

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-1011.01 Jason Gelender x4330

HOUSE BILL 20-1321

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HOUSE SPONSORSHIP

Buentello,

SENATE SPONSORSHIP

(None),

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House Committees  
Energy & Environment

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING A BID PREFERENCE FOR A BIDDER FOR A STATE  
102 CONTRACT TO TRANSPORT FREIGHT THAT IS REGISTERED IN THE  
103 SMARTWAY TRANSPORT PARTNERSHIP PROGRAM OF THE  
104 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

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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 SmartWay transport partnership program of the United States environmental protection agency (EPA) is a voluntary public-private program under which a business that transports freight for organizations

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

that ship freight or that coordinates the transportation of freight for and hires transportation services providers on behalf of organizations that ship freight can register with the EPA as a registered SmartWay carrier partner or a registered SmartWay logistics company partner (SmartWay partner) for the purpose of measuring, benchmarking, and improving its logistics operations so that it can reduce its environmental footprint. The bill requires the state, when contracting for the transportation of freight or the coordination of the transportation of freight, to give preference to a transportation services provider that is a SmartWay partner.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-103-912 as  
3 follows:

4 **24-103-912. Preference for EPA certified transportation and**  
5 **delivery service providers - definitions.** (1) WHEN CONTRACTING FOR  
6 THE TRANSPORTATION OF FREIGHT BY A TRANSPORTATION SERVICES  
7 PROVIDER OR THE COORDINATION OF THE TRANSPORTATION OF FREIGHT BY  
8 A LOGISTICS SERVICES PROVIDER, A GOVERNMENTAL BODY SHALL GIVE  
9 PREFERENCE TO A TRANSPORTATION SERVICES PROVIDER THAT IS A  
10 REGISTERED SMARTWAY CARRIER PARTNER AND TO A LOGISTICS SERVICES  
11 PROVIDER THAT IS A REGISTERED SMARTWAY LOGISTICS COMPANY  
12 PARTNER.

13 (2) AS USED IN THIS SECTION:

14 (a) "REGISTERED SMARTWAY CARRIER PARTNER" MEANS A  
15 BUSINESS THAT TRANSPORTS FREIGHT FOR ORGANIZATIONS THAT SHIP  
16 FREIGHT AND THAT IS A REGISTERED CARRIER PARTNER UNDER THE  
17 SMARTWAY PROGRAM OR ANY SUBSTANTIALLY SIMILAR SUCCESSOR  
18 PROGRAM.

19 (b) "REGISTERED SMARTWAY LOGISTICS COMPANY PARTNER"  
20 MEANS A BUSINESS THAT COORDINATES THE TRANSPORTATION OF FREIGHT

1 FOR AND HIRES TRANSPORTATION SERVICES PROVIDERS ON BEHALF OF  
2 ORGANIZATIONS THAT SHIP FREIGHT AND THAT IS REGISTERED AS A  
3 SMARTWAY LOGISTICS COMPANY PARTNER UNDER THE SMARTWAY  
4 PROGRAM.

5 (c) "SMARTWAY PROGRAM" MEANS THE SMARTWAY TRANSPORT  
6 PARTNERSHIP PROGRAM OF THE UNITED STATES ENVIRONMENTAL  
7 PROTECTION AGENCY OR ANY SUBSTANTIALLY SIMILAR SUCCESSOR  
8 PROGRAM.

9 **SECTION 2. Act subject to petition - effective date.** This act  
10 takes effect at 12:01 a.m. on the day following the expiration of the  
11 ninety-day period after final adjournment of the general assembly (August  
12 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
13 referendum petition is filed pursuant to section 1 (3) of article V of the  
14 state constitution against this act or an item, section, or part of this act  
15 within such period, then the act, item, section, or part will not take effect  
16 unless approved by the people at the general election to be held in  
17 November 2020 and, in such case, will take effect on the date of the  
18 official declaration of the vote thereon by the governor.