

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0254.02 Rebecca Bayetti x4348

SENATE BILL 26-141

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Senate Committees
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A BILL FOR AN ACT

101 **CONCERNING OPTIONAL FEES DURING MOTOR VEHICLE REGISTRATION**
102 **THAT PRIMARILY SUPPORT WILDLIFE PROJECTS, AND, IN**
103 **CONNECTION THEREWITH, USING THE PROCEEDS OF A NEWLY**
104 **CREATED OPTIONAL FEE TO CONSTRUCT WILDLIFE CROSSINGS**
105 **AND OTHER TRANSPORTATION IMPROVEMENTS.**

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>.)

Beginning on January 1, 2027, the bill authorizes an optional collision prevention fee (fee), which is collected at the time of registration

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.

of a passenger motor vehicle, a light-weight truck, a motorcycle, or a recreational vehicle (motor vehicle). An individual may decline to pay the fee when registering a motor vehicle, and nonpayment of the fee does not affect the individual's ability to register the motor vehicle. In connection with imposing the fee, the statewide bridge and tunnel enterprise (enterprise) within the department of transportation (department) is required to:

- Collaborate with the department of revenue to develop language to notify individuals about the fee, including explicit language regarding the ability to decline to pay the fee and the fact that nonpayment of the fee will not affect an individual's ability to register a motor vehicle; and
- Collaborate with the department of revenue, the department, county clerks, the division of parks and wildlife, and other impacted stakeholders to conduct a public outreach campaign to educate the public about the fee and what benefits the fee will provide.

The fee amount is set at \$5 and, beginning in state fiscal year 2028-29, the enterprise is allowed to adjust this fee amount upward for inflation.

Seventy-five percent of the revenue from the fee is credited to the newly created collision prevention fund (fund), which is continuously appropriated to the enterprise for use in the following ways:

- To fund wildlife safe passage projects, defined as one or more projects that reduce wildlife-vehicle collisions and improve habitat connectivity by providing wildlife road crossings;
- To provide matching money as required by federal grant programs relating to wildlife safe passage projects;
- For administrative and personnel expenses related to those purposes; and
- To promote the fee and fund to maximize participation in the optional fee, in collaboration with the department of revenue, impacted stakeholders, and interested organizations.

In determining which wildlife safe passage projects the enterprise will undertake, the enterprise is required to:

- Consult with the division of parks and wildlife (division) and the Colorado wildlife and transportation alliance;
- Consult with the tribal government if the project is on or adjacent to tribal land;
- Consult with relevant local governments with jurisdiction over the area of the proposed project and any relevant local organizations engaging in work to reduce vehicle collisions;
- Consider studies concerning the prioritization of wildlife

- within the state;
- Consider whether the wildlife safe passage project is related to a bridge or tunnel project undertaken by the enterprise; and
- In consultation with the division, consider opportunities for landowner agreements or additional conservation efforts that may be necessary to ensure the continued functionality of infrastructure associated with a proposed wildlife safe passage project.

Twenty-five percent of the revenue from the fee is credited to the wildlife cash fund and continuously appropriated to the division of parks and wildlife to provide services related to wildlife connectivity and wildlife crossing-related conservation efforts.

The bill also modifies the process for the keep Colorado wild pass fee, which is also an optional fee paid at the time an individual registers a motor vehicle, to align with the process for the collision prevention fee by removing the presumption that an individual who declines to pay the keep Colorado wild pass fee is presumed to decline to pay that fee in subsequent years with respect to registration of the same motor vehicle. With this change, an individual must affirmatively opt out of the payment of both the keep Colorado wild pass fee and the collision prevention fee each year that the individual registers the motor vehicle.

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) Between 2010 and 2024, the Colorado department of
5 transportation reported over 54,189 wildlife-vehicle collisions, resulting
6 in 48 human fatalities and 5,152 injuries to drivers and passengers.
7 Furthermore, according to estimates from the department, crashes with
8 wildlife are underreported by as much as two-thirds. In 2024,
9 approximately 7,500 animals were killed on roads across Colorado,
10 according to roadkill data from the department, with over half of those
11 carcasses being mule deer.

12 (b) Colorado boasts the largest Rocky Mountain elk herd in the
13 world and is also home to significant populations of other iconic big game

1 species, such as mule deer, bighorn sheep, pronghorn, and moose, as well
2 as numerous other native wildlife species cherished by residents and
3 tourists alike;

4 (c) Core habitats connected by intact wildlife corridors are vital
5 to ensuring that Colorado's wildlife populations continue to thrive.
6 Protecting wildlife corridors has been shown to improve the vitality of
7 herds that are critical to Colorado's \$65.8 billion outdoor recreation
8 economy.

9 (d) According to research from 2023, Colorado has the highest
10 average annual costs associated with wildlife-vehicle collisions of any
11 state in the west, paying approximately \$321 million, adjusted to 2025
12 dollars, each year in property damage, emergency response, and other
13 costs from large wildlife collisions. This economic impact also includes
14 an estimated \$25 million in lost value to the state for the thousands of
15 wildlife that perish in these collisions.

16 (e) The division of parks and wildlife estimates that 2% of
17 Colorado's western slope mule deer does are killed by collisions with
18 motor vehicles every year, based on collared mule deer studies. Because
19 many herds are below population objectives, this results in more doe deer
20 being killed by cars in some herds than can be legally harvested by
21 hunters and the state, which results in missing the broader economic and
22 social benefits that hunting provides.

23 (f) Wildlife crossing structures built within important wildlife
24 corridors are highly effective at reducing wildlife-vehicle collisions,
25 thereby increasing public safety, reducing the high costs associated with
26 these accidents, and improving habitat connectivity. For example, the
27 2016 Colorado State Highway 9 mitigation project reduced collisions

1 between motor vehicles and wildlife by 92% in the 5 years after its
2 construction. Additionally, the project significantly improved the ability
3 of wildlife, including deer, elk, pronghorn, bighorn sheep, black bears,
4 mountain lions, bobcats, and coyotes, to safely cross the road.

5 (g) Building safe passages for wildlife and drivers alike is a
6 bipartisan, win-win proposition that is incredibly popular in the
7 Centennial State. According to the 2024 Colorado College's State of the
8 Rockies Project Conservation in the West poll, a remarkable 87% of
9 Colorado voters support "constructing wildlife crossing structures across
10 major highways that intersect with known migration routes."

11 (h) There are currently 75 successful wildlife crossing projects
12 across Colorado. Still, the state, through the governor's office, the
13 department of transportation, the department of natural resources, and the
14 Colorado wildlife and transportation alliance, has identified many more
15 priority areas in need of mitigation measures that lack the necessary
16 funding to advance through design and construction. Funding for proper
17 maintenance, conservation of land to maintain desired wildlife movement
18 and access to crossing structures, and monitoring of Colorado's existing
19 wildlife infrastructure investment also needs to be addressed.

20 (i) Over the past 5 years, Colorado has been uniquely successful
21 in leveraging federal funding opportunities, including the Wildlife
22 Crossings Pilot Program and numerous other United States department of
23 transportation programs, to complete priority projects. The creation of the
24 Colorado Wildlife Safe Passages Fund in Senate Bill 22-151, which, to
25 date, has spent all of the one-time general fund appropriations it has
26 received, allowed the Colorado department of transportation to unlock
27 approximately 4 federal dollars for every one state dollar invested in

1 life-saving crossing structures.

2 (j) Accordingly, it is in the best interest of the state and all
3 Coloradans to generate additional funding for eligible projects, including
4 targeted transportation system infrastructure improvements, land
5 conservation to ensure the functionality of wildlife crossings, and other
6 data-driven strategies that will reduce the number of wildlife-vehicle
7 collisions, thereby saving lives, preventing injuries, avoiding property
8 damage, reducing traffic on our congested roads, and facilitating healthy
9 wildlife migration and movement; and

10 (k) Adding a nonmandatory \$5 fee is a low-cost way to fund
11 wildlife crossing infrastructure that saves both animal and human lives by
12 reducing collisions. It also strengthens long-term habitat connectivity
13 across the state, protecting Colorado's iconic wildlife while improving
14 safety for drivers.

15 (2) The general assembly further finds and declares that:

16 (a) Since its inception in 2009, the statewide bridge and tunnel
17 enterprise within the Colorado department of transportation has
18 successfully financed, designed, and delivered critical bridge
19 infrastructure projects across the state on time and within budget,
20 demonstrating efficiency, accountability, and technical expertise;

21 (b) Prior to the creation of the statewide bridge and tunnel
22 enterprise, the percentage of poor-rated bridge deck area on the national
23 highway system in Colorado was encroaching on 10%, the maximum
24 federal performance threshold before a state faces funding penalties. In
25 2025, this metric was down to 4%. This success argues for continued
26 investment through the bridge and tunnel enterprise.

27 (c) The enterprise model has proven to be effective at accelerating

1 project delivery through innovative financing mechanisms and dedicated
2 revenue streams, resulting in the timely completion of complex surface
3 transportation structures that enhance safety and mobility for Colorado
4 residents;

5 (d) Wildlife crossing structures, including overpasses and
6 underpasses, are engineered similarly to bridge structures, requiring
7 similar design, construction, maintenance, and project management
8 expertise as traditional vehicular bridge infrastructure;

9 (e) Wildlife overpass structures are engineered using the same
10 structural systems, load-bearing principles, geotechnical analysis, and
11 materials standards applicable to traditional highway bridges, including
12 foundations, abutments, retaining walls, drainage systems, and long-term
13 maintenance requirements;

14 (f) Like conventional bridges, wildlife crossing overpasses must
15 meet rigorous safety and durability standards and are subject to
16 inspections, lifecycle asset management practices, and rehabilitation
17 practices to ensure structural integrity over time;

18 (g) Expanding the authority of the statewide bridge and tunnel
19 enterprise to include the delivery of wildlife crossing projects would
20 leverage existing institutional knowledge and program management
21 efficiencies to address wildlife-vehicle collisions and improve roadway
22 safety without creating duplicative administrative structures; and

23 (h) Authorizing the statewide bridge and tunnel enterprise to
24 deliver wildlife crossing projects would promote cost-effective
25 infrastructure development, enhance public safety, protect Colorado's
26 natural resources, and further the state's longstanding commitment to
27 innovative transportation solutions.

1 **SECTION 2.** In Colorado Revised Statutes, 43-4-803, **add** (30)
2 and (31) as follows:

3 **43-4-803. Definitions.**

4 As used in this part 8, unless the context otherwise requires:

5 (30) "WILDLIFE" HAS THE MEANING SET FORTH IN SECTION
6 33-1-102 (51).

7 (31) "WILDLIFE SAFE PASSAGE PROJECT" MEANS ONE OR MORE
8 PROJECTS THAT REDUCE WILDLIFE-VEHICLE COLLISIONS AND IMPROVE
9 HABITAT CONNECTIVITY BY PROVIDING WILDLIFE ROAD CROSSINGS,
10 INCLUDING:

11 (a) PROJECTS IDENTIFIED ON THE DEPARTMENT'S TEN-YEAR
12 PRIORITY PIPELINE PROJECTS LIST WITH WILDLIFE PASSAGE COMPONENTS
13 OR OTHER WILDLIFE PASSAGE OPPORTUNITIES IDENTIFIED BY THE
14 DEPARTMENT, THE DIVISION OF PARKS AND WILDLIFE IN THE DEPARTMENT
15 OF NATURAL RESOURCES CREATED IN SECTION 33-9-104 (1), THE
16 COLORADO WILDLIFE AND TRANSPORTATION ALLIANCE ESTABLISHED IN
17 2018, ANY BOARD OF COUNTY COMMISSIONERS, OR ANY TRIBAL
18 GOVERNMENT;

19 (b) COSTS RELATED TO PROJECT FEASIBILITY STUDIES, PLANNING,
20 CONSTRUCTION, RETROFITTING, AND MAINTENANCE OF WILDLIFE ROAD
21 CROSSING INFRASTRUCTURE; ROADKILL TRACKING AND STUDIES; ANIMAL
22 DETECTION SYSTEMS; SIGNAGE; EXCLUSIONARY FENCING; AND WILDLIFE
23 JUMP OUTS; AND

24 (c) COSTS ASSOCIATED WITH CONSERVATION EFFORTS NECESSARY
25 TO ENSURE THE CONTINUED FUNCTIONALITY OF WILDLIFE ROAD CROSSING
26 INFRASTRUCTURE FOR THE DURATION OF ITS PLANNED STRUCTURE LIFE.

27 **SECTION 3.** In Colorado Revised Statutes, 43-4-805, **amend**

1 (1)(a), (1)(b) introductory portion, (1)(b)(I), (2)(a)(I), (2)(b) introductory
2 portion, (2)(c), (3)(a), and (4); and **add** (1)(b)(III), (2)(b)(I.5), (2)(d),
3 (3.5), and (5)(g.9) as follows:

4 **43-4-805. Statewide bridge enterprise - creation - board -**
5 **funds - powers and duties - legislative declaration - definitions.**

6 (1) The general assembly hereby finds and declares that:

7 (a) The completion of designated bridge projects, preventative
8 maintenance bridge projects, WILDLIFE SAFE PASSAGE PROJECTS, and
9 tunnel projects is essential to address increasing traffic congestion and
10 delays, hazards, injuries, and fatalities;

11 (b) Due to the limited availability of state and federal funding and
12 the need to accomplish, AS PROMPTLY AND EFFICIENTLY AS POSSIBLE, the
13 financing, repair, reconstruction, and replacement of designated bridges;
14 the completion of preventative maintenance bridge projects; and the
15 completion of tunnel projects, ~~as promptly and efficiently as possible~~, ALL
16 OF WHICH CAN ENCOMPASS WILDLIFE SAFE PASSAGE PROJECTS, it is
17 necessary to create a statewide bridge and tunnel enterprise and to
18 authorize the enterprise to:

19 (I) Enter into agreements with the commission or the department
20 to finance, repair, reconstruct, and replace designated bridges, complete
21 preventative maintenance bridge projects, COMPLETE WILDLIFE SAFE
22 PASSAGE PROJECTS, and complete tunnel projects in the state; ~~and~~

23 (III) IMPOSE AN OPTIONAL COLLISION PREVENTION FEE AS
24 AUTHORIZED BY SUBSECTION (5)(g.9) OF THIS SECTION; AND

25 (2) (a) (I) The scope of the existing statewide bridge enterprise
26 created in this subsection (2)(a)(I) in 2009 is hereby expanded to include
27 designated bridge projects, preventative maintenance bridge projects,

1 WILDLIFE SAFE PASSAGE PROJECTS, and surface transportation
2 infrastructure projects for tunnels, and the name of the expanded
3 enterprise is the statewide bridge and tunnel enterprise. The bridge
4 enterprise is and operates as a government-owned business within the
5 department. The commission shall serve as the bridge enterprise board
6 and shall, with the consent of the executive director, appoint a bridge
7 enterprise director who shall possess such qualifications as may be
8 established by the commission and the state personnel board. The bridge
9 enterprise director shall oversee the discharge of all responsibilities of the
10 bridge enterprise and shall serve at the pleasure of the bridge enterprise
11 board.

12 (b) The business purpose of the bridge enterprise is to finance,
13 repair, reconstruct, and replace any designated bridge in the state,
14 complete preventative maintenance bridge projects, COMPLETE WILDLIFE
15 SAFE PASSAGE PROJECTS, and complete tunnel projects and, as agreed
16 upon by the enterprise and the commission, or the department to the
17 extent authorized by the commission, to maintain the bridges it finances,
18 repairs, reconstructs, and replaces. To allow the bridge enterprise to
19 accomplish this purpose and fully exercise its powers and duties through
20 the bridge enterprise board, the bridge enterprise may:

21 (I.5) IMPOSE AN OPTIONAL COLLISION PREVENTION FEE, AS
22 AUTHORIZED BY SUBSECTION (5)(g.9) OF THIS SECTION AND COLLECTED
23 AS DESCRIBED IN SECTION 43-4-815;

24 (c) The bridge enterprise constitutes an enterprise for purposes of
25 section 20 of article X of the state constitution so long as it retains the
26 authority to issue revenue bonds and receives less than ten percent of its
27 total revenues in grants from all Colorado state and local governments

1 combined. So long as it constitutes an enterprise pursuant to this
2 subsection (2)(c), the bridge enterprise shall not be subject to any
3 provisions of section 20 of article X of the state constitution. Consistent
4 with the determination of the Colorado supreme court in *Nicholl v. E-470*
5 *Public Highway Authority*, 896 P.2d 859 (Colo. 1995), that the power to
6 impose taxes is inconsistent with "enterprise" status under section 20 of
7 article X of the state constitution, the general assembly finds and declares
8 that a bridge safety surcharge, a bridge and tunnel impact fee, or a bridge
9 and tunnel retail delivery fee imposed by the bridge enterprise as
10 authorized by subsection (5)(g), (5)(g.5), or (5)(g.7) of this section is not
11 a tax but is instead a fee imposed by the bridge enterprise to defray the
12 cost of completing designated bridge projects, preventative maintenance
13 bridge projects, and tunnel projects that the enterprise provides as a
14 specific service to the persons upon whom the fee is imposed and at rates
15 reasonably calculated based on the benefits received by such persons. IN
16 ADDITION, THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE
17 OPTIONAL COLLISION PREVENTION FEE IMPOSED BY THE BRIDGE
18 ENTERPRISE AS AUTHORIZED BY SUBSECTION (5)(g.9) OF THIS SECTION
19 AND COLLECTED AS DESCRIBED IN SECTION 43-4-815 IS NOT A TAX BUT IS
20 INSTEAD A FEE IMPOSED BY THE ENTERPRISE TO DEFRAY THE COST OF
21 COMPLETING WILDLIFE SAFE PASSAGE PROJECTS THAT THE ENTERPRISE
22 PROVIDES AS A SERVICE TO THE PERSONS UPON WHOM THE FEE IS IMPOSED
23 AND AT RATES REASONABLY CALCULATED BASED ON THE BENEFITS
24 RECEIVED BY THOSE PERSONS.

25 (d) THE BRIDGE ENTERPRISE'S ABILITY TO IMPOSE AN OPTIONAL
26 COLLISION PREVENTION FEE AND USE REVENUE FROM THAT FEE TO
27 COMPLETE WILDLIFE SAFE PASSAGE PROJECTS, IN CONNECTION WITH

1 BRIDGE AND TUNNEL PROJECTS, DOES NOT CONSTITUTE CREATION OF A
2 NEW ENTERPRISE OR THE QUALIFICATION OF AN EXISTING
3 GOVERNMENT-OWNED BUSINESS AS AN ENTERPRISE FOR PURPOSES OF
4 SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, SECTION
5 24-77-103.6 (6)(b)(II), OR SECTION 24-77-108 AND, THEREFORE, DOES
6 NOT REQUIRE OR AUTHORIZE ADJUSTMENT OF THE STATE FISCAL YEAR
7 SPENDING LIMIT CALCULATED PURSUANT TO SECTION 20 OF ARTICLE X OF
8 THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS
9 DEFINED IN SECTION 24-77-103.6 (6)(b)(I), AND DOES NOT REQUIRE VOTER
10 APPROVAL.

11 (3) (a) The statewide bridge and tunnel enterprise special revenue
12 fund, referred to in this part 8 as the "bridge special fund", is hereby
13 created in the state treasury. EXCEPT AS OTHERWISE PROVIDED IN
14 SUBSECTION (3.5) OF THIS SECTION, all revenue received by the bridge
15 enterprise, including, but not limited to, revenue from a bridge safety
16 surcharge imposed as authorized by subsection (5)(g) of this section,
17 revenue from a bridge and tunnel impact fee imposed as authorized by
18 subsection (5)(g.5) of this section, revenue from a bridge and tunnel retail
19 delivery fee imposed as authorized by subsection (5)(g.7) of this section,
20 and any money loaned to the enterprise by the state pursuant to subsection
21 (5)(r) of this section, shall be deposited into the bridge special fund. The
22 bridge enterprise board may establish separate accounts within the bridge
23 special fund as needed in connection with any specific designated bridge
24 project, preventative maintenance bridge project, or tunnel project. The
25 bridge enterprise also may deposit or permit others to deposit other money
26 into the bridge special fund, but in no event may revenue from any tax
27 otherwise available for general purposes be deposited into the bridge

1 special fund. The state treasurer, after consulting with the bridge
2 enterprise board, shall invest any money in the bridge special fund,
3 including any surplus or reserves, but excluding any proceeds from the
4 sale of bonds or earnings on such proceeds invested pursuant to section
5 43-4-807 (2), that are not needed for immediate use. Such money may be
6 invested in the types of investments authorized in sections 24-36-109,
7 24-36-112, and 24-36-113.

8 (3.5) (a) THE COLLISION PREVENTION FUND IS CREATED IN THE
9 STATE TREASURY. THE FUND CONSISTS OF REVENUE FROM THE OPTIONAL
10 COLLISION PREVENTION FEE THAT IS IMPOSED BY THE BRIDGE ENTERPRISE
11 PURSUANT TO SUBSECTION (5)(g.9) OF THIS SECTION AND COLLECTED AS
12 DESCRIBED IN SECTION 43-4-815. THE BRIDGE ENTERPRISE ALSO MAY
13 DEPOSIT OR PERMIT OTHER ENTITIES TO DEPOSIT OTHER MONEY INTO THE
14 COLLISION PREVENTION FUND, INCLUDING ANY MONEY LOANED TO THE
15 BRIDGE ENTERPRISE BY THE STATE PURSUANT TO SUBSECTION (4)(a) OF
16 THIS SECTION. THE MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED
17 TO THE BRIDGE ENTERPRISE. THE STATE TREASURER, AFTER CONSULTING
18 WITH THE BRIDGE ENTERPRISE BOARD, SHALL INVEST ANY MONEY IN THE
19 COLLISION PREVENTION FUND THAT IS NOT NEEDED FOR IMMEDIATE USE.
20 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
21 FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE COLLISION
22 PREVENTION FUND TO THE COLLISION PREVENTION FUND.

23 (b) THE BRIDGE ENTERPRISE SHALL USE THE MONEY IN THE
24 COLLISION PREVENTION FUND:

25 (I) TO FUND WILDLIFE SAFE PASSAGE PROJECTS, INCLUDING REPAIR
26 AND MAINTENANCE COSTS;

27 (II) TO PROVIDE MATCHING MONEY AS REQUIRED BY FEDERAL

1 GRANT PROGRAMS RELATING TO WILDLIFE SAFE PASSAGE PROJECTS;

2 (III) FOR ADMINISTRATIVE AND PERSONNEL EXPENSES RELATED TO
3 THE PURPOSES OF THE FUND AS SET FORTH IN THIS SUBSECTION (3.5);

4 (IV) TO PROMOTE THE OPTIONAL COLLISION PREVENTION FEE AND
5 FUND TO MAXIMIZE PARTICIPATION IN THE OPTIONAL FEE, IN
6 COLLABORATION WITH THE DEPARTMENT OF REVENUE, IMPACTED
7 STAKEHOLDERS, AND INTERESTED ORGANIZATIONS; AND

8 (V) TO REIMBURSE THE STATE FOR THE AMOUNT OF ANY LOAN
9 FROM THE STATE HIGHWAY FUND OR ANY INTEREST THEREON, AS
10 PROVIDED IN SUBSECTION (4) OF THIS SECTION.

11 (c) IN DETERMINING WHICH WILDLIFE SAFE PASSAGE PROJECTS THE
12 BRIDGE ENTERPRISE WILL UNDERTAKE, THE ENTERPRISE SHALL:

13 (I) CONSULT WITH THE DEPARTMENT, THE DIVISION OF PARKS AND
14 WILDLIFE IN THE DEPARTMENT OF NATURAL RESOURCES, CREATED IN
15 SECTION 33-9-104 (1), AND THE COLORADO WILDLIFE AND
16 TRANSPORTATION ALLIANCE, ESTABLISHED IN 2018;

17 (II) CONSULT WITH THE TRIBAL GOVERNMENT, IF THE PROPOSED
18 PROJECT IS ON OR ADJACENT TO TRIBAL LAND;

19 (III) CONSULT WITH RELEVANT LOCAL GOVERNMENTS WITH
20 JURISDICTION OVER THE AREA OF THE PROPOSED PROJECT AND ANY
21 RELEVANT LOCAL ORGANIZATIONS ENGAGING IN WORK TO REDUCE
22 VEHICLE COLLISIONS;

23 (IV) CONSIDER STUDIES CONCERNING THE PRIORITIZATION OF
24 WILDLIFE WITHIN THE STATE;

25 (V) CONSIDER WHETHER THE WILDLIFE SAFE PASSAGE PROJECT IS
26 RELATED TO A BRIDGE OR TUNNEL PROJECT UNDERTAKEN BY THE BRIDGE
27 ENTERPRISE; AND

1 (VI) IN CONSULTATION WITH THE DIVISION OF PARKS AND
2 WILDLIFE IN THE DEPARTMENT OF NATURAL RESOURCES, CONSIDER
3 OPPORTUNITIES FOR LANDOWNER AGREEMENTS OR ADDITIONAL
4 CONSERVATION EFFORTS THAT MAY BE NECESSARY TO ENSURE THE
5 CONTINUED FUNCTIONALITY OF INFRASTRUCTURE ASSOCIATED WITH A
6 PROPOSED WILDLIFE SAFE PASSAGE PROJECT FOR THE DURATION OF ITS
7 PLANNED STRUCTURAL LIFE.

8 (4) (a) The commission may transfer money from the state
9 highway fund created in section 43-1-219 to the bridge enterprise for the
10 purpose of defraying expenses incurred by the enterprise prior to the
11 receipt of bond proceeds or revenue by the enterprise. The bridge
12 enterprise may accept and expend any money so transferred, and,
13 notwithstanding any state fiscal rule or generally accepted accounting
14 principle that could otherwise be interpreted to require a contrary
15 conclusion, such a transfer shall constitute a loan from the commission to
16 the bridge enterprise and shall not be considered a grant for purposes of
17 section 20 (2)(d) of article X of the state constitution. As the bridge
18 enterprise receives sufficient revenues in excess of expenses, the
19 enterprise shall reimburse the state highway fund for the principal amount
20 of any loan from the state highway fund made by the commission plus
21 interest at a rate set by the commission.

22 (b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4)(b)(II)
23 OF THIS SECTION, any money loaned from the state highway fund to the
24 bridge enterprise pursuant to this ~~section shall~~ SUBSECTION (4) MUST be
25 deposited into a fund to be known as the statewide bridge and tunnel
26 enterprise operating fund, which fund is hereby created, and ~~shall~~ MUST
27 not be deposited into the bridge special fund. Money from the bridge

1 special fund may, however, be used to reimburse the state highway fund
2 for the amount of any loan from the state highway fund or any interest
3 thereon.

4 (II) ANY MONEY LOANED FROM THE STATE HIGHWAY FUND TO THE
5 BRIDGE ENTERPRISE PURSUANT TO THIS SUBSECTION (4) FOR THE PURPOSE
6 OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE IN CONNECTION
7 WITH THE COLLISION PREVENTION FUND OR FEE PRIOR TO THE RECEIPT OF
8 FEE REVENUE BY THE ENTERPRISE FROM THE COLLISION PREVENTION FEE
9 MUST BE DEPOSITED INTO THE COLLISION PREVENTION FUND CREATED IN
10 SUBSECTION (3.5) OF THIS SECTION OR TO AN ACCOUNT WITHIN THE FUND.
11 LOAN LIABILITIES THAT ARE RECORDED IN THE COLLISION PREVENTION
12 FUND BUT THAT ARE NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL
13 YEAR MUST NOT BE CONSIDERED WHEN CALCULATING SUFFICIENT
14 STATUTORY FUND BALANCE FOR PURPOSES OF SECTION 24-75-109. MONEY
15 FROM THE COLLISION PREVENTION FUND MAY BE USED TO REIMBURSE THE
16 STATE HIGHWAY FUND FOR THE AMOUNT OF ANY LOAN FROM THE STATE
17 HIGHWAY FUND OR ANY INTEREST THEREON.

18 (5) In addition to any other powers and duties specified in this
19 section, the bridge enterprise board has the following powers and duties:

20 (g.9) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING
21 ON JANUARY 1, 2027, THE BRIDGE ENTERPRISE IS AUTHORIZED TO IMPOSE
22 AN OPTIONAL COLLISION PREVENTION FEE IN THE AMOUNT OF FIVE
23 DOLLARS, WHICH IS COLLECTED AS DESCRIBED IN SECTION 43-4-815.

24 (b) BEGINNING ON JULY 1, 2028, AND ON JULY 1 OF EACH YEAR
25 THEREAFTER, THE BRIDGE ENTERPRISE BOARD MAY ADJUST THE FEE
26 AMOUNT UPWARD FOR INFLATION BASED ON THE ANNUAL PERCENTAGE
27 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF

1 LABOR STATISTICS CONSUMER PRICE INDEX FOR
2 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
3 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX.

4 **SECTION 4.** In Colorado Revised Statutes, **add** 43-4-815 as
5 follows:

6 **43-4-815. Optional collision prevention fee - assess with**
7 **vehicle registration - option to decline to pay - legislative declaration**
8 **- definitions.**

9 (1) **Legislative declaration.** THE GENERAL ASSEMBLY:

10 (a) FINDS AND DETERMINES THAT:

11 (I) IT IS IN THE BEST INTEREST OF THE STATE AND ALL
12 COLORADANS TO GENERATE FUNDING FOR WILDLIFE CROSSINGS AND
13 RELATED PROJECTS, INCLUDING TARGETED TRANSPORTATION SYSTEM
14 INFRASTRUCTURE IMPROVEMENTS, LAND CONSERVATION TO ENSURE THE
15 FUNCTIONALITY OF WILDLIFE CROSSINGS, AND OTHER DATA-DRIVEN
16 STRATEGIES THAT WILL REDUCE THE NUMBER OF WILDLIFE-VEHICLE
17 COLLISIONS, THEREBY SAVING LIVES, PREVENTING INJURIES, AVOIDING
18 PROPERTY DAMAGE, REDUCING TRAFFIC, AND FACILITATING HEALTHY
19 WILDLIFE MIGRATION AND MOVEMENT; AND

20 (II) THE GOALS AND OBJECTIVES IDENTIFIED IN THIS SUBSECTION
21 (1) AND IN SECTION 43-4-805 CAN ONLY BE ACCOMPLISHED THROUGH
22 IMPLEMENTATION OF AN OPTIONAL FEE STRUCTURE THAT PROVIDES
23 CONSISTENT, RELIABLE FINANCIAL CONTRIBUTIONS; AND

24 (b) DECLARES THAT:

25 (I) THE OPTIONAL COLLISION PREVENTION FEE IS NOT INTENDED AS
26 A REGISTRATION FEE OR OTHER CHARGE WITH RESPECT TO THE OPERATION
27 OF ANY MOTOR VEHICLE UPON ANY PUBLIC HIGHWAY IN THE STATE;

1 (II) THE COLLECTION OF THE OPTIONAL COLLISION PREVENTION
2 FEE WITH AN ANNUAL MOTOR VEHICLE REGISTRATION IS INTENDED TO
3 CREATE AN ADMINISTRATIVE CONVENIENCE; AND

4 (III) AN INDIVIDUAL'S CHOICE NOT TO PAY THE OPTIONAL
5 COLLISION PREVENTION FEE IS NOT INTENDED TO AFFECT THE INDIVIDUAL'S
6 ABILITY TO REGISTER THE INDIVIDUAL'S MOTOR VEHICLE.

7 (2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
8 OTHERWISE REQUIRES:

9 (a) "COLLISION PREVENTION FUND" MEANS THE COLLISION
10 PREVENTION FUND CREATED IN SECTION 43-4-805 (3.5).

11 (b) "DIVISION OF MOTOR VEHICLES" MEANS THE DIVISION OF
12 MOTOR VEHICLES IN THE DEPARTMENT OF REVENUE.

13 (c) "DIVISION OF PARKS AND WILDLIFE" HAS THE MEANING SET
14 FORTH IN SECTION 33-1-102 (10).

15 (d) "KEEP COLORADO WILD PASS" MEANS THE KEEP COLORADO
16 WILD PASS CREATED IN SECTION 33-12-108.

17 (e) "LIGHT-WEIGHT TRUCK" MEANS A TRUCK WITH A DECLARED
18 EMPTY VEHICLE WEIGHT OF LESS THAN OR EQUAL TO SIXTEEN THOUSAND
19 POUNDS.

20 (f) "MOTORCYCLE" HAS THE MEANING SET FORTH IN SECTION
21 42-1-102 (55).

22 (g) "MOTOR VEHICLE" HAS THE MEANING SET FORTH IN SECTION
23 42-1-102 (58).

24 (h) "RECREATIONAL VEHICLE" HAS THE SAME MEANING AS
25 "NONCOMMERCIAL OR RECREATIONAL VEHICLE" AS SET FORTH IN SECTION
26 42-1-102 (61).

27 (i) "REGISTRATION" REFERS TO THE REGISTRATION OF A VEHICLE

1 WITH THE DEPARTMENT OF REVENUE, AS REQUIRED BY SECTION 42-3-103.

2 (j) "TRUCK" HAS THE MEANING SET FORTH IN SECTION 42-1-102
3 (108).

4 (k) "WILDLIFE CASH FUND" MEANS THE WILDLIFE CASH FUND
5 CREATED IN SECTION 33-1-112 (1)(a).

6 (3) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE AS DESCRIBED
7 IN SECTION 43-4-805, BEGINNING ON JANUARY 1, 2027, THE BRIDGE
8 ENTERPRISE IS AUTHORIZED TO IMPOSE AN OPTIONAL COLLISION
9 PREVENTION FEE TO FUND WILDLIFE SAFE PASSAGE PROJECTS, INCREASE
10 ROAD SAFETY, AND SUPPORT WILDLIFE CONNECTIVITY. THE COLLISION
11 PREVENTION FEE IS COLLECTED AS DESCRIBED IN THIS SECTION.

12 (b) (I) THE COLLISION PREVENTION FEE IS COLLECTED BY THE
13 DEPARTMENT OF REVENUE OR AN AUTHORIZED AGENT AT THE TIME OF
14 REGISTERING A MOTOR VEHICLE THAT IS A PASSENGER MOTOR VEHICLE,
15 LIGHT-WEIGHT TRUCK, MOTORCYCLE, OR RECREATIONAL VEHICLE.

16 (II) THE COLLISION PREVENTION FEE IS COLLECTED BY THE
17 DEPARTMENT OF REVENUE OR AN AUTHORIZED AGENT ONLY FOR INITIAL
18 REGISTRATION OR RENEWAL TRANSACTIONS THAT OCCUR IN AN OFFICE OR
19 ONLINE.

20 (III) ONCE AN INDIVIDUAL OPTS TO PAY THE COLLISION
21 PREVENTION FEE AND THE FEE IS COLLECTED, THE FEE CANNOT BE
22 REFUNDED.

23 (c) AN INDIVIDUAL REGISTERING A TYPE OF MOTOR VEHICLE
24 LISTED IN SUBSECTION (3)(b) OF THIS SECTION WHO HAS BEEN ASSESSED
25 THE COLLISION PREVENTION FEE MAY DECLINE TO PAY THE FEE WHEN
26 MAKING PAYMENT DURING THE MOTOR VEHICLE REGISTRATION PROCESS.
27 NONPAYMENT OF THE FEE DOES NOT AFFECT AN INDIVIDUAL'S ABILITY TO

1 REGISTER A MOTOR VEHICLE.

2 (d) (I) THE COLLISION PREVENTION FEE IS ASSESSED WHEN A TYPE
3 OF MOTOR VEHICLE LISTED IN SUBSECTION (3)(b) OF THIS SECTION IS
4 REGISTERED AS REQUIRED BY ARTICLE 3 OF TITLE 42. EACH AUTHORIZED
5 AGENT SHALL REMIT TO THE DEPARTMENT OF REVENUE NO LESS
6 FREQUENTLY THAN ONCE A MONTH ALL COLLISION PREVENTION FEES
7 COLLECTED BY THE AUTHORIZED AGENT. THE EXECUTIVE DIRECTOR OF
8 THE DEPARTMENT OF REVENUE SHALL TRANSMIT ALL FEES REMITTED BY
9 AUTHORIZED AGENTS PLUS ANY FEES COLLECTED DIRECTLY BY THE
10 DEPARTMENT OF REVENUE, MINUS THE DIRECT AND INDIRECT COSTS FOR
11 THE COLLECTION AND TRANSMISSION OF THE FEES AS INCURRED BY THE
12 DEPARTMENT OF REVENUE AND ITS AUTHORIZED AGENTS, TO THE STATE
13 TREASURER NO LESS FREQUENTLY THAN ONCE A MONTH, AND THE STATE
14 TREASURER SHALL CREDIT THE FEES IN ACCORDANCE WITH SUBSECTION
15 (3)(e) OF THIS SECTION.

16 (II) ANY MONEY THAT THE DEPARTMENT OF REVENUE RECEIVES
17 AND TRANSMITS TO THE STATE TREASURER PURSUANT TO SUBSECTION
18 (3)(d)(I) OF THIS SECTION AND THE STATE TREASURER CREDITS TO THE
19 COLLISION PREVENTION FUND OR TO THE WILDLIFE CASH FUND:

20 (A) IS COLLECTED FOR THE BRIDGE ENTERPRISE, WHICH IS AN
21 ENTERPRISE PURSUANT TO SECTION 43-4-805, AND THE DIVISION OF PARKS
22 AND WILDLIFE, WHICH IS AN ENTERPRISE PURSUANT TO SECTION 33-9-105;

23 (B) IS CUSTODIAL MONEY INTENDED FOR THE BRIDGE ENTERPRISE
24 AND THE DIVISION OF PARKS AND WILDLIFE THAT IS HELD TEMPORARILY
25 BY THE DEPARTMENT OF REVENUE AND THE STATE TREASURER SOLELY
26 FOR THE PURPOSE OF CREDITING THE MONEY TO THE COLLISION
27 PREVENTION FUND AND THE WILDLIFE CASH FUND; AND

1 (C) BASED ON THE STATUS OF THE BRIDGE ENTERPRISE AND THE
2 DIVISION OF PARKS AND WILDLIFE AS ENTERPRISES, IS NOT SUBJECT TO
3 SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AT ANY TIME
4 DURING ITS COLLECTION, TRANSMISSION, OR USE.

5 (e) THE STATE TREASURER SHALL CREDIT THE REVENUE FROM THE
6 COLLISION PREVENTION FEE THAT THE EXECUTIVE DIRECTOR OF THE
7 DEPARTMENT OF REVENUE TRANSMITS PURSUANT TO SUBSECTION (3)(d)
8 OF THIS SECTION AS FOLLOWS:

9 (I) SEVENTY-FIVE PERCENT OF THE REVENUE TO THE COLLISION
10 PREVENTION FUND TO PROVIDE THE SERVICES DESCRIBED IN SECTION
11 43-4-805; AND

12 (II) TWENTY-FIVE PERCENT OF THE REVENUE TO THE WILDLIFE
13 CASH FUND TO PROVIDE SERVICES RELATED TO WILDLIFE CONNECTIVITY
14 AND WILDLIFE CROSSING-RELATED CONSERVATION EFFORTS TO FEE
15 PAYERS ON BEHALF OF THE BRIDGE ENTERPRISE.

16 (4)(a) IN CONSULTATION WITH THE DIVISION, THE DEPARTMENT OF
17 REVENUE AND THE BRIDGE ENTERPRISE SHALL DETERMINE THE
18 APPROPRIATE LOCATION IN THE VEHICLE REGISTRATION PROCESS FOR THE
19 ABILITY TO OPT OUT OF THE COLLISION PREVENTION FEE. THE PROCESS TO
20 OPT OUT OF THE COLLISION PREVENTION FEE MUST BE CLEARLY
21 DIFFERENTIATED FROM AND OCCUR AFTER THE ABILITY TO OPT OUT OF THE
22 KEEP COLORADO WILD PASS FEES.

23 (b) SUBJECT TO AVAILABLE MONEY IN THE COLLISION PREVENTION
24 FUND, AND IN COLLABORATION WITH THE DEPARTMENT OF REVENUE, THE
25 ENTERPRISE SHALL DEVELOP LANGUAGE TO NOTIFY INDIVIDUALS ABOUT
26 THE OPTIONAL COLLISION PREVENTION FEE, INCLUDING EXPLICIT
27 LANGUAGE REGARDING THE ABILITY TO DECLINE TO PAY THE FEE AND THE

1 FACT THAT NONPAYMENT OF THE FEE WILL NOT AFFECT THE INDIVIDUAL'S
2 ABILITY TO REGISTER A MOTOR VEHICLE. THE NOTIFICATION LANGUAGE
3 DEVELOPED MUST BE CONSPICUOUSLY PLACED:

4 (I) ON A PUBLIC WEBSITE FOR THE BRIDGE ENTERPRISE OR THE
5 DEPARTMENT; AND

6 (II) ON THE DIVISION OF MOTOR VEHICLES' PUBLIC WEBSITE.

7 (c) SUBJECT TO AVAILABLE MONEY IN THE COLLISION PREVENTION
8 FUND, AND IN COLLABORATION WITH THE DEPARTMENT OF REVENUE, THE
9 DEPARTMENT, COUNTY CLERKS, THE DIVISION OF PARKS AND WILDLIFE,
10 AND OTHER IMPACTED STAKEHOLDERS, THE ENTERPRISE SHALL CONDUCT
11 A PUBLIC OUTREACH CAMPAIGN TO EDUCATE THE PUBLIC ABOUT THE
12 OPTIONAL COLLISION PREVENTION FEE AND WHAT BENEFITS THE FEE WILL
13 PROVIDE.

14 **SECTION 5.** In Colorado Revised Statutes, 33-1-112, **add** (1)(d)
15 as follows:

16 **33-1-112. Funds - cost accounting - definition.**

17 (1) (d) THE DIVISION SHALL USE THE MONEY FROM THE OPTIONAL
18 COLLISION PREVENTION FEE PAID PURSUANT TO SECTION 43-4-815
19 (3)(e)(II) AND DEPOSITED IN THE WILDLIFE CASH FUND FOR WILDLIFE
20 CONNECTIVITY AND WILDLIFE CROSSING-RELATED CONSERVATION
21 EFFORTS. THE MONEY FROM THE OPTIONAL COLLISION PREVENTION FEE IS
22 CONTINUOUSLY APPROPRIATED TO THE DIVISION FOR THE PURPOSES OF
23 THIS SUBSECTION (1)(d).

24 **SECTION 6.** In Colorado Revised Statutes, 33-12-108, **repeal**
25 (4)(c)(II) as follows:

26 **33-12-108. Keep Colorado wild pass - assess with vehicle**
27 **registration - option to decline to pay - rules - short title - legislative**

1 **declaration - definitions.**

2 (4) (c) (II) ~~If a person declines to pay the pass fee or otherwise~~
3 ~~fails to pay the pass fee, it shall be presumed that the person will decline~~
4 ~~to pay the pass fee in future years in which the person registers the motor~~
5 ~~vehicle, and the division, in collaboration with the division of motor~~
6 ~~vehicles in the department of revenue, shall develop an opt-in provision~~
7 ~~to be displayed on any subsequent notifications sent to the person~~
8 ~~regarding that motor vehicle.~~

9 **SECTION 7. Act subject to petition - effective date.** This act
10 takes effect October 1, 2026; except that, if a referendum petition is filed
11 pursuant to section 1 (3) of article V of the state constitution against this
12 act or an item, section, or part of this act within the ninety-day period
13 after final adjournment of the general assembly, then the act, item,
14 section, or part will not take effect unless approved by the people at the
15 general election to be held in November 2026 and, in such case, will take
16 effect on the date of the official declaration of the vote thereon by the
17 governor.