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Fiscal Note

Drafting Number:	LLS 24-0154	Date:	March 4, 2024
Prime Sponsors:	Sen. Roberts; Will Rep. Velasco; Taggart	Bill Status:	Senate Transportation & Energy
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Bill Topic: **COMMERCIAL VEHICLE HIGHWAY SAFETY MEASURES**

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

The bill gives the Colorado Department of Transportation the ability to issue closures and equipment requirements over an expanded area of state highways and interstates, creates heightened speed enforcement zones in Glenwood Canyon, and creates a new traffic offense for commercial vehicles driving in the left lane in Glenwood Canyon.

Appropriation Summary: For FY 2024-25, the bill requires an appropriation of \$31,684 to the Department of Revenue. No appropriation is required for the Department of Transportation, as the State Highway Fund is continuously appropriated to the department.

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

**Table 1
State Fiscal Impacts Under SB 24-100**

		Budget Year FY 2024-25	Out Year FY 2025-26
Revenue		-	-
Expenditures	DRIVES Cash Fund	\$31,684	\$32,356
	State Highway Fund	\$50,000	-
	Total Expenditures	\$81,684	\$32,356
Transfers		-	-
Other Budget Impacts		-	-

Summary of Legislation

The bill makes several changes to the ability of the Department of Transportation (CDOT) to issue closures or require certain equipment on interstate and state highways and creates new safety requirements on Interstate 70 (I-70) through Glenwood Canyon.

The bill:

- expands the geographic area that the CDOT can require certain equipment to encompass Interstate 25 (I-25), and any interstate, United States highway, and state highway west of I-25;
- allows CDOT to establish heightened speed limit enforcement zones when there are safety concerns related to commercial vehicle drivers exceeding the posted speed limits on public highways within the Glenwood Canyon I-70 corridor from milepost 116.0-131.0 eastbound and 118.5-131.0 westbound. If the department establishes a heightened speed zone, it must erect signs identifying the heightened speed zone and notifying commercial motor vehicle drivers of the increased fines associated with speeding in the zone;
- subjects commercial motor vehicle drivers who commit speeding violations in the zone to double the fines and surcharges;
- creates the Mountain Highways Commercial Motor Vehicle Safety Account, and directs the State Treasurer to credit half of fines collected in the heightened speed zone to the account. Money credited to the account is continuously appropriated to the CDOT's Freight Mobility and Safety Branch for the study described below;
- makes it a traffic offense for a commercial vehicle to drive in the furthest left lane on I-70 between milepost 116 (Glenwood Springs) and milepost 259 (Morrison), except to pass another vehicle driving below the posted speed limit;
- clarifies that port of entry officers have the same powers as peace officers when enforcing highway closures and the winter traction device law; and
- requires CDOT's Freight Mobility and Safety Branch to conduct a study on the feasibility of funding additional chain-up station locations using the new Glenwood Canyon heightened speed zone penalty proceeds. The study may be funded by the Fuels Impact Reduction Grant Program in addition to the Mountain Highways Commercial Motor Vehicle Safety Account. The study must be presented to the Transportation Legislation Review committee during the 2025 legislative interim.

Background

DRIVES programming. The Division of Motor Vehicles (DMV) in the Department of Revenue (DOR) uses its Driver License, Record, Identification and Vehicle Enterprise Solution (DRIVES) information technology system for all driver license and motor vehicle transactions. The DRIVES system requires an extensive 18-month upgrade which is scheduled to take place from

July 1, 2024, through March 31, 2026. As a result, the DOR has requested that any new legislation requiring DRIVES programming have an effective date of April 1, 2026, with roll-forward spending authority through FY 2026-27, noting that each programming requirement during the system upgrade period may increase the overall project timeline. Based on the current effective date in the bill, the fiscal note includes costs for the DRIVES programming to take place twice in the existing and new system.

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 creates a new factual basis for an existing crime. Using Judicial Department data, the following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

Prior conviction data and assumptions. This bill creates the new offense of driving in the farthest left lane as a commercial vehicle if there are two or more adjacent lanes of traffic on I-70 between mileposts 116 and 259. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of driving in the passing lane of a highway with a speed limit of 65 miles per hour or more, a traffic infraction, as a comparable crime. From FY 2020-21 to FY 2022-23, 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

Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue. Under the bill, traffic offense penalties and court fees, which are subject to TABOR, may increase by a minimal amount.

The bill doubles speeding penalties for commercial vehicle drivers who speed in a heightened speed limit enforcement zone. Table 2 below shows the changes in penalties under the bill.

Table 2
New Speeding Penalties for Commercial Vehicles Under SB 24-100

Speeding Violation	Current Penalty	Penalty Under Bill
1-4 mph over the maximum lawful speed	\$30.00	\$60.00
5-9 mph over the maximum lawful speed	\$70.00	\$140.00
10-19 mph over the maximum lawful speed	\$135.00	\$270.00
20-24 mph over the maximum lawful speed	\$200.00	\$400.00

State Expenditures

Spending from the State Highway Fund by the CDOT will increase by \$50,000 in FY 2024-25 only. Expenditures in the Department of Revenue (DOR) will increase by about \$32,000 in FY 2024-25 and FY 2025-26 only. Expenditures are shown in Table 3 and detailed below.

**Table 3
 Expenditures Under SB 24-100**

	FY 2024-25	FY 2025-26
Department of Transportation (CDOT)		
Feasibility Study	\$50,000	-
CDOT Subtotal	\$50,000	-
Department of Revenue (DOR)		
DRIVES Programming	\$31,684	\$32,356
DOR Subtotal	\$31,684	\$32,356
Total Cost	\$81,684	\$32,356

Department of Transportation. The bill requires the CDOT to conduct a study on the feasibility of additional chain-up stations. The department estimates it will cost up to \$50,000 in FY 2024-25 to conduct the study, assuming two consultants working for four weeks at a cost of \$150 per hour, with \$2,000 reserved for any additional miscellaneous costs. The department will request this amount from the Transportation Commission during their annual budget process. These expenditures will come from the State Highway Fund. Additional fine revenue from the heightened speed enforcement zones may offset some of the cost, but the exact amount is unknown. Any amount not covered by the additional fee revenue will reduce the overall amount available in the fund for roadway construction and maintenance projects.

Department of Revenue. The bill increases expenditures in Department of Motor Vehicles (DMV) within the DOR to update the DRIVES system, which both the DMV and County Clerk and Recorders use to issue driver’s credentials and maintain driver’s records. Computer programming costs in FY 2024-25 and FY 2025-26 include DRIVES programming, estimated at 96 hours at a rate of \$248 per hour in FY 2024-25 and 96 hours at a rate of \$255 per hour in FY 2025-26; ISD development and testing costs, estimated at 71 hours at a rate of \$35 per hour in each year; support from the Office of Information Technology estimated at 37 hours at a rate of \$99 per hour in each year, paid to OIT through real-time billing; and business user acceptance testing at 54 hours at a rate of \$32 per hour in each year.

Judicial Department. A minimal increase in traffic filings and revenue is expected while drivers become accustomed to the new requirements. The increased workload is absorbable within existing resources.

Local Government

Similar to the state, it is expected that any workload or cost increases for district attorneys to prosecute any new offenses under the bill will be minimal. District attorney offices are funded by counties.

Technical Note

The fiscal note currently includes a duplicative programming cost for the DOR's DRIVES system, as discussed in the Background section. The duplicate cost would be removed if the bill's effective date were amended to April 1, 2026, when the DRIVES upgrade is complete.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State Appropriations

For FY 2024-25, the bill requires an appropriation of \$31,684 to the Department of Revenue from the DRIVES Cash Fund.

The State Highway Fund is continuously appropriated to the Department of Transportation.

State and Local Government Contacts

Counties	District Attorneys	Information Technology
Judicial	Public Safety	Revenue
Transportation		

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).