

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 08-0247.01 Jason Gelender

HOUSE BILL 08-1007

HOUSE SPONSORSHIP

Looper,

SENATE SPONSORSHIP

Tapia,

House Committees

Transportation & Energy

Senate Committees

State, Veterans & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING THE MODIFICATION OF STATUTORY PROVISIONS**
102 **ENACTED BY THE GENERAL ASSEMBLY DURING THE 2006**
103 **LEGISLATIVE SESSION THAT IMPOSE CERTAIN REQUIREMENTS ON**
104 **PRIVATE TOLL COMPANIES FOR THE PURPOSE OF ALLEVIATING**
105 **CONSEQUENCES OF THOSE PROVISIONS THAT MAY AFFECT REAL**
106 **PROPERTY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Replaces the existing statutory requirements that a private toll road

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
April 24, 2008

SENATE
Amended 2nd Reading
April 23, 2008

HOUSE
3rd Reading Unamended
March 27, 2008

HOUSE
Amended 2nd Reading
March 24, 2008

or toll highway company (company) send notice of its intent to construct a toll road, toll highway, or toll road or toll highway project (notice) to the county clerk and recorder of each county that include territory within the 3-mile corridor in which the company intends to construct the road, highway, or project and that the county clerk and recorder record the notice with requirements that a company instead send notice to each municipal, county, or regional planning commission (commission) that is responsible for planning in any part of the 3-mile corridor and that the commission make the notice available for public viewing. Prohibits a company from filing with any county clerk and recorder either notice or the disclaimer of interest and map currently required to be filed.

Declares that a disclaimer of interest, map, or notice properly authorized and legally filed or recorded by a company before the effective date of the act is void and of no effect, specifies that the voiding of a disclaimer of interest, map, or notice conclusively establishes that the disclaimer of interest, map, or notice does not affect the title to any property or have any other legal effect, and requires a title insurance company to exclude a void disclaimer of interest, map, or notice from any documents it prepares after the effective date of the act. Specifies that no cause of action at law or in equity shall be maintained based upon:

- ! The act of preparing, filing, or recording a disclaimer of interest, map, or notice lawfully filed or recorded and subsequently voided;
- ! The voiding of such a disclaimer of interest, map, or notice;
- or
- ! The inclusion or exclusion of such a disclaimer of interest, map, or notice from any document prepared by a title insurance company.

Makes a conforming amendment.

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

2 **SECTION 1.** 7-45-101 (1), (3), and (4), Colorado Revised
3 Statutes, are amended to read:

4 **7-45-101. Formation of toll road or toll highway company -**
5 **description of corridor.** (1) A toll road or toll highway company shall
6 be formed under Colorado law. ~~and its filed formation document shall~~
7 ~~specify and map a three-mile corridor within which a toll road or toll~~
8 ~~highway or a toll road or toll highway project will be located and identify~~

1 ~~the general location of the termini within the corridor~~ ON AND AFTER THE
2 EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED, A TOLL ROAD OR
3 TOLL HIGHWAY COMPANY MAY NOT SPECIFY AND MAP A TRANSPORTATION
4 CORRIDOR IN ITS FILED FORMATION DOCUMENT, AND ANY CORRIDOR
5 INCLUDED IN A FILED FORMATION DOCUMENT FILED BEFORE THE
6 EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED, IS VOID AND
7 SHALL NOT BE DEEMED TO GIVE THE FILING TOLL ROAD OR TOLL HIGHWAY
8 COMPANY ANY PROPERTY RIGHT OR EXCLUSIVE DEVELOPMENT RIGHT OF
9 ANY KIND WHATSOEVER WITHIN THE CORRIDOR. If a toll road or toll
10 highway company complies with the provisions of this article, it shall
11 have the power to erect toll gates and set and collect tolls.

12 (3) ~~Nothing in articles 30 to 52, 101 to 117, or 121 to 137 of this~~
13 ~~title shall be construed to authorize a toll road or toll highway company~~
14 ~~to locate all or any part of its three-mile corridor, as described in~~
15 ~~subsection (1) of this section, upon any existing toll road, toll highway,~~
16 ~~or public highway that is, at the time of the formation of the company,~~
17 ~~used as such, or within five miles of the route or corridor for a future toll~~
18 ~~road, toll highway, or toll road or toll highway project that has been~~
19 ~~designated in any previously filed formation document except as~~
20 ~~necessary to cross the toll road, toll highway, project, route, or corridor.~~

21 (4) ~~On June 6, 2006, any toll road or toll highway company whose~~
22 ~~existing certificate of incorporation specifies the route of a future toll~~
23 ~~road or toll highway or the location of a future toll road or toll highway~~
24 ~~project, or any affiliate of such a company, shall have the exclusive right~~
25 ~~for a period of ninety days to file new or amended formation documents~~
26 ~~that encompass land within the specified route.~~

1 **SECTION 2.** 7-45-102, Colorado Revised Statutes, is amended
2 **BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS** to
3 **read:**

4 **7-45-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (7.3) "NEW TOLL ROAD OR TOLL HIGHWAY COMPANY" MEANS A
7 TOLL ROAD OR TOLL HIGHWAY COMPANY THAT, AS OF THE EFFECTIVE
8 DATE OF THIS SUBSECTION (7.3), HAS NOT SPECIFIED AND MAPPED A
9 THREE-MILE CORRIDOR IN ITS FILED FORMATION DOCUMENT AS WAS
10 REQUIRED BY SECTION 7-45-101 (1) BEFORE THE EFFECTIVE DATE OF THIS
11 SUBSECTION (7.3).

12 (7.5) "PREEXISTING TOLL ROAD OR TOLL HIGHWAY COMPANY"
13 MEANS A TOLL ROAD OR TOLL HIGHWAY COMPANY THAT, AS OF THE
14 EFFECTIVE DATE OF THIS SUBSECTION (7.5), HAD SPECIFIED AND MAPPED
15 A THREE-MILE CORRIDOR IN ITS FILED FORMATION DOCUMENT AS WAS
16 REQUIRED BY SECTION 7-45-101 (1) BEFORE THE EFFECTIVE DATE OF THIS
17 SUBSECTION (7.5).

18 **SECTION 3.** 7-45-103, Colorado Revised Statutes, is amended
19 **to read:**

20 **7-45-103. Deadline to commence work - maintenance of effort**
21 **requirement.** A PREEXISTING toll road or toll highway company shall
22 commence work, including but not limited to planning, design,
23 environmental mitigation, and other preconstruction work, on the toll
24 road or toll highway proposed in the ITS filed formation document no later
25 than three years after the filing of the document or within one year after
26 receiving all necessary approvals for construction. If any necessary
27 approval is the subject of administrative or judicial review, then the

1 one-year period shall be automatically extended until one year after all
2 administrative or judicial review has been concluded. The PREEXISTING
3 toll road or toll highway company and any successor toll road or toll
4 highway company shall continue the work from day to day until at least
5 five hundred thousand dollars have been expended on the toll road or toll
6 highway. If the PREEXISTING toll road or toll highway company fails to
7 perform the required work, it shall forfeit all rights ~~acquired under its~~
8 ~~filed formation document and be administratively dissolved~~ TO DEVELOP
9 AND CONSTRUCT THE PROPOSED TOLL ROAD OR TOLL HIGHWAY If the
10 PREEXISTING toll road or toll highway company performs the required
11 work, it shall have the exclusive right to develop or seek approval to
12 develop a toll road or toll highway within the three-mile corridor
13 specified in its filed formation document as required by section 7-45-101
14 (1) BEFORE THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED.

15 **SECTION 4.** 7-45-104 (1), Colorado Revised Statutes, is
16 amended to read:

17 **7-45-104. Acquisition of right-of-way.** (1) Notwithstanding the
18 provisions of section 38-2-101, C.R.S., on and after June 6, 2006, a
19 PREEXISTING toll road or toll highway company shall not have the power
20 to exercise the right of eminent domain to acquire any part of the
21 right-of-way of the three-mile corridor of a proposed toll road or toll
22 highway specified in the filed formation document of the company as
23 required by section 7-45-101 (1) AND A NEW TOLL ROAD OR TOLL
24 HIGHWAY COMPANY SHALL NOT HAVE THE POWER TO EXERCISE THE RIGHT
25 OF EMINENT DOMAIN TO ACQUIRE ANY PART OF THE RIGHT-OF-WAY OF A
26 TOLL ROAD OR TOLL HIGHWAY IT PROPOSES TO CONSTRUCT. Nothing
27 herein shall prohibit a PREEXISTING OR NEW toll road or toll highway

1 company from entering into a public-private initiative with the
2 department of transportation in accordance with the provisions of part 12
3 of article 1 of title 43, C.R.S., and as authorized in section 7-45-111 for
4 the purpose of enabling the construction of ~~such~~ a toll road or toll
5 highway, but in such a case the power of eminent domain shall not be
6 exercised by the toll road or toll highway company and may be exercised
7 by the department only for purposes of acquiring property and
8 rights-of-way necessary for the completion of a toll road or toll highway
9 open to the public that is incorporated into the comprehensive statewide
10 transportation plan prepared pursuant to section 43-1-1103 (5), C.R.S.
11 The department may not use the power of eminent domain provided in
12 this section to acquire a cemetery, as defined in section 10-15-102 (2),
13 C.R.S., or property owned by or primarily used by a religious
14 organization. In exercising the power of eminent domain, the department
15 shall comply with all laws and administrative rules that govern the
16 department's use of eminent domain for state highway projects, and the
17 rights-of-way acquired shall form a corridor no larger than that approved
18 by all affected metropolitan planning organizations, regional planning
19 commissions, and the transportation commission pursuant to sections
20 7-45-105 and 7-45-106. In accordance with section 43-1-1204 (3) (b),
21 C.R.S., the department may not sell or otherwise transfer ownership of
22 property or rights-of-way acquired through the exercise of the power of
23 eminent domain as authorized by this section to a toll road or toll highway
24 company.

25 **SECTION 5.** 7-45-105 (1) and (3) (b), Colorado Revised
26 Statutes, are amended to read:

27 **7-45-105. Planning standards and project review.** (1) A

1 PREEXISTING OR NEW toll road or toll highway company shall not
2 commence the construction of a toll road or toll highway or of any other
3 element of a toll road or toll highway project until the toll road or toll
4 highway or other element has been reviewed by every metropolitan
5 planning organization or regional planning commission that is located in
6 whole or in part within the three-mile corridor designated by the
7 PREEXISTING toll road or toll highway company as required by section
8 7-45-101 (1) BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (1), AS
9 AMENDED, OR THAT IS LOCATED IN WHOLE OR IN PART WITHIN THE
10 PROPOSED ROUTE OF THE TOLL ROAD OR TOLL HIGHWAY PROPOSED BY THE
11 NEW TOLL ROAD OR TOLL HIGHWAY COMPANY and has been included in
12 the regional transportation plan in effect for the region pursuant to section
13 43-1-1103, C.R.S., and in the comprehensive statewide transportation
14 plan required pursuant to section 43-1-1103 (5), C.R.S. In designated
15 nonattainment areas for any pollutant pursuant to the federal "Clean Air
16 Act", 42 U.S.C. sec. 7401 et seq., as amended, a metropolitan planning
17 organization or regional planning commission shall not include a toll road
18 or toll highway project in the regional transportation plan unless the
19 organization or commission has performed an emissions analysis that
20 demonstrates that regional emissions and local project emissions will
21 continue to conform to the state implementation plan if the project is
22 added to the regional transportation plan. The toll road or toll highway
23 company shall pay the reasonable actual costs for the emissions analysis.
24 Each organization or commission may condition its addition of a toll road
25 or toll highway project into the regional transportation plan upon
26 acceptable environmental mitigation activities and commitments to offset
27 incremental costs of public services that will be necessary as a result of

1 development of the project within the planning region.

2 (3) (b) Upon request of a local government located in whole or in
3 part within the three-mile corridor of a proposed toll road or toll highway
4 or toll road or toll highway project as specified pursuant to AND MAPPED
5 BY A PREEXISTING TOLL ROAD OR TOLL HIGHWAY COMPANY IN ITS FILED
6 FORMATION DOCUMENT AS REQUIRED BY section 7-45-101 (1) BEFORE THE
7 EFFECTIVE DATE OF THIS PARAGRAPH (b), AS AMENDED, OR LOCATED IN
8 WHOLE OR IN PART WITHIN THE PROPOSED ROUTE OF A TOLL ROAD OR TOLL
9 HIGHWAY PROPOSED BY A NEW TOLL ROAD OR TOLL HIGHWAY COMPANY,
10 a PREEXISTING OR NEW toll road or toll highway company shall consult
11 with representatives from the local government and shall consider
12 available mitigation of demonstrable negative impacts on the local
13 government or its citizens that would result from the construction,
14 operation, or financing of the toll road or toll highway or project.

15 **SECTION 6.** 7-45-108, Colorado Revised Statutes, is
16 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

17 **7-45-108. Notice requirements for proposed toll roads and toll**
18 **highways - removal from titles and voiding of previously filed and**
19 **recorded documents.** (1) (a) WITHIN NINETY DAYS OF THE EFFECTIVE
20 DATE OF THIS PARAGRAPH (a):

21 (I) THE COUNTY CLERK AND RECORDER OF EACH COUNTY IN WHICH
22 A PREEXISTING TOLL ROAD OR TOLL HIGHWAY COMPANY FILED A
23 DISCLAIMER OF INTEREST AND MAP PURSUANT TO PARAGRAPH (b) OF THIS
24 SUBSECTION (1), AS SAID PARAGRAPH (b) EXISTED BEFORE THE EFFECTIVE
25 DATE OF THIS SUBPARAGRAPH (I), SHALL TRANSFER THE MAP, BUT NOT THE
26 DISCLAIMER OF INTEREST, TO THE BOARD OF COUNTY COMMISSIONERS OF
27 THE COUNTY; AND

1 (II) A PREEXISTING TOLL ROAD OR TOLL HIGHWAY COMPANY
2 SHALL PROVIDE A COPY OF THE MAP, BUT NOT THE DISCLAIMER OF
3 INTEREST, THAT THE COMPANY FILED PURSUANT TO PARAGRAPH (b) OF
4 THIS SUBSECTION (1), AS SAID PARAGRAPH (b) EXISTED BEFORE THE
5 EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), TO THE GOVERNING BODY
6 OF EACH MUNICIPALITY THAT IS INCLUDED WITHIN THE THREE-MILE
7 CORRIDOR SPECIFIED AND MAPPED IN THE COMPANY'S FILED FORMATION
8 DOCUMENT.

9
10 (b) (I) ANY PROPERLY AUTHORIZED WRITTEN NOTICE, DISCLAIMER
11 OF INTEREST, OR MAP FILED OR RECORDED BY A PREEXISTING TOLL ROAD
12 OR TOLL HIGHWAY COMPANY AS REQUIRED BY SUBSECTION (1) OF THIS
13 SECTION, AS SAID SUBSECTION (1) EXISTED BEFORE THE EFFECTIVE DATE
14 OF THIS PARAGRAPH (b), IS HEREBY DECLARED VOID AND OF NO EFFECT.
15 THE VOIDING OF A WRITTEN NOTICE, DISCLAIMER OF INTEREST, OR MAP
16 PURSUANT TO THIS PARAGRAPH (b) CONCLUSIVELY ESTABLISHES THAT THE
17 WRITTEN NOTICE, DISCLAIMER OF INTEREST, OR MAP DOES NOT AFFECT THE
18 TITLE TO ANY PROPERTY OR HAVE ANY OTHER LEGAL EFFECT, AND A TITLE
19 INSURANCE COMPANY OR TITLE INSURANCE AGENT SHALL EXCLUDE A VOID
20 WRITTEN NOTICE, DISCLAIMER OF INTEREST, OR MAP FROM ANY
21 DOCUMENTS IT PREPARES ON OR AFTER THE EFFECTIVE DATE OF THIS
22 PARAGRAPH (b).

23 (II) NO CAUSE OF ACTION AT LAW OR IN EQUITY SHALL BE
24 MAINTAINED BASED UPON:

25 (A) THE ACT OF PREPARING, FILING, OR RECORDING A WRITTEN
26 NOTICE, DISCLAIMER OF INTEREST, OR MAP FILED OR RECORDED BY A
27 PREEXISTING TOLL ROAD OR TOLL HIGHWAY COMPANY PURSUANT TO

1 SUBSECTION (1) OF THIS SECTION, AS SAID SUBSECTION (1) EXISTED
2 BEFORE THE EFFECTIVE DATE OF THIS SUB-SUBPARAGRAPH (A), THAT WAS
3 SUBSEQUENTLY VOIDED PURSUANT TO SUBPARAGRAPH (I) OF THIS
4 PARAGRAPH (b);

5 (B) THE VOIDING OF SUCH A WRITTEN NOTICE, DISCLAIMER OF
6 INTEREST, OR MAP; OR

7 (C) THE INCLUSION OR EXCLUSION OF SUCH A WRITTEN NOTICE,
8 DISCLAIMER OF INTEREST, OR MAP FROM ANY DOCUMENT PREPARED BY A
9 TITLE INSURANCE COMPANY OR TITLE INSURANCE AGENT.

10 (2) WITHIN NINETY DAYS OF THE INCLUSION OF A TOLL ROAD OR
11 TOLL HIGHWAY OR ANY OTHER ELEMENT OF A TOLL ROAD OR TOLL
12 HIGHWAY PROJECT PROPOSED BY A PREEXISTING OR NEW TOLL ROAD OR
13 TOLL HIGHWAY COMPANY IN THE COMPREHENSIVE STATEWIDE
14 TRANSPORTATION PLAN AS REQUIRED BY SECTION 7-45-105 (1), THE TOLL
15 ROAD OR TOLL HIGHWAY COMPANY SHALL SEND WRITTEN NOTICE TO EACH
16 PERSON WHO OWNS REAL PROPERTY WITHIN THE PROPOSED ROUTE OF THE
17 PROPOSED TOLL ROAD, TOLL HIGHWAY, OR PROJECT OF THE INTENT OF THE
18 TOLL ROAD OR TOLL HIGHWAY COMPANY TO CONSTRUCT THE PROPOSED
19 TOLL ROAD, TOLL HIGHWAY, OR ELEMENT OF THE PROJECT. THE TOLL
20 ROAD OR TOLL HIGHWAY COMPANY SHALL SEND THE NOTICE BY CERTIFIED
21 MAIL AND SHALL DESCRIBE THE PROPOSED TOLL ROAD, TOLL HIGHWAY, OR
22 PROJECT, INCLUDING ITS LOCATION, TERMINI, IMPROVEMENTS, AND
23 OPERATION.

24 **SECTION 7.** 7-45-109, Colorado Revised Statutes, is amended
25 to read:

26 **7-45-109. Use of land by toll road or toll highway company -**
27 **right to repurchase unneeded condemned property.** Any interest in

1 real property that is obtained by a PREEXISTING toll road or toll highway
2 company, other than a leasehold interest in property or rights-of-way
3 acquired and owned by the department of transportation as authorized in
4 section 7-45-104, within the three-mile corridor specified AND MAPPED
5 in its filed formation document AS WAS REQUIRED BY SECTION 7-45-101
6 (1) BEFORE THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED, AND ANY
7 INTEREST IN REAL PROPERTY THAT IS OBTAINED BY A NEW TOLL ROAD OR
8 TOLL HIGHWAY COMPANY, OTHER THAN A LEASEHOLD INTEREST IN
9 PROPERTY OR RIGHTS-OF-WAY ACQUIRED AND OWNED BY THE
10 DEPARTMENT OF TRANSPORTATION AS AUTHORIZED IN SECTION 7-45-104,
11 WITHIN THE PROPOSED ROUTE OF THE TOLL ROAD OR TOLL HIGHWAY
12 PROPOSED BY THE NEW TOLL ROAD OR TOLL HIGHWAY COMPANY ON OR
13 AFTER THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED, and that is not
14 used for a toll road or toll highway project shall not be used for
15 commercial, residential, or industrial development; except that this
16 limitation on use shall apply only during the period in which the toll road
17 or toll highway company is developing or operating a toll road or toll
18 highway within the corridor OR PROPOSED ROUTE. If the development or
19 operation of a toll road or toll highway ceases after the department has
20 exercised the power of eminent domain to acquire property deemed at the
21 time of acquisition to be necessary for the completion of the toll road or
22 toll highway as authorized in section 7-45-104, a person from whom the
23 department acquired property through the exercise of eminent domain has
24 an exclusive option to repurchase the property acquired at the price paid
25 for the property as just compensation by the department. The person may
26 exercise the option within eighteen months following the cessation of the
27 development or operation of the toll road or toll highway.

1 **SECTION 8.** 7-45-110 (1) and (2), Colorado Revised Statutes,
2 are amended to read:

3 **7-45-110. Sale of interest in or assets of a toll road or toll**
4 **highway company.** (1) If any interest in a PREEXISTING OR NEW toll
5 road or toll highway company is sold or transferred, the toll road or toll
6 highway company shall continue to comply with the limitations set forth
7 in section 7-45-109.

8 (2) If a PREEXISTING OR NEW toll road or toll highway company
9 sells or transfers any interest in its real property within the three-mile
10 corridor specified in ~~its~~ THE filed formation document OF THE
11 PREEXISTING TOLL ROAD OR TOLL HIGHWAY COMPANY OR WITHIN THE
12 PROPOSED ROUTE OF THE TOLL ROAD OR TOLL HIGHWAY PROPOSED BY THE
13 NEW TOLL ROAD OR TOLL HIGHWAY COMPANY that is not used for the toll
14 road or toll highway, then the purchaser shall comply with the limitations
15 set forth in section 7-45-109.

16 **SECTION 9.** 38-2-101 (2) and (5) (a), Colorado Revised Statutes,
17 are amended to read:

18 **38-2-101. Who may condemn real estate, rights-of-way, or**
19 **other rights - additional requirements for private toll roads and toll**
20 **highways.** (2) Notwithstanding the provisions of subsection (1) of this
21 section, a toll road or toll highway company may not condemn real estate
22 or right-of-way, but the department of transportation may exercise,
23 subject to the conditions and limitations set forth in sections 7-45-104 and
24 43-1-1202 (1) (f), C.R.S., the power of eminent domain for purposes of
25 acquiring property and rights-of-way necessary for the completion of a
26 toll road or toll highway open to the public that is incorporated into the
27 comprehensive statewide transportation plan prepared pursuant to section

1 43-1-1103 (5), C.R.S., and is being undertaken as a public-private
2 initiative between the department and the company. Such a toll road or
3 toll highway company shall ~~within six months after the date of filing of~~
4 ~~its filed formation document, file and record with the county clerk and~~
5 ~~recorder of each county through which any portion of the proposed toll~~
6 ~~road or toll highway will pass a map or survey of the proposed route of~~
7 ~~the toll road or toll highway. The toll road or toll highway company shall~~
8 ~~include with the map or survey a statement of the proposed route of the~~
9 ~~toll road or toll highway, within three miles, and a listing of all property~~
10 ~~over or across which the proposed toll road or toll highway will be~~
11 ~~constructed, and shall file and record supplementary maps, surveys,~~
12 ~~statements, and listings upon any lawful change of the proposed route of~~
13 ~~the toll road or toll highway~~ PROVIDE WRITTEN NOTICE OF ITS INTENT TO
14 CONSTRUCT A TOLL ROAD OR TOLL HIGHWAY AS REQUIRED BY SECTION
15 7-45-108 (2), C.R.S.

16 (5) As used in this section, unless the context otherwise requires:

17 (a) ~~"Filed formation document" shall have the meaning set forth~~
18 ~~in section 7-45-102 (7), C.R.S.~~

19 **SECTION 10.** Article 35.7 of title 38, Colorado Revised Statutes,
20 is amended BY THE ADDITION OF A NEW SECTION to read:

21 **38-35.7-105. Disclosure of transportation projects - rules.** NO
22 LATER THAN JANUARY 1, 2009, THE REAL ESTATE COMMISSION CREATED
23 IN SECTION 12-61-105, C.R.S., SHALL, BY RULE, REQUIRE EACH SELLER'S
24 PROPERTY DISCLOSURE FOR REAL PROPERTY THAT IS SUBJECT TO THE
25 COMMISSION'S JURISDICTION PURSUANT TO ARTICLE 61 OF TITLE 12,
26 C.R.S., TO DISCLOSE THE EXISTENCE OF ANY PROPOSED OR EXISTING
27 TRANSPORTATION PROJECT THAT AFFECTS OR IS EXPECTED TO AFFECT THE

1 REAL PROPERTY.

2

3

4 **SECTION 11. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.