

**NO FISCAL IMPACT****Drafting Number:** LLS 08-0247**Date:** January 9, 2008**Prime Sponsor(s):** Rep. Looper**Bill Status:** House Transportation and Energy**Fiscal Analyst:** Brad Denning (303-866-4777)

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

**Summary of Legislation**

The bill eliminates requirements for a private toll road company to send notice of its intent to construct a toll project to the county clerk and recorder of each county where a project is located to reduce the effect on real property within a project's 3-mile corridor. Instead, it requires the company to send notice to each municipal, county, or regional planning commission responsible for any planning in any part of the 3-mile corridor. The bill also requires:

- each commission receiving notice to make the notice available for public viewing; and
- declares that the disclaimer of interest, map, or notice properly filed by a toll road company before this bill's effective date to be void and does not affect the title to any property or have any other legal effect.

The bill becomes effective upon signature of the Governor or upon becoming law without his signature.

**Assessment**

Current law requires private toll road companies to file written notice with county clerks' offices within 90 days of filing a formation document with the Colorado Secretary of State's office. The formation document must specify and map a 3-mile corridor within which a toll project will be located and identify its general location. The bill moves filings from county clerks' offices to planning entities so that a toll project is not identified on a homeowner's real estate records. As of January 2007, there were 17 toll road companies on file with the Secretary of State's office.

The bill will not affect state government and will have minimal impact on local government revenue or expenditures. Thus, it is assessed as having no fiscal impact.

**Departments Contacted**Judicial  
StateLocal Affairs  
Transportation