

An Act

HOUSE BILL 25-1267

BY REPRESENTATIVE(S) Paschal and McCormick, Brown, Jackson, Smith, Bacon, Boesenecker, Camacho, English, Joseph, Valdez, Velasco, Woodrow;
also SENATOR(S) Winter F. and Amabile, Cutter, Jodeh, Kipp, Michaelson Jenet, Wallace.

CONCERNING SUPPORT FOR STATEWIDE ENERGY STRATEGIES, AND, IN CONNECTION THEREWITH, MODIFYING THE ELECTRIC VEHICLE GRANT FUND WITHIN THE COLORADO ENERGY OFFICE, MODIFYING THE COMMUNITY IMPACT CASH FUND WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, ALLOWING THE COMMUNITY ACCESS ENTERPRISE TO REDUCE THE RETAIL DELIVERY FEE IT IMPOSES, REGULATING RETAIL ELECTRIC VEHICLE CHARGING, AND MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 8-20-102, **add** (5) as follows:

8-20-102. Duties of director of division of oil and public safety
- rules. (5) THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

SHALL ADOPT AND ENFORCE RULES CONCERNING RETAIL ELECTRIC VEHICLE CHARGING AS OUTLINED IN SECTION 8-20-107.

SECTION 2. In Colorado Revised Statutes, **add** 8-20-107 as follows:

8-20-107. Retail electric vehicle charging - rules - definitions.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND EMPLOYMENT.

(b) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION.

(c) "DIVISION" MEANS THE DIVISION OF OIL AND PUBLIC SAFETY IN THE DEPARTMENT.

(d) "RETAIL ELECTRIC VEHICLE CHARGING" MEANS A PUBLICLY ACCESSIBLE ELECTRIC VEHICLE CHARGING STATION WHERE A CHARGE FOR SERVICE IS BASED WHOLLY OR PARTIALLY ON THE QUANTITY OF ELECTRICITY DISPENSED IN VEHICLE FUEL APPLICATIONS.

(2) (a) (I) ON OR BEFORE JULY 1, 2026, THE DIRECTOR SHALL ADOPT RULES CONCERNING RETAIL ELECTRIC VEHICLE CHARGING. THE RULES MUST SET FORTH MINIMUM STANDARDS RELATING TO SPECIFICATIONS AND TOLERANCES FOR RETAIL ELECTRIC VEHICLE CHARGING EQUIPMENT AND METHODS OF RETAIL SALE AT PUBLICLY ACCESSIBLE ELECTRIC VEHICLE CHARGING STATIONS TO PROMOTE CONSISTENCY IN THE MARKETPLACE.

(II) THE DIRECTOR SHALL CONSULT WITH THE DIRECTOR OF THE COLORADO ENERGY OFFICE, CREATED IN SECTION 24-38.5-101, BEFORE INITIATING A RULE-MAKING PROCEEDING ON OR MODIFYING RULES CONCERNING RETAIL ELECTRIC VEHICLE CHARGING.

(b) THE DIVISION SHALL BEGIN ENFORCING THE RULES REQUIRED BY THIS SUBSECTION (2) ON JULY 1, 2027, FOR ALL RETAIL ELECTRIC VEHICLE CHARGING STATIONS INSTALLED ON OR AFTER JULY 1, 2026. RETAIL ELECTRIC VEHICLE CHARGING STATIONS INSTALLED BEFORE JULY 1, 2026, MUST COMPLY WITH THE SCHEDULE OUTLINED IN THE RULES. THE DIRECTOR MAY MODIFY THE RULES AT THE DIRECTOR'S DISCRETION, UTILIZING A PUBLIC

STAKEHOLDER PROCESS AND PROVIDING ADVANCE NOTICE FOR ANY PROPOSED MODIFICATIONS.

(c) EACH RULE REQUIRED BY THIS SUBSECTION (2) MUST BE REASONABLY NECESSARY FOR THE PROTECTION OF THE HEALTH, WELFARE, AND SAFETY OF THE PUBLIC AND PERSONS USING RETAIL ELECTRIC VEHICLE CHARGING STATIONS, AND THE RULES MUST SUBSTANTIALLY CONFORM WITH THE GENERALLY ACCEPTED STANDARDS OF SAFETY CONCERNING ELECTRIC VEHICLE CHARGING. THE DIRECTOR SHALL ADOPT THE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24.

(3) THIS SECTION DOES NOT APPLY TO RETAIL ELECTRIC VEHICLE CHARGING STATIONS THAT ARE OWNED, MAINTAINED, OR USED BY A PUBLIC UTILITY AS DESCRIBED IN SECTION 40-1-103.

SECTION 3. In Colorado Revised Statutes, 24-38.5-103, **amend** (1)(a)(I)(B); and **add** (1)(a)(I)(D) and (1)(a)(I)(E) as follows:

24-38.5-103. Electric vehicle grant fund - creation - administration - legislative declaration. (1) (a) (I) There is created in the state treasury the electric vehicle grant fund, referred to in this section as the "fund". The Colorado energy office shall use the fund to:

(B) Cover the administrative costs of providing grants pursuant to subsection (1)(a)(I)(A) of this section; ~~and~~

(D) SUPPORT OR DIRECTLY ENGAGE IN OPERATIONAL AND POLICY WORK TO SUPPORT ELECTRIC VEHICLE ADOPTION, ELECTRIC VEHICLE CHARGING, AND AFFORDABLE, CLEAN ELECTRICITY FOR ELECTRIC VEHICLES, INCLUDING COVERING THE ADMINISTRATIVE COSTS OF THIS WORK; AND

(E) SUPPORT THE DEVELOPMENT AND ENFORCEMENT OF RETAIL ELECTRIC VEHICLE CHARGING RULES BY THE DIVISION OF OIL AND PUBLIC SAFETY IN THE DEPARTMENT OF LABOR AND EMPLOYMENT.

SECTION 4. In Colorado Revised Statutes, 24-38.5-303, **amend** (7)(c)(II); and **add** (7)(c)(III) as follows:

24-38.5-303. Community access enterprise - creation - board - powers and duties - fund - fee - transparency and reporting.

(7) (c) (II) The enterprise is authorized to adjust the amount of the community access retail delivery fee for retail deliveries of tangible personal property purchased during a state fiscal year. ~~only if the department of revenue adjusts the amount of the retail delivery fee imposed by section 43-4-218 (3) for retail deliveries of tangible personal property purchased during the state fiscal year.~~

(III) (A) NOTWITHSTANDING SUBSECTION (7)(c)(I) OF THIS SECTION, IF IMPOSING THE COMMUNITY ACCESS RETAIL DELIVERY FEE IN ANY AMOUNT WOULD CAUSE THE ENTERPRISE TO RECEIVE MORE THAN ONE HUNDRED MILLION DOLLARS IN TOTAL FEE REVENUE IN ITS FIRST FIVE FISCAL YEARS, WHICH FIVE-YEAR PERIOD FOR THE PURPOSE OF SECTION 24-77-108 ENDS ON JUNE 30, 2026, THE ENTERPRISE SHALL IMPOSE THE COMMUNITY ACCESS RETAIL DELIVERY FEE IN A LOWER AMOUNT FOR ALL OR A PORTION OF A STATE FISCAL YEAR. ANY REDUCTION IN THE AMOUNT OF THE FEE IMPOSED PURSUANT TO THIS SUBSECTION (7)(c)(III) DOES NOT REDUCE THE MAXIMUM AMOUNT OF THE FEE THAT THE ENTERPRISE MAY IMPOSE IN ANY SUBSEQUENT STATE FISCAL YEAR.

(B) NOTWITHSTANDING SUBSECTION (7)(c)(I) OF THIS SECTION, IF THE ENTERPRISE IMPOSES A LOWER FEE AMOUNT PURSUANT TO THIS SUBSECTION (7)(c)(III), THE ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF REVENUE OF THE LOWER AMOUNT OF THE COMMUNITY ACCESS RETAIL DELIVERY FEE TO BE COLLECTED NO LATER THAN THIRTY DAYS AFTER THE DATE OF THE DECISION OF THE GOVERNING BOARD TO LOWER THE FEE AND THE DEPARTMENT OF REVENUE SHALL PUBLISH THE LOWER AMOUNT ON THE FIRST OF THE MONTH FOLLOWING NOTIFICATION FROM THE ENTERPRISE OF THE LOWER FEE AMOUNT, BUT NOT LATER THAN SIXTY DAYS FOLLOWING SUCH NOTIFICATION.

SECTION 5. In Colorado Revised Statutes, 25-7-129, **add** (3)(f) as follows:

25-7-129. Disposition of fines - community impact cash fund - repeal. (3) (f) THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR PURPOSES OF ANY ENVIRONMENTAL EQUITY AND CUMULATIVE IMPACT ANALYSES IN ACCORDANCE WITH SECTION 25-1-133.

SECTION 6. Appropriation. (1) For the 2025-26 state fiscal year, \$225,320 is appropriated to the department of labor and employment for use

by the division of oil and public safety. This appropriation is from reappropriated funds received from the office of the governor that is continuously appropriated to the Colorado energy office from the electric vehicle grant fund created in section 24-38.5-103 (1)(a)(I), C.R.S. To implement this act, the division may use this appropriation as follows:

(a) \$87,844 for personal services, which amount is based on an assumption that the division will require an additional 1.2 FTE; and

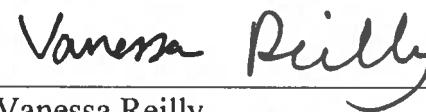
(b) \$137,476 for operating expenses.

SECTION 7. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

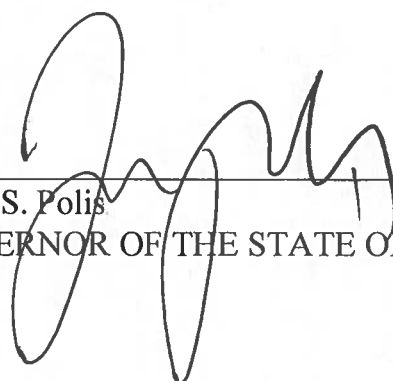

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE


Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES


Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED Saturday May 24th 2023 at 10:30 AM
(Date and Time)


Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO