



**Colorado  
Legislative  
Council  
Staff**

**SB17-278**

**FISCAL NOTE**

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

**Drafting Number:** LLS 17-1148  
**Prime Sponsor(s):** Sen. Coram  
Rep. Ginal

**Date:** April 7, 2017  
**Bill Status:** Senate Transportation  
**Fiscal Analyst:** Erin Reynolds (303-866-4146)

**BILL TOPIC:** PROHIBIT NUISANCE EXHIBITION MOTOR VEHICLE EXHAUST

<b>Fiscal Impact Summary</b>	<b>FY 2016-2017 <i>(current year)</i></b>	<b>FY 2017-2018</b>	<b>FY 2018-2019</b>
<b>State Revenue</b> Cash Funds	Minimal increase.		
<b>State Expenditures</b>	Minimal workload increase.		
<b>TABOR Impact</b>		Minimal increase.	
<b>Appropriation Required:</b> None.			
<b>Future Year Impacts:</b> Ongoing minimal state revenue and workload increase.			

**Summary of Legislation**

The bill prohibits the nuisance exhibition of motor vehicle exhaust, which is the knowing release of soot, smoke, or other particulate emissions, from a motor vehicle with a gross vehicle weight rating of 14,000 pounds or less. If the exhaust obstructs or obscures another person's view of the roadway, other users of the roadway, a traffic control device, or otherwise creates a hazard to a driver, bicyclist, or pedestrian, it is a class A traffic infraction, punishable by a fine of \$100 and a surcharge of \$10. All vehicles used for commercial activities are exempt from the bill.

**Comparable Crime**

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. It is currently a class A traffic infraction to tamper with a vehicle's air pollution control system, punishable by a fine between \$15 and \$100. Between January 2014 and January 2016, there were three Caucasian males convicted of tampering with a vehicle's air pollution control system. Additionally, it is an unclassified misdemeanor traffic offense to cause or knowingly permit visible emissions from diesel-powered motor vehicles, punishable by a fine of \$100. Between January 2014 and January 2016, there were five Caucasian males convicted of permitting visible emissions from diesel-powered motor vehicles. Based on these comparable crimes, the fiscal note assumes a minimal increase in state revenue and expenditures as a result of the new infraction created by the bill.

## **State Revenue**

Beginning in the current FY 2016-17, this bill is anticipated to minimally increase fee revenue to the Judicial Department and state traffic fine revenue to the Highway Users Tax Fund (HUTF) of which the State Highway Fund in the Colorado Department of Transportation receives 65 percent.

## **TABOR Impact**

This bill minimally increases state cash fund revenue from fines, which will increase the amount of money required to be refunded under TABOR for FY 2017-18 and FY 2018-19. TABOR refunds are paid out of the General Fund. No TABOR refund is expected in FY 2016-17. Since the bill increases the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will decrease by an identical amount.

## **State Expenditures**

Beginning in the current FY 2016-17, workload in the Judicial Department will minimally increase to hear traffic cases under the bill. From FY 2016-17 through FY 2017-18, this bill will minimally increase workload in the Department of Public Safety and the Department of Revenue. In FY 2017-18, workload may increase in the Department of Public Health and Environment.

**Judicial Department.** Workload in the Judicial Department will increase beginning in the current FY 2016-17 to hear the new Class A traffic infraction under the bill. The department's workload model estimates that one county court judicial officer can process 30,207 traffic infraction cases per year. Using the recent citations issued, as discussed in the Comparable Crime section, the fiscal note assumes that this workload impact will be minimal and no change in appropriations is required.

**Departments of Public Safety and Revenue.** In FY 2016-17 and FY 2017-18, these departments will be required to update materials to reflect the change in law. This workload is minimal and can be accomplished within the existing appropriations of each department.

**Department of Public Health and Environment.** The Mobile Sources program within the Air Pollution Control Division of the department currently instructs law enforcement officers on how to recognize excessive amounts of smoke emitted from vehicles. If this training does not satisfy law enforcement needs and requires modification, additional training funds are expected to be requested during the annual budget process.

## **Local Government Impact**

Beginning in the current FY 2016-17, this bill will increase local government revenues and workloads, as discussed below.

**HUTF fine revenue.** The bill will minimally increase local government HUTF revenue beginning in FY 2016-17. HUTF revenue generated by traffic fines is distributed to counties (26 percent) and municipalities (9 percent) for transportation needs.

***District attorneys.*** District attorneys may experience a minimal workload increase to prosecute individuals cited for the new Class A traffic infraction under the bill.

***Denver County Court.*** The Denver County Court, which is managed and funded by Denver City and County, may experience a minimal revenue and workload increase to hear traffic cases under the bill.

***Municipal courts.*** The bill may also result in a minimal revenue and workload increase for municipal courts, to the extent these courts have adopted the model traffic code.

**Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, and applies to offenses committed on or after that date.

**State and Local Government Contacts**

Counties  
Municipalities  
Revenue

Information Technology  
Public Health and Environment  
Sheriffs

Judicial  
Public Safety  
Transportation