

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0897.01 Jason Gelender x4330

**HOUSE BILL 25-1303**

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**HOUSE SPONSORSHIP**

**Boesenecker and Lukens,**

**SENATE SPONSORSHIP**

**Roberts and Winter F.,**

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**House Committees**

Transportation, Housing & Local Government  
Finance

**Senate Committees**

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**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.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

**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.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 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 AUTOMOBILE INSURANCE POLICIES ISSUED IN THE STATE THAT ARE  
17 REASONABLY CALCULATED BASED ON THE BENEFITS OF A SAFER  
18 TRANSPORTATION SYSTEM THAT THE ENTERPRISE PROVIDES TO ALL FEE  
19 PAYERS, INCLUDING THE SPECIFIC BENEFIT OF REDUCED AUTOMOBILE  
20 INSURANCE RATES, AND USE THE FEE REVENUE IN FURTHERANCE OF ITS  
21 BUSINESS PURPOSE OF PROVIDING FUNDING FOR TRANSPORTATION SYSTEM  
22 INFRASTRUCTURE IMPROVEMENTS AND OTHER DATA-DRIVEN STRATEGIES  
23 THAT REDUCE THE NUMBER OF COLLISIONS THAT INVOLVE MOTOR  
24 VEHICLES AND VULNERABLE ROAD USERS OR WILDLIFE WHILE  
25 FACILITATING WILDLIFE MIGRATION AND MOVEMENT;

26 (b) THE ENTERPRISE PROVIDES BENEFITS TO ALL FEE PAYERS  
27 BECAUSE IT PROVIDES DEDICATED FUNDING FOR TRANSPORTATION SYSTEM

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

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

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

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

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

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

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

27            (d) AS STATED BY THE COLORADO COURT OF APPEALS IN *TABOR*



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

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

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

1 AND

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

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

15 **43-4-1602. Definitions.** AS USED IN THIS PART 16, UNLESS THE  
16 CONTEXT OTHERWISE REQUIRES:

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

25 (2) "AUTOMOBILE INSURANCE POLICY" MEANS BOTH A "POLICY",  
26 AS DEFINED IN SECTION 10-4-601 (10), AND ANY OTHER CONTRACT OF  
27 INSURANCE ISSUED IN THE STATE THAT PROVIDES ONE OR MORE OF THE

1 SAME COVERAGES THAT A POLICY FOR A MOTOR VEHICLE, AS DEFINED IN  
2 SECTION 10-4-601 (6), PROVIDES; EXCEPT THAT "AUTOMOBILE INSURANCE  
3 POLICY" DOES NOT INCLUDE A POLICY OR OTHER CONTRACT OF INSURANCE  
4 THAT PROVIDES COVERAGE FOR A MOTORCYCLE.

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

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

8 (5) "DEPARTMENT" MEANS THE DEPARTMENT OF  
9 TRANSPORTATION.

10 (6) "DIVISION" MEANS THE DIVISION OF INSURANCE IN THE  
11 DEPARTMENT OF REGULATORY AGENCIES ESTABLISHED IN SECTION  
12 10-1-103.

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

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

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

25 (I) THE FOLLOWING PROJECT TYPES:

26 (A) WALKWAYS SUCH AS SIDEWALKS AND SHARED-USE PATHS;

27 (B) BICYCLE LANES, WITH A PREFERENCE FOR BICYCLE LANES

1 THAT WILL BE DEVELOPED, DESIGNED, AND DELIVERED IN ACCORDANCE  
2 WITH GUIDELINES AND PROCESSES SET FORTH IN THE FEDERAL HIGHWAY  
3 ADMINISTRATION'S BIKEWAY SELECTION GUIDE;

4 (C) MEDIANS AND PEDESTRIAN REFUGE ISLANDS;

5 (D) LIGHTING ALONG PEDESTRIAN AND BICYCLE FACILITIES,  
6 INTERSECTIONS, AND CROSSINGS;

7 (E) CROSSING SAFETY FEATURES SUCH AS CROSSWALK VISIBILITY  
8 ENHANCEMENTS, LEADING PEDESTRIAN INTERVALS, PEDESTRIAN HYBRID  
9 BEACONS, AND RECTANGULAR RAPID FLASHING BEACONS;

10 (F) ROAD DIETS AND OTHER ROADWAY RECONFIGURATIONS THAT  
11 IMPROVE SAFETY;

12 (G) TRAFFIC CIRCLES AND OTHER TRAFFIC CALMING OR SPEED  
13 MANAGEMENT DEVICES;

14 (H) THE SYSTEMIC APPLICATION OF MULTIPLE LOW-COST  
15 COUNTERMEASURES AT STOP-CONTROLLED INTERSECTIONS;

16 (I) THE IMPLEMENTATION OF APPROPRIATE SPEED LIMITS FOR ALL  
17 ROAD USERS;

18 (J) SPEED SAFETY AND RED LIGHT CAMERAS;

19 (K) CORRIDOR ACCESS MANAGEMENT; ■

20 (L) LONGITUDINAL RUMBLE STRIPS AND STRIPES; AND

21 (M) TRAILS OR PATHS USED FOR EQUESTRIAN PURPOSES; AND

22 (II) OTHER VULNERABLE ROAD USER SAFETY PROJECTS PROPOSED  
23 BY ELIGIBLE ENTITIES AND APPROVED BY THE BOARD; AND

24 (b) FOR THE PURPOSE OF REDUCING COLLISIONS BETWEEN MOTOR  
25 VEHICLES AND WILDLIFE, THE FOLLOWING PROJECT TYPES:

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

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

1 CONSTRUCTION, RETROFITTING, AND MAINTENANCE OF WILDLIFE ROAD  
2 CROSSING INFRASTRUCTURE;  
3 (B) OVERPASSES AND UNDERPASSES;  
4 (C) ROADKILL TRACKING AND STUDIES;  
5 (D) ANIMAL DETECTION SYSTEMS;  
6 (E) SIGNAGE;  
7 (F) EXCLUSIONARY FENCING;  
8 (G) WILDLIFE JUMP OUTS;  
9 (H) WILDLIFE GUARDS OR OTHER ASSOCIATED INFRASTRUCTURE;  
10 AND  
11 (I) SUPPORT OF PRIVATE LAND CONSERVATION OR HABITAT  
12 CONNECTIVITY ENHANCEMENT EFFORTS; AND  
13 (II) THE PROVISION OF STATE MATCHING MONEY REQUIRED BY  
14 FEDERAL GRANT PROGRAMS RELATING TO WILDLIFE CROSSING PROJECTS.  
15 (9) "ENTERPRISE" MEANS THE CRASH PREVENTION ENTERPRISE  
16 CREATED IN SECTION 43-4-1603 (1)(a).  
17 (10) "FEDERAL HIGHWAY ADMINISTRATION-MANDATED  
18 VULNERABLE ROAD USER ASSESSMENT" MEANS THE VULNERABLE ROAD  
19 USER SAFETY ASSESSMENT REQUIRED TO BE PREPARED AND PERIODICALLY  
20 UPDATED BY THE DEPARTMENT AS PART OF THE HIGHWAY SAFETY  
21 IMPROVEMENT PROGRAM PURSUANT TO 23 U.S.C. SEC. 148 (I).  
22 (11) "FEE" MEANS THE CRASH PREVENTION FEE IMPOSED BY THE  
23 ENTERPRISE PURSUANT TO SECTION 43-4-1603 (7).  
24 (12) "FUND" MEANS THE CRASH PREVENTION ENTERPRISE FUND  
25 CREATED IN SECTION 43-4-1603 (5)(a).  
26 (13) "VULNERABLE ROAD USER" MEANS AN INDIVIDUAL WHO IS  
27 UNPROTECTED BY AN OUTSIDE SHIELD WHEN USING A ROAD INCLUDING,

1 BUT NOT LIMITED TO, A PEDESTRIAN, A BICYCLIST, OR AN INDIVIDUAL  
2 USING ANY OTHER NONMOTORIZED OR MOTORIZED PERSONAL  
3 CONVEYANCE THAT DOES NOT ENCLOSE THE INDIVIDUAL.

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

6 **43-4-1603. Crash prevention enterprise - creation - board -**  
7 **powers and duties - rules - fees - fund - definition.** (1) (a) THE CRASH  
8 PREVENTION ENTERPRISE IS CREATED IN THE DEPARTMENT. THE  
9 ENTERPRISE IS AND OPERATES AS A GOVERNMENT-OWNED BUSINESS  
10 WITHIN THE DEPARTMENT IN ORDER TO EXECUTE ITS BUSINESS PURPOSE AS  
11 SPECIFIED IN SUBSECTION (3) OF THIS SECTION BY EXERCISING THE POWERS  
12 AND PERFORMING THE DUTIES AND FUNCTIONS SET FORTH IN THIS SECTION.

13 (b) THE ENTERPRISE IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
14 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND  
15 FUNCTIONS UNDER THE DEPARTMENT.

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

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

24 (a) IMPOSE THE FEE ON THE POLICYHOLDER OF EACH AUTOMOBILE  
25 INSURANCE POLICY ISSUED IN THE STATE ON A PER POLICY BASIS AS  
26 AUTHORIZED BY SUBSECTION (7) OF THIS SECTION;

27 (b) ISSUE GRANTS AND DIRECTLY FUND ELIGIBLE PROJECTS AS

1 AUTHORIZED BY SUBSECTION (8) OF THIS SECTION; █

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

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

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

17 (5) (a) THE CRASH PREVENTION ENTERPRISE FUND IS CREATED IN  
18 THE STATE TREASURY. THE FUND CONSISTS OF FEE REVENUE CREDITED TO  
19 THE FUND PURSUANT TO SUBSECTION (7) OF THIS SECTION, ANY MONETARY  
20 GIFTS, GRANTS, DONATIONS, OR OTHER PAYMENTS RECEIVED BY THE  
21 ENTERPRISE, ANY FEDERAL MONEY THAT MAY BE CREDITED TO THE FUND,  
22 AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE  
23 OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL  
24 INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF  
25 MONEY IN THE FUND TO THE FUND. MONEY IN THE FUND IS CONTINUOUSLY  
26 APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS  
27 PART 16 AND TO PAY THE ENTERPRISE'S REASONABLE AND NECESSARY

1 OPERATING EXPENSES, INCLUDING THE REPAYMENT OF ANY LOAN  
2 RECEIVED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION.

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

21 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN  
22 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND  
23 DUTIES:

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

26 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND  
27 PERSONAL PROPERTY;



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

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

9           (A) PROFESSIONAL AND TECHNICAL ASSISTANCE;

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

12           (C) ADVICE; AND

13           (D) OTHER SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS  
14 OF THE ENTERPRISE.

15           (II) THE BOARD SHALL GENERALLY AVOID USING SOLE-SOURCE  
16 CONTRACTS.

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

26           (f) TO ESTABLISH AND PUBLISH THE PROCESSES BY WHICH THE  
27 ENTERPRISE ACCEPTS GRANT APPLICATIONS AND CRITERIA FOR

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

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

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

18 (i) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
19 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
20 GRANTED BY THIS SECTION.

21 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING  
22 JANUARY 1, 2026, THE ENTERPRISE SHALL IMPOSE A CRASH PREVENTION  
23 FEE ON THE POLICYHOLDER OF EACH AUTOMOBILE INSURANCE POLICY  
24 ISSUED IN THE STATE ON A PER POLICY BASIS.

25 (b) THE ENTERPRISE SHALL IMPOSE THE FEE, WHICH THE  
26 POLICYHOLDER OF EACH AUTOMOBILE INSURANCE POLICY ISSUED IN THE  
27 STATE SHALL PAY TO THE INSURER THAT ISSUED THE AUTOMOBILE

1 INSURANCE POLICY AND WHICH THE INSURER SHALL COLLECT AND  
2 FORWARD TO THE ENTERPRISE IN THE MANNER SPECIFIED IN SUBSECTION  
3 (7)(e) OF THIS SECTION, IN AN AMOUNT UP TO THE FOLLOWING MAXIMUM  
4 AMOUNT:

5 (I) FOR THE PERIOD COMMENCING JANUARY 1, 2026, AND ENDING  
6 JUNE 30, 2026, ONE DOLLAR AND SEVENTY-FIVE CENTS;

7 (II) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2026,  
8 THREE DOLLARS AND FIFTY CENTS;

9 (III) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2027,  
10 AND FOR EACH SUBSEQUENT STATE FISCAL YEAR, THE MAXIMUM AMOUNT  
11 AUTHORIZED FOR THE PRIOR STATE FISCAL YEAR ADJUSTED FOR  
12 INFLATION.

13 (B) AS USED IN THIS SUBSECTION (7)(b)(III), "INFLATION" MEANS  
14 THE AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES  
15 DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION,  
16 NATIONAL HIGHWAY CONSTRUCTION COST INDEX OR ITS APPLICABLE  
17 PREDECESSOR OR SUCCESSOR INDEX FOR THE FIVE-YEAR PERIOD ENDING  
18 ON THE LAST DECEMBER 31 BEFORE A STATE FISCAL YEAR FOR WHICH AN  
19 INFLATION ADJUSTMENT TO THE FEE IS TO BE MADE BEGINS.

20 (c) AS SOON AS FEASIBLE FOLLOWING THE EFFECTIVE DATE OF THIS  
21 SUBSECTION (7)(c) FOR THE PERIOD BEGINNING JANUARY 1, 2026, AND  
22 ENDING JUNE 30, 2026, NO LATER THAN MARCH 15, 2026, FOR THE STATE  
23 FISCAL YEAR COMMENCING JULY 1, 2026, AND NO LATER THAN MARCH 15  
24 OF THE CALENDAR YEAR IN WHICH EACH STATE FISCAL YEAR BEGINS  
25 THEREAFTER, THE ENTERPRISE, DIRECTLY OR IN COLLABORATION WITH  
26 AND THROUGH THE DIVISION, SHALL PUBLISH AND PROVIDE NOTICE TO  
27 EACH INSURER THAT ISSUES AN AUTOMOBILE POLICY IN THIS STATE OF THE

1 AMOUNT OF THE FEE TO BE COLLECTED FOR THE NEXT STATE FISCAL YEAR.

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

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

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

1     INSTALLMENTS BY THE POLICYHOLDER, THE INSURER MAY COLLECT THE  
2     FEE ON A PRORATED BASIS WHEN THE POLICYHOLDER PAYS EACH  
3     INSTALLMENT AND FORWARD EACH PORTION OF THE FEE TO THE  
4     ENTERPRISE NO LATER THAN THE LAST DAY OF THE MONTH FOLLOWING  
5     THE MONTH IN WHICH THE PORTION OF THE FEE IS COLLECTED.

6           (III) ON OR BEFORE DECEMBER 31, 2026, AND ON OR BEFORE  
7     DECEMBER 31 OF EACH YEAR THEREAFTER, THE ENTERPRISE SHALL  
8     COMPARE ITS RECORDS OF INSURERS WHO PAID THE FEE DURING THE MOST  
9     RECENTLY ENDED STATE FISCAL YEAR WITH A LIST COMPILED BY THE  
10    DIVISION OF THOSE INSURERS THAT ISSUED AUTOMOBILE INSURANCE  
11    POLICIES IN THIS STATE DURING THAT STATE FISCAL YEAR AND SHALL  
12    NOTIFY THE DIVISION IF ANY INSURER HAS FAILED TO COLLECT THE FEE  
13    FROM ITS AUTOMOBILE INSURANCE POLICYHOLDERS AND PAY THE FEE TO  
14    THE ENTERPRISE. UPON RECEIVING NOTICE OF AN INSURER'S FAILURE TO  
15    COLLECT AND PAY THE FEE, THE DIVISION SHALL NOTIFY THE INSURER OF  
16    THE FEE REQUIREMENT, AND, IF THE INSURER FAILS TO PAY THE FEE WITHIN  
17    FIFTEEN DAYS AFTER RECEIVING THE NOTICE, THE DIVISION MAY, AFTER  
18    NOTICE AND HEARING, IMPOSE A CIVIL PENALTY OF NOT MORE THAN ONE  
19    HUNDRED TWENTY PERCENT OF THE AMOUNT DUE. THE INSURER SHALL  
20    PAY ANY CIVIL PENALTY IMPOSED TO THE DIVISION, WHICH SHALL  
21    TRANSFER THE AMOUNT RECEIVED TO THE STATE TREASURER, WHO SHALL  
22    CREDIT IT TO THE GENERAL FUND.

23           (IV) THE FEE IS NOT A PREMIUM FOR ANY PURPOSE, INCLUDING THE  
24    COMPUTATION OF THE GROSS PREMIUM TAX DESCRIBED IN SECTION  
25    10-3-209 OR THE PRODUCER'S COMMISSION.

26           (8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, ON AND AFTER  
27    JULY 1, 2026, THE ENTERPRISE IS AUTHORIZED TO EXPEND MONEY FROM

1 THE FUND AS FOLLOWS:

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

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

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

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

26 (II) THAT WILL BE COMPLETED ON OR NEAR A HIGH-INJURY OR  
27 HIGH-RISK NETWORK, INCLUDING A HIGH-RISK OR HIGH-INJURY NETWORK

1 THAT HAS BEEN IDENTIFIED BY THE DEPARTMENT OR BY A METROPOLITAN  
2 PLANNING ORGANIZATION OR LOCAL JURISDICTION, OR THAT PROVIDES  
3 ALTERNATIVE ROUTES FOR PEOPLE TRAVELING BY A MEANS OTHER THAN  
4 BY A MOTOR VEHICLE THAT ENCLOSURES THEM; AND

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

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

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

1           (9) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE  
2 ENTERPRISE SHALL:

3           (I) NO LATER THAN JUNE 1, 2026, PUBLISH AND POST ON ITS  
4 WEBSITE A TEN-YEAR PLAN THAT DETAILS HOW THE ENTERPRISE WILL  
5 EXECUTE ITS BUSINESS PURPOSE DURING STATE FISCAL YEARS 2026-27  
6 THROUGH 2030-31 AND ESTIMATES THE AMOUNT OF FUNDING THAT WILL  
7 BE AVAILABLE TO IMPLEMENT THE PLAN;

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

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

26           (b) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS  
27 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", CONTAINED IN



1 PART 4 OF ARTICLE 6 OF TITLE 24, AND THE "COLORADO OPEN RECORDS  
2 ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

3 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART  
4 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE  
5 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS  
6 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION  
7 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS  
8 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS  
9 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND  
10 LOCAL GOVERNMENTS COMBINED.

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

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

15 **10-4-644. Enforcement of crash prevention enterprise fees.**

16 UPON RECEIVING NOTICE OF AN INSURER'S FAILURE TO COLLECT FROM  
17 THE POLICYHOLDERS OF EACH AUTOMOBILE INSURANCE POLICY, AS  
18 DEFINED IN SECTION 43-4-1602 (2), AND PAY TO THE CRASH PREVENTION  
19 ENTERPRISE THE CRASH PREVENTION ENTERPRISE FEE IMPOSED BY THE  
20 CRASH PREVENTION ENTERPRISE PURSUANT TO SECTION 43-4-1603 (7)(e),  
21 THE DIVISION SHALL NOTIFY THE INSURER OF THE FEE REQUIREMENT, AND,  
22 IF THE INSURER FAILS TO PAY THE FEE WITHIN FIFTEEN DAYS AFTER  
23 RECEIVING THE NOTICE, THE DIVISION MAY INSTITUTE AN ENFORCEMENT  
24 PROCEEDING AND SEEK CIVIL PENALTIES AS PROVIDED FOR BY SECTION  
25 43-4-1603 (7)(e)(III).

26 **SECTION 3. Safety clause.** The general assembly finds,  
27 determines, and declares that this act is necessary for the immediate

- 1 preservation of the public peace, health, or safety or for appropriations for
- 2 the support and maintenance of the departments of the state and state
- 3 institutions.