



**Colorado
Legislative
Council
Staff**

HB16-1437

**FINAL
FISCAL NOTE**

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-1215 **Date:** May 31, 2016
Prime Sponsor(s): Rep. Mitsch Bush; Wilson **Bill Status:** Postponed Indefinitely
 Sen. Todd **Fiscal Analyst:** Erin Reynolds (303-866-4146)

BILL TOPIC: SCHOOL BUS STOP ARM SAFETY ENFORCEMENT

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue	<u>at least \$1,000</u>	<u>at least \$1,000</u>
Cash Funds	at least 1,000	at least 1,000
State Expenditures	Minimal workload increase.	
TABOR Impact		at least \$1,000
Appropriation Required: None.		
Future Year Impacts: Ongoing revenue and minimal workload increase.		

Note: This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

The bill allows law enforcement agencies to issue penalty assessment notices to the driver or registered owner of a vehicle involved in a school bus stop arm violation based on the information obtained by any person and verified by law enforcement. The information must include vehicle color, basic description, and a license plate number; information pertaining to the identity of the alleged violator; and time and approximate location at which the violation occurred. Citations issued accordingly are exempt from a point violation on a driving record.

Background

Under current law, a violation of school bus arm laws is a class 2 misdemeanor traffic offense punishable by 6 points on a driving record and a fine ranging from \$150 to \$300, between 10 to 90 days in jail, or both. A second offense within a five year period is a class 1 misdemeanor traffic offense punishable by fine ranging from \$300 to \$1,000, between 10 days and 1 year in jail, or both.

The current state enforcement mechanism for school bus arm violations is for school bus drivers who observe a violation — which generally dictate that drivers must stop at least 20 feet before reaching the school bus and not proceed past until the visual signals are off — is a requirement that they notify their school district transportation dispatcher. The school bus driver

must provide the dispatcher with vehicle color, basic description, and a license plate number; information pertaining to the identity of the alleged violator; and time and approximate location at which the violation occurred. The dispatcher must provide this information to the appropriate law enforcement agency, which may issue a citation based on the information provided.

In practice, some local law enforcement agencies currently issue school bus arm citations directly, under the interpretation that they are charged with enforcing all traffic law violations they observe.

Comparable Crime

Pursuant to Section 2-2-322 (2.5), C.R.S., Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of the existing crime that creates a new factual basis for the offense. From January 1, 2013, through December 31, 2015, there have been 33 convictions related to school bus arm violations. Of these, 22 involved males and 11 involved females, while the minority state of the offenders was 31 Caucasian, 1 African-American, and 1 Hispanic.

State Revenue

Beginning in FY 2016-17, this bill is anticipated to increase state cash fund revenue to the Highway Users Tax Fund (HUTF) by at least \$1,000 per year. Based on the comparable crime data from the past three years which indicates that 11 violations of the school bus arm laws are sentenced per year, and the assumption that this amount will double with a new penalty assessment mechanism, fine revenue is expected to increase by at least \$1,000 per year. Fine revenue that is not otherwise appropriated to local government entities is deposited into the HUTF. The State Highway Fund in the Colorado Department of Transportation (CDOT) receives 65 percent of the HUTF revenues generated through court fines. Probation revenue from misdemeanor convictions may also increase by \$50 per month per person sentenced to probation under the bill.

TABOR Impact

This bill increases state cash fund revenue from fines, which will increase the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund. No TABOR refund is expected in FY 2016-17.

State Expenditures

Beginning in FY 2016-17, the bill will minimally increase workload in the Judicial Department and the Department of Public Safety (DPS), and the Department of Revenue (DOR).

Judicial Department. Trial courts may see a minimal increase in infractions. However, since the trial courts are already hearing these cases under current law, any increase in caseload is expected to be minimal. Under the Judicial Department's workload model, one county court judicial office can process 11,145 traffic cases in a year; therefore, it is assumed that no increase in appropriations is required.

Department of Public Safety. DPS will have the ability to enforce school bus arm violations on portions of state highways not under local government jurisdiction and will also be required to update its information materials to reflect the change in law. These workload impacts are expected to be minimal and accomplished within existing appropriations.

Department of Revenue. DOR will be required to update its Penalty Assessment Express System to reflect the new penalty. This workload impact is expected to be minimal and accomplished within existing appropriations.

Local Government and School District Impact

The bill will affect local governments in several ways, as discussed below.

Enforcement. The bill is not expected to create a significant workload increase for local law enforcement agencies or workload reduction for school district transportation dispatchers. Local law enforcement will explicitly have the ability to issue penalties directly to violators of the school bus arm laws or from information provided by anyone, but this is not expected to increase workload, only penalty options available to local law enforcement officers. Further, it is expected that school bus drivers will continue to be the most accessible party to observe and report a violation.

Fine revenue. The bill is expected to increase local government HUTF revenue by at least \$350 in FY 2016-17 and future years. HUTF revenue generated by court fines is distributed to counties (26 percent) and municipalities (9 percent) for transportation needs.

Misdemeanor offenses in county courts. The bill may increase workload for district attorneys to prosecute any new offenses under the bill. To the extent that this bill increases misdemeanor convictions and offenders are sentenced to jail, costs will increase. Because the courts have the discretion of incarceration or imposing a fine, the precise impact at the local level cannot be determined. The cost to house an offender in county jails varies from about \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$52.74 to house state inmates. It is assumed that the impact of this bill will be minimal.

Denver County Court. The bill may result in an increase in revenue and workload for the Denver County Court, managed and funded by the City and County of Denver. The court will try misdemeanor cases within its jurisdiction. Probation services in the Denver County Courts may also experience a minimal increase in workload to supervise any persons convicted under the bill.

Effective Date

The bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee on May 4, 2016.

State and Local Government Contacts

Counties	Information Technology	Judicial
Municipalities	Public Safety	Revenue