



Legislative Council Staff

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Fiscal Note

Drafting Number:	LLS 23-0651	Date:	February 7, 2023
Prime Sponsors:	Sen. Gonzales Rep. Epps; Soper	Bill Status:	Senate Judiciary
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Bill Topic: PENALTY FOR COMMERCIAL VEHICLE OFFENSES

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 clarifies the penalty for certain offenses involving the operation of a commercial vehicle. The bill increases state revenue and expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

This bill clarifies the penalty for class A traffic infractions involving the operation of a commercial vehicle that were modified under Senate Bill 21-271. Specifically, the bill removes the possibility of imprisonment in a county jail and makes the penalty a \$100 fine with a \$15 surcharge payable to the Department of Revenue.

Background

SB 21-271 reclassified various crimes, created a new “civil infraction” classification, and modified punishments for class 1 and 2 misdemeanors, petty offenses, and civil infractions. In that bill, offenses involving the operation of a commercial vehicle were reduced from a misdemeanor to a class A traffic infraction; however, the punishment for the misdemeanor offense was retained.

State Revenue

Starting in FY 2023-24, the bill will minimally impact state traffic fine revenue. First, revenue to the Department of Revenue will increase and revenue to the courts will decrease as more people pay their penalty assessment to the DOR instead of the courts. In addition, to the extent individuals were being fined more than \$100, revenue will decrease and to the extent individuals were fined less than \$100,

revenue will increase. At this time, it is unknown what the average fine for this penalty is under current law. Traffic fines are deposited to the Highway Users Trust Fund (HUTF) and are distributed to CDOT (65 percent), counties (26 percent), and municipalities (9 percent), while other criminal surcharges and court fees are distributed to various cash funds in the Judicial Department. In addition, the DOR retains 50 cents per penalty assessed. Fines and fees are subject to the state's TABOR limit.

State Expenditures

In FY 2023-24 only, the DOR will need to update its Driver License, Record, Identification, and Vehicle Enterprise Solutions (DRIVES) system to update the common code penalty assessment for commercial vehicle offenses. Programming costs assume 8 hours at a rate of \$225 for a cost of \$1,800. Office of Information Technology (OIT) support requirements are estimated at 3 hours at a rate of \$99 per hour, totaling \$297. These costs are absorbable and no change in appropriations is required.

Local Government

Similar to the state, to the extent traffic fine collection amounts change as a result of the bill, revenue to local governments will change. Any impact is expected to be minimal.

Technical Note

Per the bill's safety clause, the bill is effective upon the Governor's signature. However, the required DRIVES programming cannot be completed by the effective date of the bill. The fiscal note assumes DOR will not be able to process the infractions under the new DRIVES system until October 1, 2023.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

District Attorneys
Information Technology

Judicial
Revenue

Public Safety
Transportation