

CHAPTER 81

TRANSPORTATION

SENATE BILL 22-141

BY SENATOR(S) Moreno and Kirkmeyer, Woodward, Zenzinger, Gardner, Liston, Scott;
also REPRESENTATIVE(S) Lynch and Valdez D., Pico, Woodrow, Valdez A.

AN ACT**CONCERNING MAKING NONSUBSTANTIVE CHANGES TO TITLE 43.**

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

SECTION 1. In Colorado Revised Statutes, 43-1-128, **amend** (5) as follows:

43-1-128. Environmental impacts of capacity projects - additional requirements - legislative declaration - definitions. (5) With the exception of the interstate highway 270 corridor improvement project, the requirements of subsections (4)(a) and (4)(c) of this section do not apply to any projects that have, on or before July 1, 2022, a signed record of decision, finding of no significant impact, or categorical exclusions as provided by the ~~national environmental policy act~~ FEDERAL "NATIONAL ENVIRONMENTAL POLICY ACT OF 1969", 42 U.S.C. SEC. 4321 ET SEQ.

SECTION 2. In Colorado Revised Statutes, 43-4-605, **amend** (1)(i) as follows:

43-4-605. Powers of the authority - inclusion or exclusion of property - determination of regional transportation system alignment - fund created - repeal. (1) In addition to any other powers granted to an authority pursuant to this part 6, an authority has the following powers:

(i) To impose an annual motor vehicle registration fee of not more than ten dollars for each motor vehicle registered with the authorized agent, as defined in section 42-1-102, of the county by persons residing in all or any designated portion of the members of the combination or of the members of the transportation planning organization exercising the powers of an authority as authorized by section 43-4-622; except that the authority shall not impose a motor VEHICLE registration

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

fee with respect to motor vehicles registered to persons residing outside the boundaries of the authority and within the boundaries of a municipality as the boundaries of the municipality exist on the date the authority is created or the resolution authorizing the transportation planning organization to exercise the powers of an authority is adopted without the consent of the governing body of the municipality or outside the boundaries of the authority and within the unincorporated boundaries of a county as the unincorporated boundaries of the county exist on the date the authority is created without the consent of the governing body of the county. The registration fee is in addition to any fee or tax imposed by the state or any other governmental unit. If a motor vehicle is registered in a county that is a member of more than one authority, the total of all fees imposed pursuant to this subsection (1)(i) for the motor vehicle shall not exceed ten dollars. The authorized agent of the county in which the registration fee is imposed shall collect the fee and remit the fee to the authority. The authority shall apply the registration fees solely to the financing, construction, operation, or maintenance of regional transportation systems that are consistent with the expenditures specified in section 18 of article X of the state constitution.

SECTION 3. In Colorado Revised Statutes, 43-4-1301, **amend** (2)(c) introductory portion as follows:

43-4-1301. Legislative declaration. (2) The general assembly further finds and declares that:

(c) Consistent with the determination of the Colorado supreme court in *Nicholl v. E-470 Public Highway Authority*, 896 P.2d 859 (Colo. 1995), that the power to impose taxes is inconsistent with enterprise status under section 20 of article X of the state constitution, it is the conclusion of the general assembly that the revenue collected by the enterprise is generated by fees, not taxes, because the air pollution mitigation per ride fee and the air pollution mitigation retail delivery fee imposed by the enterprise as authorized by ~~subsections (7) and (8) of this section~~ SECTION 43-4-1303 are:

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 7, 2022