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An Agricultural Law Research Project

## **Biofuels Statutory Citations**

**State of Colorado**

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## Biofuels Statutory Citations

### STATE OF COLORADO

*This compilation of state statutory citations focuses predominantly on biofuels laws in effect January 1, 1970 through December 31, 2007. In some instances, regulations have been included in the compilation due to their significance. This compilation is intended to serve as a researcher-friendly inventory of state laws by providing the formal title of relevant legislation, the standard legal citation for each statute and a brief description of the law. Some statutes and regulations listed do not specifically relate to biofuels, but are included because of their complementary relationship to the evolution of biofuels law in the state. These statutes are placed in reverse chronological order using the date of the most recent amendment to the statute. Many biofuels laws were enacted as amendments to previously passed laws.*

<b><u>Title</u></b>	<b><u>Citation</u></b>	<b><u>Applicability</u></b>	<b><u>Description</u></b>
Gross weight of vehicles and loads (2009)	<a href="#">Col. Rev. Stat. § 42-4-508</a>	Both	One thousand pounds for any vehicle or combination of vehicles increase the gross weight limits if the vehicle or combination of vehicles contains an alternative fuel system and operates on alternative fuel or both alternative and conventional fuel. These provisions apply only when the vehicle or combination of vehicles is operated on a highway that is not on the interstate system as defined in section 43-2-101(2), C.R.S. For the purposes of this subsection, “alternative fuel” has the same meaning provided in section 25-7-106.8(1)(a).
Colorado Clean Energy Development Authority Act (2008)	<a href="#">Col. Rev. Stat. §§ 40-9.7-101 to 40-9.7-123</a>	Both	The Colorado Clean Energy Development Authority is created and may issue bonds to finance projects that involve the production, transportation, and storage of clean energy. Clean energy includes fuels that are manufactured by, and energy derived from, including but not limited to the following: biodiesel; biomass resources such as biogas, agricultural or animal waste, landfill gas, and an aerobically digested waste biomass; biomass resources that do not

			include energy generated by use of fossil fuel; fuel cells that do not use fossil fuels; and zero-emissions generation technology, including emission of carbon dioxide, with long-term production potential.
Bioscience research--evaluation--grants--fund—repeal (2008)	<a href="#">COL. REV. STAT. § 24-48.5-108</a>	Both	The Bioscience Discovery Evaluation Grant Program, administered by the Colorado Office of Economic Development, provides grants to research institutions for biofuels research projects. Biofuels research is defined as the use of microorganisms, specialized proteins, or thermal processes to develop biofuels and the related processes that make traditional manufacturing of energy cleaner and more efficient. Biofuel is defined as a biologically based fuel product developed from plant matter or other biological material, including renewable agricultural sources. Grant limits, matching funds, and other eligibility requirements apply.
Life cycle cost--application--high performance standards—report (2008)	<a href="#">COL. REV. STAT. § 24-30-1305</a>	Both	In designing, constructing, or renovating of state facilities, a life cycle cost analysis should be completed. In developing this analysis should consider the use of biofuel to provide supplemental or exclusive heating, power, or both for the major facility. For a renovation of a major facility, the cost analysis regarding the use of biofuel shall consider any stranded utility costs. As used in this paragraph (e), “biofuel” means nontoxic plant matter consisting of agricultural or silvicultural crops or their byproducts, urban wood waste, mill residue, slash, or brush.

<p>Fuel Products- Definitions (2007)</p>	<p><a href="#">COL. REV. STAT. § 8-20-201</a></p>	<p>Both</p>	<p>“Alternative fuel” means a motor fuel that combines petroleum-based fuel products with renewable fuels.  “Fuel products” means all gasoline, aviation gasoline, aviation turbine fuel, diesel, jet fuel, fuel oil, biodiesel, biodiesel blends, kerosene, all alcohol blended fuels, liquefied petroleum gas, gas or gaseous compounds, and all other volatile, flammable, or combustible liquids, produced, compounded, and offered for sale or used for the purpose of generating heat, light, or power in internal combustion engines or fuel cells, for cleaning, or for any other similar usage.</p>
<p>Fuel Products- Specifications-classes I, II and III (2007)</p>	<p><a href="#">COL. REV. STAT. § 8-20-204</a></p>	<p>Ethanol</p>	<p>If gasoline is blended with ethanol, the ASTM D 4814 specifications shall apply to the base gasoline prior to blending. Blends of gasoline and ethanol shall not exceed the ASTM D 4814 vapor pressure standard; except that, if the ethanol is blended at nine percent or higher but not exceeding ten percent, the blend may exceed the ASTM D 4814 vapor pressure standard by no more than 1.0 PSI.</p>

<p>Duties of director of division of oil and public safety (2007)</p>	<p><a href="#">COL. REV. STAT. §§ 8-20.5-202; 8-20.5-302</a></p>	<p>Both</p>	<p>Within one hundred twenty days after January 1, 2008, the director of the division of oil and public safety shall promulgate, and the division shall enforce, rules concerning the placement of underground/above ground storage tanks that contain renewable fuels. Such rules shall be promulgated with the purpose of developing a uniform statewide standard of issuing permits for underground/ above ground storage tanks to promote the use of renewable fuels so that the process of obtaining a permit for an underground/ above ground storage tank that contains renewable fuels may be more efficient and affordable.</p>
<p>Central services function of the department-- definitions—repeal (2007)</p>	<p><a href="#">COL. REV. STAT. § 24-30-1104</a></p>	<p>Both</p>	<p>The Executive Director of the Colorado Department of Personnel has adopted a policy that requires all state-owned diesel vehicles and equipment to be fueled with a fuel blend of 20% biodiesel and 80% petroleum diesel (B20), subject to the availability of the fuel and so long as the price is no greater than \$0.10 more per gallon than the price of conventional diesel. Biodiesel is defined as fuel composed of mono-alkyl esters of long chain fatty acids derived from plant or animal matter that meets ASTM specifications and that is produced in Colorado.</p> <p>The Executive Director has adopted a policy to increase the utilization of alternative fuels and establish increasing utilization objectives for each succeeding year. Beginning January 1, 2008, the Executive Director must purchase flexible fuel vehicles or hybrid electric vehicles, subject to availability, unless the incremental cost of the vehicle is more than 10%. The Executive Director may adopt a policy to allow some vehicles to be exempt from this requirement.</p> <p>By January 1, 2009, the Executive</p>

			Director must report to the general assembly the amount of biodiesel used in the state fleet. The report must include the number of gallons purchased since January 1, 2007, the average price of biodiesel, and a description of economic benefits.
Alternative Fuels Rebate (2007)	<a href="#">Col. Rev. Stat. § 39-33-101 to 39-33-106</a>	Both	On and after July 1, 1998, but prior to July 1, 2012, the executive director shall be authorized to grant a rebate to a qualified entity for each motor vehicle owned by such entity that is titled and registered in the state of Colorado; is used in connection with the business or official activities of the entity; and uses or is converted to use an alternative fuel or has its power source replaced with a power source that uses an alternative fuel. Alternative Fuel is defined in 25-7-106.8(1)(a).

<p>Records of application and registration (2005)</p>	<p><a href="#">Col. Rev. Stat. § 42-3-113</a></p>	<p>Both</p>	<p>Upon registering a motor vehicle with the Colorado Department of Revenue, Division of Motor Vehicles, the vehicle owner must report the types of alternative fuel used to operate the vehicle and whether the vehicle is dual-fueled or dedicated to one alternative fuel. Forms provided by the Department of Revenue for the purpose of registering motor vehicles must include space for the following fuel types: gasoline, diesel, propane, electricity, natural gas, methanol or M85, ethanol or E85, biodiesel, and other.</p>
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<p>Tax credit for purchase of vehicles using alternative fuels—repeal (2005)</p>	<p><a href="#">Col. Rev. Stat. § 39-22-516</a></p>	<p>Both</p>	<p>For tax years beginning prior to January 1, 2011, the Colorado Department of Revenue offers an income tax credit for the cost of construction, reconstruction, or acquisition of an alternative fueling facility that is directly attributable to the storage, compression, charging, or dispensing of alternative fuels to motor vehicles. The credit value is as follows: 35% from 2006 to 2009 and 20% from 2009 to 2011. For an alternative fueling facility that will be generally accessible for use by the public, in addition to the person claiming the credit, the percentages specified above will be multiplied by 1.25. If at least 70% of the alternative fuel dispensed annually is derived from a renewable energy source for a period of 10 years, the credit percentages specified above will be multiplied by 1.25. Certification for the percentage of renewable energy must be presented, as requested, to the Department of Revenue. The credit has a maximum value of \$400,000 in any consecutive five-year period for each fueling facility.</p>
<p>Labeling of containers (2005)</p>	<p><a href="#">COL. REV. STAT. § 8-20-211.5</a></p>	<p>Ethanol</p>	<p>If the volume of ethanol exceeds ten percent, or if the volume of methanol exceeds two percent, the stamp or label shall state the exact percentage. Such information shall appear on the front of the pump in a position clear and conspicuous to the driver's position, in at least one-half inch block letters, with information that identifies the maximum percentage by volume to the nearest whole percent of ethanol or of methanol or methanol with co solvents.</p>

<p>Powers and duties of commission--automobile inspection and adjustment program--basic emissions program--enhanced emissions program--clean screen program (2003)</p>	<p><a href="#">Col. Rev. Stat. § 42-4-306 (22)</a></p>	<p>Both</p>	<p>The commission shall develop rules and regulations with respect to emissions inspection procedures and standards of motor vehicles, which operate on alternative motor fuels including but not limited to compressed natural gas, liquid petroleum gas, methanol, and ethanol. Such rules and regulations shall be developed for both the basic emissions program and the enhanced emissions program. The commission shall evaluate whether dual fuel motor vehicles should be inspected on both fuels and whether such vehicles shall be charged for one or two inspections.</p>
<p>Colorado Clean Vehicle Fleet Program (2002)</p>	<p><a href="#">COL. REV. STAT. § 25-7-106.8</a></p> <p>*All subsections of this statute have been repealed except the definition of alternative fuel.</p>	<p>Both</p>	<p>Alternative fuel is defined as compressed natural gas, propane, ethanol, or any mixture of ethanol containing 85% or more ethanol by volume with gasoline or other fuels, electricity, or any other fuels, which may include, but are not limited to, clean diesel and reformulated gasoline, so long as these other fuels make comparable reductions in carbon monoxide emissions and brown cloud pollutants as determined by the air quality control commission. Alternative fuel does not include any fuel product that contains or is treated with methyl tertiary butyl ether (MTBE).</p>

<p>Extension or rescission of specific revisions to state implementation plan (2001)</p>	<p><a href="#">COL. REV. STAT. § 25-7-133.5</a></p>	<p>Ethanol</p>	<p>During the control period, no class A motor fuel shall be supplied or sold by any person intended as a final product for fueling of motor vehicles within the Oxygenated Gasoline Program area, or sold at retail, or sold to a private fleet for consumption, or introduced into a motor vehicle in the Oxygenated Gasoline Program area by any person unless the fuel has the following oxygen content: . . .</p> <p>Denver-Boulder control area: at least 2.7% oxygen content by weight, and is blended at its maximum allowable oxygenate blending level. For ethanol blends this is 10% denatured ethanol by volume, as permitted by the gasohol waiver. For MTBE blends this is 15% MTBE by volume, as permitted by the Sun Oil waiver. For all other oxygenates, or combination of oxygenates, this is the maximum oxygenate level permitted by respective EPA waivers or the substantially similar rule, whichever results in a greater oxygen content;</p> <p>Denver-Boulder control area: at least 2.0% oxygen content by weight from November 1 through November 7, and, at least 2.7% oxygen content by weight from November 8 through February 7. During the maximum allowable oxygenate blending period, all oxygenated gasoline must be blended at their maximum allowable oxygenate blending level. For ethanol blends this 10% denatured ethanol by volume, as permitted by the gasohol Waiver. For MTBE blends this is 15% MTBE by volume, as permitted by the Sun Oil Waiver. For all other oxygenates, or combination of oxygenates, this is the maximum oxygenate level permitted by respective EPA Waivers or the Substantially Similar Rule, whichever results in a greater oxygen content.</p>
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<p>Method of sales of motor fuels--gallon equivalent--conversion factors (1997)</p>	<p><a href="#">COL. REV. STAT. § 8-20-232.5</a></p>	<p>Both</p>	<p>The term gasoline gallon equivalent is defined to equate the energy content of any motor fuel, including alternative fuels, to that of a gallon of gasoline. Any dispenser used for the sale of motor fuel in gasoline gallon equivalents shall display gasoline gallon equivalents as the primary display information provided.</p>
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