



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number: LLS 19-0338 Date: January 29, 2019
Prime Sponsors: Rep. McLachlan Bill Status: House Trans. & Local Govt.
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Bill Topic: MOTOR VEHICLE WINDOW TINT

- Summary of Fiscal Impact: State Revenue (minimal), State Expenditure (minimal), State Transfer, TABOR Refund (minimal), Local Government (minimal), Statutory Public Entity

The bill requires all motor vehicles operating Colorado to transmit at least 20 percent of light through windows other than the windshield. Beginning in FY 2019-20, it will minimally increase state and local government revenue and expenditures.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal notes reflects the introduced bill.

Summary of Legislation

Under current law, motor vehicles registered in Colorado must transmit at least 27 percent of light through windows that are not the windshield. This bill requires that all motor vehicles not registered but operating in Colorado must transmit at least 20 percent of light through windows that are not the windshield.

Comparable Crime Analysis

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 an existing crime. The following sections outline data on crimes that are comparable to the offense in this bill and discuss assumptions on future rates of criminal convictions under the bill.

Prior conviction data. This bill changes the element of an existing traffic offense by adding the requirement that all motor vehicles operating in Colorado transmit at least 20 percent of light through windows that are not the windshield. From 2016 to 2018, 31 persons have been sentenced for windshield light offenses. Of the persons convicted, 23 were male and 8 were female. Demographically, 25 were White, 3 were Black/African American, and 3 were Hispanic.

**Assumptions.** This analysis assumes that there will only be a minimal increase in penalties each year.

Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## State Revenue

Beginning in FY 2019-20, this bill may minimally increase revenue to the Highway Users Tax Fund (HUTF), of which 65 percent goes to the State Highway Fund in the Colorado Department of Transportation. The bill may also minimally increase revenue to the Judicial Department from court fees and surcharges. These revenue sources are subject to TABOR.

## State Expenditures

This bill may increase workload in the Judicial Department a minimal amount beginning in FY 2019-20.

**Judicial Department.** This bill may increase workload for the trial courts in the Judicial Department to process additional case filings. Overall, it is assumed that this workload can be accomplished within existing appropriations. Should a change in funding be required for any agency or division within the Judicial Department, the fiscal note assumes it will be addressed through the annual budget process.

**TABOR refund.** The bill may increase state General Fund obligations for TABOR refunds in FY 2019-20. Under current law and the December 2018 forecast, the bill will correspondingly increase the amount refunded to taxpayers via sales tax refunds on income tax returns for tax year 2020. The state is not expected to collect a TABOR surplus in FY 2020-21.

## Local Government

Beginning in FY 2019-20, this bill may increase local government revenue and workload as described below.

**HUTF fine revenue.** The bill may minimally increase local government HUTF revenue beginning in the current FY 2019-20. HUTF revenue generated by traffic fines is distributed to counties (26 percent) and municipalities (9 percent) for transportation needs.

**Denver County Court.** The bill may increase workload for the Denver County Court, which is managed and funded by the City and County of Denver, to process additional cases under the bill.

## Effective Date

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed.

**State and Local Government Contacts**

Counties  
Judicial  
Public Safety  
Transportation

District Attorneys  
Municipalities  
Revenue

Information Technology  
Public Defender  
Sheriffs