



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

REVISED FISCAL NOTE

(replaces fiscal note dated March 14, 2019)

Drafting Number: LLS 19-0950 Date: April 10, 2019
Prime Sponsors: Sen. Foote Bill Status: Senate Appropriations
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Bill Topic: SERIOUS BODILY INJURY VULNERABLE ROAD USER PENALTIES

- Summary of Fiscal Impact:
[x] State Revenue [] TABOR Refund
[x] State Expenditure [x] Local Government
[] State Transfer [] Statutory Public Entity

This bill creates a class 1 traffic misdemeanor for drivers who cause serious bodily injury to a vulnerable person while carelessly driving. The bill increases state revenue and local government expenditures on an ongoing basis.

Appropriation Summary: In the current FY 2018-19, the bill requires a cash fund appropriation of \$1,575 to the Department of Revenue.

Fiscal Note Status: This fiscal note has been revised to reflect Senate Judiciary amendments to the introduced bill and new information received.

Table 1
State Fiscal Impacts Under SB 19-175

Table with 4 columns: Category, Fund Type, FY 2018-19 (current year), FY 2019-20, FY 2020-21. Rows include Revenue (Cash Funds), Expenditure (Cash Funds), Transfer, and TABOR Refund (General Fund).

Summary of Legislation

This bill creates the new class 1 traffic misdemeanor of causing serious bodily injury to a vulnerable person while carelessly driving. The offense requires that the driver's actions are the proximate cause of injury. A violation results in 12 points issued to the driver's license which results in a license being suspended. In addition, the driver may be subject to a restitution order, required to attend a driver improvement course, or be ordered to perform useful public service for no more than 320 hours. A vulnerable road user is defined in the bill and includes, among others, pedestrians, bicycles, and peace officers outside their vehicles.

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 creates the new class 1 traffic misdemeanor of causing serious bodily injury to a vulnerable person while carelessly driving. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of causing seriously bodily harm while carelessly driving as a comparable crime. In the last three fiscal years, 1,796 offenders have been convicted and sentenced for this existing offense or about 600 per year. Of the persons convicted, 1,151 were male, 643 were female, and 2 did not have a gender identified. Demographically, 1,552 were White, 96 were African American, 81 were Hispanic, 41 were Asian, 4 were American Indian, 14 were classified as "Other", and 8 did not have a race identified.

Assumptions. Because causing serious boldly harm to any person while carelessly driving is already a class 1 traffic misdemeanor offense, this analysis assumes that the new offense for injury of a vulnerable person will not increase the total amount of offenses. The fiscal note also assumes that up to 50 percent of current careless driving offenses resulting in serious bodily injury involves a vulnerable person as described by the bill. This will result in up to 300 license suspensions per year. The bill also assumes that no licenses will be suspended until FY 2019-20, and any driver with a suspended license will not be eligible to have their licensed restored until FY 2020-21.

Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue

This bill will increase state cash fund revenue by up to \$28,500 beginning in FY 2020-21 from restoration fees, as shown in Table 2 and discussed below.

License restoration fee impact. Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. Table 2 below identifies the fee impact of this bill. Of the \$95 license restoration fee, \$73 goes to the Driver License Administrative Revocation (DLAR) Account with in the Highway Users Tax Fund (HUTF) and \$22 goes to the First Time Drunk Driving (FTDD) Account, also within the HUTF.

**Table 2
 Fee Impact and License Restoration Breakdown**

| Fiscal Year | Cash Funds | License Restoration Share | Number Affected | Total |
|-------------------------|--|----------------------------------|------------------------|-----------------------|
| FY 2020-21 | Driver License Administrative Revocation Account | \$73 | up to 300 | up to \$21,900 |
| | First Time Drunk Driving Account | \$22 | up to 300 | up to \$6,600 |
| FY 2020-21 Total | | | | up to \$28,500 |

Driver License Administrative Revocation Account. In FY 2020-21, the bill will increase revenue to the DLAR by up to \$21,900 per year. Under current law, money credited to the DLAR are for the direct and indirect costs incurred by the DOR in the administration of driver's license restraints. Any unspent money in the account at the end of the fiscal year gets transferred to the HUTF and allocated in accordance with other HUTF first stream funding: 65 percent to the Colorado Department of Transportation (CDOT); 26 percent to counties; and 9 percent to municipalities. Any change in unspent money in the DLAR is assumed to be minimal and thus, the increase in revenue to the HUTF stream has not been estimated.

First Time Drunk Driving Account. In FY 2020-21, the bill will increase revenue to the FTDD by up to \$6,600 per year. Under current law, money credited to the FTDD is first appropriated to the DOR in order to pay for costs associated with the implementation of various programs. Any unexpended money in the account is then appropriated to CDOT for high visibility drunk driving enforcement. Any change in unspent money in the FTDD is assumed to be minimal and thus, the increase in revenue to CDOT has not been estimated.

State Expenditures

In the current FY 2018-19 only, cash fund expenditures to the DOR will increase by \$11,700. Starting in FY 2019-20, workload will increase for the DOR and the Judicial Department as described below.

Department of Revenue. In the current FY 2018-19 only, DOR costs will increase by \$1,575 to update DRIVES with the new citation and the points associated with it. This requires 7 hours of programming at a rate of \$225 per hour. The bill will also increase workload within the DOR to update rules and manuals and to hold more administrative hearings for probationary driver's licenses. The fiscal note assumes this workload can be absorbed within existing appropriations.

Judicial Department. Workload in the Judicial Department will increase beginning in FY 2019-20 to the extent there are longer hearings to consider additional elements of the new careless driving misdemeanor. The fiscal note assumes that any increase in workload will be minimal and can be accomplished within existing appropriations.

Local Government

Similar to the state, costs and workload to the Denver County Court will increase to the extent that considering additional elements of the new offense results in longer hearings. Similarly, longer hearings will also increase costs and workload for district attorney offices. The fiscal note assumes that any increase in costs and workload will be minimal.

Effective Date

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

State Appropriations

For the current FY 2018-19, the bill requires an appropriation of \$1,575 from the DRIVES Vehicle Services Account to the Department of Revenue

State and Local Government Contacts

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|----------|--------------------|------------------------|
| Counties | District Attorneys | Information Technology |
| Judicial | Municipalities | Public Safety |
| Revenue | Sheriffs | Transportation |