

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 25-0897.01 Jason Gelender x4330

HOUSE BILL 25-1303

HOUSE SPONSORSHIP

Boesenecker and Lukens,

SENATE SPONSORSHIP

Roberts and Winter F.,

House Committees

Transportation, Housing & Local Government
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF AN ENTERPRISE IN THE DEPARTMENT**
102 **OF TRANSPORTATION TO PROVIDE FUNDING FOR**
103 **TRANSPORTATION SYSTEM ENHANCEMENTS THAT LOWER**
104 **AUTOMOBILE INSURANCE COSTS BY REDUCING THE NUMBER OF**
105 **COLLISIONS THAT INVOLVE A MOTOR VEHICLE.**

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>.)

Section 1 of the bill creates the crash prevention enterprise (enterprise) in the department of transportation (CDOT) for the purpose

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 17, 2025

of lowering automobile insurance costs by providing funding for transportation system infrastructure improvements and other data-driven strategies that reduce the number of collisions that involve a motor vehicle, particularly collisions between a motor vehicle and a vulnerable road user or wildlife (eligible projects). Beginning January 1, 2026, the enterprise is authorized to impose a crash prevention fee (fee) of up to a specified maximum amount on the policyholder of each automobile insurance policy issued in the state on a per-policy basis. Each insurer that issues an automobile insurance policy must collect the fee from the policyholder and pay the fee to the enterprise.

The specified maximum amount of the fee adjusts annually on July 1, 2027, and on each July 1 thereafter for inflation, as measured by the rolling 5-year average of the national highway construction cost index published by the federal highway administration in the United States department of transportation. Fee revenue is credited to a newly created crash prevention enterprise fund (fund) and continuously appropriated to the enterprise.

The enterprise is authorized to expend 80% of its available revenue to issue grants to eligible entities, which are local governments, state or federally recognized tribal entities, public entities that are not part of the state, and private entities, for eligible projects that reduce motor vehicle collisions with vulnerable road users, as defined by the bill, and 20% of its available revenue to fund eligible projects that reduce motor vehicle collisions with wildlife.

Section 2 authorizes the division of insurance in the department of regulatory agencies, upon receiving notice from the enterprise of an insurer's failure to collect the fee from its automobile insurance policyholders and pay the fee to the enterprise, to institute an enforcement proceeding and seek specified civil penalties from the insurer.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 16 to article
3 4 of title 43 as follows:

4 **PART 16**

5 **CRASH PREVENTION ENTERPRISE**

6 **43-4-1601. Legislative declaration.** (1) THE GENERAL ASSEMBLY
7 FINDS AND DECLARES THAT:

8 (a) INCREASING AFFORDABILITY FOR COLORADANS AND

1 ADVANCING THE SAFETY OF THE TRANSPORTATION SYSTEM OF COLORADO
2 IS OF PARAMOUNT IMPORTANCE;

3 (b) COLLISIONS THAT RESULT IN ROADWAY FATALITIES, SERIOUS
4 INJURIES, AND PROPERTY DAMAGE CONTRIBUTE TO RISING INSURANCE
5 COSTS. NATIONWIDE, AUTO INSURANCE AVERAGE RATES HAVE INCREASED
6 EVERY YEAR SINCE 2010. THE NUMBER AND SEVERITY OF COLLISIONS
7 HAVE ALSO INCREASED, LEADING TO MORE INSURANCE CLAIMS AS WELL
8 AS MORE EXPENSIVE INSURANCE CLAIMS.

9 (c) THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
10 ESTIMATES THAT MOTOR VEHICLE CRASHES COST AMERICAN SOCIETY
11 THREE HUNDRED FORTY BILLION DOLLARS IN 2019, WITH INSURANCE
12 ADMINISTRATION COSTS MAKING UP NINE PERCENT OF THIS AMOUNT.
13 POLICYHOLDERS NOT DIRECTLY INVOLVED IN CRASHES PAY FOR ROUGHLY
14 THREE-QUARTERS OF ALL CRASH COSTS, INCLUDING THROUGH INSURANCE
15 PREMIUMS. EACH FATAL CRASH TYPICALLY COST TEN MILLION DOLLARS
16 IN MEDICAL CARE, WORK LOSS, HOUSEHOLD PRODUCTIVITY, INSURANCE
17 ADMINISTRATION, AND LEGAL COSTS.

18 (d) PEDESTRIAN CRASHES CAUSED SEVENTEEN BILLION SIX
19 HUNDRED MILLION DOLLARS IN ECONOMIC COSTS IN 2019, AND BICYCLIST
20 CRASHES CAUSED FIVE BILLION SIX HUNDRED MILLION DOLLARS IN
21 ECONOMIC COSTS. THE DEPARTMENT REPORTED THAT PEDESTRIAN
22 FATALITIES IN COLORADO HAD INCREASED BY SEVENTY-SEVEN PERCENT
23 BETWEEN 2018 AND 2023 AND BY ONE HUNDRED SIXTY-ONE PERCENT IN
24 THE LAST DECADE. BECAUSE PEDESTRIANS AND BICYCLISTS ARE MORE
25 VULNERABLE IN THE EVENT OF A CRASH, COLLISIONS CAN RESULT IN MORE
26 SEVERE INJURIES AND FREQUENT FATALITIES, WHICH RAISE INSURANCE
27 COSTS.

1 (e) THE INSURANCE COMPANY STATE FARM ESTIMATES THAT
2 BETWEEN 2020 AND 2021, OVER ONE MILLION ONE HUNDRED THOUSAND
3 INSURANCE CLAIMS RELATED TO COLLISIONS BETWEEN MOTOR VEHICLES
4 AND WILDLIFE WERE FILED IN THE UNITED STATES. THE NW INSURANCE
5 COUNCIL ESTIMATES THAT THE AVERAGE INSURANCE CLAIM FOR A
6 WILDLIFE COLLISION IS FOUR THOUSAND ONE HUNDRED THIRTY-FIVE
7 DOLLARS AND SIXTY-NINE CENTS. ACCORDING TO THE COLORADO
8 WILDLIFE AND TRANSPORTATION ALLIANCE, SIXTY-SIX MILLION THREE
9 HUNDRED THOUSAND DOLLARS IS SPENT ANNUALLY ON MEDICAL
10 EXPENSES RELATED TO LARGE WILDLIFE COLLISIONS.

11 (f) ACCORDINGLY, IT IS IN THE BEST INTEREST OF THE STATE AND
12 ALL COLORADANS TO REDUCE COLLISIONS THAT ARE COSTLY TO THE
13 STATE AND CONTRIBUTE TO RISING AUTO INSURANCE PREMIUMS.

14 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

15 (a) REDUCING THE NUMBER OF COLLISIONS BETWEEN MOTOR
16 VEHICLES, PARTICULARLY MOTOR VEHICLES THAT ENCLOSE OCCUPANTS,
17 AND UNENCLOSED VULNERABLE ROAD USERS AND WILDLIFE WOULD
18 REDUCE EXPENSIVE INSURANCE CLAIMS AND IMPROVE TRANSPORTATION
19 SAFETY;

20 (b) IN ADDITION TO CAUSING FATALITIES AND INJURIES TO
21 VULNERABLE ROAD USERS AND OCCUPANTS OF MOTOR VEHICLES, SUCH
22 COLLISIONS CAUSE SUBSTANTIAL ECONOMIC LOSSES, INCLUDING PROPERTY
23 DAMAGE AND DIRECT COSTS OF EMERGENCY RESPONSE AND MEDICAL
24 TREATMENT, AND OTHER ECONOMIC LOSSES SUCH AS MEDIUM-TERM,
25 LONG-TERM, AND PERMANENT IMPAIRMENT FROM INJURIES, LOST WORK
26 TIME, INCREASED AUTOMOBILE INSURANCE RATES FOR MOTOR VEHICLE
27 OWNERS, AND THE VALUE OF WILDLIFE STRUCK AND IMPACTS TO THE

1 HUNTING AND RECREATION ECONOMIES THAT WILDLIFE SUPPORTS;
2 (c) A NATIONAL COMPLETE STREETS COALITION ANALYSIS FOUND
3 THAT THE SAFER CONDITIONS CREATED BY A SELECTION OF COMPLETE
4 STREETS PROJECTS AVOIDED A TOTAL OF EIGHTEEN MILLION ONE HUNDRED
5 THOUSAND DOLLARS IN COLLISION AND INJURY COSTS IN ONE YEAR ALONE.
6 THE SAME COALITION FOUND THAT WHEN WEST JEFFERSON, NORTH
7 CAROLINA, INVESTED THREE HUNDRED THOUSAND DOLLARS IN A
8 COMPLETE STREETS PROJECT, IT SAVED MORE THAN TWO MILLION SEVEN
9 HUNDRED THOUSAND DOLLARS IN HEALTH-CARE COSTS IN THE FIRST YEAR
10 ALONE. SMART GROWTH AMERICA HAS ALSO ESTIMATED THAT EVERY
11 DOLLAR INVESTED INTO ACTIVE TRANSPORTATION SAVES TWENTY-FOUR
12 DOLLARS IN AVERTED MEDICAL COSTS.

13 (d) ACCORDINGLY, IT IS IN THE BEST INTEREST OF THE STATE AND
14 ALL COLORADANS TO GENERATE ADDITIONAL FUNDING FOR ELIGIBLE
15 PROJECTS, INCLUDING BOTH TARGETED TRANSPORTATION SYSTEM
16 INFRASTRUCTURE IMPROVEMENTS AND OTHER DATA-DRIVEN STRATEGIES
17 THAT WILL REDUCE THE NUMBER OF COLLISIONS BETWEEN MOTOR
18 VEHICLES AND VULNERABLE ROAD USERS.

19 (3) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

20 (a) THE DEPARTMENT MAINTAINS OVER TWENTY-THREE THOUSAND
21 MILES OF HIGHWAY, AND, DUE TO DAILY AND SEASONAL MOVEMENT OF
22 WILDLIFE, NEARLY FOUR THOUSAND MOTOR VEHICLE COLLISIONS
23 INVOLVING WILDLIFE IN THE STATE ARE ANNUALLY REPORTED TO LAW
24 ENFORCEMENT. THAT NUMBER IS LIKELY A SIGNIFICANT UNDERCOUNT, AS,
25 FOR EXAMPLE, THE DEPARTMENT ANNUALLY MOVES AN AVERAGE OF FIVE
26 THOUSAND NINE HUNDRED ANIMALS KILLED IN SUCH COLLISIONS OFF THE
27 ROADWAY.

1 (b) THE DIVISION OF PARKS AND WILDLIFE ESTIMATES THAT TWO
2 PERCENT OF COLORADO'S MULE DEER DOES ARE KILLED BY COLLISIONS
3 BETWEEN MOTOR VEHICLES AND WILDLIFE EVERY YEAR, BASED ON
4 COLLARED MULE DEER STUDIES, AND THIS IS EQUAL TO OR GREATER THAN
5 THE TOTAL NUMBER OF SUCH ANIMALS HARVESTED EACH YEAR THROUGH
6 HUNTING, WITHOUT THE ECONOMIC AND SOCIAL BENEFITS THAT HUNTING
7 PROVIDES;

8 (c) WILDLIFE CROSSING STRUCTURES BUILT WITHIN IMPORTANT
9 WILDLIFE CORRIDORS INCREASE PUBLIC SAFETY AND ARE HIGHLY
10 EFFECTIVE AT REDUCING WILDLIFE-VEHICLE COLLISIONS AND THE COSTS
11 ASSOCIATED WITH THOSE COLLISIONS. FOR EXAMPLE, THE 2016
12 COLORADO STATE HIGHWAY 9 MITIGATION PROJECT REDUCED COLLISIONS
13 BETWEEN MOTOR VEHICLES AND WILDLIFE BY NINETY-TWO PERCENT BY
14 FIVE YEARS AFTER ITS CONSTRUCTION.

15 (d) THERE ARE CURRENTLY SIXTY-FOUR SUCCESSFUL WILDLIFE
16 CROSSING PROJECTS ACROSS COLORADO. STILL, THE STATE, THROUGH THE
17 GOVERNOR'S OFFICE, THE DEPARTMENT, THE DEPARTMENT OF NATURAL
18 RESOURCES, AND OTHER ENTITIES, HAS IDENTIFIED MANY MORE PRIORITY
19 AREAS IN NEED OF MITIGATION MEASURES THAT LACK THE NECESSARY
20 FUNDING TO ADVANCE THROUGH DESIGN AND CONSTRUCTION.

21 (e) IN ADDITION TO CAUSING INJURIES AND FATALITIES TO
22 HUMANS, SUCH COLLISIONS ARE ESTIMATED TO COST AT LEAST EIGHTY
23 MILLION DOLLARS ANNUALLY IN THE STATE IN PROPERTY DAMAGE AND
24 DIRECT COSTS OF EMERGENCY RESPONSE AND MEDICAL TREATMENT, AND
25 THIS AMOUNT DOES NOT INCLUDE OTHER ECONOMIC LOSSES SUCH AS
26 MEDIUM-TERM, LONG-TERM, AND PERMANENT IMPAIRMENT FROM
27 INJURIES, LOST WORK TIME, INCREASED AUTOMOBILE INSURANCE RATES

1 FOR MOTOR VEHICLE OWNERS, OR IMPACTS ON THE HEALTH OF WILDLIFE
2 POPULATIONS; AND

3 (f) ACCORDINGLY, IT IS IN THE BEST INTEREST OF THE STATE AND
4 ALL COLORADANS TO GENERATE ADDITIONAL FUNDING FOR ELIGIBLE
5 PROJECTS, INCLUDING BOTH TARGETED TRANSPORTATION SYSTEM
6 INFRASTRUCTURE IMPROVEMENTS AND OTHER DATA-DRIVEN STRATEGIES
7 THAT WILL REDUCE THE NUMBER OF COLLISIONS BETWEEN MOTOR
8 VEHICLES AND WILDLIFE WHILE FACILITATING WILDLIFE MIGRATION AND
9 MOVEMENT.

10 (4) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

11 (a) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
12 THE STATE AND ALL COLORADANS TO REDUCE COLLISIONS AND IMPROVE
13 TRANSPORTATION SAFETY BY CREATING THE CRASH PREVENTION
14 ENTERPRISE AS A GOVERNMENT-OWNED BUSINESS WITHIN THE
15 DEPARTMENT AND AUTHORIZING THE ENTERPRISE TO IMPOSE FEES ON
16 EACH MOTOR VEHICLE, WITH SPECIFIED EXCLUSIONS, INSURED UNDER AN
17 AUTOMOBILE INSURANCE POLICY ISSUED IN THE STATE THAT ARE
18 REASONABLY CALCULATED BASED ON THE BENEFITS OF A SAFER
19 TRANSPORTATION SYSTEM THAT THE ENTERPRISE PROVIDES TO ALL FEE
20 PAYERS, INCLUDING THE SPECIFIC BENEFIT OF REDUCED AUTOMOBILE
21 INSURANCE RATES, AND USE THE FEE REVENUE IN FURTHERANCE OF ITS
22 BUSINESS PURPOSE OF PROVIDING FUNDING FOR TRANSPORTATION SYSTEM
23 INFRASTRUCTURE IMPROVEMENTS AND OTHER DATA-DRIVEN STRATEGIES
24 THAT REDUCE THE NUMBER OF COLLISIONS THAT INVOLVE MOTOR
25 VEHICLES AND VULNERABLE ROAD USERS OR WILDLIFE WHILE
26 FACILITATING WILDLIFE MIGRATION AND MOVEMENT;

27 (b) THE ENTERPRISE PROVIDES BENEFITS TO ALL FEE PAYERS

1 BECAUSE IT PROVIDES DEDICATED FUNDING FOR TRANSPORTATION SYSTEM
2 INFRASTRUCTURE IMPROVEMENTS AND DATA-DRIVEN STRATEGIES THAT
3 REDUCE THE NUMBER OF COLLISIONS BETWEEN MOTOR VEHICLES AND
4 VULNERABLE ROAD USERS OR WILDLIFE WHILE FACILITATING WILDLIFE
5 MIGRATION AND MOVEMENT, AND, THEREFORE, IT:

6 (I) MAKES IT LESS LIKELY THAT ANY GIVEN FEE PAYER'S MOTOR
7 VEHICLE WILL BE INVOLVED IN SUCH A COLLISION, WHICH:

8 (A) REDUCES THE RISKS THAT THE FEE PAYER OR OTHER
9 OPERATOR OF THE MOTOR VEHICLE OR A PASSENGER IN THE MOTOR
10 VEHICLE WILL BE KILLED OR INJURED OR THAT THE MOTOR VEHICLE OR
11 PROPERTY IN OR ATTACHED TO THE MOTOR VEHICLE WILL BE DAMAGED IN
12 SUCH A COLLISION;

13 (B) REDUCES THE RISKS THAT THE OWNER OR OPERATOR OF THE
14 MOTOR VEHICLE WILL BE LEGALLY LIABLE FOR THE DEATH OF OR INJURY
15 TO SUCH AN OPERATOR OR PASSENGER OR THE DEATH OF OR INJURY TO A
16 VULNERABLE ROAD USER OR FOR DAMAGE TO THEIR PROPERTY; AND

17 (C) REDUCES THE NUMBER OF INSURANCE CLAIMS, WHICH SHOULD,
18 IN TURN, LOWER THE COST OF MOTOR VEHICLE INSURANCE; AND

19 (II) MAKES IT LESS LIKELY THAT A VULNERABLE ROAD USER, WHO
20 IN MANY CASES IS ALSO A FEE PAYER, WILL BE KILLED OR SERIOUSLY
21 INJURED IN SUCH AN ACCIDENT;

22 (c) IN ADDITION TO THE DIRECT BENEFITS THAT IT PROVIDES TO FEE
23 PAYERS, THE ENTERPRISE ALSO PROVIDES IMPACT REMEDIATION SERVICES
24 WHEN, IN EXCHANGE FOR THE PAYMENT OF FEES THAT IT IMPOSES ON
25 AUTOMOBILE INSURANCE POLICIES, IT MAKES THE TRANSPORTATION
26 SYSTEM SAFER SPECIFICALLY FOR VULNERABLE ROAD USERS AND WILDLIFE
27 AND MORE GENERALLY FOR ALL ROAD USERS;

1 (d) AS STATED BY THE COLORADO COURT OF APPEALS IN *TABOR*
2 *FOUNDATION V. COLORADO BRIDGE ENTERPRISE*, 353 P.3D 896, 904 (COLO.
3 APP. 2014), "THE TERM 'BUSINESS' IS GENERALLY UNDERSTOOD TO MEAN
4 AN ACTIVITY THAT IS CONDUCTED IN THE PURSUIT OF BENEFIT, GAIN, OR
5 LIVELIHOOD. AN ENTITY THAT GENERATES REVENUE BY COLLECTING FEES
6 FROM SERVICE USERS IS A BUSINESS."

7 (e) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
8 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
9 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
10 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
11 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
12 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS
13 GENERATED BY FEES, NOT TAXES, BECAUSE THE FEES IMPOSED BY THE
14 ENTERPRISE ON THE POLICYHOLDER OF EACH AUTOMOBILE INSURANCE
15 POLICY ISSUED IN THE STATE AS AUTHORIZED BY SECTION 43-4-1603 ARE:

16 (I) IMPOSED FOR THE SPECIFIC PURPOSES OF PROVIDING DIRECT
17 AND INDIRECT BENEFITS TO FEE PAYERS AND ALLOWING THE ENTERPRISE
18 TO DEFRAY THE COSTS OF PROVIDING THE REMEDIATION SERVICES
19 SPECIFIED IN THIS SECTION, SPECIFICALLY THE FUNDING OF
20 TRANSPORTATION SYSTEM INFRASTRUCTURE IMPROVEMENTS AND OTHER
21 DATA-DRIVEN STRATEGIES THAT ARE DESIGNED TO MITIGATE THE HARM
22 TO VULNERABLE ROAD USERS AND REDUCE COLLISIONS WITH WILDLIFE
23 THAT ARE CAUSED BY THE OPERATION OF THE MOTOR VEHICLES INSURED
24 BY THE AUTOMOBILE INSURANCE POLICIES ON WHICH THE FEES ARE
25 ASSESSED, AND CONTRIBUTE TO THE IMPLEMENTATION OF THE
26 COMPREHENSIVE REGULATORY SCHEME REQUIRED FOR THE PLANNING,
27 FUNDING, DEVELOPMENT, CONSTRUCTION, MAINTENANCE, AND

1 SUPERVISION OF A SUSTAINABLE AND SAFE TRANSPORTATION SYSTEM;
2 AND

3 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED
4 BASED ON THE DIRECT AND INDIRECT BENEFITS PROVIDED TO AND IMPACTS
5 CAUSED BY FEE PAYERS AND THE COSTS OF PROVIDING THOSE BENEFITS
6 AND REMEDIATING THOSE IMPACTS; AND

7 (f) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR
8 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
9 REVENUE FROM THE FEES IMPOSED ON INSURERS THAT ISSUE AUTOMOBILE
10 INSURANCE POLICIES AND COLLECTED BY THE ENTERPRISE IS NOT STATE
11 FISCAL YEAR SPENDING, AS DEFINED IN SECTION 24-77-102 (17), OR STATE
12 REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c), AND DOES NOT
13 COUNT AGAINST EITHER THE STATE FISCAL YEAR SPENDING LIMIT IMPOSED
14 BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS
15 STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I).

16 **43-4-1602. Definitions.** AS USED IN THIS PART 16, UNLESS THE
17 CONTEXT OTHERWISE REQUIRES:

18 (1) "ALLIANCE" MEANS THE COLORADO WILDLIFE AND
19 TRANSPORTATION ALLIANCE ESTABLISHED IN 2018 AS A STATEWIDE
20 PARTNERSHIP THAT INCLUDES REPRESENTATIVES OF THE DEPARTMENT,
21 THE DIVISION OF PARKS AND WILDLIFE IN THE DEPARTMENT OF NATURAL
22 RESOURCES CREATED IN SECTION 33-9-104 (1), TRIBAL GOVERNMENTS,
23 FEDERAL AGENCIES, AND NONGOVERNMENTAL PARTNERS REPRESENTING
24 ACADEMIA, NONPROFIT ORGANIZATIONS, AND BIOLOGICAL AND
25 ENGINEERING PROFESSIONALS.

26 (2) "AUTOMOBILE INSURANCE POLICY" MEANS BOTH A "POLICY",
27 AS DEFINED IN SECTION 10-4-601 (10), AND ANY OTHER CONTRACT OF

1 INSURANCE ISSUED IN THE STATE THAT PROVIDES ONE OR MORE OF THE
2 SAME COVERAGES THAT A POLICY FOR A MOTOR VEHICLE, AS DEFINED IN
3 SECTION 10-4-601 (6), PROVIDES; EXCEPT THAT "AUTOMOBILE INSURANCE
4 POLICY" DOES NOT INCLUDE A POLICY OR OTHER CONTRACT OF INSURANCE
5 TO THE EXTENT THAT IT PROVIDES COVERAGE FOR A MOTOR VEHICLE THAT
6 WEIGHS TWENTY-SIX THOUSAND POUNDS OR MORE OR FOR A
7 MOTORCYCLE.

8 (3) "BOARD" MEANS THE GOVERNING BOARD OF THE ENTERPRISE.

9 (4) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION
10 CREATED IN SECTION 43-1-106.

11 (5) "DEPARTMENT" MEANS THE DEPARTMENT OF
12 TRANSPORTATION.

13 (6) "DIVISION" MEANS THE DIVISION OF INSURANCE IN THE
14 DEPARTMENT OF REGULATORY AGENCIES ESTABLISHED IN SECTION
15 10-1-103.

16 (7) "ELIGIBLE ENTITY" MEANS A COUNTY, A CITY AND COUNTY, A
17 MUNICIPALITY, A STATE OR FEDERALLY RECOGNIZED TRIBAL ENTITY, A
18 PUBLIC ENTITY OTHER THAN A PUBLIC ENTITY THAT IS PART OF THE STATE,
19 AS DEFINED IN SECTION 24-77-102 (16), OR A PRIVATE ENTITY THAT IS
20 SEEKING FUNDING FROM THE ENTERPRISE FOR AN ELIGIBLE PROJECT.

21 (8) "ELIGIBLE PROJECT" MEANS A PROJECT THAT IMPROVES
22 TRANSPORTATION SYSTEM INFRASTRUCTURE OR OTHERWISE IMPLEMENTS
23 DATA-DRIVEN STRATEGIES THAT REDUCE THE NUMBER OF COLLISIONS
24 BETWEEN MOTOR VEHICLES AND VULNERABLE ROAD USERS OR WILDLIFE.
25 ELIGIBLE PROJECTS INCLUDE:

26 (a) FOR THE PURPOSE OF REDUCING COLLISIONS BETWEEN MOTOR
27 VEHICLES AND VULNERABLE ROAD USERS:

- 1 (I) THE FOLLOWING PROJECT TYPES:
- 2 (A) WALKWAYS SUCH AS SIDEWALKS AND SHARED-USE PATHS;
- 3 (B) BICYCLE LANES, WITH A PREFERENCE FOR BICYCLE LANES
- 4 THAT WILL BE DEVELOPED, DESIGNED, AND DELIVERED IN ACCORDANCE
- 5 WITH GUIDELINES AND PROCESSES SET FORTH IN THE FEDERAL HIGHWAY
- 6 ADMINISTRATION'S BIKEWAY SELECTION GUIDE;
- 7 (C) MEDIANS AND PEDESTRIAN REFUGE ISLANDS;
- 8 (D) LIGHTING ALONG PEDESTRIAN AND BICYCLE FACILITIES,
- 9 INTERSECTIONS, AND CROSSINGS;
- 10 (E) CROSSING SAFETY FEATURES SUCH AS CROSSWALK VISIBILITY
- 11 ENHANCEMENTS, LEADING PEDESTRIAN INTERVALS, PEDESTRIAN HYBRID
- 12 BEACONS, AND RECTANGULAR RAPID FLASHING BEACONS;
- 13 (F) ROAD DIETS AND OTHER ROADWAY RECONFIGURATIONS THAT
- 14 IMPROVE SAFETY;
- 15 (G) TRAFFIC CIRCLES AND OTHER TRAFFIC CALMING OR SPEED
- 16 MANAGEMENT DEVICES;
- 17 (H) THE SYSTEMIC APPLICATION OF MULTIPLE LOW-COST
- 18 COUNTERMEASURES AT STOP-CONTROLLED INTERSECTIONS;
- 19 (I) THE IMPLEMENTATION OF APPROPRIATE SPEED LIMITS FOR ALL
- 20 ROAD USERS;
- 21 (J) SPEED SAFETY AND RED LIGHT CAMERAS;
- 22 (K) CORRIDOR ACCESS MANAGEMENT; ■
- 23 (L) LONGITUDINAL RUMBLE STRIPS AND STRIPES; AND
- 24 (M) TRAILS OR PATHS USED FOR EQUESTRIAN PURPOSES; AND
- 25 (II) OTHER VULNERABLE ROAD USER SAFETY PROJECTS PROPOSED
- 26 BY ELIGIBLE ENTITIES AND APPROVED BY THE BOARD; AND
- 27 (b) FOR THE PURPOSE OF REDUCING COLLISIONS BETWEEN MOTOR

1 VEHICLES AND WILDLIFE, THE FOLLOWING PROJECT TYPES:

2 (I) PROJECTS THAT PAY ALL OR A PORTION OF THE COSTS OF:

3 (A) PROJECT FEASIBILITY STUDIES FOR AND PLANNING, DESIGN,

4 CONSTRUCTION, RETROFITTING, AND MAINTENANCE OF WILDLIFE ROAD

5 CROSSING INFRASTRUCTURE;

6 (B) OVERPASSES AND UNDERPASSES;

7 (C) ROADKILL TRACKING AND STUDIES;

8 (D) ANIMAL DETECTION SYSTEMS;

9 (E) SIGNAGE;

10 (F) EXCLUSIONARY FENCING;

11 (G) WILDLIFE JUMP OUTS;

12 (H) WILDLIFE GUARDS OR OTHER ASSOCIATED INFRASTRUCTURE;

13 AND

14 (I) SUPPORT OF PRIVATE LAND CONSERVATION OR HABITAT

15 CONNECTIVITY ENHANCEMENT EFFORTS; AND

16 (II) THE PROVISION OF STATE MATCHING MONEY REQUIRED BY

17 FEDERAL GRANT PROGRAMS RELATING TO WILDLIFE CROSSING PROJECTS.

18 (9) "ENTERPRISE" MEANS THE CRASH PREVENTION ENTERPRISE

19 CREATED IN SECTION 43-4-1603 (1)(a).

20 (10) "FEDERAL HIGHWAY ADMINISTRATION-MANDATED

21 VULNERABLE ROAD USER ASSESSMENT" MEANS THE VULNERABLE ROAD

22 USER SAFETY ASSESSMENT REQUIRED TO BE PREPARED AND PERIODICALLY

23 UPDATED BY THE DEPARTMENT AS PART OF THE HIGHWAY SAFETY

24 IMPROVEMENT PROGRAM PURSUANT TO 23 U.S.C. SEC. 148 (I).

25 (11) "FEE" MEANS THE CRASH PREVENTION FEE IMPOSED BY THE

26 ENTERPRISE PURSUANT TO SECTION 43-4-1603 (7).

27 (12) "FUND" MEANS THE CRASH PREVENTION ENTERPRISE FUND

1 CREATED IN SECTION 43-4-1603 (5)(a).

2 (13) "VULNERABLE ROAD USER" MEANS AN INDIVIDUAL WHO IS
3 UNPROTECTED BY AN OUTSIDE SHIELD WHEN USING A ROAD INCLUDING,
4 BUT NOT LIMITED TO, A PEDESTRIAN, A BICYCLIST, OR AN INDIVIDUAL
5 USING ANY OTHER NONMOTORIZED OR MOTORIZED PERSONAL
6 CONVEYANCE THAT DOES NOT ENCLOSE THE INDIVIDUAL.

7 (14) "WILDLIFE" HAS THE SAME MEANING AS SET FORTH IN
8 SECTION 33-1-102 (51).

9 **43-4-1603. Crash prevention enterprise - creation - board -**
10 **powers and duties - rules - fees - fund - definition.** (1) (a) THE CRASH
11 PREVENTION ENTERPRISE IS CREATED IN THE DEPARTMENT. THE
12 ENTERPRISE IS AND OPERATES AS A GOVERNMENT-OWNED BUSINESS
13 WITHIN THE DEPARTMENT IN ORDER TO EXECUTE ITS BUSINESS PURPOSE AS
14 SPECIFIED IN SUBSECTION (3) OF THIS SECTION BY EXERCISING THE POWERS
15 AND PERFORMING THE DUTIES AND FUNCTIONS SET FORTH IN THIS SECTION.

16 (b) THE ENTERPRISE IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION
17 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND
18 FUNCTIONS UNDER THE DEPARTMENT.

19 (2) THE COMMISSION SHALL SERVE AS THE BOARD.

20 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO PROVIDE
21 FUNDING FOR TRANSPORTATION SYSTEM INFRASTRUCTURE IMPROVEMENTS
22 OR OTHER DATA-DRIVEN IMPROVEMENTS THAT REDUCE THE NUMBER OF
23 COLLISIONS BETWEEN MOTOR VEHICLES AND VULNERABLE ROAD USERS
24 AND WILDLIFE. TO ALLOW THE ENTERPRISE TO ACCOMPLISH THIS PURPOSE
25 AND FULLY EXERCISE ITS POWERS AND DUTIES THROUGH THE BOARD, THE
26 ENTERPRISE MAY:

27 (a) IMPOSE THE FEE ON THE POLICYHOLDER OF EACH AUTOMOBILE

1 INSURANCE POLICY ISSUED IN THE STATE FOR EACH VEHICLE INSURED
2 UNDER THE AUTOMOBILE INSURANCE POLICY AS AUTHORIZED BY
3 SUBSECTION (7) OF THIS SECTION;

4 (b) ISSUE GRANTS AND DIRECTLY FUND ELIGIBLE PROJECTS AS
5 AUTHORIZED BY SUBSECTION (8) OF THIS SECTION; ■

6 (c) AS AGREED UPON BY THE ENTERPRISE AND THE COMMISSION,
7 OR THE DEPARTMENT TO THE EXTENT AUTHORIZED BY THE COMMISSION,
8 DIRECTLY FINANCE THE CONSTRUCTION, RECONSTRUCTION,
9 REPLACEMENT, OR MAINTENANCE OF ELIGIBLE PROJECTS PURSUANT TO
10 SUBSECTION (8)(a)(II) OF THIS SECTION; AND

11 (d) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUE AND
12 OTHER AVAILABLE MONEY OF THE ENTERPRISE.

13 (4) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
14 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
15 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
16 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL
17 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT
18 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (4), THE
19 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE
20 CONSTITUTION.

21 (5) (a) THE CRASH PREVENTION ENTERPRISE FUND IS CREATED IN
22 THE STATE TREASURY. THE FUND CONSISTS OF FEE REVENUE CREDITED TO
23 THE FUND PURSUANT TO SUBSECTION (7) OF THIS SECTION, ANY MONETARY
24 GIFTS, GRANTS, DONATIONS, OR OTHER PAYMENTS RECEIVED BY THE
25 ENTERPRISE, ANY FEDERAL MONEY THAT MAY BE CREDITED TO THE FUND,
26 AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE
27 OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL

1 INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF
2 MONEY IN THE FUND TO THE FUND. MONEY IN THE FUND IS CONTINUOUSLY
3 APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS
4 PART 16 AND TO PAY THE ENTERPRISE'S REASONABLE AND NECESSARY
5 OPERATING EXPENSES, INCLUDING THE REPAYMENT OF ANY LOAN
6 RECEIVED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION.

7 (b) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY
8 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING
9 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE
10 REVENUE OR REVENUE BOND PROCEEDS. THE ENTERPRISE MAY ACCEPT
11 AND EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY
12 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE
13 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY
14 CONCLUSION, AND SUCH A TRANSFER IS A LOAN FROM THE DEPARTMENT
15 TO THE ENTERPRISE THAT IS REQUIRED TO BE REPAID. ALL MONEY
16 TRANSFERRED AS A LOAN TO THE ENTERPRISE MUST BE CREDITED TO THE
17 FUND. LOAN LIABILITIES THAT ARE RECORDED IN THE FUND BUT THAT ARE
18 NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR SHALL NOT BE
19 CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND BALANCE
20 FOR PURPOSES OF SECTION 24-75-109. AS THE ENTERPRISE RECEIVES
21 SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE ENTERPRISE SHALL
22 REIMBURSE THE DEPARTMENT FOR THE PRINCIPAL AMOUNT OF ANY LOAN
23 MADE BY THE DEPARTMENT PLUS INTEREST AT A RATE SET BY THE
24 DEPARTMENT.

25 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
26 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND
27 DUTIES:

1 (a) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND
2 THE CONDUCT OF ITS BUSINESS;

3 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND
4 PERSONAL PROPERTY;

5 (c) IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE
6 DEPARTMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, TO ENGAGE
7 WITH PROFESSIONAL CONSULTANTS, CONTRACTORS, OR STATE EMPLOYEES
8 AS MAY BE NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS BUSINESS
9 PURPOSE;

10 (d) (I) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY,
11 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
12 GENERAL'S OFFICE, FOR:

13 (A) PROFESSIONAL AND TECHNICAL ASSISTANCE;

14 (B) OFFICE SPACE AND ADMINISTRATIVE SERVICES, FOR WHICH THE
15 ENTERPRISE SHALL PAY FAIR MARKET VALUE;

16 (C) ADVICE; AND

17 (D) OTHER SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS
18 OF THE ENTERPRISE.

19 (II) THE BOARD SHALL GENERALLY AVOID USING SOLE-SOURCE
20 CONTRACTS.

21 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, DONATIONS, OR
22 OTHER PAYMENTS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES
23 OF THIS PART 16 SO LONG AS THE TOTAL AMOUNT OF ALL GRANTS FROM
24 COLORADO STATE AND LOCAL GOVERNMENTS RECEIVED IN ANY STATE
25 FISCAL YEAR IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S TOTAL
26 ANNUAL REVENUE FOR THE STATE FISCAL YEAR. THE ENTERPRISE SHALL
27 TRANSMIT ANY MONEY RECEIVED THROUGH GIFTS, GRANTS, DONATIONS,

1 OR OTHER PAYMENTS TO THE STATE TREASURER, WHO SHALL CREDIT THE
2 MONEY TO THE FUND.

3 (f) TO ESTABLISH AND PUBLISH THE PROCESSES BY WHICH THE
4 ENTERPRISE ACCEPTS GRANT APPLICATIONS AND CRITERIA FOR
5 EVALUATING APPLICATIONS AND TO PUBLISH A LIST OF ELIGIBLE ENTITIES
6 AWARDED GRANTS PURSUANT TO SUBSECTION (8) OF THIS SECTION. THE
7 ENTERPRISE SHALL ISSUE GRANTS ON A COMPETITIVE BASIS BASED ON
8 SUCH PROCESSES AND CRITERIA IN ADVANCE OF ANY DEADLINES FOR THE
9 SUBMISSION OF GRANT APPLICATIONS.

10 (g) TO ADOPT RULES FOR THE PURPOSES OF SETTING THE AMOUNT
11 OF THE FEE AT OR BELOW THE MAXIMUM AMOUNTS AUTHORIZED IN
12 SUBSECTION (7) OF THIS SECTION AND ESTABLISHING THE PROCESS BY
13 WHICH THE GRANT PROGRAM DESCRIBED IN SUBSECTION (8) OF THIS
14 SECTION WILL OPERATE;

15 (h) GIVING CONSIDERATION TO THE SUCCESSFUL STATEWIDE
16 GOVERNMENT, NONPROFIT, AND PRIVATE SECTOR PARTNERSHIP MODEL OF
17 THE ALLIANCE, TO ESTABLISH AND CONVENE ONE OR MORE ADVISORY
18 COMMITTEES, TO ADVISE THE ENTERPRISE REGARDING THE CRITERIA AND
19 PROCESS FOR SELECTING AND THE SELECTION OF ELIGIBLE PROJECTS FOR
20 GRANT FUNDING OR IMPLEMENTATION BY THE DEPARTMENT AND SUCH
21 OTHER MATTERS AS THE BOARD DEEMS NECESSARY; AND

22 (i) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
23 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
24 GRANTED BY THIS SECTION.

25 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING
26 JULY 1, 2026, THE ENTERPRISE SHALL IMPOSE A CRASH PREVENTION FEE
27 ON THE POLICYHOLDER OF EACH AUTOMOBILE INSURANCE POLICY ISSUED

1 IN THE STATE FOR EACH VEHICLE INSURED UNDER AN AUTOMOBILE
2 INSURANCE POLICY. THE FEE IS FULLY EARNED AND DUE UPON ISSUANCE
3 OF AN AUTOMOBILE INSURANCE POLICY.

4 (b) THE ENTERPRISE SHALL IMPOSE THE FEE, WHICH THE
5 POLICYHOLDER OF EACH AUTOMOBILE INSURANCE POLICY ISSUED IN THE
6 STATE SHALL PAY TO THE INSURER THAT ISSUED THE AUTOMOBILE
7 INSURANCE POLICY AND WHICH THE INSURER SHALL COLLECT AND
8 FORWARD TO THE ENTERPRISE IN THE MANNER SPECIFIED IN SUBSECTION
9 (7)(e) OF THIS SECTION, IN AN AMOUNT UP TO ■ ■ THREE DOLLARS PER
10 INSURED VEHICLE PER YEAR. THE ISSUER OF AN AUTOMOBILE INSURANCE
11 POLICY THAT IS ISSUED FOR A SIX-MONTH POLICY TERM SHALL COLLECT
12 ONE DOLLAR AND FIFTY CENTS PER VEHICLE INSURED UNDER THE POLICY
13 FOR EACH SIX-MONTH POLICY TERM.

14 (c) NO LATER THAN MARCH 15, 2026, THE ENTERPRISE, DIRECTLY
15 OR IN COLLABORATION WITH AND THROUGH THE DIVISION, SHALL PUBLISH
16 AND PROVIDE NOTICE TO EACH INSURER THAT ISSUES AN AUTOMOBILE
17 INSURANCE POLICY IN THE STATE OF THE AMOUNT OF THE FEE TO BE
18 COLLECTED BEGINNING JULY 1, 2026. THEREAFTER, IF THE ENTERPRISE
19 ADJUSTS THE FEE TO A LOWER AMOUNT PURSUANT TO SUBSECTION (1)(d)
20 OF THIS SECTION OR OTHERWISE ADJUSTS THE AMOUNT OF THE FEE AT OR
21 BELOW THE MAXIMUM FEE LIMIT SET FORTH IN SUBSECTION (7)(b) OF THIS
22 SECTION, THE ENTERPRISE, DIRECTLY OR IN COLLABORATION WITH AND
23 THROUGH THE DIVISION, SHALL PUBLISH AND PROVIDE NOTICE TO EACH
24 INSURER THAT ISSUES AN AUTOMOBILE INSURANCE POLICY IN THE STATE
25 OF THE AMOUNT OF THE ADJUSTED FEE TO BE COLLECTED NO LATER THAN
26 FOUR MONTHS BEFORE THE DATE ON WHICH THE ADJUSTED FEE TAKES
27 EFFECT.

1 (d) NOTWITHSTANDING THE MAXIMUM FEE AMOUNT █ SPECIFIED
2 IN SUBSECTION (7)(b) OF THIS SECTION, IF IMPOSING THE FEE IN THAT
3 MAXIMUM AMOUNT WOULD CAUSE THE ENTERPRISE TO RECEIVE MORE
4 THAN ONE HUNDRED MILLION DOLLARS IN TOTAL FEE REVENUE IN ITS FIRST
5 FIVE FISCAL YEARS, THE ENTERPRISE SHALL IMPOSE THE FEE IN A LOWER
6 AMOUNT TO THE EXTENT NECESSARY TO ENSURE THAT THE ENTERPRISE
7 DOES NOT RECEIVE MORE THAN ONE HUNDRED MILLION DOLLARS IN TOTAL
8 REVENUE FROM THE FEE IN ITS FIRST FIVE FISCAL YEARS.

9 (e) (I) EACH INSURER THAT ISSUES AN AUTOMOBILE INSURANCE
10 POLICY IN THIS STATE ON OR AFTER JANUARY 1, 2026, IS LIABLE FOR THE
11 COLLECTION FROM ITS AUTOMOBILE INSURANCE POLICYHOLDERS AND
12 PAYMENT TO THE ENTERPRISE OF THE FEE IMPOSED ON THE POLICY AS
13 SPECIFIED IN THIS SUBSECTION (7)(e). THE ENTERPRISE SHALL PROMPTLY,
14 AND NO LESS OFTEN THAN MONTHLY, TRANSMIT ALL FEE REVENUE
15 RECEIVED TO THE STATE TREASURER, WHO SHALL CREDIT IT TO THE FUND.

16 (II) EACH INSURER THAT IS REQUIRED TO COLLECT THE FEE FROM
17 ITS POLICYHOLDERS AND PAY THE FEE TO THE ENTERPRISE SHALL LIST THE
18 FEE AS AN ITEMIZED CHARGE ON ITS AUTOMOBILE INSURANCE POLICY
19 BILLING STATEMENTS AND SHALL NOT INCORPORATE THE FEE INTO ITS
20 PREMIUMS. FOR EACH AUTOMOBILE INSURANCE POLICY FOR WHICH THE
21 PREMIUM IS PAID IN FULL IN ADVANCE BY THE POLICYHOLDER, THE
22 INSURER MAY COLLECT THE FEE WHEN THE POLICYHOLDER PAYS THE
23 PREMIUM AND FORWARD THE FEE TO THE ENTERPRISE NO LATER THAN THE
24 LAST DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH THE FEE IS
25 COLLECTED. FOR EACH AUTOMOBILE INSURANCE POLICY THAT IS PAID IN
26 INSTALLMENTS BY THE POLICYHOLDER, THE INSURER MAY COLLECT THE
27 FEE ON A PRORATED BASIS WHEN THE POLICYHOLDER PAYS EACH

1 INSTALLMENT AND FORWARD EACH PORTION OF THE FEE TO THE
2 ENTERPRISE NO LATER THAN THE LAST DAY OF THE MONTH FOLLOWING
3 THE MONTH IN WHICH THE PORTION OF THE FEE IS COLLECTED.

4 (III) ON OR BEFORE DECEMBER 31, 2027, AND ON OR BEFORE
5 DECEMBER 31 OF EACH YEAR THEREAFTER, THE ENTERPRISE SHALL
6 COMPARE ITS RECORDS OF INSURERS WHO PAID THE FEE DURING THE MOST
7 RECENTLY ENDED STATE FISCAL YEAR WITH A LIST COMPILED BY THE
8 DIVISION OF THOSE INSURERS THAT ISSUED AUTOMOBILE INSURANCE
9 POLICIES IN THIS STATE DURING THAT STATE FISCAL YEAR AND SHALL
10 NOTIFY THE DIVISION IF ANY INSURER HAS FAILED TO COLLECT THE FEE
11 FROM ITS AUTOMOBILE INSURANCE POLICYHOLDERS AND PAY THE FEE TO
12 THE ENTERPRISE. UPON RECEIVING NOTICE OF AN INSURER'S FAILURE TO
13 COLLECT AND PAY THE FEE, THE DIVISION SHALL NOTIFY THE INSURER OF
14 THE FEE REQUIREMENT, AND, IF THE INSURER FAILS TO PAY THE FEE WITHIN
15 FIFTEEN DAYS AFTER RECEIVING THE NOTICE, THE DIVISION MAY, AFTER
16 NOTICE AND HEARING, IMPOSE A CIVIL PENALTY OF NOT MORE THAN ONE
17 HUNDRED TWENTY PERCENT OF THE AMOUNT DUE. THE INSURER SHALL
18 PAY ANY CIVIL PENALTY IMPOSED TO THE DIVISION, WHICH SHALL
19 TRANSFER THE AMOUNT RECEIVED TO THE STATE TREASURER, WHO SHALL
20 CREDIT IT TO THE GENERAL FUND.

21 (IV) THE FEE IS NOT A PREMIUM FOR ANY PURPOSE, INCLUDING THE
22 COMPUTATION OF THE GROSS PREMIUM TAX DESCRIBED IN SECTION
23 10-3-209 OR THE PRODUCER'S COMMISSION.

24 (8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, ON AND AFTER
25 JULY 1, 2026, THE ENTERPRISE IS AUTHORIZED TO EXPEND MONEY FROM
26 THE FUND AS FOLLOWS:

27 (I) THE ENTERPRISE MAY EXPEND UP TO SEVENTY PERCENT OF THE

1 MONEY IN THE FUND TO PROVIDE GRANTS TO ELIGIBLE ENTITIES FOR
2 ELIGIBLE PROJECTS THAT REDUCE COLLISIONS BETWEEN MOTOR VEHICLES
3 AND VULNERABLE ROAD USERS IN ORDER TO LOWER AUTOMOBILE
4 INSURANCE POLICY COSTS, INCLUDING PAYMENT OF ADMINISTRATIVE AND
5 PERSONNEL EXPENSES RELATED TO THE ENTERPRISE'S ADMINISTRATION
6 AND OVERSIGHT OF SUCH GRANTS; AND

7 (II) THE ENTERPRISE MAY EXPEND UP TO THIRTY PERCENT OF THE
8 MONEY IN THE FUND TO FINANCE, CONSTRUCT, RECONSTRUCT, REPAIR, OR
9 REPLACE ELIGIBLE PROJECTS THAT REDUCE WILDLIFE COLLISIONS WHILE
10 FACILITATING WILDLIFE MIGRATION AND MOVEMENT, INCLUDING FOR
11 PAYMENT OF ADMINISTRATIVE AND PERSONNEL EXPENSES AND, IF AGREED
12 UPON WITH THE COMMISSION OR DEPARTMENT AS AUTHORIZED BY
13 SUBSECTION (3)(c) OF THIS SECTION, EXPENSES RELATED TO THE
14 ENTERPRISE'S ADMINISTRATION, OVERSIGHT, CONSTRUCTION, AND
15 MAINTENANCE OF SUCH ELIGIBLE PROJECTS, IN ORDER TO LOWER
16 AUTOMOBILE INSURANCE POLICY COSTS.

17 (b) WHEN EVALUATING GRANT APPLICATIONS FOR GRANTS
18 AUTHORIZED BY THIS SECTION, THE ENTERPRISE BOARD SHALL
19 CONSIDER AND GIVE PRIORITY TO PROJECTS:

20 (I) THAT ARE EXPECTED TO REDUCE COLLISIONS, IMPROVE SAFETY,
21 AND REDUCE AUTOMOBILE INSURANCE POLICY COSTS MORE RELATIVE TO
22 THEIR COST THAN OTHER PROJECTS FOR WHICH APPLICATIONS HAVE BEEN
23 SUBMITTED;

24 (II) THAT WILL BE COMPLETED ON OR NEAR A HIGH-INJURY OR
25 HIGH-RISK NETWORK, INCLUDING A HIGH-RISK OR HIGH-INJURY NETWORK
26 THAT HAS BEEN IDENTIFIED BY THE DEPARTMENT OR BY A METROPOLITAN
27 PLANNING ORGANIZATION OR LOCAL JURISDICTION, OR THAT PROVIDES

1 ALTERNATIVE ROUTES FOR PEOPLE TRAVELING BY A MEANS OTHER THAN
2 BY A MOTOR VEHICLE THAT ENCLOSURES THEM; AND

3 (III) FOR WHICH GRANT FUNDING WILL SUPPLEMENT AND NOT
4 SUPPLANT LOCAL FUNDING FOR RELATED PROJECTS IDENTIFIED BY THE
5 ALLIANCE IN COORDINATION WITH THE DIVISION OF PARKS AND WILDLIFE
6 IN THE DEPARTMENT OF NATURAL RESOURCES CREATED IN SECTION
7 33-9-104 (1), THE DEPARTMENT, TRIBAL GOVERNMENTS, AND LOCAL
8 GOVERNMENTS AS A PRIORITY FOR REDUCING WILDLIFE-VEHICLE
9 COLLISIONS AND IMPROVING WILDLIFE MIGRATION AND MOVEMENT.

10 (c) WHEN AWARDING GRANTS AS AUTHORIZED BY SUBSECTION
11 (8)(a)(I) OF THIS SECTION, THE ENTERPRISE SHALL, TO THE EXTENT
12 FEASIBLE, TAKE INTO CONSIDERATION THE SOURCES OF ITS FEE REVENUE
13 AND SEEK, OVER TIME, TO AWARD GRANTS SO THAT THE TOTAL AMOUNT
14 OF GRANTS AWARDED TO ELIGIBLE ENTITIES IN DIFFERENT REGIONS OF THE
15 STATE IS REASONABLY PROPORTIONAL TO THE AMOUNT OF FEE REVENUE
16 COLLECTED FROM EACH REGION. GRANTS [REDACTED] MAY BE USED AS
17 MATCHING MONEY FOR FEDERAL FUNDS OR IN COMBINATION WITH OTHER
18 STATE SOURCES OF TRANSPORTATION INFRASTRUCTURE FUNDING IN
19 ACCORDANCE WITH ANY APPLICABLE REQUIREMENTS FOR THE USE OF
20 SUCH FEDERAL FUNDS OR OTHER STATE SOURCES OF FUNDING.

21 (d) THE ENTERPRISE SHALL REDUCE OVERSIGHT REQUIREMENTS
22 FOR STATE OFF-SYSTEM ELIGIBLE PROJECTS THAT ARE PARTIALLY OR
23 FULLY FUNDED BY THE ENTERPRISE IF NO FEDERAL FUNDS ARE INVOLVED
24 IN THE ELIGIBLE PROJECT AND THE DEPARTMENT DETERMINES THAT
25 FEDERAL REQUIREMENTS DO NOT APPLY.

26 (9) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE
27 ENTERPRISE SHALL:

1 (I) NO LATER THAN JUNE 1, 2026, PUBLISH AND POST ON ITS
2 WEBSITE A TEN-YEAR PLAN THAT DETAILS HOW THE ENTERPRISE WILL
3 EXECUTE ITS BUSINESS PURPOSE DURING STATE FISCAL YEARS 2026-27
4 THROUGH 2035-36 AND ESTIMATES THE AMOUNT OF FUNDING THAT WILL
5 BE AVAILABLE TO IMPLEMENT THE PLAN;

6 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE
7 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,
8 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE
9 IMPLEMENTATION OF ITS TEN-YEAR PLAN, THE FUNDING STATUS AND
10 PROGRESS TOWARD COMPLETION OF EACH ELIGIBLE PROJECT THAT IT
11 WHOLLY OR PARTLY FUNDS, AND ITS PER PROJECT AND TOTAL FUNDING
12 AND EXPENDITURES;

13 (III) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND
14 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION
15 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE
16 TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT AND ENERGY AND
17 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
18 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
19 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL
20 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN
21 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
22 REQUIRED IN THIS SUBSECTION (9)(a)(III) TO THE SPECIFIED LEGISLATIVE
23 COMMITTEES CONTINUES INDEFINITELY; AND

24 (IV) IN ADDITION TO THE ANNUAL REPORT REQUIRED BY
25 SUBSECTION (9)(a)(III) OF THIS SECTION, NO LATER THAN JANUARY 31,
26 2031, THE ENTERPRISE SHALL PRESENT A REPORT TO THE
27 TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT AND ENERGY AND

1 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
2 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
3 SUCCESSOR COMMITTEES, THAT INCLUDES ANY RECOMMENDATIONS THAT
4 THE ENTERPRISE MAY HAVE FOR STATUTORY POLICY CHANGES WITH
5 RESPECT TO THE IMPOSITION OF THE CRASH PREVENTION FEE AND THE
6 FUNDING OF ELIGIBLE PROJECTS PURSUANT TO THIS PART 16. THE REPORT
7 SHALL INCLUDE, AT A MINIMUM:

8 (A) AN ASSESSMENT AS TO WHETHER THE DEFINITION OF
9 "VULNERABLE ROAD USER" USED FOR PURPOSES OF THIS PART 16 REMAINS
10 APPROPRIATE;

11 (B) AN ASSESSMENT AS TO WHETHER THE CRASH PREVENTION FEE
12 CONTINUES TO BE IMPOSED ON THE CORRECT TYPES OF MOTOR VEHICLES;
13 AND

14 (C) A CUMULATIVE ACCOUNTING OF THE ENTERPRISE'S REVENUE;
15 GRANTS APPLIED FOR, INCLUDING THE AMOUNT REQUESTED FOR EACH
16 GRANT; GRANTS AWARDED, INCLUDING THE AMOUNT OF EACH GRANTS;
17 AND PROJECTS FUNDED AND COMPLETED BETWEEN JULY 1, 2026, AND
18 JUNE 30, 2030.

19 (b) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS
20 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", CONTAINED IN
21 PART 4 OF ARTICLE 6 OF TITLE 24, AND THE "COLORADO OPEN RECORDS
22 ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

23 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
24 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
25 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
26 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION
27 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS

1 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS
2 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
3 LOCAL GOVERNMENTS COMBINED.

4 (d) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF PART 2
5 OF ARTICLE 57 OF TITLE 11.

6 **SECTION 2.** In Colorado Revised Statutes, **add** 10-4-644 as
7 follows:

8 **10-4-644. Enforcement of crash prevention enterprise fees.**

9 UPON RECEIVING NOTICE OF AN INSURER'S FAILURE TO COLLECT FROM
10 THE POLICYHOLDERS OF EACH AUTOMOBILE INSURANCE POLICY, AS
11 DEFINED IN SECTION 43-4-1602 (2), AND PAY TO THE CRASH PREVENTION
12 ENTERPRISE THE CRASH PREVENTION ENTERPRISE FEE IMPOSED BY THE
13 CRASH PREVENTION ENTERPRISE PURSUANT TO SECTION 43-4-1603 (7)(e),
14 THE DIVISION SHALL NOTIFY THE INSURER OF THE FEE REQUIREMENT, AND,
15 IF THE INSURER FAILS TO PAY THE FEE WITHIN FIFTEEN DAYS AFTER
16 RECEIVING THE NOTICE, THE DIVISION MAY INSTITUTE AN ENFORCEMENT
17 PROCEEDING AND SEEK CIVIL PENALTIES AS PROVIDED FOR BY SECTION
18 43-4-1603 (7)(e)(III).

19 **SECTION 3.** In Colorado Revised Statutes, 43-4-206, **amend** (3)
20 introductory portion as follows:

21 **43-4-206. State allocation.** (3) The revenue allocated to the state
22 highway fund pursuant to section 43-4-205 ~~(6)(b)(I) and~~ (6.3) must be
23 expended by the department of transportation only for road safety
24 projects, as defined in section 43-4-803 (21); except that the department
25 shall, in furtherance of its duty to supervise state highways and as a
26 consequence in compliance with section 43-4-810:

27 **SECTION 4. Safety clause.** The general assembly finds,

1 determines, and declares that this act is necessary for the immediate
2 preservation of the public peace, health, or safety or for appropriations for
3 the support and maintenance of the departments of the state and state
4 institutions.