



Legislative  
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**FISCAL NOTE**

**Drafting Number:** LLS 19-0725  
**Prime Sponsors:** Rep. Snyder  
Sen. Lee

**Date:** February 20, 2019  
**Bill Status:** House Public Health Care  
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**Bill Topic:** REVISE TRAUMATIC BRAIN INJURY PROGRAM

**Summary of Fiscal Impact:**

<input checked="" type="checkbox"/> State Revenue	<input checked="" type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill increases surcharges for certain motor vehicle offenses to support the Colorado Traumatic Brain Injury Program, and makes various other changes to the program. The bill will increase state revenue on an ongoing basis.

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** The fiscal note reflects the introduced bill.

**Table 1**  
**State Fiscal Impacts Under HB 19-1147**

		<b>FY 2019-20</b>	<b>FY 2020-21</b>
<b>Revenue</b>	Cash Funds	\$563,790	\$615,045
<b>Expenditures</b>	Cash Funds	up to \$563,790	up to \$615,045
<b>Transfers</b>		-	-
<b>TABOR Refund</b>	General Fund	\$563,790	-

### **Summary of Legislation**

This bill makes various revisions to the Colorado Traumatic Brain Injury Program (program), and increases surcharges on certain motor vehicle violations which are used to finance the program. Among other changes, the bill:

- renames the program, trust fund board, and trust fund to remove the word "traumatic," and redefines brain injury for the purposes of the program;
- eliminates spending requirements for education and research;
- clarifies that persons served by the program must receive service coordination and skills training;
- eliminates a requirement that an individual must exhaust all other health benefit funding before being eligible for assistance from the trust fund; and
- removes a prohibition against the use of General Fund for the program.

**Increased surcharges.** Certain motor vehicle violations are subject to an additional surcharge that is deposited into the newly renamed Colorado Brain Injury (BI) Trust Fund and used to finance the program. The bill increases the surcharge assessed for state and local speeding violations from \$15 to \$20. Under current law, if the surcharge for a state speeding violation is collected by a municipal court, the surcharge increases to \$17 and \$2 is retained by the municipality; the bill eliminates the increased surcharge and municipal share in these instances. The bill also increases the surcharge on persons convicted of DUI, DUI per se, driving while ability impaired (DWAI), and underage drinking and driving (UDD) from \$20 to \$25.

### **State Revenue**

The bill is estimated to increase state cash fund revenue by \$563,790 in FY 2019-20 and \$615,045 in FY 2020-21 and future years. Each year there are about 123,000 instances of speeding or drug and alcohol related motor vehicle offenses that are assessed surcharges of \$15 or \$20, respectively, which are deposited into the BI Trust Fund. The bill increases each of these surcharges by \$5. These impacts are shown in Table 2. The first-year impact is prorated to reflect that the increased fines apply only to violations occurring on or after August 2, 2019. This surcharge revenue is subject to TABOR.

**Table 2**  
**Revenue to Brain Injury Trust Fund Under HB 19-1147**

<b>Fiscal Year</b>	<b>Fine Increase</b>	<b>Violations Subject to Fine</b>	<b>Revenue Increase</b>
FY 2019-20	\$5	112,758	<b>\$563,790</b>
FY 2020-21	\$5	123,009	<b>\$615,045</b>

### **State Expenditures**

The bill will increase state expenditures by up to \$563,790 in FY 2019-20 from the BI Trust Fund. The fund is subject to annual appropriation by the General Assembly and is expended at the direction of the board. In FY 2016-17 and 2017-18, the BI Trust Fund averaged about \$2.1 million in revenue from surcharges on motor vehicle violations. For FY 2018-19, the program is appropriated \$3.0 million from the fund.

**TABOR refunds.** The bill is expected to increase state General Fund obligations for TABOR refunds by \$563,790 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, the bill will reduce revenue to municipalities. Under current law, if the surcharge for a state speeding violation is collected by a municipal court, \$2 will be retained by the municipality; the bill eliminates the increased surcharge and municipal share in these instances. The impact to municipalities will vary depending on the number of violations occurring within their jurisdictions.

## 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

Human Services  
Public Safety

Information Technology  
Revenue

Judicial