

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 24-0705.02 Christopher McMichael x4775

HOUSE BILL 24-1173

HOUSE SPONSORSHIP

Valdez,

SENATE SPONSORSHIP

Priola,

House Committees

Energy & Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING STREAMLINING THE PROCESS FOR PERMITTING ELECTRIC**
102 **MOTOR VEHICLE CHARGING SYSTEMS.**

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 establishes an expedited permitting process for the approval of electric motor vehicle (EV) charging systems for counties and municipalities.

A board of county commissioners or the governing body of a municipality must adopt an application procedure for an applicant to apply for an EV charger permit to install an EV motor vehicle charging

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.

HOUSE
Amended 2nd Reading
April 23, 2024

system. Once the application is complete, the county permitting agency or municipal permitting agency will review and approve, conditionally approve, or deny an EV charger permit:

- Within 30 days after the application is considered complete, for an application that proposes to build fewer than 13 charging stations on a parcel where the EV charging system is considered an accessory land use to the existing or primary land use on that parcel; or
- Within 60 days after the application is considered complete, for an application that proposes to build 13 or more charging stations or for applications where the EV charging system complies with the primary land use on that parcel.

If the county permitting agency or municipal permitting agency does not approve, conditionally approve, or deny a completed application for an EV charger permit within those time periods, the application is approved and the EV charger permit is granted to the applicant.

The county or municipality may deny an application if the application does not comply with the objective standards for EV charging systems set forth by the county or municipality or for health or safety reasons.

The bill also instructs the Colorado energy office to develop a model code regarding the approval of EV charger permits and provide counties and municipalities technical assistance in developing and administering the expedited EV charger permitting process.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The transportation sector is a leading source of greenhouse gas
5 emissions and pollution, and vehicle electrification is a key component in
6 reducing greenhouse gas emissions in the transportation sector;

7 (b) According to the United States department of energy, an
8 electric vehicle produces an average of less than one-fourth of the average
9 emissions of a motor vehicle powered by an internal combustion engine
10 over its lifetime;

11 (c) To further promote the adoption of electric vehicles, the state

1 needs to encourage the rapid development of a network of electric vehicle
2 charging systems and other infrastructure to support those electric
3 vehicles;

4 (d) As of January 2024, there are more than 108,000 electric
5 vehicles on the road in Colorado but less than 5,000 Level 2 and only 980
6 DC fast charging electric vehicle charging ports available for public use;

7 (e) The "2023 Colorado EV Plan" calls for at least 5,800 Level 2
8 and 1,700 DC fast charging electric vehicle charging ports available for
9 public use by 2025; and

10 (f) The promotion of electric vehicles and the development of
11 electric vehicle charging systems is a matter of mixed state and local
12 concern.

13 (2) The general assembly further declares that it is in the best
14 interest of Coloradans and a matter of mixed state and local concern to
15 facilitate the permitting of electric vehicle charging systems by
16 streamlining the process for local governments to approve permits for
17 developing electric vehicle charging infrastructure.

18 **SECTION 2.** In Colorado Revised Statutes, **add** 30-28-213 as
19 follows:

20 **30-28-213. Electric motor vehicle charging systems - county**
21 **permitting procedures - permit application - approval process -**
22 **definitions. (1) Definitions.** AS USED IN THIS SECTION, UNLESS THE
23 CONTEXT OTHERWISE REQUIRES:

24 (a) "ADMINISTRATIVE REVIEW PROCESS" MEANS A PROCESS:
25 (I) IN WHICH AN EV CHARGER PERMIT IS APPROVED, APPROVED
26 WITH CONDITIONS, OR DENIED BY ADMINISTRATIVE STAFF OF A COUNTY
27 PERMITTING AGENCY BASED SOLELY ON THE APPLICATION'S COMPLIANCE

1 WITH OBJECTIVE STANDARDS SET FORTH IN COUNTY ZONING LAWS OR
2 OTHER COUNTY LAWS; AND

3 (II) THAT DOES NOT REQUIRE A PUBLIC HEARING, A
4 RECOMMENDATION, OR A DECISION BY AN ELECTED OR APPOINTED PUBLIC
5 BODY OR HEARING OFFICER EXCEPT AS PROVIDED IN SUBSECTION (4)(d) OF
6 THIS SECTION.

7 (b) "COLORADO ENERGY OFFICE" MEANS THE COLORADO ENERGY
8 OFFICE CREATED IN SECTION 24-38.5-101.

9 (c) (I) "COUNTY PERMITTING AGENCY" MEANS THE ENTITY OR
10 ENTITIES FOR A COUNTY THAT ARE RESPONSIBLE FOR ISSUING AN EV
11 CHARGER PERMIT FOR THE CONSTRUCTION OF AN ELECTRIC MOTOR
12 VEHICLE CHARGING SYSTEM.

13 (II) "COUNTY PERMITTING AGENCY" MAY INCLUDE:

14 (A) A COUNTY BUILDING DEPARTMENT OR AGENCY;

15 (B) A COUNTY PLANNING DEPARTMENT OR AGENCY; OR

16 (C) A COUNTY PUBLIC WORKS OR ROAD AND BRIDGE DEPARTMENT
17 OR AGENCY.

18 (d) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE
19 MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

20 (e) "ELECTRIC MOTOR VEHICLE CHARGING SYSTEM" OR "CHARGING
21 SYSTEM" HAS THE MEANING SET FORTH IN SECTION 38-12-601 (6)(a).

22 (f) "EV CHARGER PERMIT" MEANS THE FINAL APPROVAL OF AN
23 APPLICATION FOR INSTALLATION OF AN ELECTRIC MOTOR VEHICLE
24 CHARGING SYSTEM THAT A COUNTY MAY REQUIRE TO AUTHORIZE AN
25 APPLICANT TO COMMENCE CONSTRUCTION OF THE CHARGING SYSTEM AND
26 A PERMIT APPLICATION FOR AN ELECTRICAL PERMIT ESTABLISHED UNDER
27 ARTICLE 115 OF TITLE 12 AND ISSUED BY THE STATE ELECTRICAL BOARD.

1 (g) "OBJECTIVE STANDARD" MEANS A STANDARD THAT:

2 (I) IS UNIFORMLY VERIFIABLE AND ASCERTAINABLE BY REFERENCE
3 TO AN AVAILABLE EXTERNAL OR UNIFORM BENCHMARK OR CRITERION BY
4 THE APPLICANT AND COUNTY PERMITTING AGENCY STAFF PRIOR TO THE
5 APPLICANT'S FILING OF AN EV CHARGER PERMIT APPLICATION; AND

6 (II) DOES NOT REQUIRE COUNTY PERMITTING AGENCY STAFF TO
7 MAKE A SUBJECTIVE DETERMINATION CONCERNING AN EV CHARGER
8 PERMIT APPLICATION.

9 (2) (a) ON OR BEFORE DECEMBER 31, 2025, THE BOARD OF COUNTY
10 COMMISSIONERS OF A COUNTY WITH A POPULATION OF TWENTY THOUSAND
11 OR MORE ACCORDING TO THE 2020 FEDERAL CENSUS SHALL:

12 (I) ADOPT AN ORDINANCE OR RESOLUTION TO INCORPORATE THE
13 SAME STANDARDS AND PERMITTING PROCESS OR LESS RESTRICTIVE
14 STANDARDS AND PERMITTING PROCESS AS THE STANDARDS AND
15 PERMITTING PROCESS DESCRIBED IN THE EV CHARGER PERMITTING MODEL
16 CODE DEVELOPED BY THE COLORADO ENERGY OFFICE PURSUANT TO
17 SUBSECTION (3) OF THIS SECTION; OR

18 (II) (A) ADOPT AN ORDINANCE OR RESOLUTION THAT ESTABLISHES
19 OBJECTIVE STANDARDS AND AN ADMINISTRATIVE REVIEW PROCESS TO BE
20 USED BY THE COUNTY PERMITTING AGENCY DURING THE COUNTY'S REVIEW
21 OF APPLICATIONS FOR EV CHARGER PERMITS IN ACCORDANCE WITH
22 SUBSECTIONS (4), (5), AND (6) OF THIS SECTION.

23 (B) AN ORDINANCE OR RESOLUTION ADOPTED BY THE COUNTY
24 PURSUANT TO THIS SUBSECTION (2)(a)(II) SHALL BE DEVELOPED IN
25 CONSULTATION WITH THE LOCAL FIRE DEPARTMENT OR FIRE DISTRICT, ANY
26 ELECTRIC UTILITIES SERVING THE COUNTY, AND OTHER RELEVANT
27 STAKEHOLDERS, AS DETERMINED BY THE COUNTY.

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(b) A COUNTY SUBJECT TO THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION SHALL MAINTAIN ELECTRONIC RECORDS OF EACH APPLICATION FOR AN EV CHARGER PERMIT FOR AT LEAST TWO YEARS AFTER THE DATE ON WHICH THE COUNTY PERMITTING AGENCY MAKES A FINAL DETERMINATION OF WHETHER TO GRANT THE PERMIT. THE ELECTRONIC RECORDS MUST INCLUDE:

(I) THE FINAL DETERMINATION MADE BY THE COUNTY PERMITTING AGENCY FOR EACH EV CHARGER PERMIT APPLICATION; AND

(II) FOR EACH EV CHARGER PERMIT APPLICATION SUBMITTED TO THE COUNTY PERMITTING AGENCY, THE DURATION BETWEEN THE DATE THAT THE EV CHARGER PERMIT APPLICATION WAS DEEMED COMPLETE BY THE COUNTY PERMITTING AGENCY AND THE DATE THAT THE COUNTY PERMITTING AGENCY MADE A FINAL DETERMINATION ON THE EV CHARGER PERMIT APPLICATION.

(c) IF THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY ADOPTS THE EV CHARGER PERMITTING MODEL CODE PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION, THE REQUIREMENTS OF SUBSECTIONS (4), (5), AND (6) OF THIS SECTION DO NOT APPLY TO THE COUNTY.

(3) (a) ON OR BEFORE MARCH 31, 2025, THE COLORADO ENERGY OFFICE SHALL PUBLISH AN EV CHARGER PERMITTING MODEL CODE THAT CONTAINS GUIDELINES FOR THE ADOPTION OF EV CHARGER PERMIT █ STANDARDS AND PERMITTING PROCESSES FOR COUNTIES.

(b) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION MUST BE DEVELOPED IN CONSULTATION WITH COUNTIES,

1 REPRESENTATIVES FROM DISPROPORTIONATELY IMPACTED COMMUNITIES,
2 PUBLIC ELECTRIC UTILITIES, AND OTHER RELEVANT STAKEHOLDERS, AS
3 DETERMINED BY THE COLORADO ENERGY OFFICE.

4 (c) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY
5 THE COLORADO ENERGY OFFICE IN ACCORDANCE WITH THIS SUBSECTION
6 (3) SHALL ONLY APPLY TO A COUNTY'S LAND USE AND ZONING PERMITTING
7 PROCESSES AND SHALL NOT CONTRAVENE:

8 (I) STATE ELECTRICAL PERMITTING REQUIREMENTS OR
9 PROCEDURES;

10 (II) COUNTY ELECTRICAL PERMITTING REQUIREMENTS OR
11 PROCEDURES;

12 (III) STATE ELECTRICAL INSPECTION REQUIREMENTS;

13 (IV) COUNTY ELECTRICAL INSPECTION REQUIREMENTS; OR

14 (V) NATIONAL ELECTRIC CODE REQUIREMENTS OR REGULATIONS
15 RELATED TO ELECTRIC MOTOR VEHICLE CHARGING SYSTEMS.

16 (4) (a) A COUNTY PERMITTING AGENCY SHALL APPROVE,
17 CONDITIONALLY APPROVE, OR DENY AN APPLICATION FOR AN EV CHARGER
18 PERMIT USING THE COUNTY'S ADMINISTRATIVE REVIEW PROCESS TO
19 DETERMINE IF THE PROPOSED ELECTRIC MOTOR VEHICLE CHARGING
20 SYSTEM IS IN COMPLIANCE WITH THE COUNTY'S OBJECTIVE STANDARDS.

21 (b) A COUNTY PERMITTING AGENCY SHALL NOT DENY OR PLACE
22 CONDITIONS ON AN EV CHARGER PERMIT APPLICATION UNLESS THE DENIAL
23 OR CONDITIONS ARE FOR THE PURPOSE OF REASONABLY PROTECTING
24 PUBLIC HEALTH OR SAFETY.

25 (c) IF A COUNTY PERMITTING AGENCY DENIES AN APPLICATION FOR
26 AN EV CHARGER PERMIT, THE COUNTY PERMITTING AGENCY SHALL MAKE
27 WRITTEN FINDINGS THAT THE PROPOSED ELECTRIC MOTOR VEHICLE

1 CHARGING SYSTEM WOULD VIOLATE THE COUNTY'S OBJECTIVE STANDARDS
2 OR WOULD NOT BE REASONABLY PROTECTIVE OF PUBLIC HEALTH OR
3 SAFETY AND SEND THOSE WRITTEN FINDINGS TO THE APPLICANT WITHIN
4 THREE DAYS AFTER THE DATE THE COUNTY PERMITTING AGENCY DENIES
5 THE APPLICATION.

6 (d) AN APPLICANT FOR AN EV CHARGER PERMIT THAT IS DENIED
7 A PERMIT OR HAS CONDITIONS PLACED ON THE APPROVAL OF AN EV
8 CHARGER PERMIT BY A COUNTY PERMITTING AGENCY MAY APPEAL THE
9 COUNTY PERMITTING AGENCY'S DECISION TO THE BOARD OF COUNTY
10 COMMISSIONERS OF THE COUNTY.

11 (e) THE REQUIREMENTS OF THIS SUBSECTION (4) DO NOT APPLY TO
12 COUNTIES THAT ADOPT THE EV CHARGER PERMITTING MODEL CODE
13 PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION.

14 (5) (a) THE COUNTY PERMITTING AGENCY MUST MAKE AVAILABLE
15 TO PROSPECTIVE APPLICANTS FOR EV CHARGER PERMITS A CHECKLIST OF
16 ALL REQUIREMENTS THAT MUST BE INCLUDED IN AN APPLICATION FOR AN
17 EV CHARGER PERMIT.

18 (b) A COUNTY PERMITTING AGENCY SHALL REVIEW AN
19 APPLICATION FOR AN EV CHARGER PERMIT TO CONFIRM THAT THE
20 APPLICATION SUFFICIENTLY MEETS THE REQUIREMENTS OF THE CHECKLIST
21 DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION.

22 (c) A COUNTY PERMITTING AGENCY SHALL CONSIDER AN
23 APPLICATION FOR AN EV CHARGER PERMIT THAT SATISFIES THE
24 REQUIREMENTS OF THE CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF
25 THIS SECTION A COMPLETE APPLICATION.

26 (d) IF AN APPLICANT FOR AN EV CHARGER PERMIT SUBMITS AN
27 APPLICATION THAT DOES NOT MEET ALL THE REQUIREMENTS OF THE

1 CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION, THE
2 COUNTY PERMITTING AGENCY SHALL, WITHIN THREE DAYS AFTER THE
3 DATE THE COUNTY PERMITTING AGENCY DETERMINES THE APPLICATION IS
4 NOT SUFFICIENT, SEND A WRITTEN NOTICE TO THE APPLICANT THAT
5 DETAILS ALL OF THE DEFICIENCIES WITH THE APPLICATION AND ANY
6 ADDITIONAL INFORMATION REQUIRED FOR THE APPLICATION TO BE
7 CONSIDERED COMPLETE.

8 (e) THE REQUIREMENTS OF THIS SUBSECTION (5) DO NOT APPLY TO
9 COUNTIES THAT ADOPT THE EV CHARGER PERMITTING MODEL CODE
10 PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION.

11 (6) (a) A COUNTY PERMITTING AGENCY THAT HAS RECEIVED AN
12 APPLICATION FOR AN EV CHARGER PERMIT SHALL:

13 (I) REVIEW THE APPLICATION FOR COMPLETENESS WITHIN TEN
14 BUSINESS DAYS; AND

15 (II) WITHIN THREE BUSINESS DAYS AFTER THE COUNTY
16 PERMITTING AGENCY HAS COMPLETED ITS INITIAL REVIEW OF THE
17 APPLICATION, SEND WRITTEN NOTICE TO THE APPLICANT THAT STATES
18 WHETHER THE APPLICATION IS COMPLETE.

19 (b) AN APPLICATION FOR AN EV CHARGER PERMIT THAT IS
20 CONSIDERED COMPLETE SHALL BE REVIEWED BY THE COUNTY PERMITTING
21 AGENCY THROUGH THE ADMINISTRATIVE REVIEW PROCESS WITHIN THE
22 FOLLOWING TIME PERIODS:

23 (I) FOR AN ELECTRIC MOTOR VEHICLE CHARGING SYSTEM THAT IS
24 AN ACCESSORY LAND USE TO AN EXISTING OR PLANNED PRIMARY LAND
25 USE ON THE SAME PARCEL AND THAT HAS FEWER THAN THIRTEEN
26 CHARGING STATIONS, THE APPLICATION FOR AN EV CHARGER PERMIT IS
27 REVIEWED THROUGH THE ADMINISTRATIVE REVIEW PROCESS WITHIN

1 THIRTY DAYS AFTER THE COUNTY PERMITTING AGENCY SENDS NOTICE TO
2 THE APPLICANT THAT THE APPLICANT'S EV CHARGER PERMIT APPLICATION
3 IS COMPLETE.

4 (II) FOR AN ELECTRIC MOTOR VEHICLE CHARGING SYSTEM THAT IS
5 THE PRIMARY LAND USE ON A PARCEL OR THAT HAS THIRTEEN OR MORE
6 CHARGING STATIONS, THE APPLICATION FOR AN EV CHARGER PERMIT IS
7 REVIEWED THROUGH THE ADMINISTRATIVE REVIEW PROCESS WITHIN SIXTY
8 DAYS AFTER THE COUNTY PERMITTING AGENCY SENDS NOTICE TO THE
9 APPLICANT THAT THE APPLICANT'S EV CHARGER PERMIT APPLICATION IS
10 COMPLETE.

11 (c) A COUNTY PERMITTING AGENCY THAT DENIES OR
12 CONDITIONALLY APPROVES AN APPLICATION MUST DENY OR
13 CONDITIONALLY APPROVE THE APPLICATION WITHIN THE TIME PERIODS
14 SPECIFIED IN SUBSECTION (6)(b) OF THIS SECTION.

15 (d) IF THE COUNTY PERMITTING AGENCY DOES NOT APPROVE,
16 CONDITIONALLY APPROVE, OR DENY AN APPLICATION FOR AN EV CHARGER
17 PERMIT THAT IS CONSIDERED COMPLETE WITHIN THE TIME PERIODS
18 DESCRIBED IN SUBSECTION (6)(b) OF THIS SECTION, THE APPLICATION IS
19 CONSIDERED APPROVED AND THE EV CHARGER PERMIT IS GRANTED TO
20 THE APPLICANT.

21 (e) THE REQUIREMENTS OF THIS SUBSECTION (6) DO NOT APPLY TO
22 COUNTIES THAT ADOPT THE EV CHARGER PERMITTING MODEL CODE
23 PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION.

24 (7)(a) THE COLORADO ENERGY OFFICE SHALL PROVIDE TECHNICAL
25 ASSISTANCE TO COUNTIES TO ASSIST A COUNTY IN COMPLYING WITH THE
26 REQUIREMENTS OF THIS SECTION, INCLUDING PROVIDING:

27 (I) SUPPORT FOR THE DEVELOPMENT AND ADOPTION OF COUNTY

1 CODES; AND

2 (II) MATERIALS AND SUPPORT FOR TRAINING COUNTY PERMITTING
3 AGENCY STAFF WITH INTERPRETING AND APPLYING EV CHARGER PERMIT
4 STANDARDS AND PROCESSES.

5 (b) THE COLORADO ENERGY OFFICE SHALL USE MONEY IN THE
6 ELECTRIC VEHICLE GRANT FUND, CREATED IN SECTION 24-38.5-103, TO
7 PROVIDE TECHNICAL ASSISTANCE TO COUNTIES IN ACCORDANCE WITH THIS
8 SUBSECTION (7).

9 (c) THE COLORADO ENERGY OFFICE SHALL PRIORITIZE PROVIDING
10 TECHNICAL ASSISTANCE TO COUNTIES THAT HAVE A SIGNIFICANT NUMBER
11 OF DISPROPORTIONATELY IMPACTED COMMUNITIES.

12 (8) REGARDLESS OF THE ORDINANCE OR RESOLUTION ADOPTED BY
13 A BOARD OF COUNTY COMMISSIONERS IN ACCORDANCE WITH SUBSECTION
14 (2)(a) OF THIS SECTION, A COUNTY PERMITTING AGENCY SHALL, WITHIN
15 THREE DAYS AFTER THE DATE THE COUNTY PERMITTING AGENCY MAKES
16 THE DETERMINATION TO APPROVE, CONDITIONALLY APPROVE, OR DENY AN
17 APPLICATION, SEND NOTICE TO AN APPLICANT FOR AN EV CHARGER
18 PERMIT THAT STATES THE COUNTY PERMITTING AGENCY'S DETERMINATION
19 ON THE APPLICANT'S EV CHARGER PERMIT APPLICATION.

20 **SECTION 3.** In Colorado Revised Statutes, add 31-23-316 as
21 follows:

22 **31-23-316. Electric motor vehicle charging systems -**
23 **municipal permitting procedures - permit application - approval**
24 **process - definitions. (1) Definitions.** AS USED IN THIS SECTION, UNLESS
25 THE CONTEXT OTHERWISE REQUIRES:

26 (a) "ADMINISTRATIVE REVIEW PROCESS" MEANS A PROCESS:

27 (I) IN WHICH AN EV CHARGER PERMIT IS APPROVED, APPROVED

1 WITH CONDITIONS, OR DENIED BY ADMINISTRATIVE STAFF OF A MUNICIPAL
2 PERMITTING AGENCY BASED SOLELY ON THE APPLICATION'S COMPLIANCE
3 WITH OBJECTIVE STANDARDS SET FORTH IN MUNICIPAL ZONING LAWS OR
4 OTHER MUNICIPAL LAWS; AND

5 (II) THAT DOES NOT REQUIRE A PUBLIC HEARING, A
6 RECOMMENDATION, OR A DECISION BY AN ELECTED OR APPOINTED PUBLIC
7 BODY OR HEARING OFFICER EXCEPT AS PROVIDED IN SUBSECTION (4)(d) OF
8 THIS SECTION.

9 (b) "COLORADO ENERGY OFFICE" MEANS THE COLORADO ENERGY
10 OFFICE CREATED IN SECTION 24-38.5-101.

11 (c) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE
12 MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

13 (d) "ELECTRIC MOTOR VEHICLE CHARGING SYSTEM" OR "CHARGING
14 SYSTEM" HAS THE MEANING SET FORTH IN SECTION 38-12-601 (6)(a).

15 (e) "EV CHARGER PERMIT" MEANS THE FINAL APPROVAL OF AN
16 APPLICATION FOR INSTALLATION OF AN ELECTRIC MOTOR VEHICLE
17 CHARGING SYSTEM THAT A MUNICIPALITY MAY REQUIRE TO AUTHORIZE AN
18 APPLICANT TO COMMENCE CONSTRUCTION OF THE CHARGING SYSTEM AND
19 A PERMIT APPLICATION FOR AN ELECTRICAL PERMIT ESTABLISHED UNDER
20 ARTICLE 115 OF TITLE 12 AND ISSUED BY THE STATE ELECTRICAL BOARD.

21 (f) (I) "MUNICIPAL PERMITTING AGENCY" MEANS THE ENTITY OR
22 ENTITIES FOR A MUNICIPALITY THAT ARE RESPONSIBLE FOR ISSUING AN EV
23 CHARGER PERMIT FOR THE CONSTRUCTION OF AN ELECTRIC MOTOR
24 VEHICLE CHARGING SYSTEM.

25 (II) "MUNICIPAL PERMITTING AGENCY" MAY INCLUDE:

26 (A) A MUNICIPAL BUILDING DEPARTMENT OR AGENCY;

27 (B) A MUNICIPAL PLANNING DEPARTMENT OR AGENCY; OR

1 (C) A MUNICIPAL PUBLIC WORKS OR ROAD AND BRIDGE
2 DEPARTMENT OR AGENCY.

3 (g) "OBJECTIVE STANDARD" MEANS A STANDARD THAT:

4 (I) IS UNIFORMLY VERIFIABLE AND ASCERTAINABLE BY REFERENCE
5 TO AN AVAILABLE EXTERNAL OR UNIFORM BENCHMARK OR CRITERION BY
6 THE APPLICANT AND MUNICIPAL PERMITTING AGENCY STAFF PRIOR TO THE
7 APPLICANT'S FILING OF AN EV CHARGER PERMIT APPLICATION; AND

8 (II) DOES NOT REQUIRE MUNICIPAL PERMITTING AGENCY STAFF TO
9 MAKE A SUBJECTIVE DETERMINATION CONCERNING AN EV CHARGER
10 PERMIT APPLICATION.

11 (2) (a) ON OR BEFORE DECEMBER 31, 2025, THE GOVERNING BODY
12 OF A MUNICIPALITY WITH A POPULATION OF TEN THOUSAND OR MORE
13 ACCORDING TO THE 2020 FEDERAL CENSUS SHALL:

14 (I) ADOPT AN ORDINANCE OR RESOLUTION TO INCORPORATE
15 THE SAME STANDARDS AND PERMITTING PROCESS OR LESS RESTRICTIVE
16 STANDARDS AND PERMITTING PROCESS AS THE STANDARDS AND
17 PERMITTING PROCESS DESCRIBED IN THE EV CHARGER PERMITTING MODEL
18 CODE DEVELOPED BY THE COLORADO ENERGY OFFICE PURSUANT TO
19 SUBSECTION (3) OF THIS SECTION; OR

20 (II) (A) ADOPT AN ORDINANCE OR RESOLUTION THAT ESTABLISHES
21 OBJECTIVE STANDARDS AND AN ADMINISTRATIVE REVIEW PROCESS TO BE
22 USED BY THE MUNICIPAL PERMITTING AGENCY DURING THE
23 MUNICIPALITY'S REVIEW OF APPLICATIONS FOR EV CHARGER PERMITS IN
24 ACCORDANCE WITH SUBSECTIONS (4), (5), AND (6) OF THIS SECTION.

25 (B) AN ORDINANCE OR RESOLUTION ADOPTED BY THE
26 MUNICIPALITY PURSUANT TO THIS SUBSECTION (2)(a)(II) SHALL BE
27 DEVELOPED IN CONSULTATION WITH THE LOCAL FIRE DEPARTMENT OR FIRE

1 DISTRICT, ANY ELECTRIC UTILITIES SERVING THE MUNICIPALITY, AND
2 OTHER RELEVANT STAKEHOLDERS, AS DETERMINED BY THE MUNICIPALITY.

3

4 (b) A MUNICIPALITY SHALL MAINTAIN ELECTRONIC RECORDS OF
5 EACH APPLICATION FOR AN EV CHARGER PERMIT FOR AT LEAST TWO
6 YEARS AFTER THE DATE ON WHICH THE MUNICIPAL PERMITTING AGENCY
7 MAKES A FINAL DETERMINATION OF WHETHER TO GRANT THE PERMIT. THE
8 ELECTRONIC RECORDS MUST INCLUDE:

9 (I) THE FINAL DETERMINATION MADE BY THE MUNICIPAL
10 PERMITTING AGENCY FOR EACH EV CHARGER PERMIT APPLICATION; AND

11 (II) FOR EACH EV CHARGER PERMIT APPLICATION SUBMITTED TO
12 THE MUNICIPAL PERMITTING AGENCY, THE DURATION BETWEEN THE DATE
13 THAT THE EV CHARGER PERMIT APPLICATION WAS DEEMED COMPLETE BY
14 THE MUNICIPAL PERMITTING AGENCY AND THE DATE THAT THE MUNICIPAL
15 PERMITTING AGENCY MADE A FINAL DETERMINATION ON THE EV CHARGER
16 PERMIT APPLICATION.

17 (c) IF THE GOVERNING BODY OF A MUNICIPALITY ADOPTS THE EV
18 CHARGER PERMITTING MODEL CODE PURSUANT TO SUBSECTION (2)(a)(I)
19 OF THIS SECTION, THE REQUIREMENTS OF SUBSECTIONS (4), (5), AND (6) OF
20 THIS SECTION DO NOT APPLY TO THE MUNICIPALITY.

21 (3) (a) ON OR BEFORE MARCH 31, 2025, THE COLORADO ENERGY
22 OFFICE SHALL PUBLISH AN EV CHARGER PERMITTING MODEL CODE THAT
23 CONTAINS GUIDELINES FOR THE ADOPTION OF EV CHARGER PERMIT
24 STANDARDS AND PERMITTING PROCESSES FOR MUNICIPALITIES.

25 (b) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY
26 THE COLORADO ENERGY OFFICE PURSUANT TO SUBSECTION (3)(a) OF THIS
27 SECTION MUST BE DEVELOPED IN CONSULTATION WITH MUNICIPALITIES,

1 REPRESENTATIVES FROM DISPROPORTIONATELY IMPACTED COMMUNITIES,
2 PUBLIC ELECTRIC UTILITIES, AND OTHER RELEVANT STAKEHOLDERS, AS
3 DETERMINED BY THE COLORADO ENERGY OFFICE.

4 (c) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY
5 THE COLORADO ENERGY OFFICE IN ACCORDANCE WITH THIS SUBSECTION
6 (3) SHALL ONLY APPLY TO A MUNICIPALITY'S LAND USE AND ZONING
7 PERMITTING PROCESSES AND SHALL NOT CONTRAVENE:

8 (I) STATE ELECTRICAL PERMITTING REQUIREMENTS OR
9 PROCEDURES;

10 (II) MUNICIPAL ELECTRICAL PERMITTING REQUIREMENTS OR
11 PROCEDURES;

12 (III) STATE ELECTRICAL INSPECTION REQUIREMENTS;

13 (IV) MUNICIPAL ELECTRICAL INSPECTION REQUIREMENTS; OR

14 (V) NATIONAL ELECTRIC CODE REQUIREMENTS OR REGULATIONS
15 RELATED TO ELECTRIC MOTOR VEHICLE CHARGING SYSTEMS.

16 (4) (a) A MUNICIPAL PERMITTING AGENCY SHALL APPROVE,
17 CONDITIONALLY APPROVE, OR DENY AN APPLICATION FOR AN EV CHARGER
18 PERMIT USING THE MUNICIPALITY'S ADMINISTRATIVE REVIEW PROCESS TO
19 DETERMINE IF THE PROPOSED ELECTRIC MOTOR VEHICLE CHARGING
20 SYSTEM IS IN COMPLIANCE WITH THE MUNICIPALITY'S OBJECTIVE
21 STANDARDS.

22 (b) A MUNICIPAL PERMITTING AGENCY SHALL NOT DENY OR PLACE
23 CONDITIONS ON AN EV CHARGER PERMIT APPLICATION UNLESS THE DENIAL
24 OR CONDITIONS ARE FOR THE PURPOSE OF REASONABLY PROTECTING
25 PUBLIC HEALTH OR SAFETY.

26 (c) IF A MUNICIPAL PERMITTING AGENCY DENIES AN APPLICATION
27 FOR AN EV CHARGER PERMIT, THE MUNICIPAL PERMITTING AGENCY SHALL

1 MAKE WRITTEN FINDINGS THAT THE PROPOSED ELECTRIC MOTOR VEHICLE
2 CHARGING SYSTEM WOULD VIOLATE THE MUNICIPALITY'S OBJECTIVE
3 STANDARDS OR WOULD NOT BE REASONABLY PROTECTIVE OF PUBLIC
4 HEALTH OR SAFETY AND PROVIDE THOSE WRITTEN FINDINGS TO THE
5 APPLICANT WITHIN THREE DAYS AFTER THE DATE THE MUNICIPAL
6 PERMITTING AGENCY DENIES THE APPLICATION.

7 (d) AN APPLICANT FOR AN EV CHARGER PERMIT THAT IS DENIED
8 A PERMIT OR HAS CONDITIONS PLACED ON THE APPROVAL OF AN EV
9 CHARGER PERMIT BY A MUNICIPAL PERMITTING AGENCY MAY APPEAL THE
10 MUNICIPAL PERMITTING AGENCY'S DECISION TO THE GOVERNING BODY OF
11 THE MUNICIPALITY.

12 (e) THE REQUIREMENTS OF THIS SUBSECTION (4) DO NOT APPLY TO
13 MUNICIPALITIES THAT ADOPT THE EV CHARGER PERMITTING MODEL CODE
14 PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION.

15 (5) (a) THE MUNICIPAL PERMITTING AGENCY MUST MAKE
16 AVAILABLE TO PROSPECTIVE APPLICANTS FOR EV CHARGER PERMITS A
17 CHECKLIST OF ALL REQUIREMENTS THAT MUST BE INCLUDED IN AN
18 APPLICATION FOR AN EV CHARGER PERMIT.

19 (b) A MUNICIPAL PERMITTING AGENCY SHALL REVIEW AN
20 APPLICATION FOR AN EV CHARGER PERMIT TO CONFIRM THAT THE
21 APPLICATION SUFFICIENTLY MEETS THE REQUIREMENTS OF THE CHECKLIST
22 DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION.

23 (c) A MUNICIPAL PERMITTING AGENCY SHALL CONSIDER AN
24 APPLICATION FOR AN EV CHARGER PERMIT THAT SATISFIES THE
25 REQUIREMENTS OF THE CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF
26 THIS SECTION A COMPLETE APPLICATION.

27 (d) IF AN APPLICANT FOR AN EV CHARGER PERMIT SUBMITS AN

1 APPLICATION THAT DOES NOT MEET ALL THE REQUIREMENTS OF THE
2 CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION, THE
3 MUNICIPAL PERMITTING AGENCY SHALL, WITHIN THREE DAYS AFTER THE
4 DATE THE MUNICIPAL PERMITTING AGENCY DETERMINES THE APPLICATION
5 IS NOT SUFFICIENT, SEND A WRITTEN NOTICE TO THE APPLICANT THAT
6 DETAILS ALL OF THE DEFICIENCIES WITH THE APPLICATION AND ANY
7 ADDITIONAL INFORMATION REQUIRED FOR THE APPLICATION TO BE
8 CONSIDERED COMPLETE.

9 (e) THE REQUIREMENTS OF THIS SUBSECTION (5) DO NOT APPLY TO
10 MUNICIPALITIES THAT ADOPT THE EV CHARGER PERMITTING MODEL CODE
11 PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION.

12 (6) (a) A MUNICIPAL PERMITTING AGENCY THAT HAS RECEIVED AN
13 APPLICATION FOR AN EV CHARGER PERMIT SHALL:

14 (I) REVIEW THE APPLICATION FOR COMPLETENESS WITHIN TEN
15 BUSINESS DAYS; AND

16 (II) WITHIN THREE BUSINESS DAYS AFTER THE MUNICIPAL
17 PERMITTING AGENCY HAS COMPLETED ITS INITIAL REVIEW OF THE
18 APPLICATION, SEND WRITTEN NOTICE TO THE APPLICANT THAT STATES
19 WHETHER THE APPLICATION IS COMPLETE.

20 (b) AN APPLICATION FOR AN EV CHARGER PERMIT THAT IS
21 CONSIDERED COMPLETE SHALL BE REVIEWED BY THE MUNICIPAL
22 PERMITTING AGENCY THROUGH THE ADMINISTRATIVE REVIEW PROCESS
23 WITHIN THE FOLLOWING TIME PERIODS:

24 (I) FOR AN ELECTRIC MOTOR VEHICLE CHARGING SYSTEM THAT IS
25 AN ACCESSORY LAND USE TO AN EXISTING OR PLANNED PRIMARY LAND
26 USE ON THE SAME PARCEL AND THAT HAS FEWER THAN THIRTEEN
27 CHARGING STATIONS, THE APPLICATION FOR AN EV CHARGER PERMIT IS

1 REVIEWED THROUGH THE ADMINISTRATIVE REVIEW PROCESS WITHIN
2 THIRTY DAYS AFTER THE MUNICIPAL PERMITTING AGENCY SENDS NOTICE
3 TO THE APPLICANT THAT THE APPLICANT'S EV CHARGER PERMIT
4 APPLICATION IS COMPLETE.

5 (II) FOR AN ELECTRIC MOTOR VEHICLE CHARGING SYSTEM THAT IS
6 THE PRIMARY LAND USE ON A PARCEL OR THAT HAS THIRTEEN OR MORE
7 CHARGING STATIONS, THE APPLICATION FOR AN EV CHARGER PERMIT IS
8 REVIEWED THROUGH THE ADMINISTRATIVE REVIEW PROCESS WITHIN SIXTY
9 DAYS AFTER THE MUNICIPAL PERMITTING AGENCY SENDS NOTICE TO THE
10 APPLICANT THAT THE APPLICANT'S EV CHARGER PERMIT APPLICATION IS
11 COMPLETE.

12 (c) A MUNICIPAL PERMITTING AGENCY THAT DENIES OR
13 CONDITIONALLY APPROVES AN APPLICATION MUST DENY OR
14 CONDITIONALLY APPROVE THE APPLICATION WITHIN THE TIME PERIODS
15 SPECIFIED IN SUBSECTION (6)(b) OF THIS SECTION.

16 (d) IF THE MUNICIPAL PERMITTING AGENCY DOES NOT APPROVE,
17 CONDITIONALLY APPROVE, OR DENY AN APPLICATION FOR AN EV CHARGER
18 PERMIT THAT IS CONSIDERED COMPLETE WITHIN THE TIME PERIODS
19 DESCRIBED IN SUBSECTION (6)(b) OF THIS SECTION, THE APPLICATION IS
20 CONSIDERED APPROVED AND THE EV CHARGER PERMIT IS GRANTED TO
21 THE APPLICANT.

22 (e) THE REQUIREMENTS OF THIS SUBSECTION (6) DO NOT APPLY TO
23 MUNICIPALITIES THAT ADOPT THE EV CHARGER PERMITTING MODEL CODE
24 PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION.

25 (7)(a) THE COLORADO ENERGY OFFICE SHALL PROVIDE TECHNICAL
26 ASSISTANCE TO MUNICIPALITIES TO ASSIST A MUNICIPALITY IN COMPLYING
27 WITH THE REQUIREMENTS OF THIS SECTION, INCLUDING PROVIDING:

1 (I) SUPPORT FOR THE DEVELOPMENT AND ADOPTION OF MUNICIPAL
2 CODES; AND

3 (II) MATERIALS AND SUPPORT FOR TRAINING MUNICIPAL
4 PERMITTING AGENCY STAFF WITH INTERPRETING AND APPLYING EV
5 CHARGER PERMIT STANDARDS AND PROCESSES.

6 (b) THE COLORADO ENERGY OFFICE SHALL USE MONEY IN THE
7 ELECTRIC VEHICLE GRANT FUND, CREATED IN SECTION 24-38.5-103, TO
8 PROVIDE TECHNICAL ASSISTANCE TO MUNICIPALITIES IN ACCORDANCE
9 WITH THIS SUBSECTION (7).

10 (c) THE COLORADO ENERGY OFFICE SHALL PRIORITIZE PROVIDING
11 TECHNICAL ASSISTANCE TO COUNTIES THAT HAVE A SIGNIFICANT NUMBER
12 OF DISPROPORTIONATELY IMPACTED COMMUNITIES.

13 (8) REGARDLESS OF THE ORDINANCE OR RESOLUTION ADOPTED BY
14 THE GOVERNING BODY OF A MUNICIPALITY IN ACCORDANCE WITH
15 SUBSECTION (2)(a) OF THIS SECTION, A MUNICIPAL PERMITTING AGENCY
16 SHALL, WITHIN THREE DAYS AFTER THE DATE THE MUNICIPAL PERMITTING
17 AGENCY MAKES THE DETERMINATION TO APPROVE, CONDITIONALLY
18 APPROVE, OR DENY AN APPLICATION, SEND NOTICE TO AN APPLICANT FOR
19 AN EV CHARGER PERMIT THAT STATES THE MUNICIPAL PERMITTING
20 AGENCY'S DETERMINATION ON THE APPLICANT'S EV CHARGER PERMIT
21 APPLICATION.

22 **SECTION 4.** In Colorado Revised Statutes, 24-38.5-102, **amend**
23 (1)(l) and (1)(m); and **add** (1)(n) and (1)(o) as follows:

24 **24-38.5-102. Colorado energy office - duties and powers -**
25 **definitions.** (1) The Colorado energy office shall:

26 (l) Develop basic consumer education or guidance about leased
27 solar installation and purchased solar installation in consultation with

1 industries that offer these options to consumers; and

2 (m) In consultation with the appropriate industries, develop basic
3 consumer education or guidance about purchased or, if available, leased
4 installation of a system that uses geothermal energy for water heating or
5 space heating or cooling in a single building or for space heating for more
6 than one building through a pipeline network;

7 (n) DEVELOP AND PUBLISH AN EV CHARGER PERMITTING MODEL
8 CODE THAT CONTAINS GUIDELINES FOR THE ADOPTION OF EV CHARGER
9 PERMIT STANDARDS AND PERMITTING PROCESSES FOR COUNTIES AND
10 MUNICIPALITIES IN ACCORDANCE WITH SECTIONS 30-28-213 (3) AND
11 31-23-316 (3); AND

12 (o) PROVIDE ASSISTANCE AND SUPPORT TO A BOARD OF COUNTY
13 COMMISSIONERS OR THE GOVERNING BODY OF A MUNICIPALITY IN
14 DEVELOPING ORDINANCES OR RESOLUTIONS FOR THE PERMITTING OF
15 ELECTRIC MOTOR VEHICLE CHARGING SYSTEMS IN ACCORDANCE WITH
16 SECTIONS 30-28-213 (7) AND 31-23-316 (7).

17 **SECTION 5.** In Colorado Revised Statutes, 24-38.5-103, amend
18 (1)(a) as follows:

19 **24-38.5-103. Electric vehicle grant fund - creation -**
20 **administration - legislative declaration.** (1) (a) (I) There is hereby
21 created in the state treasury the electric vehicle grant fund, referred to in
22 this section as the "fund". The Colorado energy office shall use the fund
23 to:

24 (A) Provide grants to state agencies, public universities, public
25 transit agencies, local governments, landlords of multifamily apartment
26 buildings, private nonprofit or for-profit corporations, and the unit
27 owners' associations of common interest communities as defined in article

1 33.3 of title 38 to install charging stations for electric vehicles;

2 (B) ~~The Colorado energy office may also use the fund for COVER~~
3 ~~the administrative costs of providing these grants PURSUANT TO~~
4 ~~SUBSECTION (1)(a)(I)(A) OF THIS SECTION; AND~~

5 (C) PROVIDE ANALYSIS AND TECHNICAL SUPPORT RELATED TO THE
6 DEVELOPMENT, PERMITTING, AND ENERGIZATION OF ELECTRIC VEHICLE
7 CHARGING STATIONS, INCLUDING PROVIDING TECHNICAL ASSISTANCE TO
8 COUNTIES AND MUNICIPALITIES IN ACCORDANCE WITH SECTIONS
9 30-28-213 (7) AND 31-23-316 (7).

10 (II) The Colorado energy office shall prioritize these grants
11 PROVIDED PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION based
12 upon:

13 ~~(I) Repealed.~~

14 ~~(H) (A) The extent to which the proposed recipients' charging~~
15 ~~locations are likely to effectively serve existing electric vehicles or~~
16 ~~encourage the acquisition of additional electric vehicles;~~

17 ~~(H) (B) The extent to which one or more charging stations would~~
18 ~~not be installed but for the financial assistance provided by a grant from~~
19 ~~the fund; and~~

20 ~~(V) (C) Any other criteria defined by the Colorado energy office.~~

21 **SECTION 6. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly; except
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V
25 of the state constitution against this act or an item, section, or part of this
26 act within such period, then the act, item, section, or part will not take
27 effect unless approved by the people at the general election to be held in

- 1 November 2024 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.