF THIS SECTION
24 SERVE A TERM OF THREE YEARS. ALL OTHER TERMS OF SERVICE FOR ANY
25 MEMBER APPOINTED BY THE GOVERNOR ARE FOUR YEARS, AS DESCRIBED
26 IN SUBSECTION (2)(b) OF THIS SECTION.

27 SECTION 16. In Colorado Revised Statutes, 43-10-103, amend

1 (2)(m) as follows:

2 **43-10-103. Division of aeronautics created - duties.**

3 (2) The division shall provide support for the Colorado
4 aeronautical board in fulfilling its duties. The duties of the division also
5 include, but are not limited to, the following:

6 (m) Directing the state treasurer to transfer ~~moneys~~ MONEY from
7 the aviation fund created by section 43-10-109 to the aviation account of
8 the transportation infrastructure revolving fund created by section
9 43-1-113.5, but only if such transfer is approved by the board. The
10 division may direct the state treasurer to transfer ~~moneys~~ MONEY from the
11 aviation account back to the aviation fund in an amount not exceeding the
12 amounts previously transferred from the aviation fund. ~~but only if such~~
13 ~~transfer is approved by the board and by the transportation commission~~

14 **SECTION 17. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2026 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.