



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number:	LLS 21-0424	Date:	June 23, 2021
Prime Sponsors:	Rep. Gray Sen. Priola	Bill Status:	Signed into Law
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Bill Topic: CONSUMER PROTECTION SUPPLEMENTAL RESTRAINT SYSTEMS

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input 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 expands civil and criminal liability concerning supplemental restraint systems. Beginning in FY 2021-22, the bill may minimally increase state and local revenue and expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the enacted bill.

Summary of Legislation

The bill makes it a deceptive trade practice for persons to knowingly or intentionally manufacture, import, distribute, sell, offer for sale, install, or reinstall a device intended to replace a supplemental restraint system in a motor vehicle.

The bill also prohibits a motor vehicle repair facility from installing or reinstalling a device that causes a motor vehicle's diagnostic system to fail to warn that a vehicle: is equipped with a counterfeit supplemental restraint system component; has a nonfunctional airbag; or has no airbag. A violation is a misdemeanor punishable by a fine between \$2,500 to \$5,000, imprisonment in a county jail for up to one year, or both.

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. This section outlines data on crimes comparable to the offense in this bill and discusses assumptions on future rates of criminal conviction for those offense.

Prior conviction data and assumptions. This bill changes the elements of violations of the Motor Vehicle Act concerning a vehicle's inflatable (or supplemental) restraint system. From FY 2017-18 to FY 2019-20, zero offenders have been sentenced and convicted for this existing offense; therefore, the fiscal note assumes that there will be minimal or no additional case filings or convictions for the new offense under the bill. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue and Expenditures

Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue and expenditures. Under the bill, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount. Similarly, any increase in workload and costs for the Judicial Department, including the trial courts, the Division of Probation, and agencies that provide representation to indigent persons, are assumed to be minimal and no change in appropriations is required. Finally, workload in the Attorney General's office will minimally increase to the extent that deceptive trade practice complaints are filed. The office will review complaints under the bill and prioritize investigations as necessary within the overall number of deceptive trade practice complaints and available resources.

TABOR refunds. The bill increases state revenue subject to TABOR. For FY 2022-23, the March 2021 LCS forecast projects revenue to fall short of the TABOR limit by \$28.6 million, or 0.2 percent of the limit. If actual revenue exceeds the limit, the bill will increase the amount required to be refunded to taxpayers from the General Fund in FY 2023-24.

Federal ARPA funds. This bill increases state revenue, which may impact the state's flexibility in spending federal American Rescue Plan Act (ARPA) funds. For more information, see the LCS memo, titled "Legislative Changes and Flexibility in Use of American Rescue Plan Funds," available online at: <https://leg.colorado.gov/node/2211881>.

Local Government

District attorneys. Any workload or cost increase for district attorneys to prosecute the modified misdemeanor under the bill will be minimal. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population.

County jails. The bill may increase county jail costs; however, because the courts have the discretion of incarceration or imposing a fine, the precise county impact cannot be determined.

Denver County Court. The bill may increase revenue and costs for the Denver County Court, which is managed and funded by the City and County of Denver, to try misdemeanor cases under the bill. Probation services in the Denver County Courts may also experience an increase in revenue and costs to supervise persons convicted under the bill within Denver County.

Effective Date

The bill was signed into law by the Governor on May 17, 2021, takes effect on September 7, 2021, assuming no referendum petition is filed and applies to offenses committed on or after this date.

State and Local Government Contacts

Judicial
Information Technology

Law
Revenue