

CHAPTER 158

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 26-141

BY SENATOR(S) Roberts and Simpson, Catlin, Cutter, Danielson, Frizell, Hinrichsen, Jodeh, Kipp, Lindstedt, Liston, Mullica, Snyder, Wallace, Amabile, Ball, Benavidez, Daugherty, Exum, Kolker, Marchman, Weissman, Coleman;
also REPRESENTATIVE(S) McCluskie and Taggart, Boesenecker, Lukens, Martinez, McCormick, Paschal, Smith, Stewart K., Stewart R., Titone, Velasco, Bacon, Brooks, Brown, Caldwell, Carter, Clifford, Duran, Froelich, Garcia, Joseph, Lieder, Lindsay, Mauro, Nguyen, Rutinel, Soper, Story, Valdez.

AN ACT

CONCERNING OPTIONAL FEES DURING MOTOR VEHICLE REGISTRATION THAT PRIMARILY SUPPORT WILDLIFE PROJECTS, AND, IN CONNECTION THEREWITH, USING THE PROCEEDS OF A NEWLY CREATED OPTIONAL FEE TO CONSTRUCT WILDLIFE CROSSINGS AND OTHER TRANSPORTATION IMPROVEMENTS AND MAKING AN APPROPRIATION.

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

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

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

(b) Colorado boasts the largest Rocky Mountain elk herd in the world and is also home to significant populations of other iconic big game species, such as mule deer, bighorn sheep, pronghorn, and moose, as well as numerous other native wildlife species cherished by residents and tourists alike;

(c) Core habitats connected by intact wildlife corridors are vital to ensuring that Colorado's wildlife populations continue to thrive. Protecting wildlife corridors has

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.

been shown to improve the vitality of herds that are critical to Colorado's \$65.8 billion outdoor recreation economy.

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

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

(f) Wildlife crossing structures built within important wildlife corridors are highly effective at reducing wildlife-vehicle collisions, thereby increasing public safety, reducing the high costs associated with these accidents, and improving habitat connectivity. For example, the 2016 Colorado State Highway 9 mitigation project reduced collisions between motor vehicles and wildlife by 92% in the 5 years after its construction. Additionally, the project significantly improved the ability of wildlife, including deer, elk, pronghorn, bighorn sheep, black bears, mountain lions, bobcats, and coyotes, to safely cross the road.

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

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

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

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

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

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

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

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

(c) The enterprise model has proven to be effective at accelerating project delivery through innovative financing mechanisms and dedicated revenue streams, resulting in the timely completion of complex surface transportation structures that enhance safety and mobility for Colorado residents;

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

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

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

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

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

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

43-4-803. Definitions.

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

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

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

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

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

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

SECTION 3. In Colorado Revised Statutes, 43-4-805, **amend** (1)(a), (1)(b) introductory portion, (1)(b)(I), (2)(a)(I), (2)(b) introductory portion, (2)(c), (3)(a), and (4); and **add** (1)(b)(III), (2)(b)(I.5), (2)(d), (3.5), and (5)(g.9) as follows:

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

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

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

(b) Due to the limited availability of state and federal funding and the need to accomplish, AS PROMPTLY AND EFFICIENTLY AS POSSIBLE, the financing, repair, reconstruction, and replacement of designated bridges; the completion of

preventative maintenance bridge projects; and the completion of tunnel projects, ~~as promptly and efficiently as possible~~; ALL OF WHICH CAN ENCOMPASS WILDLIFE SAFE PASSAGE PROJECTS, it is necessary to create a statewide bridge and tunnel enterprise and to authorize the enterprise to:

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

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

(2) (a) (I) The scope of the existing statewide bridge enterprise created in this subsection (2)(a)(I) in 2009 is hereby expanded to include designated bridge projects, preventative maintenance bridge projects, WILDLIFE SAFE PASSAGE PROJECTS, and surface transportation infrastructure projects for tunnels, and the name of the expanded enterprise is the statewide bridge and tunnel enterprise. The bridge enterprise is and operates as a government-owned business within the department. The commission shall serve as the bridge enterprise board and shall, with the consent of the executive director, appoint a bridge enterprise director who shall possess such qualifications as may be established by the commission and the state personnel board. The bridge enterprise director shall oversee the discharge of all responsibilities of the bridge enterprise and shall serve at the pleasure of the bridge enterprise board.

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

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

(c) The bridge enterprise constitutes an enterprise for purposes of section 20 of article X of the state constitution so long as it retains the authority to issue revenue bonds and receives less than ten percent of its total revenues in grants from all Colorado state and local governments combined. So long as it constitutes an enterprise pursuant to this subsection (2)(c), the bridge enterprise shall not be subject to any provisions of section 20 of article X of the state constitution. Consistent with the determination of the Colorado supreme court in *Nicholl v. E-470 Public Highway Authority*, 896 P.2d 859 (Colo. 1995), that the power to impose taxes is inconsistent with "enterprise" status under section 20 of article X of the state constitution, the general assembly finds and declares that a bridge safety surcharge, a bridge and tunnel impact fee, or a bridge and tunnel retail delivery fee imposed by the bridge enterprise as authorized by subsection (5)(g), (5)(g.5), or (5)(g.7) of this

section is not a tax but is instead a fee imposed by the bridge enterprise to defray the cost of completing designated bridge projects, preventative maintenance bridge projects, and tunnel projects that the enterprise provides as a specific service to the persons upon whom the fee is imposed and at rates reasonably calculated based on the benefits received by such persons. IN ADDITION, THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE OPTIONAL COLLISION PREVENTION FEE IMPOSED BY THE BRIDGE ENTERPRISE AS AUTHORIZED BY SUBSECTION (5)(g.9) OF THIS SECTION AND COLLECTED AS DESCRIBED IN SECTION 43-4-815 IS NOT A TAX BUT IS INSTEAD A FEE IMPOSED BY THE ENTERPRISE TO DEFRAY THE COST OF COMPLETING WILDLIFE SAFE PASSAGE PROJECTS THAT THE ENTERPRISE PROVIDES AS A SERVICE TO THE PERSONS UPON WHOM THE FEE IS IMPOSED AND AT RATES REASONABLY CALCULATED BASED ON THE BENEFITS RECEIVED BY THOSE PERSONS.

(d) THE BRIDGE ENTERPRISE'S ABILITY TO IMPOSE AN OPTIONAL COLLISION PREVENTION FEE AND USE REVENUE FROM THAT FEE TO COMPLETE WILDLIFE SAFE PASSAGE PROJECTS, IN CONNECTION WITH BRIDGE AND TUNNEL PROJECTS, DOES NOT CONSTITUTE CREATION OF A NEW ENTERPRISE OR THE QUALIFICATION OF AN EXISTING GOVERNMENT-OWNED BUSINESS AS AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, SECTION 24-77-103.6 (6)(b)(II), OR SECTION 24-77-108 AND, THEREFORE, DOES NOT REQUIRE OR AUTHORIZE ADJUSTMENT OF THE STATE FISCAL YEAR SPENDING LIMIT CALCULATED PURSUANT TO SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I), AND DOES NOT REQUIRE VOTER APPROVAL.

(3) (a) The statewide bridge and tunnel enterprise special revenue fund, referred to in this part 8 as the "bridge special fund", is hereby created in the state treasury. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3.5) OF THIS SECTION, all revenue received by the bridge enterprise, including, but not limited to, revenue from a bridge safety surcharge imposed as authorized by subsection (5)(g) of this section, revenue from a bridge and tunnel impact fee imposed as authorized by subsection (5)(g.5) of this section, revenue from a bridge and tunnel retail delivery fee imposed as authorized by subsection (5)(g.7) of this section, and any money loaned to the enterprise by the state pursuant to subsection (5)(r) of this section, shall be deposited into the bridge special fund. The bridge enterprise board may establish separate accounts within the bridge special fund as needed in connection with any specific designated bridge project, preventative maintenance bridge project, or tunnel project. The bridge enterprise also may deposit or permit others to deposit other money into the bridge special fund, but in no event may revenue from any tax otherwise available for general purposes be deposited into the bridge special fund. The state treasurer, after consulting with the bridge enterprise board, shall invest any money in the bridge special fund, including any surplus or reserves, but excluding any proceeds from the sale of bonds or earnings on such proceeds invested pursuant to section 43-4-807 (2), that are not needed for immediate use. Such money may be invested in the types of investments authorized in sections 24-36-109, 24-36-112, and 24-36-113.

(3.5) (a) THE COLLISION PREVENTION FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF REVENUE FROM THE OPTIONAL COLLISION PREVENTION FEE THAT IS IMPOSED BY THE BRIDGE ENTERPRISE PURSUANT TO SUBSECTION (5)(g.9) OF THIS SECTION AND COLLECTED AS DESCRIBED IN SECTION 43-4-815. THE BRIDGE

ENTERPRISE ALSO MAY DEPOSIT OR PERMIT OTHER ENTITIES TO DEPOSIT OTHER MONEY INTO THE COLLISION PREVENTION FUND, INCLUDING ANY MONEY LOANED TO THE BRIDGE ENTERPRISE BY THE STATE PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION. THE MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE BRIDGE ENTERPRISE. THE STATE TREASURER, AFTER CONSULTING WITH THE BRIDGE ENTERPRISE BOARD, SHALL INVEST ANY MONEY IN THE COLLISION PREVENTION FUND THAT IS NOT NEEDED FOR IMMEDIATE USE. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE COLLISION PREVENTION FUND TO THE COLLISION PREVENTION FUND.

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

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

(II) TO PROVIDE MATCHING MONEY AS REQUIRED BY FEDERAL GRANT PROGRAMS RELATING TO WILDLIFE SAFE PASSAGE PROJECTS;

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

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

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

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

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

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

(III) 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;

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

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

(VI) IN CONSULTATION WITH THE DIVISION OF PARKS AND WILDLIFE IN THE DEPARTMENT OF NATURAL RESOURCES, 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 FOR THE DURATION OF ITS PLANNED STRUCTURAL LIFE.

(d) IN UNDERTAKING WILDLIFE SAFE PASSAGE PROJECTS USING MONEY FROM THE FUND, THE ENTERPRISE SHALL FOLLOW APPLICABLE PROVISIONS IN SECTION 24-103-908, INCLUDING THE PREFERENCE FOR RESIDENT BIDDERS SET FORTH IN SECTION 24-103-908 (2).

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

(b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4)(b)(II) OF THIS SECTION, ANY MONEY LOANED FROM THE STATE HIGHWAY FUND TO THE BRIDGE ENTERPRISE PURSUANT TO THIS SECTION ~~SHALL~~ SUBSECTION (4) MUST BE DEPOSITED INTO A FUND TO BE KNOWN AS THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE OPERATING FUND, WHICH FUND IS HEREBY CREATED, AND ~~SHALL~~ MUST NOT BE DEPOSITED INTO THE BRIDGE SPECIAL FUND. MONEY FROM THE BRIDGE SPECIAL FUND MAY, HOWEVER, BE USED TO REIMBURSE THE STATE HIGHWAY FUND FOR THE AMOUNT OF ANY LOAN FROM THE STATE HIGHWAY FUND OR ANY INTEREST THEREON.

(II) ANY MONEY LOANED FROM THE STATE HIGHWAY FUND TO THE BRIDGE ENTERPRISE PURSUANT TO THIS SUBSECTION (4) FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE IN CONNECTION WITH THE COLLISION PREVENTION FUND OR FEE, INCLUDING MONEY FOR CONDUCTING THE PUBLIC OUTREACH CAMPAIGN TO EDUCATE THE PUBLIC ABOUT THE OPTIONAL COLLISION PREVENTION FEE PURSUANT TO SECTION 43-4-815 (4)(c) OR FOR DEVELOPING LANGUAGE TO NOTIFY INDIVIDUALS ABOUT THE OPTIONAL COLLISION PREVENTION FEE PURSUANT TO SECTION 43-4-815 (4)(b), PRIOR TO THE RECEIPT OF FEE REVENUE BY THE ENTERPRISE FROM THE COLLISION PREVENTION FEE MUST BE DEPOSITED INTO THE COLLISION PREVENTION FUND CREATED IN SUBSECTION (3.5) OF THIS SECTION OR TO AN ACCOUNT WITHIN THE FUND. LOAN LIABILITIES THAT ARE RECORDED IN THE COLLISION PREVENTION FUND BUT THAT ARE NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR MUST NOT BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF SECTION 24-75-109. MONEY FROM THE COLLISION PREVENTION FUND MAY BE USED TO REIMBURSE THE STATE HIGHWAY FUND FOR THE AMOUNT OF ANY LOAN FROM THE STATE HIGHWAY FUND OR ANY INTEREST THEREON.

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

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

(b) BEGINNING ON JULY 1, 2028, AND ON JULY 1 OF EACH YEAR THEREAFTER, THE BRIDGE ENTERPRISE BOARD MAY ADJUST THE FEE AMOUNT UPWARD FOR INFLATION BASED ON THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX.

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

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

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

(a) FINDS AND DETERMINES THAT:

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

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

(b) DECLARES THAT:

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

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

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

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

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

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

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

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

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

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

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

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

(i) "REGISTRATION" REFERS TO THE REGISTRATION OF A VEHICLE WITH THE DEPARTMENT OF REVENUE, AS REQUIRED BY SECTION 42-3-103.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) IN COLLABORATION WITH THE DEPARTMENT OF REVENUE AND COUNTY CLERKS, THE BRIDGE ENTERPRISE SHALL DEVELOP LANGUAGE TO NOTIFY INDIVIDUALS ABOUT THE OPTIONAL COLLISION PREVENTION FEE, INCLUDING EXPLICIT LANGUAGE REGARDING THE ABILITY TO DECLINE TO PAY THE FEE AND THE FACT THAT NONPAYMENT OF THE FEE WILL NOT AFFECT THE INDIVIDUAL'S ABILITY TO REGISTER A MOTOR VEHICLE. THE NOTIFICATION LANGUAGE DEVELOPED MUST BE CONSPICUOUSLY PLACED:

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

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

(c) IN COLLABORATION WITH THE DEPARTMENT OF REVENUE, THE DEPARTMENT, COUNTY CLERKS, THE DIVISION OF PARKS AND WILDLIFE, AND OTHER IMPACTED STAKEHOLDERS, THE ENTERPRISE SHALL CONDUCT A PUBLIC OUTREACH CAMPAIGN TO EDUCATE THE PUBLIC ABOUT THE OPTIONAL COLLISION PREVENTION FEE AND WHAT BENEFITS THE FEE WILL PROVIDE. THE ENTERPRISE SHALL INITIATE THE PUBLIC OUTREACH CAMPAIGN AS SOON AS PRACTICABLE FOLLOWING THE EFFECTIVE DATE OF THIS SECTION AND SHALL DEVELOP AND DELIVER CUSTOMER-FACING EDUCATIONAL MATERIALS TO COUNTY CLERKS ON OR BEFORE DECEMBER 1, 2026.

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

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

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

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

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

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

SECTION 7. Appropriation. (1) For the 2026-27 state fiscal year, \$53,516 is appropriated to the department of revenue for use by the division of motor vehicles. This appropriation is from the DRIVES cash fund created in section 42-1-211 (2)(a), C.R.S. To implement this act, the division may use this appropriation as follows:

(a) \$39,782 for DRIVES maintenance and support;

(b) \$3,403 for use by the division of motor vehicles for personal services related to vehicle services;

(c) \$4,715 for use by the executive director's office for personal services related to administration and support; and

(d) \$5,616 for payments to OIT.

(2) For the 2026-27 state fiscal year, \$778 is appropriated to the department of natural resources for use by the division of parks and wildlife. This appropriation is from the parks and outdoor recreation cash fund created in section 33-10-111 (1), C.R.S. To implement this act, the division may use this appropriation for state park operations.

(3) For the 2026-27 state fiscal year, \$778 is appropriated to the department of revenue for use by the division of motor vehicles. This appropriation is from reappropriated funds received from the department of natural resources under subsection (2) of this section. To implement this act, the division may use this appropriation to for DRIVES maintenance and support.

(4) For the 2026-27 state fiscal year, \$19,940 is appropriated to the department of law. This appropriation is from the legal services cash fund created in section 24-31-108 (4), C.R.S., from revenue received from the department of transportation that is continuously appropriated to the department of transportation from the collision prevention fund created in section 43-4-805 (3.5)(a), C.R.S. The appropriation to the department of law is based on an assumption that the department of law will require an additional 0.1 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of transportation.

SECTION 8. Act subject to petition - effective date. This act takes effect October 1, 2026; 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 the ninety-day period after final adjournment of the general assembly, 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.

Approved: May 27, 2026