

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0713.01 Jason Gelender

SENATE BILL 11-095

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SENATE SPONSORSHIP

**Grantham**, Renfroe, Mitchell, Scheffel, Spence, Harvey, Lundberg, Cadman, Brophy, King  
S.

HOUSE SPONSORSHIP

**Conti**, Holbert, Joshi, Kerr J., Scott

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**Senate Committees**  
State, Veterans & Military Affairs

**House Committees**

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A BILL FOR AN ACT

101 **CONCERNING SURFACE TRANSPORTATION FUNDING.**

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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://www.leg.state.co.us/billsummaries>.)*

In order to have the substantive effect of repealing most of the statutory provisions enacted in Senate Bill 09-108:

! **Section 1** of the bill repeals part 8 of article 4 of title 43, Colorado Revised Statutes, currently known as the "Funding Advancements for Surface Transportation and Economic Recovery Act of 2009" (FASTER), and reenacts that part in a manner that:

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.*

- ! Abolishes the high-performance transportation enterprise created by FASTER and reestablishes the statewide tolling enterprise that was abolished by FASTER;
  - ! Eliminates the road safety surcharge, daily vehicle rental fee, supplemental oversize and overweight vehicle surcharge, and supplemental unregistered vehicle fine created by, and the late vehicle registration fee and all other previously existing fees and fines increased by, FASTER;
  - ! Eliminates FASTER funding for the state transit and rail division of the department of transportation; and
  - ! Reestablishes the statewide bridge enterprise created by FASTER, authorizes the enterprise to impose a bridge safety surcharge and issue bonds for the purpose of financing the completion of designated bridge projects, and otherwise specifies the powers and duties of the enterprise without making substantive changes from FASTER.
- ! **Sections 2 to 18** of the bill undo amendments made to then-existing law by Senate Bill 09-108 and make conforming amendments.

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

2           **SECTION 1.** Part 8 of article 4 of title 43, Colorado Revised  
3 Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS,  
4 to read:

5                                 PART 8

6           STATEWIDE TOLLING AND BRIDGE ENTERPRISES

7           **43-4-801. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
8 HEREBY FINDS AND DECLARES THAT:

9           (a) IN ORDER TO FINANCE, CONSTRUCT, OPERATE, AND MAINTAIN  
10 ADDITIONAL HIGHWAY CAPACITY AND ACCOMMODATE THE NEEDS OF THE  
11 TRAVELING PUBLIC THROUGH AND WITHIN THE STATE OF COLORADO  
12 THROUGH SAFE, EFFICIENT, CONVENIENT, AND MODERN VEHICULAR  
13 TRAFFIC, IT IS NECESSARY AND IN THE PUBLIC INTEREST TO PROVIDE FOR

1 THE FINANCING, CONSTRUCTION, OPERATION, REGULATION, AND  
2 MAINTENANCE OF A STATEWIDE SYSTEM OF TOLL HIGHWAYS THAT ARE  
3 INTEROPERABLE, THAT INCORPORATE THE BENEFITS OF ADVANCED  
4 ENGINEERING DESIGN, EXPERIENCE, AND SAFETY, AND THAT WILL REDUCE  
5 TRAFFIC CONGESTION, DELAYS, HAZARDS, INJURIES, AND FATALITIES; AND

6 (b) IT IS NECESSARY TO AUTHORIZE THE TRANSPORTATION  
7 COMMISSION TO CREATE, UNDER THE SUPERVISION OF THE  
8 TRANSPORTATION COMMISSION, A STATEWIDE TOLLING ENTERPRISE THAT  
9 HAS THE POWER TO IMPOSE TOLLS, ISSUE REVENUE BONDS, AND EXERCISE  
10 OTHER POWERS NECESSARY AND APPROPRIATE TO CARRY OUT THESE  
11 PURPOSES.

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

13 (a) THERE IS AN URGENT PRESENT NEED TO REPAIR AND REPLACE  
14 STRUCTURALLY DEFICIENT AND FUNCTIONALLY OBSOLETE BRIDGES IN THE  
15 STATE;

16 (b) INCREASING FUNDING FOR DESIGNATED BRIDGE PROJECTS  
17 THROUGH THE IMPOSITION OF A BRIDGE SAFETY SURCHARGE IMPOSED AT  
18 RATES REASONABLY CALCULATED BASED ON THE BENEFITS RECEIVED BY  
19 THE PERSONS PAYING THE FEES WILL PROVIDE FUNDING TO COMPLETE THE  
20 PROJECTS; AND

21 (c) THE CREATION OF A STATEWIDE BRIDGE ENTERPRISE  
22 AUTHORIZED TO COMPLETE DESIGNATED BRIDGE PROJECTS, IMPOSE A  
23 BRIDGE SAFETY SURCHARGE AND ISSUE REVENUE BONDS, AND, IF  
24 REQUIRED APPROVALS ARE OBTAINED, TO CONTRACT WITH THE STATE TO  
25 RECEIVE ONE OR MORE LOANS OF MONEYS RECEIVED BY THE STATE UNDER  
26 THE TERMS OF ONE OR MORE LEASE-PURCHASE AGREEMENTS AUTHORIZED  
27 BY THIS PART 8 AND TO USE THE REVENUES GENERATED BY THE BRIDGE

1 SAFETY SURCHARGE TO REPAY ANY SUCH LOAN OR LOANS, WILL IMPROVE  
2 THE SAFETY AND EFFICIENCY OF THE STATE TRANSPORTATION SYSTEM BY  
3 ALLOWING THE STATE TO ACCELERATE THE REPAIR, RECONSTRUCTION,  
4 AND REPLACEMENT OF STRUCTURALLY DEFICIENT, FUNCTIONALLY  
5 OBSOLETE, AND RATED-AS-POOR BRIDGES.

6 **43-4-802. Definitions.** AS USED IN THIS PART 8, UNLESS THE  
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "AUTHORIZED AGENT" SHALL HAVE THE SAME MEANING AS SET  
9 FORTH IN SECTION 42-1-102 (5), C.R.S.

10 (2) "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE,  
11 CONTRACT, OR OTHER EVIDENCE OF INDEBTEDNESS OF THE ENTERPRISE,  
12 INCLUDING, BUT NOT LIMITED TO, ANY OBLIGATION TO THE UNITED  
13 STATES IN CONNECTION WITH A LOAN FROM OR GUARANTEED BY THE  
14 UNITED STATES.

15 (3) "BOND OBLIGATIONS" MEANS THE DEBT SERVICE ON, AND  
16 RELATED COSTS AND OBLIGATIONS IN CONNECTION WITH, BONDS,  
17 INCLUDING, WITHOUT LIMITATION:

18 (a) PAYMENTS WITH RESPECT TO PRINCIPAL, INTEREST,  
19 PREPAYMENT PREMIUMS, RESERVE FUNDS, SURPLUS FUNDS, SINKING  
20 FUNDS, AND COSTS OF ISSUANCE;

21 (b) PAYMENTS RELATED TO ANY CREDIT ENHANCEMENT, LIQUIDITY  
22 SUPPORT, OR INTEREST RATE PROTECTION FOR BONDS;

23 (c) FEES AND EXPENSES OF ANY TRUSTEE, BOND REGISTRAR,  
24 PAYING AGENT, AUTHENTICATING AGENT, REBATE ANALYST OR  
25 CONSULTANT, CALCULATION AGENT, REMARKETING AGENT, OR CREDIT  
26 ENHANCEMENT, LIQUIDITY SUPPORT, OR INTEREST RATE PROTECTION  
27 PROVIDER;

1 (d) COVERAGE REQUIREMENTS; AND  
2 (e) OTHER COSTS, FEES, AND EXPENSES RELATED TO PARAGRAPHS  
3 (a) TO (d) OF THIS SUBSECTION (3) AND ANY OTHER AMOUNTS REQUIRED  
4 TO BE PAID PURSUANT TO THE PROVISIONS OF ANY DOCUMENTS  
5 AUTHORIZING THE ISSUANCE OF THE BONDS.

6 (4) "BRIDGE ENTERPRISE" MEANS THE STATEWIDE BRIDGE  
7 ENTERPRISE CREATED IN SECTION 43-4-808 (2).

8 (5) "BRIDGE ENTERPRISE BOARD" MEANS THE BOARD OF  
9 DIRECTORS OF THE BRIDGE ENTERPRISE.

10 (6) "BRIDGE ENTERPRISE DIRECTOR" MEANS THE DIRECTOR OF THE  
11 BRIDGE ENTERPRISE APPOINTED PURSUANT TO SECTION 43-4-808 (2) (a)  
12 (I).

13 (7) "BRIDGE SPECIAL FUND" MEANS THE STATEWIDE BRIDGE  
14 ENTERPRISE SPECIAL REVENUE FUND CREATED IN SECTION 43-4-808 (3)  
15 (a).

16 (8) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION  
17 CREATED IN SECTION 43-1-106.

18 (9) "CONSTRUCT" OR "CONSTRUCTION" MEANS THE PLANNING,  
19 DESIGNING, ENGINEERING, ACQUISITION, INSTALLATION, CONSTRUCTION,  
20 OR RECONSTRUCTION OF A TOLL HIGHWAY.

21 (10) "DEPARTMENT" MEANS THE DEPARTMENT OF  
22 TRANSPORTATION CREATED IN SECTION 24-1-128.7, C.R.S.

23 (11) "DESIGNATED BRIDGE" MEANS EVERY BRIDGE, INCLUDING  
24 ANY ROADWAYS, SIDEWALKS, OR OTHER INFRASTRUCTURE CONNECTED OR  
25 ADJACENT TO OR REQUIRED FOR THE OPTIMAL FUNCTIONING OF THE  
26 BRIDGE, THAT:

27 (a) IS PART OF THE STATE HIGHWAY SYSTEM, AS DESCRIBED IN

1 SECTION 43-2-101; AND

2 (b) HAS BEEN IDENTIFIED BY THE DEPARTMENT AS STRUCTURALLY  
3 DEFICIENT OR FUNCTIONALLY OBSOLETE, AND HAS BEEN RATED BY THE  
4 DEPARTMENT AS POOR, AS OF JANUARY 1, 2009, OR IS SUBSEQUENTLY SO  
5 IDENTIFIED AND RATED BY THE DEPARTMENT.

6 (12) "DESIGNATED BRIDGE PROJECT" MEANS A PROJECT THAT  
7 INVOLVES THE REPAIR, RECONSTRUCTION, REPLACEMENT, OR ONGOING  
8 OPERATION OR MAINTENANCE, OR ANY COMBINATION THEREOF, OF A  
9 DESIGNATED BRIDGE BY THE BRIDGE ENTERPRISE PURSUANT TO AN  
10 AGREEMENT BETWEEN THE ENTERPRISE AND THE COMMISSION OR  
11 DEPARTMENT AUTHORIZED BY SECTION 43-4-808 (5) (f).

12 (13) "ENVIRONMENTAL IMPACT STATEMENT OR ENVIRONMENTAL  
13 ASSESSMENT" MEANS AN ENVIRONMENTAL IMPACT STATEMENT OR  
14 ENVIRONMENTAL ASSESSMENT REQUIRED TO BE PERFORMED UNDER THE  
15 FEDERAL "NATIONAL ENVIRONMENTAL POLICY ACT OF 1969", 42 U.S.C.  
16 SEC. 4321 ET SEQ.

17 (14) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
18 THE DEPARTMENT.

19 (15) (a) "GRANT" MEANS ANY DIRECT CASH SUBSIDY OR OTHER  
20 DIRECT CONTRIBUTION OF MONEY FROM THE STATE OR ANY LOCAL  
21 GOVERNMENT IN THE STATE TO THE BRIDGE ENTERPRISE OR THE TOLLING  
22 ENTERPRISE THAT IS NOT REQUIRED TO BE REPAYED.

23 (b) "GRANT" DOES NOT INCLUDE ANY OF THE FOLLOWING OR ANY  
24 INTEREST OR INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF  
25 THE FOLLOWING:

26 (I) ANY INDIRECT BENEFIT CONFERRED UPON THE BRIDGE  
27 ENTERPRISE OR THE TOLLING ENTERPRISE FROM THE STATE OR ANY LOCAL

1 GOVERNMENT IN THE STATE;

2 (II) ANY FEDERAL MONEYS RECEIVED BY THE BRIDGE ENTERPRISE  
3 OR THE TOLLING ENTERPRISE, REGARDLESS OF WHETHER THE FEDERAL  
4 MONEYS PASS THROUGH THE STATE OR ANY LOCAL GOVERNMENT IN THE  
5 STATE PRIOR TO RECEIPT BY THE ENTERPRISE;

6 (III) ANY REVENUES OF THE BRIDGE ENTERPRISE FROM THE BRIDGE  
7 SAFETY SURCHARGE IMPOSED BY THE ENTERPRISE PURSUANT TO SECTION  
8 43-4-808 (5) (g) OR REVENUES OF THE BRIDGE ENTERPRISE OR THE  
9 TOLLING ENTERPRISE FROM ANY OTHER AUTHORIZED RATE, FEE,  
10 ASSESSMENT, OR OTHER CHARGE IMPOSED BY EITHER ENTERPRISE FOR THE  
11 PROVISION OF GOODS OR SERVICES BY THE ENTERPRISE;

12 (IV) ANY MONEYS PAID OR ADVANCED TO THE BRIDGE ENTERPRISE  
13 BY THE STATE, A LOCAL GOVERNMENT OR GROUP OF LOCAL  
14 GOVERNMENTS, AN AUTHORITY, OR ANY OTHER GOVERNMENT-OWNED  
15 BUSINESS OR GOVERNMENTAL ENTITY IN EXCHANGE FOR AN AGREEMENT  
16 BY THE BRIDGE ENTERPRISE TO COMPLETE A DESIGNATED BRIDGE PROJECT;  
17 OR

18 (V) ANY MONEYS LOANED BY THE COMMISSION TO THE BRIDGE  
19 ENTERPRISE PURSUANT TO SECTION 43-4-808 (4) OR (5) (r).

20 (16) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY, COUNTY, OR  
21 CITY AND COUNTY.

22 (17) "METROPOLITAN PLANNING ORGANIZATION" MEANS A  
23 METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT  
24 ACT", 49 U.S.C. SEC. 5301 ET SEQ.

25 (18) "PUBLIC TRANSPORTATION VEHICLE" MEANS A MOTOR  
26 VEHICLE THAT IS PART OF VEHICULAR SERVICE THAT TRANSPORTS THE  
27 GENERAL PUBLIC AND THAT IS PROVIDED BY A PUBLIC TRANSPORTATION

1 DISTRICT OR BY A LOCAL GOVERNMENT.

2 (19) "REGIONAL PLANNING COMMISSION" MEANS A REGIONAL  
3 PLANNING COMMISSION FORMED UNDER THE PROVISIONS OF SECTION  
4 30-28-105, C.R.S., THAT PREPARES AND SUBMITS A TRANSPORTATION  
5 PLAN PURSUANT TO SECTION 43-1-1103.

6 (20) "TOLL" MEANS THE COMPENSATION TO BE PAID TO THE  
7 TOLLING ENTERPRISE FOR THE PRIVILEGE OF USING ANY TOLL HIGHWAY,  
8 OR ANY PART THEREOF, BY VEHICULAR OR OTHER TRAFFIC.

9 (21) "TOLL HIGHWAY" MEANS A NEW HIGHWAY OR ADDITIONAL  
10 LANE CAPACITY AND RELATED HIGHWAY IMPROVEMENTS AND SERVICES.  
11 A TOLL HIGHWAY MAY, AS THE TOLLING ENTERPRISE BOARD DETERMINES,  
12 CONSIST OF IMPROVEMENTS AND SERVICES, INCLUDING BUT NOT LIMITED  
13 TO PAVING, GRADING, LANDSCAPING, CURBS, GUTTERS, CULVERTS,  
14 SIDEWALKS, BIKEWAYS, LIGHTING, BRIDGES, OVERPASSES, UNDERPASSES,  
15 RAIL CROSSINGS, FRONTAGE ROADS, ACCESS ROADS, INTERCHANGES,  
16 DRAINAGE FACILITIES, MASS TRANSIT LANES AND SERVICES,  
17 PARK-AND-RIDE FACILITIES, OTHER MULTIMODAL IMPROVEMENTS AND  
18 SERVICES, TOLL COLLECTION FACILITIES, SERVICE AREAS, ADMINISTRATIVE  
19 OR MAINTENANCE FACILITIES, GAS, ELECTRIC, WATER, SEWER, AND OTHER  
20 UTILITIES LOCATED OR TO BE LOCATED IN THE RIGHT-OF-WAY FOR A TOLL  
21 HIGHWAY, AND OTHER REAL OR PERSONAL PROPERTY, INCLUDING  
22 EASEMENTS, RIGHTS-OF-WAY, OPEN SPACE, AND OTHER INTERESTS  
23 THEREIN, RELATING TO THE FINANCING, CONSTRUCTION, OPERATION, OR  
24 MAINTENANCE OF A TOLL HIGHWAY. A TOLL HIGHWAY MAY NOT  
25 ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES THAT HAVE SERVED  
26 VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT PURSUANT TO SECTION  
27 42-4-1012, C.R.S.



1           (22) "TOLL HIGHWAY CORRIDOR" MEANS THE GEOGRAPHIC AREA  
2 THAT WAS INCLUDED AS A PART OF A SINGLE FINAL ENVIRONMENTAL  
3 IMPACT STATEMENT OR ENVIRONMENTAL ASSESSMENT RELATING TO A  
4 SINGLE PROJECT.

5           (23) "TOLL HIGHWAY SYSTEM" MEANS THE GEOGRAPHIC AREA  
6 DESIGNATED BY THE TOLLING ENTERPRISE THAT INCLUDES ONE OR MORE  
7 TOLL HIGHWAYS WITHIN WHICH TOLL REVENUES FROM ANY OF THE TOLL  
8 HIGHWAYS MAY BE USED. IF THERE IS MORE THAN ONE TOLL HIGHWAY  
9 WITHIN A TOLL HIGHWAY SYSTEM, ALL TOLL HIGHWAYS SHALL BE  
10 DIRECTLY CONNECTED OR WITHIN FIVE MILES OF ANOTHER TOLL HIGHWAY  
11 WITHIN THE SYSTEM. A TOLL HIGHWAY SYSTEM SHALL NOT INCLUDE MORE  
12 THAN ONE METROPOLITAN PLANNING ORGANIZATION OR REGIONAL  
13 PLANNING COMMISSION WITHIN ITS BOUNDARIES, UNLESS ALL OF THE  
14 METROPOLITAN PLANNING ORGANIZATIONS OR REGIONAL PLANNING  
15 COMMISSIONS AGREE TO BE PART OF THE SYSTEM.

16           (24) "TOLL REVENUES" MEANS THE REVENUES GENERATED BY A  
17 TOLL HIGHWAY CONSTRUCTED, OPERATED, OR MAINTAINED PURSUANT TO  
18 THIS PART 8.

19           (25) "TOLLING ENTERPRISE" MEANS THE STATEWIDE TOLLING  
20 ENTERPRISE CREATED BY THE COMMISSION PURSUANT TO SECTION  
21 43-4-803 (1).

22           (26) "TOLLING ENTERPRISE BOARD" MEANS THE BOARD OF  
23 DIRECTORS OF THE TOLLING ENTERPRISE.

24           (27) "TOLLING ENTERPRISE DIRECTOR" MEANS THE DIRECTOR OF  
25 THE TOLLING ENTERPRISE APPOINTED PURSUANT TO SECTION 43-4-803 (1).

26           (28) "TOLLING SPECIAL FUND" MEANS THE STATEWIDE TOLLING  
27 ENTERPRISE SPECIAL REVENUE FUND CREATED IN SECTION 43-4-804.

1 (29) "VEHICLE" MEANS A MOTOR VEHICLE AS DEFINED IN SECTION  
2 42-1-102 (58), C.R.S.; EXCEPT THAT, FOR PURPOSES OF ANY BRIDGE  
3 SAFETY SURCHARGE IMPOSED PURSUANT TO THIS PART 8 IN CONNECTION  
4 WITH A VEHICLE REQUIRED TO BE REGISTERED PURSUANT TO THE  
5 PROVISIONS OF ARTICLE 3 OF TITLE 42, C.R.S., "VEHICLE" ALSO INCLUDES  
6 ANY VEHICLE WITHOUT MOTIVE POWER THAT IS REQUIRED TO BE  
7 REGISTERED.

8 **43-4-803. Statewide tolling enterprise - creation by**  
9 **commission - enterprise status - transfer.** (1) THE COMMISSION SHALL  
10 CREATE AND OPERATE A STATEWIDE TOLLING ENTERPRISE, WHICH SHALL  
11 OPERATE AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT  
12 AND SHALL BE A DIVISION OF THE DEPARTMENT. THE COMMISSION SHALL  
13 SERVE AS THE BOARD OF THE TOLLING ENTERPRISE, BUT SHALL, WITH THE  
14 CONSENT OF THE EXECUTIVE DIRECTOR, APPOINT A DIRECTOR OF THE  
15 ENTERPRISE WHO SHALL POSSESS QUALIFICATIONS AS MAY BE  
16 ESTABLISHED BY THE COMMISSION AND THE STATE PERSONNEL BOARD.  
17 THE DIRECTOR SHALL OVERSEE THE DISCHARGE OF ALL RESPONSIBILITIES  
18 OF THE TOLLING ENTERPRISE AND SHALL SERVE AT THE PLEASURE OF THE  
19 BOARD.

20 (2) (a) THE TOLLING ENTERPRISE SHALL CONSTITUTE AN  
21 ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE  
22 CONSTITUTION SO LONG AS THE TOLLING ENTERPRISE RETAINS THE  
23 AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS THAN TEN  
24 PERCENT OF ITS TOTAL ANNUAL REVENUES IN GRANTS FROM ALL  
25 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT  
26 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (2), THE  
27 TOLLING ENTERPRISE SHALL NOT BE SUBJECT TO ANY PROVISIONS OF

1 SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

2 (b) FOR PURPOSES OF PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.,  
3 THE RECORDS OF THE TOLLING ENTERPRISE SHALL BE PUBLIC RECORDS, AS  
4 DEFINED IN SECTION 24-72-202 (6), C.R.S., REGARDLESS OF WHETHER THE  
5 TOLLING ENTERPRISE RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL  
6 ANNUAL REVENUES IN GRANTS FROM ALL COLORADO STATE AND LOCAL  
7 GOVERNMENTS COMBINED.

8 (3) (a) THE TOLLING ENTERPRISE AND THE TOLLING ENTERPRISE  
9 DIRECTOR SHALL EXERCISE THE POWERS AND PERFORM THE DUTIES  
10 SPECIFIED IN THIS PART 8 UNDER THE DEPARTMENT AS IF THE SAME WERE  
11 TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS SUCH  
12 TRANSFER IS DEFINED IN SECTION 24-1-105, C.R.S.

13 (b) THE HIGH-PERFORMANCE TRANSPORTATION TOLLING  
14 ENTERPRISE, CREATED IN SECTION 43-4-806 (1), PRIOR TO THE REPEAL AND  
15 REENACTMENT OF SAID SECTION BY SENATE BILL 11-\_\_\_\_\_, ENACTED IN  
16 2011, AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A  
17 **TYPE 3** TRANSFER, AS DEFINED IN SECTION 24-1-105, C.R.S., TO THE  
18 TOLLING ENTERPRISE, AND THE HIGH-PERFORMANCE TRANSPORTATION  
19 ENTERPRISE IS ABOLISHED.

20 (4) THE TOLLING ENTERPRISE SHALL CONSTITUTE A PUBLIC ENTITY  
21 FOR PURPOSES OF PART 2 OF ARTICLE 57 OF TITLE 11, C.R.S.

22 **43-4-804. Statewide tolling enterprise special revenue fund -**  
23 **creation - separate toll highway system accounts.** (1) THE STATEWIDE  
24 TOLLING ENTERPRISE SPECIAL REVENUE FUND IS HEREBY CREATED IN THE  
25 STATE TREASURY. ALL TOLL REVENUES RECEIVED BY THE TOLLING  
26 ENTERPRISE SHALL BE DEPOSITED INTO THE TOLLING SPECIAL FUND, AND  
27 THERE SHALL BE A SEPARATE ACCOUNT WITHIN THE TOLLING SPECIAL

1 FUND FOR EACH TOLL HIGHWAY SYSTEM, WHICH SHALL CONSIST OF ALL  
2 TOLL REVENUES COLLECTED FROM EACH TOLL HIGHWAY WITHIN THE TOLL  
3 HIGHWAY SYSTEM. THE TOLLING ENTERPRISE ALSO MAY DEPOSIT OR  
4 PERMIT OTHERS TO DEPOSIT OTHER MONEYS INTO THE TOLLING SPECIAL  
5 FUND, BUT IN NO EVENT MAY REVENUES FROM ANY TAX OTHERWISE  
6 AVAILABLE FOR GENERAL PURPOSES BE DEPOSITED INTO THE TOLLING  
7 SPECIAL FUND. THE STATE TREASURER, AFTER CONSULTING WITH THE  
8 TOLLING ENTERPRISE BOARD, SHALL INVEST ANY MONEYS IN THE TOLLING  
9 SPECIAL FUND, INCLUDING ANY SURPLUS OR RESERVES, BUT EXCLUDING  
10 ANY PROCEEDS FROM THE SALE OF BONDS OR EARNINGS ON SUCH  
11 PROCEEDS INVESTED PURSUANT TO SECTION 43-4-809, THAT ARE NOT  
12 NEEDED FOR IMMEDIATE USE. SUCH MONEYS MAY BE INVESTED IN THE  
13 TYPES OF INVESTMENTS AUTHORIZED IN SECTIONS 24-36-109, 24-36-112,  
14 AND 24-36-113, C.R.S.

15 (2) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND  
16 INVESTMENT OF MONEYS IN THE TOLLING SPECIAL FUND SHALL BE  
17 CREDITED TO THE TOLLING SPECIAL FUND AND, IF APPLICABLE, TO THE  
18 APPROPRIATE TOLL HIGHWAY SYSTEM ACCOUNT. MONEYS IN THE TOLLING  
19 SPECIAL FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE  
20 ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS PART 8. ALL MONEYS  
21 DEPOSITED IN THE TOLLING SPECIAL FUND SHALL REMAIN IN THE TOLLING  
22 SPECIAL FUND FOR THE PURPOSES SET FORTH IN THIS PART 8 AND NO  
23 MONEYS IN THE TOLLING SPECIAL FUND SHALL BE USED FOR ANY OTHER  
24 PURPOSES.

25 (3) THE TOLLING ENTERPRISE SHALL PREPARE AN ANNUAL  
26 ACCOUNTING OF THE TOLL REVENUES COLLECTED WITHIN EACH TOLL  
27 HIGHWAY CORRIDOR.

1           (4) THE TOLLING ENTERPRISE MAY EXPEND MONEYS IN THE  
2 TOLLING SPECIAL FUND TO PAY BONDS OF THE TOLLING ENTERPRISE, TO  
3 FUND THE ADMINISTRATION, PLANNING, FINANCING, CONSTRUCTION,  
4 OPERATION, MAINTENANCE, OR REPAIR OF A TOLL HIGHWAY, AND FOR THE  
5 ACQUISITION OF LAND WITHIN A TOLL HIGHWAY CORRIDOR. THE TOLLING  
6 ENTERPRISE MAY ALSO EXPEND MONEYS IN THE TOLLING SPECIAL FUND TO  
7 PAY THE COSTS AND EXPENSES OF OPERATING THE TOLLING ENTERPRISE.  
8 THE TOLLING ENTERPRISE BOARD SHALL HAVE EXCLUSIVE AUTHORITY TO  
9 BUDGET AND APPROVE THE EXPENDITURE OF MONEYS IN THE TOLLING  
10 SPECIAL FUND.

11           (5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
12 TOLL REVENUES SHALL BE EXPENDED ONLY FOR PURPOSES AUTHORIZED BY  
13 SUBSECTION (4) OF THIS SECTION AND ONLY IN THE TOLL HIGHWAY  
14 SYSTEM IN WHICH THEY WERE COLLECTED; EXCEPT THAT THE TOLLING  
15 ENTERPRISE BOARD MAY USE TOLL REVENUES TO PAY A PROPORTIONAL  
16 SHARE OF THE COSTS AND EXPENSES OF OPERATING THE TOLLING  
17 ENTERPRISE. ONCE THE TOLLING ENTERPRISE HAS PAID THE COSTS OF  
18 CONSTRUCTING THE TOLL HIGHWAYS LOCATED WITHIN THE SYSTEM,  
19 INCLUDING SUFFICIENT CONTINGENCIES, PAID ALL DEBT SERVICE ON ALL  
20 BONDS ISSUED TO FINANCE THE TOLL HIGHWAYS, AND REIMBURSED THE  
21 STATE HIGHWAY FUND FOR THE AMOUNT OF ANY STATE HIGHWAY FUND  
22 MONEYS TRANSFERRED TO THE STATEWIDE TOLLING ENTERPRISE  
23 OPERATING FUND PLUS INTEREST IN ACCORDANCE WITH SECTION 43-4-805,  
24 THE TOLLING ENTERPRISE BOARD SHALL ADJUST TOLL RATES IN EACH TOLL  
25 HIGHWAY CORRIDOR SO THAT THE AMOUNT OF TOLL REVENUES TO BE  
26 GENERATED IS AS CLOSE AS POSSIBLE TO THE AMOUNT REQUIRED FOR THE  
27 ONGOING OPERATION, MAINTENANCE, RENEWAL, AND REPLACEMENT OF

1 THE TOLL HIGHWAY WITHIN THE TOLL HIGHWAY CORRIDOR. A TOLL  
2 HIGHWAY MAY NOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES  
3 THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT  
4 PURSUANT TO SECTION 42-4-1012, C.R.S.

5 **43-4-805. Statewide tolling enterprise operating fund.** THE  
6 COMMISSION MAY TRANSFER MONEYS FROM THE STATE HIGHWAY FUND  
7 CREATED IN SECTION 43-1-219 TO THE TOLLING ENTERPRISE FOR THE  
8 PURPOSE OF DEFRAIVING EXPENSES INCURRED BY THE TOLLING ENTERPRISE  
9 PRIOR TO THE RECEIPT OF BOND PROCEEDS OR REVENUES BY THE TOLLING  
10 ENTERPRISE. THE TOLLING ENTERPRISE MAY ACCEPT AND EXPEND ANY  
11 MONEYS SO TRANSFERRED, AND, NOTWITHSTANDING ANY STATE FISCAL  
12 RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE THAT COULD  
13 OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, SUCH  
14 A TRANSFER SHALL CONSTITUTE A LOAN FROM THE COMMISSION TO THE  
15 TOLLING ENTERPRISE AND SHALL NOT BE CONSIDERED A GRANT FOR  
16 PURPOSES OF SECTION 20 (2) (d) OF ARTICLE X OF THE STATE  
17 CONSTITUTION. AS THE TOLLING ENTERPRISE RECEIVES SUFFICIENT  
18 REVENUES IN EXCESS OF EXPENSES, THE TOLLING ENTERPRISE SHALL  
19 REIMBURSE THE STATE HIGHWAY FUND FOR THE PRINCIPAL AMOUNT OF  
20 ANY LOAN FROM THE STATE HIGHWAY FUND MADE BY THE COMMISSION  
21 PLUS INTEREST AT A RATE SET BY THE COMMISSION. ANY MONEYS  
22 LOANED FROM THE STATE HIGHWAY FUND TO THE TOLLING ENTERPRISE  
23 PURSUANT TO THIS SECTION SHALL BE DEPOSITED INTO A FUND TO BE  
24 KNOWN AS THE STATEWIDE TOLLING ENTERPRISE OPERATING FUND, WHICH  
25 FUND IS HEREBY CREATED, AND SHALL NOT BE DEPOSITED INTO THE  
26 TOLLING SPECIAL FUND. MONEYS FROM THE TOLLING SPECIAL FUND MAY,  
27 HOWEVER, BE USED TO REIMBURSE THE STATE HIGHWAY FUND FOR THE

1 AMOUNT OF ANY LOAN FROM THE STATE HIGHWAY FUND OR ANY INTEREST  
2 THEREON.

3 **43-4-806. Toll highway construction review.** (1) THE TOLLING  
4 ENTERPRISE BOARD SHALL TAKE NO ACTION RELATING TO THE  
5 CONSTRUCTION OF A TOLL HIGHWAY UNTIL AFTER THE TOLL HIGHWAY  
6 SYSTEM THAT INCLUDES THE TOLL HIGHWAY HAS BEEN REVIEWED BY  
7 EVERY METROPOLITAN PLANNING ORGANIZATION OR REGIONAL PLANNING  
8 COMMISSION THAT IS LOCATED IN WHOLE OR IN PART WITHIN THE TOLL  
9 HIGHWAY SYSTEM. THE TOLLING ENTERPRISE BOARD SHALL DEVELOP A  
10 PLAN FOR THE CONSTRUCTION OF A TOLL HIGHWAY THAT ADDRESSES THE  
11 OPERATION OF THE TOLL HIGHWAY, THE TECHNOLOGY TO BE UTILIZED, THE  
12 PROJECT FEASIBILITY, THE PROJECT FINANCING, AND ANY OTHER  
13 FEDERALLY REQUIRED INFORMATION. EACH TOLL HIGHWAY PLAN IN A  
14 TOLL HIGHWAY SYSTEM SHALL BE SEPARATELY APPROVED BY EACH  
15 METROPOLITAN PLANNING ORGANIZATION OR REGIONAL PLANNING  
16 COMMISSION THAT IS LOCATED IN WHOLE OR IN PART WITHIN THE TOLL  
17 HIGHWAY SYSTEM.

18 (2) UPON REQUEST OF A LOCAL GOVERNMENT LOCATED IN WHOLE  
19 OR IN PART WITHIN THE TOLL HIGHWAY SYSTEM, THE TOLLING ENTERPRISE  
20 BOARD SHALL CONSULT WITH REPRESENTATIVES FROM THE LOCAL  
21 GOVERNMENT AND SHALL CONSIDER MITIGATION OF DEMONSTRABLE  
22 NEGATIVE IMPACTS ON THE LOCAL GOVERNMENT THAT WOULD RESULT  
23 FROM THE CONSTRUCTION, OPERATION, OR FINANCING OF THE TOLL  
24 HIGHWAY OR TOLL HIGHWAY SYSTEM. NOTHING IN THIS SUBSECTION (2)  
25 IS INTENDED OR SHALL BE CONSTRUED TO AFFECT OR DIMINISH THE  
26 AUTHORITY OF ANY LOCAL GOVERNMENT GRANTED BY ANY OTHER LAW  
27 OF THIS STATE.

1           **43-4-807. Powers and duties of the tolling enterprise board -**

2           **annual report - definitions.** (1) THE TOLLING ENTERPRISE BOARD HAS  
3 THE FOLLOWING POWERS AND DUTIES:

4           (a) TO ADVISE THE TOLLING ENTERPRISE DIRECTOR;

5           (b) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND  
6 CONDUCT OF ITS BUSINESS;

7           (c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE  
8 TOLLING SPECIAL FUND, FOR THE PURPOSES OF PAYING THE COST OF  
9 FINANCING, CONSTRUCTING, OPERATING, OR MAINTAINING A TOLL  
10 HIGHWAY;

11           (d) TO ESTABLISH AND, FROM TIME TO TIME, INCREASE OR  
12 DECREASE FEES, TOLLS, RATES, AND CHARGES FOR THE PRIVILEGE OF  
13 TRAVELING ON OR FOR THE USE OF THE PROPERTY OF A TOLL HIGHWAY;  
14 EXCEPT THAT NO FEE, TOLL, RATE, OR CHARGE SHALL BE CHARGED TO A  
15 PUBLIC TRANSPORTATION VEHICLE. IF A TOLL HIGHWAY REPLACES ANY  
16 PART OF AN EXISTING HIGH OCCUPANCY VEHICLE LANE, THE TOLLING  
17 ENTERPRISE BOARD SHALL NOT CHARGE A FEE, TOLL, RATE, OR CHARGE TO  
18 A HIGH OCCUPANCY VEHICLE FOR THE PRIVILEGE OF TRAVELING ON OR THE  
19 USE OF THE PROPERTY OF THE TOLL HIGHWAY. IN ESTABLISHING A FEE,  
20 TOLL, RATE, OR CHARGE FOR A TOLL HIGHWAY, THE TOLLING ENTERPRISE  
21 BOARD SHALL CONSIDER THE ECONOMIC FEASIBILITY OF REDUCING OR  
22 ELIMINATING THE FEE, TOLL, RATE, OR CHARGE FOR A HIGH OCCUPANCY  
23 VEHICLE, AND, IF FEASIBLE, THE TOLLING ENTERPRISE BOARD SHALL  
24 REDUCE OR ELIMINATE THE FEE, TOLL, RATE, OR CHARGE ACCORDINGLY.

25           (e) TO ESTABLISH, CHARGE, AND COLLECT FEES AND CHARGES FOR  
26 THE USE OF OTHER PROPERTY OF THE TOLLING ENTERPRISE;

27           (f) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND



1 PERSONAL PROPERTY AS NECESSARY IN THE EXERCISE OF ITS POWERS AND  
2 PERFORMANCE OF ITS DUTIES;

3 (g) TO ACQUIRE BY PURCHASE, GIFT, GRANT, OR BY  
4 CONDEMNATION, AS PROVIDED IN ARTICLE 1 OF TITLE 38, C.R.S., ANY AND  
5 ALL RIGHTS-OF-WAY, LANDS, BUILDINGS, MONEYS, OR GROUNDS  
6 NECESSARY OR CONVENIENT FOR ITS AUTHORIZED PURPOSES;

7 (h) TO MAKE AND ENTER INTO CONTRACTS OR AGREEMENTS WITH  
8 A PRIVATE ENTITY TO FACILITATE A PUBLIC-PRIVATE INITIATIVE PURSUANT  
9 TO SECTIONS 43-1-1203 AND 43-1-1204, INCLUDING, BUT NOT LIMITED TO:

10 (I) AN AGREEMENT PURSUANT TO WHICH THE PRIVATE ENTITY IS  
11 AUTHORIZED TO ESTABLISH, INCREASE, OR DECREASE AND TO CHARGE AND  
12 COLLECT TOLLS, RATES, AND CHARGES FOR THE PRIVILEGE OF TRAVELING  
13 ON ANY TOLL PROJECT, SUBJECT TO THE SUPERVISION AND APPROVAL OF  
14 THE TOLLING ENTERPRISE UNDER THE TERMS OF ANY SUCH AGREEMENT,  
15 BUT OTHERWISE WITHOUT ANY SUPERVISION OR APPROVAL BY ANY OTHER  
16 BOARD, AGENCY, BUREAU, COMMISSION, OR OFFICIAL OF THE STATE;

17 (II) AN AGREEMENT PURSUANT TO WHICH THE TOLLING  
18 ENTERPRISE OR THE TOLLING ENTERPRISE ON BEHALF OF THE DEPARTMENT  
19 OPERATES, MAINTAINS, OR PROVIDES TOLL ENFORCEMENT SERVICES OR  
20 OTHER SERVICES OR PROPERTY IN CONNECTION WITH A TOLL PROJECT;

21 (III) AN AGREEMENT PURSUANT TO WHICH A PRIVATE ENTITY  
22 OPERATES ALL OR ANY PORTION OF A TOLL PROJECT ON BEHALF OF THE  
23 TOLLING ENTERPRISE; AND

24 (IV) AN AGREEMENT PURSUANT TO WHICH THE TOLLING  
25 ENTERPRISE OR THE TOLLING ENTERPRISE ON BEHALF OF THE DEPARTMENT  
26 OPERATES, MAINTAINS, OR PROVIDES LAW ENFORCEMENT SERVICES, TOLL  
27 ENFORCEMENT SERVICES, OR OTHER SERVICES OR PROPERTY IN

1 CONNECTION WITH A TOLL PROJECT;

2 (i) TO MAKE AND TO ENTER INTO ALL OTHER CONTRACTS OR  
3 AGREEMENTS, INCLUDING INTERGOVERNMENTAL AGREEMENTS PURSUANT  
4 TO SECTION 29-1-203, C.R.S., THAT ARE NECESSARY OR INCIDENTAL TO  
5 THE EXERCISE OF ITS POWERS AND PERFORMANCE OF ITS DUTIES;

6 (j) TO EMPLOY OR CONTRACT FOR THE SERVICES OF CONSULTING  
7 ENGINEERS OR OTHER EXPERTS AS ARE NECESSARY IN ITS JUDGMENT TO  
8 CARRY OUT ITS POWERS AND DUTIES;

9 (k) TO PREPARE, OR CAUSE TO BE PREPARED, DETAILED PLANS,  
10 SPECIFICATIONS, OR ESTIMATES FOR THE FINANCING, CONSTRUCTION,  
11 RELOCATION, REPAIR, MAINTENANCE, OR OPERATION OF A TOLL HIGHWAY  
12 WITHIN THE STATE. A TOLL HIGHWAY MAY NOT ELIMINATE PREVIOUSLY  
13 EXISTING HIGHWAY LANES THAT HAVE SERVED VEHICULAR TRAFFIC ON A  
14 TOLL-FREE BASIS EXCEPT PURSUANT TO SECTION 42-4-1012, C.R.S.

15 (l) TO ACQUIRE, CONSTRUCT, RELOCATE, OPERATE, REGULATE,  
16 AND MAINTAIN A TOLL HIGHWAY THROUGH AND WITHIN THE STATE;

17 (m) TO CONSTRUCT, MAINTAIN, AND OPERATE STATIONS FOR THE  
18 COLLECTION OF TOLLS ALONG A TOLL HIGHWAY;

19 (n) TO SET AND ADOPT, ON AN ANNUAL BASIS, A BUDGET FOR THE  
20 TOLLING ENTERPRISE;

21 (o) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE,  
22 LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF, OR ENCUMBER REAL OR  
23 PERSONAL PROPERTY OR ANY INTEREST THEREIN, INCLUDING EASEMENTS  
24 AND RIGHTS-OF-WAY, WITHOUT RESTRICTION OR LIMITATION;

25 (p) TO ENTER INTO INTEREST RATE EXCHANGE AGREEMENTS FOR  
26 BONDS THAT HAVE BEEN ISSUED IN ACCORDANCE WITH ARTICLE 59.3 OF  
27 TITLE 11, C.R.S.;

1 (q) PURSUANT TO SECTION 24-1-107.5, C.R.S., TO ESTABLISH,  
2 CREATE, AND APPROVE NONPROFIT ENTITIES AND BONDS ISSUED BY OR ON  
3 BEHALF OF SUCH NONPROFIT ENTITIES FOR THE PURPOSE OF FINANCING,  
4 CONSTRUCTING, OPERATING, OR MAINTAINING A TOLL HIGHWAY, TO  
5 ACCEPT THE ASSETS OF ANY SUCH NONPROFIT ENTITY, TO OBTAIN AN  
6 OPTION TO ACQUIRE THE ASSETS OF ANY SUCH NONPROFIT ENTITY BY  
7 PAYING SUCH BONDS, TO APPOINT OR APPROVE THE APPOINTMENT OF  
8 MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY,  
9 AND TO REMOVE THE MEMBERS OF THE GOVERNING BOARD OF ANY SUCH  
10 NONPROFIT ENTITY FOR CAUSE;

11 (r) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE  
12 TOLLING ENTERPRISE TO THE DEPARTMENT; AND

13 (s) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
14 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
15 GRANTED IN THIS SECTION.

16 (2) (a) IN ADDITION TO THE POWERS AND DUTIES SPECIFIED IN  
17 SUBSECTION (1) OF THIS SECTION, THE TOLLING ENTERPRISE BOARD HAS  
18 THE DUTY TO EVALUATE ANY TOLL HIGHWAY IN THE STATE THAT IS  
19 OWNED AND OFFERED FOR SALE OR FOR LEASE AND AN OPERATING  
20 CONCESSION BY AN ENTITY OTHER THAN THE STATE IN ORDER TO  
21 DETERMINE WHETHER IT IS IN THE BEST INTERESTS OF THE STATE FOR THE  
22 TOLLING ENTERPRISE TO PURCHASE OR LEASE THE TOLL HIGHWAY OR A  
23 PARTIAL INTEREST IN THE TOLL HIGHWAY THAT IS BEING OFFERED FOR  
24 SALE, LEASE, OR CONCESSION OR ENTER INTO A PUBLIC-PRIVATE  
25 INITIATIVE PURSUANT TO PART 12 OF ARTICLE 1 OF THIS TITLE IN  
26 CONNECTION WITH THE TOLL HIGHWAY. IN EVALUATING A TOLL HIGHWAY,  
27 THE TOLLING ENTERPRISE BOARD SHALL CONSIDER THE FINANCIAL COSTS

1 AND BENEFITS TO THE STATE AND USERS OF THE TOLL HIGHWAY OF  
2 PURCHASING OR LEASING THE TOLL HIGHWAY OR A PARTIAL INTEREST IN  
3 THE TOLL HIGHWAY OR ENTERING INTO A PUBLIC-PRIVATE INITIATIVE IN  
4 CONNECTION WITH THE TOLL HIGHWAY, THE EFFECT OF SUCH A PURCHASE,  
5 LEASE, OR PUBLIC-PRIVATE INITIATIVE ON STATEWIDE, REGIONAL, OR  
6 LOCAL TRANSPORTATION PLANS PREVIOUSLY ADOPTED AND ON FUTURE  
7 TRANSPORTATION PLANNING, AND ANY OTHER FACTORS DEEMED  
8 SIGNIFICANT BY THE TOLLING ENTERPRISE BOARD. IN CONSIDERING THE  
9 EFFECT ON REGIONAL OR LOCAL TRANSPORTATION PLANS, THE TOLLING  
10 ENTERPRISE BOARD SHALL CONSULT WITH THE APPROPRIATE REGIONAL OR  
11 LOCAL TRANSPORTATION PLANNING AGENCY. SUBJECT TO CRITERIA,  
12 PROCEDURES, PROCESSES, AND RULES ESTABLISHED BY THE ENTITY OTHER  
13 THAN THE STATE OFFERING THE TOLL HIGHWAY FOR SALE OR FOR LEASE  
14 AND AN OPERATING CONCESSION INCLUDING, WITHOUT LIMITATION,  
15 PROVISIONS FOR REJECTING ALL BIDS OR PROPOSALS AND SHORT-LISTING  
16 BIDDERS AND PROPOSERS, AND WITHOUT ANY SPECIAL CONSIDERATION  
17 FOR EITHER PUBLIC OR PRIVATE SECTOR INTERESTS THAT MAY BID ON OR  
18 PROPOSE TO PURCHASE OR LEASE A TOLL HIGHWAY, THE TOLLING  
19 ENTERPRISE BOARD MAY BID ON OR PROPOSE TO PURCHASE OR LEASE A  
20 TOLL HIGHWAY OR A PARTIAL INTEREST IN A TOLL HIGHWAY SO OFFERED  
21 WITHOUT CHANGE OR DELAY OF SUCH CRITERIA, PROCEDURES, PROCESSES,  
22 AND RULES OR MAY ENTER INTO A PUBLIC-PRIVATE INITIATIVE IN  
23 CONNECTION WITH A TOLL HIGHWAY AND MAY FINANCE ALL OR A PORTION  
24 OF THE PURCHASE OR LEASE OF A TOLL HIGHWAY OR A PUBLIC-PRIVATE  
25 INITIATIVE ENTERED INTO IN CONNECTION WITH A TOLL HIGHWAY BY  
26 ISSUING BONDS AS AUTHORIZED BY SECTION 43-4-809 IF THE TOLLING  
27 ENTERPRISE BOARD DETERMINES THAT THE PURCHASE, LEASE, OR

1 PUBLIC-PRIVATE INITIATIVE IS IN THE BEST INTERESTS OF THE STATE.  
2 FUNDING TO PERFORM A TOLL HIGHWAY EVALUATION SHALL BE PROVIDED  
3 BY THE DEPARTMENT AND MANAGED BY THE BOARD. AN ENTITY OTHER  
4 THAN THE STATE SHALL CONSIDER AND REPRESENT THE INTERESTS OF ITS  
5 CONSTITUENCY AT ALL TIMES DURING AND AFTER THE EVALUATION  
6 PROCESS CONDUCTED BY THE TOLLING ENTERPRISE BOARD PURSUANT TO  
7 THIS SUBSECTION (2).

8 (b) FOR PURPOSES OF THIS SUBSECTION (2), "ENTITY OTHER THAN  
9 THE STATE" MEANS A PUBLIC HIGHWAY AUTHORITY CREATED PURSUANT  
10 TO SECTION 43-4-504, A REGIONAL TRANSPORTATION AUTHORITY  
11 CREATED PURSUANT TO SECTION 43-4-603, A TOLL ROAD OR TOLL  
12 HIGHWAY COMPANY FORMED PURSUANT TO SECTION 7-45-101, C.R.S., OR  
13 ANY OTHER NATURAL PERSON OR ENTITY OTHER THAN THE STATE OR A  
14 DEPARTMENT OR AGENCY OF THE STATE THAT MAY OWN A TOLL HIGHWAY.

15 (3) THE TOLLING ENTERPRISE BOARD SHALL ENSURE  
16 UNRESTRICTED ACCESS BY ALL VEHICLES TO ANY TOLL HIGHWAY AND  
17 SHALL NOT REQUIRE THAT A PARTICULAR CLASS OF VEHICLES TRAVEL  
18 UPON ANY TOLL HIGHWAY, INCLUDING A TOLL HIGHWAY THAT PROVIDES  
19 ADDITIONAL CAPACITY ON AN EXISTING HIGHWAY. A TOLL HIGHWAY MAY  
20 NOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES THAT HAVE  
21 SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT PURSUANT TO  
22 SECTION 42-4-1012, C.R.S.

23 (4) NO LATER THAN FEBRUARY 15, 2012, AND NO LATER THAN  
24 FEBRUARY 15 OF EACH YEAR THEREAFTER, THE TOLLING ENTERPRISE  
25 SHALL PRESENT A REPORT TO THE COMMITTEES OF THE HOUSE OF  
26 REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION OVER  
27 TRANSPORTATION. THE REPORT SHALL INCLUDE A SUMMARY OF THE

1 TOLLING ENTERPRISE'S ACTIVITIES FOR THE PREVIOUS YEAR, A STATEMENT  
2 OF CURRENT TOLL RATES AND ANY EXPECTED CHANGES, A SUMMARY OF  
3 THE STATUS OF ANY CURRENT TOLL PROJECTS, A STATEMENT OF THE  
4 TOLLING ENTERPRISE'S REVENUES AND EXPENSES, A SUMMARY OF THE  
5 RESULTS OF ANY EVALUATION OF A TOLL HIGHWAY CONDUCTED BY THE  
6 TOLLING ENTERPRISE PURSUANT TO SUBSECTION (2) OF THIS SECTION, AND  
7 ANY RECOMMENDATIONS FOR STATUTORY CHANGES THAT THE TOLLING  
8 ENTERPRISE DEEMS NECESSARY OR DESIRABLE. THE COMMITTEES SHALL  
9 REVIEW THE REPORT AND MAY RECOMMEND LEGISLATION. THE REPORT  
10 SHALL BE PUBLIC AND SHALL BE AVAILABLE ON THE WEB SITE OF THE  
11 DEPARTMENT ON OR BEFORE JANUARY 15 OF THE YEAR IN WHICH THE  
12 REPORT IS PRESENTED.

13 **43-4-808. Statewide bridge enterprise - creation - board -**  
14 **funds - powers and duties - reporting requirements - legislative**  
15 **declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES  
16 THAT:

17 (a) THE COMPLETION OF DESIGNATED BRIDGE PROJECTS IS  
18 ESSENTIAL TO ADDRESS INCREASING TRAFFIC CONGESTION AND DELAYS,  
19 HAZARDS, INJURIES, AND FATALITIES;

20 (b) DUE TO THE LIMITED AVAILABILITY OF STATE AND FEDERAL  
21 FUNDING AND THE NEED TO ACCOMPLISH THE FINANCING, REPAIR,  
22 RECONSTRUCTION, AND REPLACEMENT OF DESIGNATED BRIDGES AS  
23 PROMPTLY AND EFFICIENTLY AS POSSIBLE, IT IS NECESSARY TO CREATE A  
24 STATEWIDE BRIDGE ENTERPRISE AND TO AUTHORIZE THE ENTERPRISE TO:

25 (I) ENTER INTO AGREEMENTS WITH THE COMMISSION OR THE  
26 DEPARTMENT TO FINANCE, REPAIR, RECONSTRUCT, AND REPLACE  
27 DESIGNATED BRIDGES IN THE STATE; AND

1           (II) IMPOSE A BRIDGE SAFETY SURCHARGE AT RATES REASONABLY  
2           CALCULATED TO DEFRAID THE COSTS OF COMPLETING DESIGNATED BRIDGE  
3           PROJECTS AND DISTRIBUTE THE BURDEN OF DEFRAIDING THE COSTS IN A  
4           MANNER BASED ON THE BENEFITS RECEIVED BY PERSONS PAYING THE FEES  
5           AND USING DESIGNATED BRIDGES, RECEIVE AND EXPEND REVENUES  
6           GENERATED BY THE SURCHARGE AND OTHER MONEYS, ISSUE REVENUE  
7           BONDS AND OTHER OBLIGATIONS, CONTRACT WITH THE STATE, IF  
8           REQUIRED APPROVALS ARE OBTAINED, TO RECEIVE ONE OR MORE LOANS  
9           OF MONEYS RECEIVED BY THE STATE UNDER THE TERMS OF ONE OR MORE  
10          LEASE-PURCHASE AGREEMENTS AUTHORIZED BY THIS PART 8, EXPEND  
11          REVENUES GENERATED BY THE SURCHARGE TO REPAY ANY SUCH LOAN OR  
12          LOANS RECEIVED, AND EXERCISE OTHER POWERS NECESSARY AND  
13          APPROPRIATE TO CARRY OUT ITS PURPOSES; AND

14          (c) THE CREATION OF A STATEWIDE BRIDGE ENTERPRISE IS IN THE  
15          PUBLIC INTEREST AND WILL PROMOTE THE HEALTH, SAFETY, AND WELFARE  
16          OF ALL COLORADANS AND VISITORS TO THE STATE BY PROVIDING BRIDGES  
17          THAT INCORPORATE THE BENEFITS OF ADVANCED ENGINEERING DESIGN,  
18          EXPERIENCE, AND SAFETY.

19          (2) (a) (I) THE STATEWIDE BRIDGE ENTERPRISE IS HEREBY  
20          CREATED. THE BRIDGE ENTERPRISE SHALL BE AND SHALL OPERATE AS A  
21          GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT. THE  
22          COMMISSION SHALL SERVE AS THE BRIDGE ENTERPRISE BOARD AND SHALL,  
23          WITH THE CONSENT OF THE EXECUTIVE DIRECTOR, APPOINT A BRIDGE  
24          ENTERPRISE DIRECTOR WHO SHALL POSSESS SUCH QUALIFICATIONS AS MAY  
25          BE ESTABLISHED BY THE COMMISSION AND THE STATE PERSONNEL BOARD.  
26          THE BRIDGE ENTERPRISE DIRECTOR SHALL OVERSEE THE DISCHARGE OF  
27          ALL RESPONSIBILITIES OF THE BRIDGE ENTERPRISE AND SHALL SERVE AT

1 THE PLEASURE OF THE BRIDGE ENTERPRISE BOARD.

2 (II) (A) THE BRIDGE ENTERPRISE AND THE BRIDGE ENTERPRISE  
3 DIRECTOR SHALL EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AS  
4 IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1**  
5 TRANSFER, AS DEFINED IN SECTION 24-1-105, C.R.S.

6 (B) THE STATEWIDE BRIDGE ENTERPRISE, CREATED IN SECTION  
7 43-4-808 (2) (a) (I), PRIOR TO THE REPEAL AND REENACTMENT OF SAID  
8 SECTION BY SENATE BILL 11-\_\_\_\_\_, ENACTED IN 2011, AND ITS POWERS,  
9 DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 3** TRANSFER, AS  
10 DEFINED IN SECTION 24-1-105, C.R.S., TO THE BRIDGE ENTERPRISE, AND  
11 THE STATEWIDE BRIDGE ENTERPRISE IS ABOLISHED.

12 (b) THE BUSINESS PURPOSE OF THE BRIDGE ENTERPRISE IS TO  
13 FINANCE, REPAIR, RECONSTRUCT, AND REPLACE ANY DESIGNATED BRIDGE  
14 IN THE STATE AND, AS AGREED UPON BY THE ENTERPRISE AND THE  
15 COMMISSION, OR THE DEPARTMENT TO THE EXTENT AUTHORIZED BY THE  
16 COMMISSION, TO MAINTAIN THE BRIDGES IT FINANCES, REPAIRS,  
17 RECONSTRUCTS, AND REPLACES. TO ALLOW THE BRIDGE ENTERPRISE TO  
18 ACCOMPLISH THIS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES  
19 THROUGH THE BRIDGE ENTERPRISE BOARD, THE BRIDGE ENTERPRISE MAY:

20 (I) IMPOSE A BRIDGE SAFETY SURCHARGE AS AUTHORIZED IN  
21 PARAGRAPH (g) OF SUBSECTION (5) OF THIS SECTION;

22 (II) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUES AND  
23 OTHER AVAILABLE MONEYS OF THE BRIDGE ENTERPRISE PLEDGED FOR  
24 THEIR PAYMENT AS AUTHORIZED IN SECTION 43-4-809; AND

25 (III) CONTRACT WITH ANY OTHER GOVERNMENTAL OR  
26 NONGOVERNMENTAL SOURCE OF FUNDING FOR LOANS OR GRANTS,  
27 INCLUDING, BUT NOT LIMITED TO, ONE OR MORE LOANS FROM THE STATE



1 OF MONEYS RECEIVED BY THE STATE PURSUANT TO THE TERMS OF ONE OR  
2 MORE LEASE-PURCHASE AGREEMENTS AUTHORIZED PURSUANT TO  
3 PARAGRAPH (r) OF SUBSECTION (5) OF THIS SECTION, TO BE USED TO  
4 SUPPORT BRIDGE ENTERPRISE FUNCTIONS.

5 (c) THE BRIDGE ENTERPRISE SHALL CONSTITUTE AN ENTERPRISE  
6 FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION  
7 SO LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND  
8 RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS  
9 FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO  
10 LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO THIS PARAGRAPH  
11 (c), THE BRIDGE ENTERPRISE SHALL NOT BE SUBJECT TO ANY PROVISIONS  
12 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION. CONSISTENT  
13 WITH THE DETERMINATION OF THE COLORADO SUPREME COURT IN  
14 *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896 P.2d 859 (COLO.  
15 1995), THAT THE POWER TO IMPOSE TAXES IS INCONSISTENT WITH  
16 "ENTERPRISE" STATUS UNDER SECTION 20 OF ARTICLE X OF THE STATE  
17 CONSTITUTION, THE GENERAL ASSEMBLY FINDS AND DECLARES THAT A  
18 BRIDGE SAFETY SURCHARGE IMPOSED BY THE BRIDGE ENTERPRISE  
19 PURSUANT TO PARAGRAPH (g) OF SUBSECTION (5) OF THIS SECTION IS NOT  
20 A TAX BUT IS INSTEAD A FEE IMPOSED BY THE BRIDGE ENTERPRISE TO  
21 DEFRAID THE COST OF COMPLETING DESIGNATED BRIDGE PROJECTS THAT  
22 THE ENTERPRISE PROVIDES AS A SPECIFIC SERVICE TO THE PERSONS UPON  
23 WHOM THE FEE IS IMPOSED AND AT RATES REASONABLY CALCULATED  
24 BASED ON THE BENEFITS RECEIVED BY SUCH PERSONS.

25 (3) (a) THE STATEWIDE BRIDGE ENTERPRISE SPECIAL REVENUE  
26 FUND IS HEREBY CREATED IN THE STATE TREASURY. ALL REVENUES  
27 RECEIVED BY THE BRIDGE ENTERPRISE, INCLUDING, BUT NOT LIMITED TO,

1 ANY REVENUES FROM A BRIDGE SAFETY SURCHARGE COLLECTED  
2 PURSUANT TO PARAGRAPH (g) OF SUBSECTION (5) OF THIS SECTION AND  
3 ANY MONEYS LOANED TO THE ENTERPRISE BY THE STATE PURSUANT TO  
4 PARAGRAPH (r) OF SUBSECTION (5) OF THIS SECTION, SHALL BE DEPOSITED  
5 INTO THE BRIDGE SPECIAL FUND. THE BRIDGE ENTERPRISE BOARD MAY  
6 ESTABLISH SEPARATE ACCOUNTS WITHIN THE BRIDGE SPECIAL FUND AS  
7 NEEDED IN CONNECTION WITH ANY SPECIFIC DESIGNATED BRIDGE PROJECT.  
8 THE BRIDGE ENTERPRISE MAY ALSO DEPOSIT OR PERMIT OTHERS TO  
9 DEPOSIT OTHER MONEYS INTO THE BRIDGE SPECIAL FUND, BUT IN NO  
10 EVENT MAY REVENUES FROM ANY TAX OTHERWISE AVAILABLE FOR  
11 GENERAL PURPOSES BE DEPOSITED INTO THE BRIDGE SPECIAL FUND. THE  
12 STATE TREASURER, AFTER CONSULTING WITH THE BRIDGE ENTERPRISE  
13 BOARD, SHALL INVEST ANY MONEYS IN THE BRIDGE SPECIAL FUND,  
14 INCLUDING ANY SURPLUS OR RESERVES, BUT EXCLUDING ANY PROCEEDS  
15 FROM THE SALE OF BONDS OR EARNINGS ON SUCH PROCEEDS INVESTED  
16 PURSUANT TO SECTION 43-4-809 (2), THAT ARE NOT NEEDED FOR  
17 IMMEDIATE USE. SUCH MONEYS MAY BE INVESTED IN THE TYPES OF  
18 INVESTMENTS AUTHORIZED IN SECTIONS 24-36-109, 24-36-112, AND  
19 24-36-113, C.R.S.

20 (b) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND  
21 INVESTMENT OF MONEYS IN THE BRIDGE SPECIAL FUND SHALL BE CREDITED  
22 TO THE BRIDGE SPECIAL FUND AND, IF APPLICABLE, TO THE APPROPRIATE  
23 DESIGNATED BRIDGE PROJECT ACCOUNT. MONEYS IN THE BRIDGE SPECIAL  
24 FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE BRIDGE  
25 ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS PART 8. ALL MONEYS  
26 DEPOSITED IN THE BRIDGE SPECIAL FUND SHALL REMAIN IN THE BRIDGE  
27 SPECIAL FUND FOR THE PURPOSES SET FORTH IN THIS PART 8, AND NO PART

1 OF THE BRIDGE SPECIAL FUND SHALL BE USED FOR ANY OTHER PURPOSE.

2 (c) THE BRIDGE ENTERPRISE MAY EXPEND MONEYS IN THE BRIDGE  
3 SPECIAL FUND TO PAY BOND OR LOAN OBLIGATIONS, TO FUND THE  
4 ADMINISTRATION, PLANNING, FINANCING, REPAIR, RECONSTRUCTION,  
5 REPLACEMENT, OR MAINTENANCE OF DESIGNATED BRIDGES, AND FOR THE  
6 ACQUISITION OF LAND TO THE EXTENT REQUIRED IN CONNECTION WITH  
7 ANY DESIGNATED BRIDGE PROJECT. THE BRIDGE ENTERPRISE MAY ALSO  
8 EXPEND MONEYS IN THE BRIDGE SPECIAL FUND TO PAY ITS OPERATING  
9 COSTS AND EXPENSES. THE BRIDGE ENTERPRISE BOARD SHALL HAVE  
10 EXCLUSIVE AUTHORITY TO BUDGET AND APPROVE THE EXPENDITURE OF  
11 MONEYS IN THE BRIDGE SPECIAL FUND.

12 (4) THE COMMISSION MAY TRANSFER MONEYS FROM THE STATE  
13 HIGHWAY FUND CREATED IN SECTION 43-1-219 TO THE BRIDGE ENTERPRISE  
14 FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE BRIDGE  
15 ENTERPRISE PRIOR TO THE RECEIPT OF BOND PROCEEDS OR REVENUES BY  
16 THE BRIDGE ENTERPRISE. THE BRIDGE ENTERPRISE MAY ACCEPT AND  
17 EXPEND ANY MONEYS SO TRANSFERRED, AND, NOTWITHSTANDING ANY  
18 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE  
19 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY  
20 CONCLUSION, SUCH A TRANSFER SHALL CONSTITUTE A LOAN FROM THE  
21 COMMISSION TO THE BRIDGE ENTERPRISE AND SHALL NOT BE CONSIDERED  
22 A GRANT FOR PURPOSES OF SECTION 20 (2) (d) OF ARTICLE X OF THE STATE  
23 CONSTITUTION. AS THE BRIDGE ENTERPRISE RECEIVES SUFFICIENT  
24 REVENUES IN EXCESS OF EXPENSES, THE BRIDGE ENTERPRISE SHALL  
25 REIMBURSE THE STATE HIGHWAY FUND FOR THE PRINCIPAL AMOUNT OF  
26 ANY LOAN FROM THE STATE HIGHWAY FUND MADE BY THE COMMISSION  
27 PLUS INTEREST AT A RATE SET BY THE COMMISSION. ANY MONEYS

1 LOANED FROM THE STATE HIGHWAY FUND TO THE BRIDGE ENTERPRISE  
2 PURSUANT TO THIS SECTION SHALL BE DEPOSITED INTO A FUND TO BE  
3 KNOWN AS THE STATEWIDE BRIDGE ENTERPRISE OPERATING FUND, WHICH  
4 FUND IS HEREBY CREATED, AND SHALL NOT BE DEPOSITED INTO THE  
5 BRIDGE SPECIAL FUND. MONEYS FROM THE BRIDGE SPECIAL FUND MAY,  
6 HOWEVER, BE USED TO REIMBURSE THE STATE HIGHWAY FUND FOR THE  
7 AMOUNT OF ANY LOAN FROM THE STATE HIGHWAY FUND OR ANY INTEREST  
8 THEREON.

9 (5) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN  
10 THIS SECTION, THE BRIDGE ENTERPRISE BOARD HAS THE FOLLOWING  
11 POWERS AND DUTIES:

12 (a) TO SUPERVISE AND ADVISE THE BRIDGE ENTERPRISE DIRECTOR;

13 (b) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND  
14 THE CONDUCT OF ITS BUSINESS;

15 (c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE BRIDGE  
16 SPECIAL FUND, FOR THE PURPOSE OF PAYING THE COST OF FINANCING,  
17 REPAIRING, RECONSTRUCTING, REPLACING, AND MAINTAINING  
18 DESIGNATED BRIDGES;

19 (d) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND  
20 PERSONAL PROPERTY AS NECESSARY IN THE EXERCISE OF ITS POWERS AND  
21 PERFORMANCE OF ITS DUTIES;

22 (e) TO ACQUIRE, BY PURCHASE, GIFT, OR GRANT, OR, SUBJECT TO  
23 THE REQUIREMENTS OF ARTICLES 1 TO 7 OF TITLE 38, C.R.S., BY  
24 CONDEMNATION, ANY AND ALL RIGHTS-OF-WAY, LANDS, BUILDINGS,  
25 MONEYS, OR GROUNDS NECESSARY OR CONVENIENT FOR ITS AUTHORIZED  
26 PURPOSES;

27 (f) TO ENTER INTO AGREEMENTS WITH THE COMMISSION, OR THE

1 DEPARTMENT TO THE EXTENT AUTHORIZED BY THE COMMISSION, UNDER  
2 WHICH THE BRIDGE ENTERPRISE AGREES TO FINANCE, REPAIR,  
3 RECONSTRUCT, REPLACE, AND, IF ANY GIVEN AGREEMENT SO SPECIFIES,  
4 MAINTAIN DESIGNATED BRIDGES AS SPECIFIED IN THE AGREEMENTS;

5 (g) (I) AS NECESSARY FOR THE ACHIEVEMENT OF ITS BUSINESS  
6 PURPOSE, TO IMPOSE A BRIDGE SAFETY SURCHARGE, WHICH, EXCEPT AS  
7 OTHERWISE PROVIDED IN SUBPARAGRAPH (V) OF THIS PARAGRAPH (g),  
8 SHALL BE IMPOSED, ON AND AFTER JULY 1, 2011, FOR ANY REGISTRATION  
9 PERIOD THAT COMMENCES ON OR AFTER JULY 1, 2011, OR ON AND AFTER  
10 SUCH LATER DATE AS MAY BE DETERMINED BY THE BRIDGE ENTERPRISE,  
11 FOR ANY REGISTRATION PERIOD THAT COMMENCES ON OR AFTER THE  
12 LATER DATE, UPON THE REGISTRATION OF ANY VEHICLE FOR WHICH A  
13 REGISTRATION FEE MUST BE PAID PURSUANT TO THE PROVISIONS OF PART  
14 3 OF ARTICLE 3 OF TITLE 42, C.R.S. EXCEPT AS OTHERWISE PROVIDED IN  
15 SUBPARAGRAPHS (III) AND (IV) OF THIS PARAGRAPH (g), THE AMOUNT OF  
16 THE SURCHARGE SHALL NOT EXCEED:

17 (A) THIRTEEN DOLLARS FOR ANY VEHICLE THAT IS A MOTORCYCLE  
18 OR LOW-POWER SCOOTER, AS RESPECTIVELY DEFINED IN SECTION 42-1-102  
19 (55) AND (48.5), C.R.S., OR THAT WEIGHS TWO THOUSAND POUNDS OR  
20 LESS;

21 (B) EIGHTEEN DOLLARS FOR ANY VEHICLE THAT WEIGHS MORE  
22 THAN TWO THOUSAND POUNDS BUT NOT MORE THAN FIVE THOUSAND  
23 POUNDS;

24 (C) TWENTY-THREE DOLLARS FOR ANY VEHICLE THAT WEIGHS  
25 MORE THAN FIVE THOUSAND POUNDS BUT NOT MORE THAN TEN THOUSAND  
26 POUNDS;

27 (D) TWENTY-NINE DOLLARS FOR ANY VEHICLE THAT IS A

1 PASSENGER BUS OR THAT WEIGHS MORE THAN TEN THOUSAND POUNDS BUT  
2 NOT MORE THAN SIXTEEN THOUSAND POUNDS; AND

3 (E) THIRTY-TWO DOLLARS FOR ANY VEHICLE THAT WEIGHS MORE  
4 THAN SIXTEEN THOUSAND POUNDS.

5 (II) THE BRIDGE SAFETY SURCHARGE SHALL BE IMPOSED WHEN A  
6 VEHICLE IS REGISTERED AS REQUIRED BY ARTICLE 3 OF TITLE 42, C.R.S.  
7 EACH AUTHORIZED AGENT SHALL REMIT TO THE DEPARTMENT OF REVENUE  
8 NO LESS FREQUENTLY THAN ONCE A MONTH, BUT OTHERWISE AT THE TIME  
9 AND IN THE MANNER REQUIRED BY THE EXECUTIVE DIRECTOR OF THE  
10 DEPARTMENT OF REVENUE, ALL BRIDGE SAFETY SURCHARGES COLLECTED  
11 BY THE AUTHORIZED AGENT. THE EXECUTIVE DIRECTOR OF THE  
12 DEPARTMENT OF REVENUE SHALL FORWARD ALL BRIDGE SAFETY  
13 SURCHARGES REMITTED BY AUTHORIZED AGENTS PLUS ANY BRIDGE  
14 SAFETY SURCHARGES COLLECTED DIRECTLY BY THE DEPARTMENT OF  
15 REVENUE TO THE STATE TREASURER, WHO SHALL CREDIT THE SURCHARGES  
16 TO THE BRIDGE SPECIAL FUND.

17 (III) THE AMOUNT OF THE BRIDGE SAFETY SURCHARGE IMPOSED ON  
18 ANY VEHICLE THAT IS AN ITEM OF CLASS A PERSONAL PROPERTY, AS  
19 DEFINED IN SECTION 42-3-106 (2) (a), C.R.S., SHALL BE THE PRODUCT OF  
20 THE AMOUNT OF THE SURCHARGE IMPOSED BASED ON THE WEIGHT OF THE  
21 VEHICLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (g) AND  
22 THE PERCENTAGE OF THE ITEM'S TOTAL APPORTIONED REGISTRATION  
23 APPORTIONED TO COLORADO.

24 (IV) THE AMOUNT OF ANY BRIDGE SAFETY SURCHARGE IMPOSED  
25 PURSUANT TO THIS PARAGRAPH (g) SHALL BE ONE-HALF OF THE AMOUNT  
26 OF THE SURCHARGE IMPOSED PURSUANT TO SUBPARAGRAPH (I) OF THIS  
27 PARAGRAPH (g) FOR ANY VEHICLE THAT IS A TRUCK OR TRUCK TRACTOR

1 THAT IS OWNED BY A FARMER OR RANCHER AND IS USED COMMERCIALY  
2 ONLY:

3 (A) TO TRANSPORT TO MARKET OR PLACE OF STORAGE RAW  
4 AGRICULTURAL PRODUCTS ACTUALLY PRODUCED OR LIVESTOCK  
5 ACTUALLY RAISED BY THE FARMER OR RANCHER IN FARMING OR  
6 RANCHING OPERATIONS; OR

7 (B) TO TRANSPORT COMMODITIES OR LIVESTOCK PURCHASED BY  
8 THE FARMER OR RANCHER FOR PERSONAL USE IN THE FARMER'S OR  
9 RANCHER'S FARMING OR RANCHING OPERATIONS.

10 (V) THE BRIDGE SAFETY SURCHARGE SHALL NOT BE IMPOSED ON  
11 ANY VEHICLE FOR WHICH THE DEPARTMENT OF REVENUE HAS ISSUED A  
12 HORSELESS CARRIAGE SPECIAL LICENSE PLATE PURSUANT TO SECTION  
13 42-3-219 (1) (a), C.R.S.

14 (VI) EACH VEHICLE REGISTRATION FEE INVOICE SHALL LIST THE  
15 BRIDGE SAFETY SURCHARGE SEPARATELY FROM ALL OTHER VEHICLE  
16 REGISTRATION FEES OR SURCHARGES IMPOSED.

17 (h) TO MAKE AND ENTER INTO CONTRACTS OR AGREEMENTS WITH  
18 A PRIVATE ENTITY, TO FACILITATE A PUBLIC-PRIVATE INITIATIVE  
19 PURSUANT TO SECTIONS 43-1-1203 AND 43-1-1204, INCLUDING, BUT NOT  
20 LIMITED TO:

21 (I) AN AGREEMENT PURSUANT TO WHICH THE BRIDGE ENTERPRISE  
22 OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES,  
23 MAINTAINS, OR PROVIDES SERVICES OR PROPERTY IN CONNECTION WITH A  
24 DESIGNATED BRIDGE PROJECT; AND

25 (II) AN AGREEMENT PURSUANT TO WHICH A PRIVATE ENTITY  
26 DESIGNS, DEVELOPS, CONSTRUCTS, RECONSTRUCTS, REPAIRS, OPERATES,  
27 OR MAINTAINS ALL OR ANY PORTION OF A DESIGNATED BRIDGE PROJECT ON

1 BEHALF OF THE BRIDGE ENTERPRISE;

2 (i) TO MAKE AND TO ENTER INTO ALL OTHER CONTRACTS OR  
3 AGREEMENTS, INCLUDING, BUT NOT LIMITED TO, DESIGN-BUILD  
4 CONTRACTS, AS DEFINED IN SECTION 43-1-1402 (3), AND  
5 INTERGOVERNMENTAL AGREEMENTS PURSUANT TO SECTION 29-1-203,  
6 C.R.S., THAT ARE NECESSARY OR INCIDENTAL TO THE EXERCISE OF ITS  
7 POWERS AND PERFORMANCE OF ITS DUTIES;

8 (j) TO EMPLOY OR CONTRACT FOR THE SERVICES OF CONSULTING  
9 ENGINEERS OR OTHER EXPERTS AS ARE NECESSARY IN ITS JUDGMENT TO  
10 CARRY OUT ITS POWERS AND DUTIES;

11 (k) TO PREPARE, OR CAUSE TO BE PREPARED, DETAILED PLANS,  
12 SPECIFICATIONS, OR ESTIMATES FOR ANY DESIGNATED BRIDGE PROJECT  
13 WITHIN THE STATE;

14 (l) IN CONNECTION WITH ANY DESIGNATED BRIDGE PROJECT, TO  
15 ACQUIRE, FINANCE, REPAIR, RECONSTRUCT, REPLACE, OPERATE, AND  
16 MAINTAIN ANY DESIGNATED BRIDGE WITHIN THE STATE;

17 (m) TO SET AND ADOPT, ON AN ANNUAL BASIS, A BUDGET FOR THE  
18 BRIDGE ENTERPRISE;

19 (n) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE,  
20 LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF, OR ENCUMBER REAL OR  
21 PERSONAL PROPERTY OR ANY INTEREST THEREIN, INCLUDING EASEMENTS  
22 AND RIGHTS-OF-WAY, WITHOUT RESTRICTION OR LIMITATION;

23 (o) TO ENTER INTO INTEREST RATE EXCHANGE AGREEMENTS FOR  
24 BONDS THAT HAVE BEEN ISSUED IN ACCORDANCE WITH ARTICLE 59.3 OF  
25 TITLE 11, C.R.S.;

26 (p) PURSUANT TO SECTION 24-1-107.5, C.R.S., TO ESTABLISH,  
27 CREATE, AND APPROVE NONPROFIT ENTITIES AND BONDS ISSUED BY OR ON



1 BEHALF OF SUCH NONPROFIT ENTITIES FOR THE PURPOSE OF COMPLETING  
2 A DESIGNATED BRIDGE PROJECT, TO ACCEPT THE ASSETS OF ANY SUCH  
3 NONPROFIT ENTITY, TO OBTAIN AN OPTION TO ACQUIRE THE ASSETS OF ANY  
4 SUCH NONPROFIT ENTITY BY PAYING ITS BONDS, TO APPOINT OR APPROVE  
5 THE APPOINTMENT OF MEMBERS OF THE GOVERNING BOARD OF ANY SUCH  
6 NONPROFIT ENTITY, AND TO REMOVE THE MEMBERS OF THE GOVERNING  
7 BOARD OF ANY SUCH NONPROFIT ENTITY FOR CAUSE;

8 (q) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE  
9 BRIDGE ENTERPRISE TO THE DEPARTMENT TO THE EXTENT NECESSARY TO  
10 IMPLEMENT THE FINANCING OF ANY DESIGNATED BRIDGE PROJECT OR FOR  
11 ANY OTHER PURPOSE AUTHORIZED IN THIS PART 8;

12 (r) (I) TO CONTRACT WITH THE STATE TO BORROW MONEYS UNDER  
13 THE TERMS OF ONE OR MORE LOAN CONTRACTS ENTERED INTO BY THE  
14 STATE AND THE BRIDGE ENTERPRISE PURSUANT TO SUBPARAGRAPH (III) OF  
15 THIS PARAGRAPH (r), TO EXPEND ANY MONEYS BORROWED FROM THE  
16 STATE FOR THE PURPOSE OF COMPLETING DESIGNATED BRIDGE PROJECTS  
17 AND FOR ANY OTHER AUTHORIZED PURPOSE THAT CONSTITUTES THE  
18 CONSTRUCTION, SUPERVISION, AND MAINTENANCE OF THE PUBLIC  
19 HIGHWAYS OF THIS STATE FOR PURPOSES OF SECTION 18 OF ARTICLE X OF  
20 THE STATE CONSTITUTION, AND TO USE REVENUES GENERATED BY ANY  
21 BRIDGE SAFETY SURCHARGE IMPOSED PURSUANT TO PARAGRAPH (g) OF  
22 THIS SUBSECTION (5) AND ANY OTHER LEGALLY AVAILABLE MONEYS OF  
23 THE BRIDGE ENTERPRISE TO REPAY THE MONEYS BORROWED AND ANY  
24 OTHER AMOUNTS PAYABLE UNDER THE TERMS OF THE LOAN CONTRACT.

25 (II) IF THE BRIDGE ENTERPRISE BOARD SEEKS TO ENTER INTO A  
26 CONTRACT TO BORROW MONEYS FROM THE STATE AS AUTHORIZED BY  
27 SUBPARAGRAPH (I) OF THIS PARAGRAPH (r), THE BOARD SHALL PROVIDE

1 THE GOVERNOR WITH A LIST OF DESIGNATED BRIDGE PROJECTS TO BE  
2 FINANCED WITH THE BORROWED MONEYS AND A STATEMENT OF BOTH THE  
3 TOTAL AMOUNT OF THE LOAN REQUESTED AND THE ESTIMATED AMOUNT  
4 OF THE LOAN THAT WILL BE USED TO FUND EACH PROJECT ON THE LIST. IF  
5 THE GOVERNOR DETERMINES, IN THE GOVERNOR'S SOLE DISCRETION, THAT  
6 LENDING MONEYS TO THE BRIDGE ENTERPRISE AS REQUESTED BY THE  
7 ENTERPRISE, OR LENDING A LESSER AMOUNT OF MONEYS TO THE  
8 ENTERPRISE, IS IN THE BEST INTEREST OF THE STATE, THE GOVERNOR,  
9 AFTER CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE  
10 DEPARTMENT OF PERSONNEL AND THE STATE TREASURER, SHALL PREPARE  
11 AND PROVIDE TO THE STATE TREASURER A LIST OF STATE BUILDINGS OR  
12 OTHER STATE CAPITAL FACILITIES THAT THE STATE, ACTING BY AND  
13 THROUGH THE STATE TREASURER, MAY SELL OR LEASE AND LEASE BACK  
14 PURSUANT TO THE TERMS OF ONE OR MORE LEASE-PURCHASE AGREEMENTS  
15 THAT THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, MAY  
16 ENTER INTO PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (r).  
17 WHEN PROVIDING THE LIST, THE GOVERNOR SHALL ALSO SPECIFY TO THE  
18 STATE TREASURER THE MAXIMUM PERMITTED PRINCIPAL AMOUNT OF ANY  
19 LOAN THAT MAY BE MADE TO THE BRIDGE ENTERPRISE UNDER THE TERMS  
20 OF ANY LOAN CONTRACT THAT THE STATE, ACTING BY AND THROUGH THE  
21 STATE TREASURER, MAY ENTER INTO PURSUANT TO SUB-SUBPARAGRAPH  
22 (A) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r).

23 (III) (A) IF THE STATE TREASURER RECEIVES A LIST FROM THE  
24 GOVERNOR PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (r), THE  
25 STATE, ACTING BY AND THROUGH THE STATE TREASURER, MAY ENTER  
26 INTO A LOAN CONTRACT WITH THE BRIDGE ENTERPRISE AND MAY RAISE  
27 THE MONEY NEEDED TO MAKE A LOAN PURSUANT TO THE TERMS OF THE

1 LOAN CONTRACT BY SELLING OR LEASING ONE OR MORE OF THE STATE  
2 BUILDINGS OR OTHER STATE CAPITAL FACILITIES ON THE LIST. THE STATE  
3 TREASURER SHALL HAVE SOLE DISCRETION TO ENTER INTO A LOAN  
4 CONTRACT ON BEHALF OF THE STATE AND TO DETERMINE THE AMOUNT OF  
5 A LOAN; EXCEPT THAT THE PRINCIPAL AMOUNT OF A LOAN SHALL NOT  
6 EXCEED THE MAXIMUM AMOUNT SPECIFIED BY THE GOVERNOR PURSUANT  
7 TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (r). THE STATE TREASURER  
8 SHALL ALSO HAVE SOLE DISCRETION TO DETERMINE THE TIMING OF THE  
9 ENTRY OF THE STATE INTO ANY LOAN CONTRACT OR THE SALE OR LEASE  
10 OF ONE OR MORE STATE BUILDINGS OR OTHER STATE CAPITAL FACILITIES.  
11 THE LOAN CONTRACT SHALL REQUIRE THE BRIDGE ENTERPRISE TO PLEDGE  
12 TO THE STATE ALL OR A PORTION OF THE REVENUES OF ANY BRIDGE  
13 SAFETY SURCHARGE IMPOSED PURSUANT TO PARAGRAPH (g) OF THIS  
14 SUBSECTION (5) FOR THE REPAYMENT OF THE LOAN AND MAY ALSO  
15 REQUIRE THE ENTERPRISE TO PLEDGE TO THE STATE ANY OTHER LEGALLY  
16 AVAILABLE REVENUES OF THE ENTERPRISE. ANY LOAN CONTRACT  
17 ENTERED INTO BY THE STATE, ACTING BY AND THROUGH THE STATE  
18 TREASURER, AND THE BRIDGE ENTERPRISE PURSUANT TO THIS  
19 SUB-SUBPARAGRAPH (A) AND ANY PLEDGE OF REVENUES BY THE  
20 ENTERPRISE PURSUANT TO SUCH A LOAN CONTRACT SHALL BE ONLY FOR  
21 THE BENEFIT OF, AND ENFORCEABLE ONLY BY, THE STATE AND THE  
22 ENTERPRISE. SPECIFICALLY, BUT WITHOUT LIMITING THE GENERALITY OF  
23 SAID LIMITATION, NO SUCH LOAN CONTRACT OR PLEDGE SHALL BE FOR THE  
24 BENEFIT OF, OR ENFORCEABLE BY, A LESSOR UNDER A LEASE-PURCHASE  
25 AGREEMENT ENTERED INTO PURSUANT TO THIS SUBPARAGRAPH (III), AN  
26 OWNER OF ANY INSTRUMENT EVIDENCING RIGHTS TO RECEIVE RENTALS OR  
27 OTHER PAYMENTS MADE AND TO BE MADE UNDER SUCH A

1 LEASE-PURCHASE AGREEMENT AS AUTHORIZED BY SUB-SUBPARAGRAPH  
2 (B) OF SUBPARAGRAPH (IV) OF THIS PARAGRAPH (r), A PARTY TO ANY  
3 ANCILLARY AGREEMENT OR INSTRUMENT ENTERED INTO PURSUANT TO  
4 SUBPARAGRAPH (V) OF THIS PARAGRAPH (r), OR A PARTY TO ANY INTEREST  
5 RATE EXCHANGE AGREEMENT ENTERED INTO PURSUANT TO  
6 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (VII) OF THIS PARAGRAPH (r).

7 (B) THE STATE, ACTING BY AND THROUGH THE STATE TREASURER,  
8 MAY ENTER INTO ONE OR MORE LEASE-PURCHASE AGREEMENTS WITH  
9 RESPECT TO THE STATE BUILDINGS OR OTHER CAPITAL FACILITIES SOLD OR  
10 LEASED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH  
11 (III) WITH ANY FOR-PROFIT OR NONPROFIT CORPORATION, TRUST, OR  
12 COMMERCIAL BANK ACTING AS A TRUSTEE, AS THE LESSOR.

13 (C) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT  
14 TO SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III) SHALL PROVIDE  
15 THAT ALL OF THE OBLIGATIONS OF THE STATE UNDER THE AGREEMENT  
16 SHALL BE SUBJECT TO THE ACTION OF THE GENERAL ASSEMBLY IN  
17 ANNUALLY MAKING MONEYS AVAILABLE FOR ALL PAYMENTS  
18 THEREUNDER.

19 (D) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT  
20 TO SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III) SHALL ALSO  
21 PROVIDE THAT THE OBLIGATIONS OF THE STATE UNDER THE AGREEMENT  
22 SHALL NOT BE DEEMED OR CONSTRUED AS CREATING AN INDEBTEDNESS OF  
23 THE STATE WITHIN THE MEANING OF ANY PROVISION OF THE STATE  
24 CONSTITUTION OR THE LAWS OF THIS STATE CONCERNING OR LIMITING THE  
25 CREATION OF INDEBTEDNESS BY THE STATE, AND SHALL NOT CONSTITUTE  
26 A MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DEBT OR OTHER FINANCIAL  
27 OBLIGATION OF THE STATE WITHIN THE MEANING OF SECTION 20 (4) (a) OF

1 ARTICLE X OF THE STATE CONSTITUTION. IF THE STATE DOES NOT RENEW  
2 A LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO  
3 SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III), THE SOLE SECURITY  
4 AVAILABLE TO THE LESSOR SHALL BE THE PROPERTY THAT IS THE SUBJECT  
5 OF THE NONRENEWED LEASE-PURCHASE AGREEMENT.

6 (IV) (A) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED  
7 PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS  
8 PARAGRAPH (r) MAY CONTAIN SUCH TERMS, PROVISIONS, AND CONDITIONS  
9 AS THE STATE TREASURER, ACTING ON BEHALF OF THE STATE, MAY DEEM  
10 APPROPRIATE, INCLUDING ALL OPTIONAL TERMS; EXCEPT THAT EACH  
11 LEASE-PURCHASE AGREEMENT SHALL SPECIFICALLY AUTHORIZE THE STATE  
12 TO RECEIVE FEE TITLE TO ALL REAL AND PERSONAL PROPERTY THAT IS THE  
13 SUBJECT OF THE LEASE-PURCHASE AGREEMENT ON OR PRIOR TO THE  
14 EXPIRATION OF THE TERMS OF THE LEASE-PURCHASE AGREEMENT UPON  
15 PAYMENT OF ALL AMOUNTS PAYABLE UNDER THE TERMS OF THE  
16 LEASE-PURCHASE AGREEMENT AND ANY AMOUNT REQUIRED TO BE PAID TO  
17 REMOVE LIENS OR ENCUMBRANCES ON OR CLAIMS WITH RESPECT TO THE  
18 PROPERTY THAT IS THE SUBJECT OF THE LEASE-PURCHASE AGREEMENT,  
19 INCLUDING, BUT NOT LIMITED TO, LIENS, ENCUMBRANCES, OR CLAIMS  
20 RELATING TO ANY ANCILLARY AGREEMENT OR INSTRUMENT ENTERED INTO  
21 PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (VII) OF THIS  
22 PARAGRAPH (r). ANY TITLE TO SUCH PROPERTY RECEIVED BY THE STATE  
23 ON OR PRIOR TO THE EXPIRATION OF THE TERMS OF THE LEASE-PURCHASE  
24 AGREEMENT SHALL BE HELD FOR THE BENEFIT AND USE OF THE STATE.

25 (B) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT  
26 TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH  
27 (r) MAY PROVIDE FOR THE ISSUANCE, DISTRIBUTION, AND SALE OF

1 INSTRUMENTS EVIDENCING RIGHTS TO RECEIVE RENTALS AND OTHER  
2 PAYMENTS MADE AND TO BE MADE UNDER THE LEASE-PURCHASE  
3 AGREEMENT. THE INSTRUMENTS MAY BE ISSUED, DISTRIBUTED, OR SOLD  
4 ONLY BY THE LESSOR OR ANY PERSON DESIGNATED BY THE LESSOR AND  
5 NOT BY THE STATE. THE INSTRUMENTS SHALL NOT CREATE A  
6 RELATIONSHIP BETWEEN THE PURCHASERS OF THE INSTRUMENTS AND THE  
7 STATE OR CREATE ANY OBLIGATION ON THE PART OF THE STATE TO THE  
8 PURCHASERS. THE INSTRUMENTS SHALL NOT BE NOTES, BONDS, OR ANY  
9 OTHER EVIDENCE OF INDEBTEDNESS OF THE STATE WITHIN THE MEANING  
10 OF ANY PROVISION OF THE STATE CONSTITUTION OR THE LAW OF THE  
11 STATE CONCERNING OR LIMITING THE CREATION OF INDEBTEDNESS OF THE  
12 STATE AND SHALL NOT CONSTITUTE A MULTIPLE-FISCAL YEAR DIRECT OR  
13 INDIRECT DEBT OR OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN  
14 THE MEANING OF SECTION 20 (4) (a) OF ARTICLE X OF THE STATE  
15 CONSTITUTION.

16 (C) INTEREST PAID UNDER A LEASE-PURCHASE AGREEMENT  
17 AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH  
18 (III) OF THIS PARAGRAPH (r), INCLUDING INTEREST REPRESENTED BY THE  
19 INSTRUMENTS, SHALL BE EXEMPT FROM STATE INCOME TAX.

20 (V) THE STATE, ACTING BY AND THROUGH THE STATE TREASURER,  
21 MAY ENTER INTO ANCILLARY AGREEMENTS AND INSTRUMENTS DEEMED  
22 NECESSARY OR APPROPRIATE IN CONNECTION WITH A LEASE-PURCHASE  
23 AGREEMENT AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (B) OF  
24 SUBPARAGRAPH (III) OF THIS PARAGRAPH (r), INCLUDING BUT NOT LIMITED  
25 TO DEEDS, LEASES, SUB-LEASES, EASEMENTS, OR OTHER INSTRUMENTS  
26 RELATING TO THE REAL PROPERTY ON WHICH THE FACILITIES ARE LOCATED  
27 OR AN AGREEMENT ENTERED INTO PURSUANT TO SUBPARAGRAPH (VII) OF

1 THIS PARAGRAPH (r).

2 (VI) THE PROVISIONS OF SECTION 24-30-202 (5) (b), C.R.S., SHALL  
3 NOT APPLY TO A LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT  
4 TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH  
5 (r) OR ANY ANCILLARY AGREEMENT OR INSTRUMENT OR INTEREST RATE  
6 EXCHANGE AGREEMENT ENTERED INTO PURSUANT TO SUBPARAGRAPH (V)  
7 OR SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (VII) OF THIS PARAGRAPH  
8 (r). ANY PROVISION OF THE FISCAL RULES PROMULGATED PURSUANT TO  
9 SECTION 24-30-202 (1) AND (13), C.R.S., THAT THE STATE CONTROLLER  
10 DEEMS TO BE INCOMPATIBLE OR INAPPLICABLE WITH RESPECT TO SUCH A  
11 LEASE-PURCHASE AGREEMENT, ANCILLARY AGREEMENT OR INSTRUMENT,  
12 OR INTEREST RATE EXCHANGE AGREEMENT MAY BE WAIVED BY THE  
13 CONTROLLER OR HIS OR HER DESIGNEE.

14 (VII) (A) PRIOR TO EXECUTING A LEASE-PURCHASE AGREEMENT  
15 PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS  
16 PARAGRAPH (r), IN ORDER TO PROTECT AGAINST FUTURE INTEREST RATE  
17 INCREASES, THE LESSOR UNDER ANY LEASE-PURCHASE AGREEMENT OR THE  
18 STATE, ACTING BY AND THROUGH THE STATE TREASURER AND AT THE  
19 DISCRETION OF THE STATE TREASURER, MAY ENTER INTO AN INTEREST  
20 RATE EXCHANGE AGREEMENT IN ACCORDANCE WITH ARTICLE 59.3 OF  
21 TITLE 11, C.R.S. A LEASE-PURCHASE AGREEMENT ENTERED INTO  
22 PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS  
23 PARAGRAPH (r) SHALL BE A PROPOSED PUBLIC SECURITY FOR THE  
24 PURPOSES OF ARTICLE 59.3 OF TITLE 11, C.R.S.

25 (B) ANY AGREEMENT ENTERED INTO PURSUANT TO THIS  
26 SUBPARAGRAPH (VII) SHALL ALSO PROVIDE THAT THE OBLIGATIONS OF  
27 THE STATE SHALL NOT BE DEEMED OR CONSTRUED AS CREATING AN

1 INDEBTEDNESS OF THE STATE WITHIN THE MEANING OF ANY PROVISION OF  
2 THE STATE CONSTITUTION OR THE LAWS OF THIS STATE CONCERNING OR  
3 LIMITING THE CREATION OF INDEBTEDNESS BY THE STATE AND SHALL NOT  
4 CONSTITUTE A MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DEBT OR  
5 OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN THE MEANING OF  
6 SECTION 20 (4) (a) OF ARTICLE X OF THE STATE CONSTITUTION.

7 (C) ANY MONEYS RECEIVED BY THE STATE UNDER AN AGREEMENT  
8 ENTERED INTO PURSUANT TO THIS SUBPARAGRAPH (VII) SHALL BE USED  
9 TO MAKE PAYMENTS ON LEASE-PURCHASE AGREEMENTS ENTERED INTO  
10 PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS  
11 PARAGRAPH (r).

12 (s) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
13 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
14 GRANTED IN THIS SECTION.

15 (6) NO LATER THAN FEBRUARY 15, 2011, AND NO LATER THAN  
16 FEBRUARY 15 OF EACH YEAR THEREAFTER, THE BRIDGE ENTERPRISE SHALL  
17 PRESENT A REPORT TO THE COMMITTEES OF THE HOUSE OF  
18 REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION OVER  
19 TRANSPORTATION. THE REPORT SHALL INCLUDE A SUMMARY OF THE  
20 BRIDGE ENTERPRISE'S ACTIVITIES FOR THE PREVIOUS YEAR, A SUMMARY OF  
21 THE STATUS OF ANY CURRENT DESIGNATED BRIDGE PROJECTS, A  
22 STATEMENT OF THE ENTERPRISE'S REVENUES AND EXPENSES, AN ESTIMATE  
23 OF THE NUMBER OF JOBS CREATED OR PRESERVED AS A RESULT OF THE  
24 ENTERPRISE'S ACTIVITIES, AND ANY RECOMMENDATIONS FOR STATUTORY  
25 CHANGES THAT THE ENTERPRISE DEEMS NECESSARY OR DESIRABLE. THE  
26 COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND  
27 LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON



1 THE WEB SITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE  
2 YEAR IN WHICH THE REPORT IS PRESENTED.

3 **43-4-809. Bonds - investments - bonds eligible for investment**  
4 **and exempt from taxation.** (1) (a) BOTH THE TOLLING ENTERPRISE AND  
5 THE BRIDGE ENTERPRISE MAY, FROM TIME TO TIME, ISSUE BONDS FOR ANY  
6 OF THEIR CORPORATE PURPOSES. THE BONDS SHALL BE ISSUED PURSUANT  
7 TO RESOLUTION OF THE TOLLING ENTERPRISE BOARD OR THE BRIDGE  
8 ENTERPRISE BOARD AND SHALL BE PAYABLE SOLELY OUT OF ALL OR A  
9 SPECIFIED PORTION OF THE MONEYS IN THE TOLLING SPECIAL FUND OR THE  
10 BRIDGE SPECIAL FUND AS THE CASE MAY BE.

11 (b) BONDS MAY BE EXECUTED AND DELIVERED BY THE ISSUING  
12 ENTERPRISE AT SUCH TIMES; MAY BE IN SUCH FORM AND DENOMINATIONS  
13 AND INCLUDE SUCH TERMS AND MATURITIES; MAY BE SUBJECT TO  
14 OPTIONAL OR MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR  
15 WITHOUT A PREMIUM; MAY BE IN FULLY REGISTERED FORM OR BEARER  
16 FORM REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH; MAY BEAR  
17 SUCH CONVERSION PRIVILEGES; MAY BE PAYABLE IN SUCH INSTALLMENTS  
18 AND AT SUCH TIMES NOT EXCEEDING FORTY-FIVE YEARS FROM THE DATE  
19 THEREOF; MAY BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN  
20 OR WITHOUT THE STATE; MAY BEAR INTEREST AT SUCH RATE OR RATES PER  
21 ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING TO INDEX,  
22 PROCEDURE, OR FORMULA OR AS DETERMINED BY THE ISSUING ENTERPRISE  
23 OR ITS AGENTS, WITHOUT REGARD TO ANY INTEREST RATE LIMITATION  
24 APPEARING IN ANY OTHER LAW OF THE STATE; MAY BE SUBJECT TO  
25 PURCHASE AT THE OPTION OF THE HOLDER OR THE ISSUING ENTERPRISE;  
26 MAY BE EVIDENCED IN SUCH MANNER; MAY BE EXECUTED BY SUCH  
27 OFFICERS OF THE ISSUING ENTERPRISE, INCLUDING THE USE OF ONE OR

1 MORE FACSIMILE SIGNATURES SO LONG AS AT LEAST ONE MANUAL  
2 SIGNATURE APPEARS ON THE BONDS, WHICH MAY BE EITHER OF AN OFFICER  
3 OF THE ISSUING ENTERPRISE OR OF AN AGENT AUTHENTICATING THE SAME;  
4 MAY BE IN THE FORM OF COUPON BONDS THAT HAVE ATTACHED INTEREST  
5 COUPONS BEARING A MANUAL OR FACSIMILE SIGNATURE OF AN OFFICER OF  
6 THE ISSUING ENTERPRISE; AND MAY CONTAIN SUCH PROVISIONS NOT  
7 INCONSISTENT WITH THIS PART 8, ALL AS PROVIDED IN THE RESOLUTION OF  
8 THE ISSUING ENTERPRISE UNDER WHICH THE BONDS ARE AUTHORIZED TO  
9 BE ISSUED OR AS PROVIDED IN A TRUST INDENTURE BETWEEN THE ISSUING  
10 ENTERPRISE AND ANY COMMERCIAL BANK OR TRUST COMPANY HAVING  
11 FULL TRUST POWERS.

12 (c) BONDS OF THE ISSUING ENTERPRISE MAY BE SOLD AT PUBLIC OR  
13 PRIVATE SALE AT SUCH PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH  
14 TIMES AS DETERMINED BY THE BOARD OF THE ISSUING ENTERPRISE, AND  
15 THE BOARD MAY PAY ALL FEES, EXPENSES, AND COMMISSIONS THAT IT  
16 DEEMS NECESSARY OR ADVANTAGEOUS IN CONNECTION WITH THE SALE OF  
17 THE BONDS. THE POWER TO FIX THE DATE OF SALE OF THE BONDS, TO  
18 RECEIVE BIDS OR PROPOSALS, TO AWARD AND SELL BONDS, TO FIX  
19 INTEREST RATES, AND TO TAKE ALL OTHER ACTION NECESSARY TO SELL  
20 AND DELIVER THE BONDS MAY BE DELEGATED TO AN OFFICER OR AGENT  
21 OF THE ISSUING ENTERPRISE. ANY OUTSTANDING BONDS MAY BE  
22 REFUNDED BY THE ISSUING ENTERPRISE PURSUANT TO ARTICLE 56 OF TITLE  
23 11, C.R.S. ALL BONDS AND ANY INTEREST COUPONS APPLICABLE THERETO  
24 ARE DECLARED TO BE NEGOTIABLE INSTRUMENTS.

25 (d) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE  
26 ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE TOLLING  
27 SPECIAL FUND OR THE BRIDGE SPECIAL FUND, AS THE CASE MAY BE; MAY,

1       RESPECTIVELY, PLEDGE ALL OR A PORTION OF THE RIGHTS OF THE TOLLING  
2       ENTERPRISE TO IMPOSE, AND RECEIVE THE REVENUES GENERATED BY, ANY  
3       USER FEE OR OTHER CHARGE AUTHORIZED BY SECTION 43-4-807 OR ALL OR  
4       A PORTION OF THE RIGHTS OF THE BRIDGE ENTERPRISE TO IMPOSE, AND  
5       RECEIVE THE REVENUES GENERATED BY, A BRIDGE SAFETY SURCHARGE  
6       AUTHORIZED BY SECTION 43-4-808 (5) (g); MAY CONTAIN SUCH  
7       PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS AND REMEDIES  
8       OF HOLDERS OF ANY OF THE BONDS AS THE ISSUING ENTERPRISE DEEMS  
9       APPROPRIATE; MAY SET FORTH THE RIGHTS AND REMEDIES OF THE  
10      HOLDERS OF ANY OF THE BONDS; AND MAY CONTAIN PROVISIONS THAT THE  
11      ISSUING ENTERPRISE DEEMS APPROPRIATE FOR THE SECURITY OF THE  
12      HOLDERS OF THE BONDS, INCLUDING, BUT NOT LIMITED TO, PROVISIONS  
13      FOR LETTERS OF CREDIT, INSURANCE, STANDBY CREDIT AGREEMENTS, OR  
14      OTHER FORMS OF CREDIT ENSURING TIMELY PAYMENT OF THE BONDS,  
15      INCLUDING THE REDEMPTION PRICE OR THE PURCHASE PRICE.

16           (e) ANY PLEDGE OF THE TOLLING SPECIAL FUND, THE BRIDGE  
17      SPECIAL FUND, OR OTHER PROPERTY MADE BY AN ISSUING ENTERPRISE OR  
18      BY ANY PERSON OR GOVERNMENTAL UNIT WITH WHICH AN ISSUING  
19      ENTERPRISE CONTRACTS SHALL BE VALID AND BINDING FROM THE TIME  
20      THE PLEDGE IS MADE. THE PLEDGED SPECIAL FUND OR OTHER PLEDGED  
21      PROPERTY SHALL IMMEDIATELY BE SUBJECT TO THE LIEN OF THE PLEDGE  
22      WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT, AND THE LIEN OF THE  
23      PLEDGE SHALL BE VALID AND BINDING AGAINST ALL PARTIES HAVING  
24      CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE AGAINST THE  
25      PLEDGING PARTY REGARDLESS OF WHETHER THE CLAIMING PARTY HAS  
26      NOTICE OF THE LIEN. THE INSTRUMENT BY WHICH THE PLEDGE IS CREATED  
27      NEED NOT BE RECORDED OR FILED.

1 (f) NEITHER THE MEMBERS OF THE BOARD OF AN ISSUING  
2 ENTERPRISE, EMPLOYEES OF THE ISSUING ENTERPRISE, NOR ANY PERSON  
3 EXECUTING THE BONDS SHALL BE LIABLE PERSONALLY ON THE BONDS OR  
4 SUBJECT TO ANY PERSONAL LIABILITY BY REASON OF THE ISSUANCE  
5 THEREOF.

6 (g) AN ISSUING ENTERPRISE MAY PURCHASE ITS BONDS OUT OF ANY  
7 AVAILABLE MONEYS AND MAY HOLD, PLEDGE, CANCEL, OR RESELL SUCH  
8 BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS WITH THE  
9 HOLDERS THEREOF.

10 (2) AN ISSUING ENTERPRISE MAY INVEST OR DEPOSIT ANY  
11 PROCEEDS AND ANY INTEREST FROM THE SALE OF BONDS IN THE MANNER  
12 PROVIDED BY PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S. IN ADDITION, AN  
13 ISSUING ENTERPRISE MAY DIRECT A CORPORATE TRUSTEE THAT HOLDS  
14 SUCH PROCEEDS AND ANY INTEREST TO INVEST OR DEPOSIT SUCH  
15 PROCEEDS AND ANY INTEREST IN INVESTMENTS OR DEPOSITS OTHER THAN  
16 THOSE SPECIFIED BY SAID PART 6 IF THE BOARD OF THE ISSUING  
17 ENTERPRISE DETERMINES, BY RESOLUTION, THAT THE INVESTMENT OR  
18 DEPOSIT MEETS THE STANDARD ESTABLISHED IN SECTION 15-1-304,  
19 C.R.S., THE INCOME IS AT LEAST COMPARABLE TO INCOME AVAILABLE ON  
20 INVESTMENTS OR DEPOSITS SPECIFIED BY SAID PART 6, AND THE  
21 INVESTMENT WILL ASSIST THE ISSUING ENTERPRISE IN THE COMPLETION OF  
22 A TOLL HIGHWAY OR DESIGNATED BRIDGE PROJECT.

23 (3) ALL BANKS, TRUST COMPANIES, SAVINGS AND LOAN  
24 ASSOCIATIONS, INSURANCE COMPANIES, EXECUTORS, ADMINISTRATORS,  
25 GUARDIANS, TRUSTEES, AND OTHER FIDUCIARIES MAY LEGALLY INVEST  
26 ANY MONEYS WITHIN THEIR CONTROL IN ANY BONDS ISSUED UNDER THIS  
27 PART 8. PUBLIC ENTITIES, AS DEFINED IN SECTION 24-75-601 (1), C.R.S.,

1 MAY INVEST PUBLIC MONEYS IN SUCH BONDS ONLY IF THE BONDS SATISFY  
2 THE INVESTMENT REQUIREMENTS ESTABLISHED IN PART 6 OF ARTICLE 75  
3 OF TITLE 24, C.R.S.

4 (4) THE INCOME OR OTHER REVENUES OF THE TOLLING ENTERPRISE  
5 AND THE BRIDGE ENTERPRISE, ALL PROPERTIES AT ANY TIME OWNED BY  
6 EITHER ENTERPRISE, BONDS ISSUED BY EITHER ENTERPRISE, AND THE  
7 TRANSFER OF AND THE INCOME FROM ANY BONDS ISSUED BY EITHER  
8 ENTERPRISE SHALL BE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN  
9 THE STATE. IN THE RESOLUTION OR INDENTURE AUTHORIZING THE BONDS,  
10 THE ISSUING ENTERPRISE MAY WAIVE THE EXEMPTION FROM FEDERAL  
11 INCOME TAXATION FOR INTEREST ON THE BONDS. BONDS ISSUED BY AN  
12 ISSUING ENTERPRISE SHALL BE EXEMPT FROM THE PROVISIONS OF ARTICLE  
13 51 OF TITLE 11, C.R.S.

14 **43-4-810. Traffic laws - toll collection - rules.** (1) THE TRAFFIC  
15 LAWS OF THIS STATE, AND THOSE OF ANY MUNICIPALITY THROUGH WHICH  
16 A TOLL HIGHWAY PASSES, AND THE TOLLING ENTERPRISE'S REGULATIONS  
17 REGARDING TOLL COLLECTION AND ENFORCEMENT SHALL PERTAIN TO AND  
18 GOVERN THE USE OF THE TOLL HIGHWAY. STATE AND LOCAL LAW  
19 ENFORCEMENT AUTHORITIES ARE AUTHORIZED TO ENTER INTO TRAFFIC  
20 AND TOLL ENFORCEMENT AGREEMENTS WITH THE TOLLING ENTERPRISE.  
21 ANY MONEYS RECEIVED BY A STATE LAW ENFORCEMENT AUTHORITY  
22 PURSUANT TO A TOLL ENFORCEMENT AGREEMENT SHALL BE SUBJECT TO  
23 ANNUAL APPROPRIATIONS BY THE GENERAL ASSEMBLY TO THE LAW  
24 ENFORCEMENT AUTHORITY FOR THE PURPOSE OF PERFORMING ITS DUTIES  
25 PURSUANT TO THE AGREEMENT.

26 (2) THE TOLLING ENTERPRISE MAY ADOPT, BY RESOLUTION OF THE  
27 TOLLING ENTERPRISE BOARD, RULES PERTAINING TO THE ENFORCEMENT OF

1 TOLL COLLECTION AND PROVIDING A CIVIL PENALTY FOR TOLL EVASION.  
2 THE CIVIL PENALTY ESTABLISHED BY THE TOLLING ENTERPRISE FOR ANY  
3 TOLL EVASION SHALL BE NOT LESS THAN TEN DOLLARS NOR MORE THAN  
4 TWO HUNDRED FIFTY DOLLARS IN ADDITION TO ANY COSTS IMPOSED BY A  
5 COURT. THE TOLLING ENTERPRISE MAY USE STATE-OF-THE-ART  
6 TECHNOLOGY, INCLUDING, BUT NOT LIMITED TO, AUTOMATIC VEHICLE  
7 IDENTIFICATION PHOTOGRAPHY, TO AID IN THE COLLECTION OF TOLLS AND  
8 ENFORCEMENT OF TOLL VIOLATIONS. THE USE OF STATE-OF-THE-ART  
9 TECHNOLOGY TO AID IN ENFORCEMENT OF TOLL VIOLATIONS SHALL BE  
10 GOVERNED SOLELY BY THIS SECTION.

11 (3) (a) ANY PERSON WHO EVADES A TOLL ESTABLISHED BY THE  
12 TOLLING ENTERPRISE SHALL BE SUBJECT TO THE CIVIL PENALTY  
13 ESTABLISHED BY THE TOLLING ENTERPRISE FOR TOLL EVASION. ANY  
14 PEACE OFFICER AS DESCRIBED IN SECTION 16-2.5-101, C.R.S., SHALL HAVE  
15 THE AUTHORITY TO ISSUE CIVIL PENALTY ASSESSMENTS, OR MUNICIPAL  
16 SUMMONS AND COMPLAINTS IF AUTHORIZED PURSUANT TO A MUNICIPAL  
17 ORDINANCE, FOR TOLL EVASION.

18 (b) AT ANY TIME THAT A PERSON IS CITED FOR TOLL EVASION, THE  
19 PERSON OPERATING THE MOTOR VEHICLE INVOLVED SHALL BE GIVEN  
20 EITHER A NOTICE IN THE FORM OF A CIVIL PENALTY ASSESSMENT NOTICE  
21 OR A MUNICIPAL SUMMONS AND COMPLAINT.

22 (c) IF A CIVIL PENALTY ASSESSMENT NOTICE IS ISSUED, THE NOTICE  
23 SHALL BE TENDERED BY A PEACE OFFICER AS DESCRIBED IN SECTION  
24 16-2.5-101, C.R.S., AND SHALL CONTAIN THE NAME AND ADDRESS OF THE  
25 PERSON OPERATING THE MOTOR VEHICLE INVOLVED, THE LICENSE NUMBER  
26 OF THE MOTOR VEHICLE, THE PERSON'S DRIVER'S LICENSE NUMBER, THE  
27 NATURE OF THE VIOLATION, THE AMOUNT OF THE PENALTY PRESCRIBED

1 FOR THE VIOLATION, THE DATE OF THE NOTICE, A PLACE FOR THE PERSON  
2 TO EXECUTE A SIGNED ACKNOWLEDGMENT OF THE PERSON'S RECEIPT OF  
3 THE CIVIL PENALTY ASSESSMENT NOTICE, A PLACE FOR THE PERSON TO  
4 EXECUTE A SIGNED ACKNOWLEDGMENT OF LIABILITY FOR THE CITED  
5 VIOLATION, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY LAW  
6 TO CONSTITUTE THE NOTICE AS A COMPLAINT TO APPEAR FOR  
7 ADJUDICATION OF A TOLL EVASION PURSUANT TO THIS SECTION IF THE  
8 PRESCRIBED TOLL, FEE, OR CIVIL PENALTY IS NOT PAID WITHIN TWENTY  
9 DAYS. EVERY CITED PERSON SHALL EXECUTE THE SIGNED  
10 ACKNOWLEDGMENT OF THE PERSON'S RECEIPT OF THE CIVIL PENALTY  
11 ASSESSMENT NOTICE.

12 (d) THE ACKNOWLEDGMENT OF LIABILITY SHALL BE EXECUTED AT  
13 THE TIME THE PERSON CITED PAYS THE PRESCRIBED PENALTY. THE PERSON  
14 CITED SHALL PAY THE TOLL, FEE, OR CIVIL PENALTY AUTHORIZED BY THE  
15 TOLLING ENTERPRISE AT THE OFFICE OF THE TOLLING ENTERPRISE OR THE  
16 TOLLING ENTERPRISE'S COLLECTION DESIGNEE EITHER IN PERSON OR BY  
17 POSTMARKING THE PAYMENT WITHIN TWENTY DAYS OF THE NOTICE. IF  
18 THE PERSON CITED DOES NOT PAY THE PRESCRIBED TOLL, FEE, OR CIVIL  
19 PENALTY WITHIN TWENTY DAYS OF THE NOTICE, THE CIVIL PENALTY  
20 ASSESSMENT NOTICE SHALL CONSTITUTE A COMPLAINT TO APPEAR FOR  
21 ADJUDICATION OF A TOLL EVASION PURSUANT TO THIS SECTION, AND THE  
22 PERSON CITED SHALL, WITHIN THE TIME SPECIFIED IN THE CIVIL PENALTY  
23 ASSESSMENT NOTICE, FILE AN ANSWER TO THIS COMPLAINT IN THE  
24 MANNER SPECIFIED IN THE NOTICE.

25 (e) IF A MUNICIPAL SUMMONS AND COMPLAINT IS ISSUED, THE  
26 ADJUDICATION OF THE VIOLATION SHALL BE CONDUCTED AND THE FORMAT  
27 OF THE SUMMONS AND COMPLAINT SHALL BE DETERMINED PURSUANT TO

1 THE TERMS OF THE MUNICIPAL ORDINANCE AUTHORIZING ISSUANCE OF THE  
2 SUMMONS AND COMPLAINT. IN NO CASE SHALL THE PENALTY UPON  
3 CONVICTION FOR VIOLATION OF A MUNICIPAL ORDINANCE FOR TOLL  
4 EVASION EXCEED THE LIMIT ESTABLISHED IN SUBSECTION (2) OF THIS  
5 SECTION.

6 (4) (a) THE RESPECTIVE COURTS OF THE MUNICIPALITIES,  
7 COUNTIES, AND CITIES AND COUNTIES SHALL HAVE JURISDICTION TO TRY  
8 ALL CASES ARISING UNDER MUNICIPAL ORDINANCES AND STATE LAWS  
9 GOVERNING THE USE OF A TOLL HIGHWAY AND ARISING UNDER THE TOLL  
10 EVASION CIVIL PENALTY RULES ENACTED BY THE TOLLING ENTERPRISE.  
11 VENUE FOR ANY SUCH CASE SHALL BE IN THE MUNICIPALITY, COUNTY, OR  
12 CITY AND COUNTY WHERE THE ALLEGED VIOLATION OF A MUNICIPAL  
13 ORDINANCE, STATE LAW, OR RULE OF THE TOLLING ENTERPRISE  
14 OCCURRED.

15 (b) AT THE REQUEST OF THE JUDICIAL DEPARTMENT, THE TOLLING  
16 ENTERPRISE SHALL CONSIDER ESTABLISHING AN ADMINISTRATIVE TOLL  
17 ENFORCEMENT PROCESS AND MAY, BY RESOLUTION OF THE TOLLING  
18 ENTERPRISE BOARD, ADOPT RULES CREATING SUCH A PROCESS. THE RULES  
19 PERTAINING TO THE ADMINISTRATIVE ENFORCEMENT OF TOLL EVASION  
20 SHALL REQUIRE NOTICE TO THE PERSON CITED FOR TOLL EVASION AND  
21 PROVIDE TO THE PERSON AN OPPORTUNITY TO APPEAR AT AN OPEN  
22 HEARING CONDUCTED BY AN IMPARTIAL HEARING OFFICER AND A RIGHT  
23 TO APPEAL THE FINAL ADMINISTRATIVE DETERMINATION OF TOLL EVASION  
24 TO THE COUNTY COURT FOR THE COUNTY IN WHICH THE VIOLATION  
25 OCCURRED.

26 (c) IF THE TOLLING ENTERPRISE ESTABLISHES AN ADMINISTRATIVE  
27 TOLL ENFORCEMENT PROCESS, NO COURT OF A MUNICIPALITY, COUNTY, OR



1 CITY AND COUNTY SHALL HAVE JURISDICTION TO HEAR TOLL EVASION  
2 CASES ARISING ON A TOLL HIGHWAY OPERATED BY THE TOLLING  
3 ENTERPRISE.

4 (d) A TOLL EVASION CASE MAY BE ADJUDICATED BY AN IMPARTIAL  
5 HEARING OFFICER IN AN ADMINISTRATIVE HEARING CONDUCTED PURSUANT  
6 TO THIS SECTION AND THE RULES PROMULGATED BY THE TOLLING  
7 ENTERPRISE. THE HEARING OFFICER MAY BE AN ADMINISTRATIVE LAW  
8 JUDGE EMPLOYED BY THE STATE OR AN INDEPENDENT CONTRACTOR OF  
9 THE TOLLING ENTERPRISE. THE CONTRACT FOR AN INDEPENDENT  
10 CONTRACTOR SHALL GRANT TO THE HEARING OFFICER THE SAME DEGREE  
11 OF INDEPENDENCE GRANTED TO AN ADMINISTRATIVE LAW JUDGE  
12 EMPLOYED BY THE STATE. THE TOLLING ENTERPRISE MAY ENTER INTO  
13 CONTRACTS PURSUANT TO SECTION 29-1-203, C.R.S., FOR JOINT  
14 ADJUDICATION OF TOLL EVASION CASES PURSUANT TO THIS SECTION.

15 (e) THE TOLLING ENTERPRISE MAY FILE A CERTIFIED COPY OF AN  
16 ORDER IMPOSING A TOLL, FEE, AND CIVIL PENALTY THAT IS ENTERED BY  
17 THE HEARING OFFICER IN AN ADJUDICATION OF A TOLL EVASION WITH THE  
18 CLERK OF THE COUNTY COURT IN THE COUNTY IN WHICH THE VIOLATION  
19 OCCURRED AT ANY TIME AFTER THE ORDER IS ENTERED. THE CLERK SHALL  
20 RECORD THE ORDER IN THE JUDGMENT BOOK OF THE COURT AND ENTER IT  
21 IN THE JUDGMENT DOCKET. THE ORDER SHALL THENCEFORTH HAVE THE  
22 EFFECT OF A JUDGMENT OF THE COUNTY COURT, AND EXECUTION MAY  
23 ISSUE ON THE ORDER OUT OF THE COURT AS IN OTHER CASES.

24 (f) AN ADMINISTRATIVE ADJUDICATION OF A TOLL EVASION BY THE  
25 TOLLING ENTERPRISE IS SUBJECT TO JUDICIAL REVIEW. THE  
26 ADMINISTRATIVE ADJUDICATION MAY BE APPEALED AS TO MATTERS OF  
27 LAW AND FACT TO THE COUNTY COURT FOR THE COUNTY IN WHICH THE

1 VIOLATION OCCURRED. THE APPEAL SHALL BE A DE NOVO HEARING.

2 (g) NOTWITHSTANDING THE SPECIFIC REMEDIES PROVIDED BY THIS  
3 SECTION, THE TOLLING ENTERPRISE SHALL HAVE EVERY LEGAL REMEDY  
4 AVAILABLE TO ENFORCE UNPAID TOLLS AND FEES AS DEBTS OWED TO THE  
5 TOLLING ENTERPRISE.

6 (5) THE AGGREGATE AMOUNT OF PENALTIES, EXCLUSIVE OF COURT  
7 COSTS, COLLECTED AS A RESULT OF CIVIL PENALTIES IMPOSED PURSUANT  
8 TO RULES ADOPTED AS AUTHORIZED IN SUBSECTION (2) OF THIS SECTION  
9 SHALL BE REMITTED TO THE TOLLING ENTERPRISE AND SHALL BE APPLIED  
10 BY THE TOLLING ENTERPRISE TO DEFRAY THE COSTS AND EXPENSES OF  
11 ENFORCING THE LAWS OF THE STATE AND THE REGULATIONS OF THE  
12 TOLLING ENTERPRISE. IF A MUNICIPAL SUMMONS OR COMPLAINT IS ISSUED,  
13 THE AGGREGATE PENALTY SHALL BE APPORTIONED PURSUANT TO THE  
14 TERMS OF ANY ENFORCEMENT AGREEMENT.

15 (6) (a) IN ADDITION TO THE PENALTY ASSESSMENT PROCEDURE  
16 PROVIDED FOR IN SUBSECTION (3) OF THIS SECTION, WHERE AN INSTANCE  
17 OF TOLL EVASION IS EVIDENCED BY AUTOMATIC VEHICLE IDENTIFICATION  
18 PHOTOGRAPHY OR OTHER TECHNOLOGY NOT INVOLVING A PEACE OFFICER,  
19 A CIVIL PENALTY ASSESSMENT NOTICE MAY BE ISSUED AND SENT BY  
20 FIRST-CLASS MAIL, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN  
21 ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS  
22 EQUIVALENT TO OR SUPERIOR TO FIRST-CLASS MAIL WITH RESPECT TO  
23 DELIVERY SPEED, RELIABILITY, AND PRICE, BY THE TOLLING ENTERPRISE  
24 TO THE REGISTERED OWNER OF THE MOTOR VEHICLE INVOLVED. THE  
25 NOTICE SHALL CONTAIN THE NAME AND ADDRESS OF THE REGISTERED  
26 OWNER OF THE VEHICLE INVOLVED, THE LICENSE NUMBER OF THE VEHICLE  
27 INVOLVED, THE DATE OF THE NOTICE, THE DATE, TIME, AND LOCATION OF

1 THE VIOLATION, THE AMOUNT OF THE PENALTY PRESCRIBED FOR THE  
2 VIOLATION, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED  
3 ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH  
4 OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE  
5 NOTICE AS A COMPLAINT TO APPEAR FOR ADJUDICATION OF A TOLL  
6 EVASION CIVIL PENALTY ASSESSMENT. EXCEPT AS OTHERWISE PROVIDED  
7 IN PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (6), THE REGISTERED  
8 OWNER OF THE VEHICLE INVOLVED IN A TOLL EVASION SHALL BE  
9 PRESUMED LIABLE FOR THE TOLL, FEE, OR CIVIL PENALTY IMPOSED BY THE  
10 TOLLING ENTERPRISE. IF THE REGISTERED OWNER OF THE VEHICLE DOES  
11 NOT PAY THE PRESCRIBED TOLL, FEE, OR CIVIL PENALTY WITHIN THIRTY  
12 DAYS OF THE DATE OF THE CIVIL PENALTY ASSESSMENT NOTICE, THE  
13 NOTICE SHALL CONSTITUTE A COMPLAINT TO APPEAR FOR ADJUDICATION  
14 OF A TOLL EVASION IN COURT OR IN AN ADMINISTRATIVE TOLL  
15 ENFORCEMENT PROCEEDING, AND THE REGISTERED OWNER OF THE  
16 VEHICLE SHALL, WITHIN THE TIME SPECIFIED IN THE NOTICE, FILE AN  
17 ANSWER TO THE COMPLAINT IN THE MANNER SPECIFIED IN THE NOTICE. IF  
18 THE REGISTERED OWNER OF THE VEHICLE FAILS TO PAY IN FULL THE  
19 OUTSTANDING TOLL, FEE, OR CIVIL PENALTY AS SET FORTH IN THE NOTICE  
20 OR TO APPEAR AND ANSWER THE COMPLAINT AND REQUEST A HEARING AS  
21 SPECIFIED IN THE NOTICE, A FINAL ORDER OF LIABILITY SHALL BE ENTERED  
22 AGAINST THE REGISTERED OWNER OF THE VEHICLE FOR THE PURPOSES OF  
23 ENABLING THE REGISTERED OWNER TO APPEAL PURSUANT TO PARAGRAPH  
24 (f) OF SUBSECTION (4) OF THIS SECTION AND ALLOWING THE TOLLING  
25 ENTERPRISE TO PROCEED TO JUDGMENT PURSUANT TO PARAGRAPH (e) OF  
26 SUBSECTION (4) OF THIS SECTION.

27 (b) IN ADDITION TO ANY OTHER LIABILITY PROVIDED FOR IN THIS

1 SECTION, THE OWNER OF A MOTOR VEHICLE WHO IS ENGAGED IN THE  
2 BUSINESS OF LEASING OR RENTING MOTOR VEHICLES IS LIABLE FOR  
3 PAYMENT OF A TOLL EVASION VIOLATION CIVIL PENALTY; EXCEPT THAT,  
4 AT THE DISCRETION OF SUCH OWNER:

5 (I) THE OWNER MAY OBTAIN PAYMENT FOR A TOLL EVASION  
6 VIOLATION CIVIL PENALTY FROM THE PERSON OR COMPANY WHO LEASED  
7 OR RENTED THE VEHICLE AT THE TIME OF THE TOLL EVASION THROUGH A  
8 CREDIT OR DEBIT CARD PAYMENT AND FORWARD THE PAYMENT TO THE  
9 TOLLING ENTERPRISE; OR

10 (II) THE OWNER MAY SEEK TO AVOID LIABILITY FOR A TOLL  
11 EVASION VIOLATION CIVIL PENALTY IF THE OWNER OF THE LEASED OR  
12 RENTED MOTOR VEHICLE CAN FURNISH SUFFICIENT EVIDENCE THAT, AT  
13 THE TIME OF THE TOLL EVASION VIOLATION, THE VEHICLE WAS LEASED OR  
14 RENTED TO ANOTHER PERSON. TO AVOID LIABILITY FOR PAYMENT, THE  
15 OWNER OF THE MOTOR VEHICLE SHALL, WITHIN THIRTY DAYS AFTER  
16 RECEIPT OF THE NOTIFICATION OF THE TOLL EVASION VIOLATION, FURNISH  
17 TO THE TOLLING ENTERPRISE AN AFFIDAVIT CONTAINING THE NAME,  
18 ADDRESS, AND STATE DRIVER'S LICENSE NUMBER OF THE PERSON OR  
19 COMPANY WHO LEASED OR RENTED THE VEHICLE. AS A CONDITION TO  
20 AVOID LIABILITY FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL  
21 PENALTY, ANY PERSON OR COMPANY WHO LEASES OR RENTS MOTOR  
22 VEHICLES TO A PERSON SHALL INCLUDE A NOTICE IN THE LEASING OR  
23 RENTAL AGREEMENT STATING THAT, PURSUANT TO THE REQUIREMENTS OF  
24 THIS SECTION, THE PERSON RENTING OR LEASING THE VEHICLE IS LIABLE  
25 FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL PENALTY INCURRED  
26 ON OR AFTER THE DATE THE PERSON RENTING OR LEASING THE VEHICLE  
27 TAKES POSSESSION OF THE MOTOR VEHICLE. THE NOTICE SHALL INFORM

1 THE PERSON RENTING OR LEASING THE VEHICLE THAT THE PERSON'S NAME,  
2 ADDRESS, AND STATE DRIVER'S LICENSE NUMBER SHALL BE FURNISHED TO  
3 THE TOLLING ENTERPRISE WHEN A TOLL EVASION VIOLATION CIVIL  
4 PENALTY IS INCURRED DURING THE TERM OF THE LEASE OR RENTAL  
5 AGREEMENT.

6 (c) THE REGISTERED OWNER OF A VEHICLE INVOLVED IN A TOLL  
7 EVASION VIOLATION MAY REBUT THE PRESUMPTION OF LIABILITY FOR THE  
8 VIOLATION BY PROVING BY A PREPONDERANCE OF THE EVIDENCE THAT:

9 (I) THE OWNER SOLD OR OTHERWISE TRANSFERRED OWNERSHIP OF  
10 THE VEHICLE TO ANOTHER PERSON BEFORE THE DATE OF THE VIOLATION  
11 AS EVIDENCED BY A BILL OF SALE OR SIMILAR DOCUMENT; OR

12 (II) THE OWNER DID NOT HAVE CUSTODY AND CONTROL OF THE  
13 VEHICLE AT THE TIME OF THE VIOLATION DUE TO THEFT AS EVIDENCED BY  
14 A REPORT TO A LAW ENFORCEMENT AGENCY.

15 (7) A COURT WITH JURISDICTION IN A TOLL EVASION CASE  
16 PURSUANT TO PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION OR THE  
17 TOLLING ENTERPRISE, IF IT HAS JURISDICTION IN A TOLL EVASION CASE  
18 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION, MAY  
19 REPORT TO THE DEPARTMENT OF REVENUE ANY OUTSTANDING JUDGMENT  
20 OR WARRANT OR ANY FAILURE TO PAY THE TOLL, FEE, OR CIVIL PENALTY  
21 FOR ANY TOLL EVASION. UPON RECEIPT OF A CERTIFIED REPORT FROM A  
22 COURT OR THE TOLLING ENTERPRISE STATING THAT THE OWNER OF A  
23 REGISTERED VEHICLE HAS FAILED TO PAY A TOLL, FEE, OR CIVIL PENALTY  
24 RESULTING FROM A FINAL ORDER ENTERED BY THE TOLLING ENTERPRISE,  
25 THE DEPARTMENT SHALL NOT RENEW THE REGISTRATION OF THE VEHICLE  
26 UNTIL THE TOLL, FEE, AND CIVIL PENALTY ARE PAID IN FULL. THE TOLLING  
27 ENTERPRISE SHALL CONTRACT WITH AND COMPENSATE A VENDOR

1 APPROVED BY THE DEPARTMENT FOR THE DIRECT COSTS ASSOCIATED WITH  
2 THE NONRENEWAL OF A VEHICLE REGISTRATION PURSUANT TO THIS  
3 SUBSECTION (7). THE DEPARTMENT HAS NO AUTHORITY TO ASSESS ANY  
4 POINTS AGAINST A LICENSE UNDER SECTION 42-2-127, C.R.S., UPON ENTRY  
5 OF A CONVICTION OR JUDGMENT FOR ANY TOLL EVASION.

6 **43-4-811. Enterprises - applicability of other laws.**

7 (1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, NEITHER THE  
8 TOLLING ENTERPRISE NOR THE BRIDGE ENTERPRISE SHALL BE SUBJECT TO  
9 THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF  
10 TITLE 24, C.R.S.

11 (2) (a) THE TOLLING ENTERPRISE AND THE BRIDGE ENTERPRISE  
12 SHALL BE SUBJECT TO THE OPEN MEETINGS PROVISIONS OF THE  
13 "COLORADO SUNSHINE ACT OF 1972" CONTAINED IN PART 4 OF ARTICLE  
14 6 OF TITLE 24, C.R.S., AND THE "COLORADO OPEN RECORDS ACT", PART  
15 2 OF ARTICLE 72 OF TITLE 24, C.R.S.

16 (b) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART  
17 2 OF ARTICLE 72 OF TITLE 24, C.R.S., THE RECORDS OF THE TOLLING  
18 ENTERPRISE AND THE BRIDGE ENTERPRISE SHALL BE PUBLIC RECORDS, AS  
19 DEFINED IN SECTION 24-72-202 (6), C.R.S., REGARDLESS OF WHETHER THE  
20 TOLLING ENTERPRISE OR THE BRIDGE ENTERPRISE RECEIVES LESS THAN  
21 TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN GRANTS FROM ALL  
22 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED.

23 (3) REVENUES OF THE TOLLING ENTERPRISE AND THE BRIDGE  
24 ENTERPRISE SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION  
25 43-1-1205.

26 (4) THE TOLLING ENTERPRISE AND THE BRIDGE ENTERPRISE SHALL  
27 EACH CONSTITUTE A PUBLIC ENTITY FOR PURPOSES OF PART 2 OF ARTICLE

1 57 OF TITLE 11, C.R.S.

2 (5) LABOR STANDARDS SPECIFIED IN LAW THAT APPLY TO THE  
3 DEPARTMENT SHALL APPLY WITH EQUAL FORCE TO THE TOLLING  
4 ENTERPRISE AND THE BRIDGE ENTERPRISE.

5 **43-4-812. Fees and surcharges - limitations on use.** AS  
6 REQUIRED BY SECTION 18 OF ARTICLE X OF THE STATE CONSTITUTION, THE  
7 PROCEEDS OF ANY FEE OR SURCHARGE IMPOSED PURSUANT TO THE  
8 PROVISIONS OF THIS PART 8 THAT IS A LICENSE FEE, REGISTRATION FEE, OR  
9 OTHER CHARGE WITH RESPECT TO THE OPERATION OF ANY VEHICLE UPON  
10 ANY PUBLIC HIGHWAY IN THIS STATE SHALL BE USED EXCLUSIVELY FOR  
11 THE CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE PUBLIC  
12 HIGHWAYS OF THIS STATE AS SPECIFIED IN THIS PART 8.

13 **43-4-813. Applicability of prior law.** THE REPEAL AND  
14 REENACTMENT OF THIS PART 8 BY SENATE BILL 11-\_\_\_\_\_, ENACTED IN  
15 2011, SHALL NOT AFFECT THE RIGHTS OR OBLIGATIONS OF ANY PERSON  
16 RELATING TO ANY FEE, TOLL, RATE, CHARGE, OR SURCHARGE IMPOSED OR  
17 TO ANY BONDS ISSUED PURSUANT TO THE PROVISIONS OF THIS PART 8 AS  
18 IT EXISTED BEFORE JULY 1, 2011.

19 **SECTION 2.** 1-5-407 (5) (a), Colorado Revised Statutes, is  
20 amended to read:

21 **1-5-407. Form of ballots.** (5) (a) Whenever the approval of a  
22 ballot issue or ballot question is submitted to the vote of the people, the  
23 ballot issue or question shall be printed upon the ballot following the lists  
24 of candidates. ~~Except as otherwise provided in section 32-9-119.3 (2),~~  
25 ~~C.R.S.~~, Referred amendments shall be printed first, followed by initiated  
26 amendments, referred propositions, initiated propositions, county issues  
27 and questions, municipal issues and questions, school district issues and

1 questions, ballot issues and questions for other political subdivisions  
2 which are in more than one county, and then ballot issues and questions  
3 for other political subdivisions which are wholly within a county.

4 **SECTION 3.** 24-1-128.7 (5) and (6), Colorado Revised Statutes,  
5 are amended to read:

6 **24-1-128.7. Department of transportation - creation.** (5) The  
7 statewide bridge enterprise created in ~~section 43-4-805 (2), C.R.S.,~~  
8 SECTION 43-4-808 (2)(a)(I), C.R.S., shall exercise its powers and perform  
9 its duties and functions as if the same were transferred by a **type 1**  
10 transfer, as defined in section 24-1-105, to the department of  
11 transportation.

12 (6) (a) The ~~high-performance transportation~~ STATEWIDE TOLLING  
13 enterprise created in ~~section 43-4-806 (2) (a), C.R.S.,~~ PURSUANT TO  
14 SECTION 43-4-803 (1), C.R.S., shall exercise its powers and perform its  
15 duties and functions as if the same were transferred by a **type 1** transfer,  
16 as defined in section 24-1-105, to the department of transportation.

17 (b) The ~~statewide tolling~~ HIGH-PERFORMANCE TRANSPORTATION  
18 enterprise, created by ~~the transportation commission pursuant to section~~  
19 ~~43-4-803 (1), C.R.S.,~~ SECTION 43-4-806 (2) (a) (I), C.R.S., prior to the  
20 repeal and reenactment of said section by Senate Bill ~~09-108, enacted in~~  
21 ~~2009~~, 11-\_\_\_\_\_, ENACTED IN 2011, and its powers, duties, and functions  
22 are transferred by a **type 3** transfer, as defined in section 24-1-105, to the  
23 ~~high-performance transportation~~ STATEWIDE TOLLING enterprise created  
24 in ~~section 43-4-806 (2) (a),~~ SECTION 43-4-803 (1), C.R.S., and the  
25 ~~statewide tolling~~ HIGH-PERFORMANCE TRANSPORTATION enterprise is  
26 abolished.

27 **SECTION 4.** The introductory portion to 32-9-119 (2) (a),



1 Colorado Revised Statutes, is amended to read:

2           **32-9-119. Additional powers of district.** (2) (a) To provide  
3 revenue to finance the operations of the district, to defray the cost of  
4 construction of capital improvements and acquisition of capital  
5 equipment, and to pay the interest and principal on securities of the  
6 district, the board, for and on behalf of the district after approval by  
7 election held pursuant to articles 1 to 13 of title 1, C.R.S., ~~and, with~~  
8 ~~respect to any tax rate increase that takes effect on or after March 2, 2009,~~  
9 ~~in accordance with section 32-9-119.3,~~ shall have the power to levy  
10 uniformly throughout the district a sales tax at ~~any rate that may be~~  
11 ~~approved by the board~~ THE RATE OF SIX-TENTHS OF ONE PERCENT, OR AT  
12 THE RATE OF ONE PERCENT IF APPROVED BY THE ELIGIBLE ELECTORS OF  
13 THE DISTRICT IN ACCORDANCE WITH SECTION 32-9-119.4, upon every  
14 transaction or other incident with respect to which a sales tax is now  
15 levied by the state, pursuant to the provisions of article 26 of title 39,  
16 C.R.S.; except that:

17           **SECTION 5. Repeal.** 32-9-119.3, Colorado Revised Statutes, is  
18 repealed as follows:

19           **32-9-119.3. Elections for sales tax rate increase.** ~~(1) The board,~~  
20 ~~in accordance with the provisions of section 20 (4) of article X of the~~  
21 ~~state constitution, may submit to the registered electors of the district one~~  
22 ~~or more ballot questions to increase the rate of the sales tax levied by the~~  
23 ~~district pursuant to section 32-9-119 (2) (a) to any rate approved by the~~  
24 ~~board, with or without an accompanying increase in district debt, for such~~  
25 ~~purposes authorized by this article as may be specified in any such ballot~~  
26 ~~question.~~

27           ~~(2) A ballot question submitted pursuant to subsection (1) of this~~

1 ~~section shall be submitted at a general election or an election held on the~~  
2 ~~first Tuesday of November in an odd-numbered year that is conducted in~~  
3 ~~accordance with the "Uniform Election Code of 1992", articles 1 to 13 of~~  
4 ~~title 1, C.R.S. The secretary of state shall determine the identifying~~  
5 ~~numbering or lettering of such a ballot question, and the question shall be~~  
6 ~~printed upon the ballot immediately following any statewide amendments~~  
7 ~~and propositions.~~

8 ~~(3) If a majority of the registered electors voting on a ballot~~  
9 ~~question submitted pursuant to subsection (1) of this section vote~~  
10 ~~affirmatively on the question, the rate of the sales tax levied by the district~~  
11 ~~pursuant to section 32-9-119 (2) (a) shall be increased to the rate~~  
12 ~~specified in the ballot question and approved by the registered electors.~~

13 ~~(4) Nothing in this section shall be construed to limit the ability~~  
14 ~~of the district to seek the approval of the registered electors of the district~~  
15 ~~regarding any other matter for which such approval may be sought.~~

16 **SECTION 6.** ~~38-1-202 (1) (b) (IV) (J) and (1) (b) (IV) (J.5),~~  
17 ~~Colorado Revised Statutes, are amended to read:~~

18 **38-1-202. Governmental entities, corporations, and persons**  
19 **authorized to use eminent domain.** (1) The following governmental  
20 entities, types of governmental entities, and public corporations, in  
21 accordance with all procedural and other requirements specified in this  
22 article and articles 2 to 7 of this title and to the extent and within any time  
23 frame specified in the applicable authorizing statute may exercise the  
24 power of eminent domain:

25 (b) The state:

26 (IV) By action of the general assembly or by action of any of the  
27 following officers and agencies of the state:

1 (J) The statewide bridge enterprise as authorized in ~~section~~  
2 ~~43-4-805 (5) (e)~~, SECTION 43-4-808 (5) (e), C.R.S.;

3 (J.5) The ~~high-performance transportation~~ STATEWIDE TOLLING  
4 enterprise as authorized in ~~section 43-4-806 (6) (e)~~, SECTION 43-4-807 (1)  
5 (g), C.R.S.; and

6 **SECTION 7.** 42-3-103 (4) (a), Colorado Revised Statutes, is  
7 amended to read:

8 **42-3-103. Registration required - exemptions.** (4) (a) Within  
9 ~~ninety~~ THIRTY days after becoming a resident of Colorado, an owner of  
10 a motor vehicle required to be registered by subsection (1) of this section  
11 shall register ~~such~~ THE vehicle with the department, irrespective of ~~such~~  
12 THE vehicle being registered within another state or country. A person  
13 who violates this paragraph (a) is subject to the penalties provided in  
14 ~~sections 42-6-139, and 43-4-804 (1) (d)~~, C.R.S. SECTION 42-6-139.

15 **SECTION 8.** 42-3-112, Colorado Revised Statutes, is amended  
16 to read:

17 **42-3-112. Failure to pay tax - penalty - rules.** (1) If a vehicle  
18 subject to taxation under this article is not registered when required by  
19 law, the vehicle owner ~~shall pay~~ IS SUBJECT TO a late fee of ~~twenty-five~~  
20 dollars for each month or portion of a month following the expiration of  
21 the registration period, or, if applicable, the expiration of the grace period  
22 described in ~~section 42-3-114~~ for which the vehicle is unregistered;  
23 except that the amount of the late fee shall not exceed one hundred  
24 dollars. ~~The late fee shall be~~ UP TO TEN DOLLARS, AS DETERMINED BY THE  
25 DEPARTMENT OR AUTHORIZED AGENT REGISTERING THE VEHICLE, WHICH  
26 IS due when the vehicle is registered. THE DEPARTMENT OR THE  
27 AUTHORIZED AGENT REGISTERING THE VEHICLE MAY WAIVE THE LATE FEE.

1           ~~(1.5) (a) Notwithstanding the provisions of subsection (1) of this~~  
2 ~~section, the executive director of the department shall promulgate rules~~  
3 ~~in accordance with article 4 of title 24, C.R.S., that establish~~  
4 ~~circumstances in addition to the circumstances described in subsection (3)~~  
5 ~~of this section in which a vehicle owner shall be exempted from paying~~  
6 ~~the late fee described in said subsection (1). The rules shall apply~~  
7 ~~uniformly throughout the state and shall include, but shall not be limited~~  
8 ~~to, exemptions for:~~

- 9           ~~(I) Acts of God and weather-related delays;~~
- 10          ~~(II) Office closures and furloughs;~~
- 11          ~~(III) Temporary registration number plates, tags, or certificates~~  
12 ~~that have expired;~~
- 13          ~~(IV) Medical hardships; and~~
- 14          ~~(V) Information technology failures.~~

15          ~~(b) The executive director of the department shall also promulgate~~  
16 ~~rules in accordance with article 4 of title 24, C.R.S., that allow the~~  
17 ~~department or an authorized agent to reduce or waive the late fee that~~  
18 ~~would otherwise be due upon the registration of a trailer that is a~~  
19 ~~commercial or farm vehicle, as part of the normal operation, if the owner~~  
20 ~~can establish, in accordance with criteria specified in the rules, that the~~  
21 ~~trailer was idled so that it was not operated on any public highway in this~~  
22 ~~state for at least a full registration period. Nothing in this paragraph (b)~~  
23 ~~shall be construed to exempt the owner of an idled trailer from paying any~~  
24 ~~fees imposed pursuant to this article other than the late fee before again~~  
25 ~~operating the trailer on a public highway in this state or from paying any~~  
26 ~~taxes imposed pursuant to this article. The owner shall provide to the~~  
27 ~~department or authorized agent a sworn affidavit that states that the trailer~~

1 has not been operated on the public highways during the period for which  
2 it was not registered as required and describes the nature of the business  
3 conditions that resulted in the removal of the trailer from service.

4 (c) ~~The executive director of the department shall consult with the~~  
5 ~~county clerk and recorders in promulgating the rules required by~~  
6 ~~paragraph (a) of this subsection (1.5).~~

7 (1.7) ~~Notwithstanding the provisions of subsection (1) of this~~  
8 ~~section, on and after July 1, 2010, the amount of the late fee payable by~~  
9 ~~the owner of a vehicle without motive power that weighs sixteen~~  
10 ~~thousand pounds or less or a camper trailer or a multipurpose trailer~~  
11 ~~regardless of its weight, that is subject to taxation under this article, and~~  
12 ~~that is not registered when required by law shall be ten dollars. For~~  
13 ~~purposes of this subsection (1.7), the weight of a trailer of any kind is the~~  
14 ~~empty weight.~~

15 (2) ~~Ten dollars of~~ The late registration fee shall be retained by the  
16 department or the authorized agent who registers the motor vehicle. Each  
17 authorized agent shall remit to the department no less frequently than  
18 once a month, but otherwise at the time and in the manner required by the  
19 executive director of the department, the remainder of the late registration  
20 fees collected by the authorized agent. ~~The executive director shall~~  
21 ~~forward all late registration fees remitted by authorized agents plus the~~  
22 ~~remainder of the late registration fees collected directly by the department~~  
23 ~~to the state treasurer, who shall credit the fees to the highway users tax~~  
24 ~~fund in accordance with section 43-4-804 (1) (e), C.R.S.~~

25 (3) The late fee described in subsection (1) of this section shall not  
26 be imposed on a vehicle subject to taxation under this article if:

27 (a) The person who owns the vehicle uses the vehicle in operating

1 ~~a commercial business and, as part of the normal operation of the~~  
2 ~~business, idles the vehicle so that it is not operated on any public highway~~  
3 ~~in this state for at least one full registration period. Nothing in this~~  
4 ~~paragraph (a) shall be construed to exempt the owner of an idled vehicle~~  
5 ~~from paying any fees imposed pursuant to this article other than the late~~  
6 ~~fee before again operating the vehicle on a public highway in this state or~~  
7 ~~from paying any taxes imposed pursuant to this article.~~

8 (b) ~~The person who owns the vehicle is in the active military~~  
9 ~~service of the United States and is serving outside the state when a~~  
10 ~~registration period and grace period for renewal of registration for the~~  
11 ~~vehicle end and the vehicle is not operated on any public highway of the~~  
12 ~~state between the time the registration period and grace period end and~~  
13 ~~the time the vehicle is reregistered. Nothing in this paragraph (b) shall be~~  
14 ~~construed to exempt the owner of such a vehicle from paying any fees~~  
15 ~~imposed pursuant to this article other than the late fee before again~~  
16 ~~operating the vehicle on a public highway in this state or from paying any~~  
17 ~~taxes imposed pursuant to this article.~~

18 (c) ~~The vehicle registration expired during the period the vehicle~~  
19 ~~was reported stolen.~~

20 **SECTION 9.** 42-6-139 (3), Colorado Revised Statutes, is  
21 amended to read:

22 **42-6-139. Registration - where made.** (3) A person who  
23 knowingly violates any of the provisions of subsection (2) of this section,  
24 section 42-3-103 (4) (a), ~~or~~ section 42-6-140, or any rule of the director  
25 promulgated pursuant to this part 1 is guilty of a misdemeanor and, upon  
26 conviction, shall be punished by a fine of ~~one thousand~~ FIVE HUNDRED  
27 dollars.

1           **SECTION 10.** 42-6-140, Colorado Revised Statutes, is amended  
2 to read:

3           **42-6-140. Registration upon becoming resident.** Within ninety  
4 THIRTY days after becoming a resident of Colorado, the owner of a motor  
5 vehicle shall apply for a Colorado certificate of title, a license, and  
6 registration for the vehicle that is registered, that is licensed, or for which  
7 a certificate of title is issued in another state. Any person who violates  
8 the provisions of this section is subject to the penalties provided in  
9 ~~sections~~ SECTION 42-6-139, and ~~43-4-804 (1) (d)~~, C.R.S.

10           **SECTION 11.** 42-12-102 (1) (a), Colorado Revised Statutes, is  
11 amended to read:

12           **42-12-102. Registration of collector's items - fees.** (1) Except  
13 for those motor vehicles that are entitled to registration under the  
14 provisions of section 42-3-219, collector's items shall be titled, registered,  
15 and a specific ownership tax shall be paid thereon in the same manner as  
16 provided in this title for other motor vehicles, with the following  
17 exceptions:

18           (a) Such collector's items shall be registered for periods of five  
19 years. The taxes and fees imposed for registration of a collector's item for  
20 each five-year registration period shall be equal to five times the annual  
21 taxes and fees which would otherwise be imposed for the registration of  
22 such motor vehicle under this title and under title 43, C.R.S.; except that  
23 the amount of a BRIDGE SAFETY surcharge imposed pursuant to section  
24 ~~43-4-804 (1) (a) or 43-4-805 (5) (g)~~, 43-4-808 (5) (g), C.R.S., shall be the  
25 amount specified in the applicable section. In addition to any other such  
26 taxes and fees, if a collector's item is registered in a county which is a  
27 member of one or more highway authorities and such authority or

1 authorities have imposed an annual motor vehicle registration fee or fees  
2 pursuant to the provisions of section 43-4-506 (1) (k), C.R.S., then five  
3 times such annual motor vehicle registration fee or fees shall be imposed  
4 and remitted to such authority or authorities.

5 **SECTION 12. Repeal.** 43-1-106 (17), Colorado Revised  
6 Statutes, is repealed as follows:

7 **43-1-106. Transportation commission - powers and duties.**

8 ~~(17) (a) The commission shall create a standing efficiency and~~  
9 ~~accountability committee. The committee shall seek ways to maximize~~  
10 ~~the efficiency of the department to allow increased investment in the~~  
11 ~~transportation system over the short, medium, and long term. The~~  
12 ~~committee shall include:~~

13 ~~(I) From state government:~~

14 ~~(A) One member of the commission designated by the~~  
15 ~~commission;~~

16 ~~(B) One member from the office of the executive director~~  
17 ~~designated by the executive director;~~

18 ~~(C) One member from each of the divisions of the department~~  
19 ~~created in section 43-1-104 (1) designated by the executive director after~~  
20 ~~consultation with the directors of each division; and~~

21 ~~(D) Any other employees of the department that the executive~~  
22 ~~director may designate;~~

23 ~~(H) From outside state government, representatives of:~~

24 ~~(A) The construction industry;~~

25 ~~(B) The engineering industry;~~

26 ~~(C) The environmental community;~~

27 ~~(D) Transportation planning organizations;~~



1           ~~(E) Public transportation providers; and~~  
2           ~~(F) Any other industries or groups that the commission determines~~  
3           ~~should be represented on the committee.~~

4           ~~(b) The efficiency and accountability committee shall periodically~~  
5           ~~report to the commission and the executive director regarding means by~~  
6           ~~which the commission and the department may execute their duties more~~  
7           ~~efficiently. The executive director or the executive director's designee~~  
8           ~~shall report at least once per calendar year to either the committees of the~~  
9           ~~house of representatives and the senate that have jurisdiction over~~  
10           ~~transportation or the transportation legislation review committee created~~  
11           ~~in section 43-2-145 (1) regarding the activities and recommendations of~~  
12           ~~the efficiency and accountability committee and any actions taken by the~~  
13           ~~commission or the department to implement recommendations of the~~  
14           ~~committee.~~

15           **SECTION 13.** The introductory portion to 43-1-1103 (5) and  
16           43-1-1103 (5) (d), (5) (e), (5) (f), (5) (g), (5) (h), (5) (i), and (5) (j),  
17           Colorado Revised Statutes, are amended to read:

18           **43-1-1103. Transportation planning.** (5) The department shall  
19           integrate and consolidate the regional transportation plans for the  
20           transportation planning regions into a comprehensive statewide  
21           transportation plan. The formation of such state plan shall be  
22           accomplished through a statewide planning process set by rules and  
23           regulations promulgated by the commission. The state plan shall ~~address~~  
24           **INCLUDE** but shall not be limited to the following factors:

25           ~~(d) The targeting of infrastructure investments, including~~  
26           ~~preservation of the existing transportation system commonly known as~~  
27           ~~"fixing it first" to support the economic vitality of the state and region;~~

- 1 (e) ~~Safety enhancement;~~
- 2 (f) ~~Strategic mobility and multimodal choice;~~
- 3 (g) ~~The support of urban or rural mass transit;~~
- 4 (h) ~~Environmental stewardship;~~
- 5 (i) ~~Effective, efficient, and safe freight transport; and~~
- 6 (j) ~~Reduction of greenhouse gas emissions.~~

7 **SECTION 14.** 43-1-1402 (3), Colorado Revised Statutes, is  
8 amended to read:

9 **43-1-1402. Definitions.** As used in this part 14:

10 (3) "Design-build contract" means the procurement of both the  
11 design and the construction of a transportation project in a single contract  
12 with a single design-build firm or a combination of such firms that are  
13 capable of providing the necessary design and construction services. ~~A~~  
14 ~~design-build contract may also include in the contract the procurement of~~  
15 ~~the financing, operation, or maintenance of the project.~~

16 **SECTION 15. Repeal.** 43-4-205 (6.3), Colorado Revised  
17 Statutes, is repealed as follows:

18 **43-4-205. Allocation of fund.** (6.3) ~~Revenues from the~~  
19 ~~surcharges, fees, and fines credited to the highway users tax fund~~  
20 ~~pursuant to section 43-4-804 (1) shall be allocated and expended in~~  
21 ~~accordance with the formula specified in paragraph (b) of subsection (6)~~  
22 ~~of this section.~~

23 **SECTION 16. Repeal.** 43-4-206 (3), Colorado Revised Statutes,  
24 is repealed as follows:

25 **43-4-206. State allocation.** (3) ~~Notwithstanding the provisions~~  
26 ~~of subsection (1) of this section, the revenues credited to the highway~~  
27 ~~users tax fund pursuant to section 43-4-205 (6.3) shall be expended by the~~

1 department of transportation only for road safety projects, as defined in  
2 section 43-4-803 (21); except that the department shall, in furtherance of  
3 its duty to supervise state highways and as a consequence in compliance  
4 with section 43-4-810, expend ten million dollars per year of the revenues  
5 for the planning, designing, engineering, acquisition, installation,  
6 construction, repair, reconstruction, maintenance, operation, or  
7 administration of transit-related projects, including, but not limited to,  
8 designated bicycle or pedestrian lanes of highway and infrastructure  
9 needed to integrate different transportation modes within a multimodal  
10 transportation system, that enhance the safety of state highways for transit  
11 users.

12           **SECTION 17.** 43-4-207 (1), Colorado Revised Statutes, is  
13 amended to read:

14           **43-4-207. County allocation.** (1) After paying the costs of the  
15 Colorado state patrol and such other costs of the department, exclusive of  
16 highway construction, highway improvements, or highway maintenance,  
17 as are appropriated by the general assembly, twenty-six percent of the  
18 balance of the highway users tax fund shall be paid to the county  
19 treasurers of the respective counties, subject to annual appropriation by  
20 the general assembly, and shall be allocated and expended as provided in  
21 this section. The moneys thus received shall be allocated to the counties  
22 as provided by law and shall be expended by the counties only on the  
23 construction, engineering, reconstruction, maintenance, repair,  
24 equipment, improvement, and administration of the county highway  
25 systems and any other public highways, including any state highways,  
26 together with acquisition of rights-of-way and access rights for the same  
27 and for no other purpose. ~~except that moneys received pursuant to section~~

1 ~~43-4-205 (6.3) shall be expended by the counties only for road safety~~  
2 ~~projects, as defined in section 43-4-803 (21). The amount to be expended~~  
3 ~~for administrative purposes shall not exceed five percent of each county's~~  
4 ~~share of the funds available.~~

5 **SECTION 18.** 43-4-208 (1), Colorado Revised Statutes, is  
6 amended to read:

7 **43-4-208. Municipal allocation.** (1) After paying the costs of  
8 the Colorado state patrol and such other costs of the department,  
9 exclusive of highway construction, highway improvements, or highway  
10 maintenance, as are appropriated by the general assembly, and making  
11 allocation as provided by sections 43-4-206 and 43-4-207, the remaining  
12 nine percent of the highway users tax fund shall be paid to the cities and  
13 incorporated towns within the limits of the respective counties, subject to  
14 annual appropriation by the general assembly, and shall be allocated and  
15 expended as provided in this section. Each city treasurer shall account for  
16 the moneys thus received as provided in this part 2. Moneys so allocated  
17 shall be expended by the cities and incorporated towns for the  
18 construction, engineering, reconstruction, maintenance, repair,  
19 equipment, improvement, and administration of the system of streets of  
20 such city or incorporated town or of any public highways located within  
21 such city or incorporated town, including any state highways, together  
22 with the acquisition of rights-of-way and access rights for the same, and  
23 for no other purpose. ~~except that moneys paid to the cities and~~  
24 ~~incorporated towns pursuant to section 43-4-205 (6.3) shall be expended~~  
25 ~~by the cities and incorporated towns only for road safety projects, as~~  
26 ~~defined in section 43-4-803 (21). The amount to be expended for~~  
27 ~~administrative purposes shall not exceed five percent of each city's share~~

1 of the funds available.

2           **SECTION 19. Effective date - applicability.** This act shall take  
3 effect July 1, 2011, and shall apply to fees, tolls, rates, charges, and  
4 bridge safety surcharges imposed and bonds issued on or after said date.

5           **SECTION 20. Safety clause.** The general assembly hereby finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, and safety.