



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

HB 19-1207

# REVISED FISCAL NOTE

(replaces fiscal note dated February 28, 2019)

<b>Drafting Number:</b>	LLS 19-0806	<b>Date:</b>	March 15, 2019
<b>Prime Sponsors:</b>	Rep. Roberts Sen. Donovan; Rankin	<b>Bill Status:</b>	Senate Transportation
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**Bill Topic:** WINTER CONDITIONS & TRACTION CONTROL REQUIREMENTS

<b>Summary of Fiscal Impact:</b>	<input checked="" type="checkbox"/> State Revenue ( <i>minimal</i> )	<input checked="" type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure ( <i>minimal</i> )	<input checked="" type="checkbox"/> Local Government ( <i>minimal</i> )
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill defines new traction-control regulations and requires certain traction-control restrictions on I-70 during inclement weather. Beginning in FY 2019-20, the bill may minimally increase state and local government revenue and may minimally state expenditures

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

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

## Summary of Legislation

The bill requires motor vehicles driving on I-70 between milepost 133 (Dotsero) and milepost 259 (Morrison), from September 1 to May 31 of each year, to be equipped with:

- tire chains or an alternative traction control device (i.e. cable chains);
- four-wheel drive or all-wheel drive with tires that have a tread depth of three-sixteenths of an inch and that are adequate for the conditions; or
- tires with any form of the mountain-snowflake symbol (i.e. M&S, M+S, or M/S) imprinted by the manufacturer and a tread depth of at least three-sixteenths of an inch.

Under the bill, "equipped" means that a motor vehicle uses or carries the appropriate traction equipment for icy or snow-packed conditions.

A noncommercial violator of these requirements commits an existing class B traffic infraction and is subject to a \$100 fine and a \$32 surcharge. If a violation results in the closure of at least one lane of traffic, the violator is subject to a penalty of \$500 and a \$156 surcharge.

## **Background**

Under current law, the Colorado Department of Transportation (CDOT) has the authority to close any portion of a state highway to public travel or to prohibit travel by vehicles that are not equipped with tire chains, four-wheel or all-wheel drive with adequate tires for existing conditions, or snow tires with a "mud and snow" or all-weather rating from the manufacturer. CDOT can do this whenever it considers such a closure or restriction of use necessary for the protection and safety of the public. Highway closures and restrictions are achieved with cooperation from the Colorado State Patrol (CSP).

The Transportation Commission has statutory authority to promulgate rules to implement Colorado's chain laws, which apply to all state, federal, and interstate highways. For noncommercial vehicles, the commission has determined two levels of chain law: Code 15 and Code 16. Code 15 requires the use of snow tires or traction devices such as cable chains; however four-wheel drive vehicles are permitted to operate without a traction device. During a Code 16, use of conventional, steel-link chains or an approved traction control device is required for all vehicles, including four-wheel drive and all-wheel drive vehicles.

## **State Revenue**

Beginning in FY 2019-20, this bill may minimally increase revenue to the Highway Users Tax Fund (HUTF) from traffic infractions, 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 CDOT, the Judicial Department, and the Department of Public Safety by a minimal amount beginning in FY 2019-20.

**Department of Transportation.** CDOT is currently required to provide signage notifying the public of traction control requirements during inclement weather. Any additional workload increase under the bill can be accomplished within existing resources.

**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.

**Department of Public Safety.** The bill may increase workload for CSP in the Department of Public Safety to enforce provisions of the bill and to update its information on Colorado's chain laws. This increase can be accomplished within existing resources.

**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, the bill may increase local government HUTF revenue. HUTF revenue generated by traffic fines is distributed to counties (26 percent) and municipalities (9 percent) for transportation needs.

**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 - Criminal	Local Affairs
Municipalities	Personnel	Public Safety
Revenue	Sheriffs	Transportation