



**Colorado  
Legislative  
Council  
Staff**

**HB16-1039**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0368 **Date:** January 13, 2016  
**Prime Sponsor(s):** Rep. Mitsch Bush; Rankin **Bill Status:** House Transportation & Energy  
 Sen. Todd; Donovan **Fiscal Analyst:** Erin Reynolds (303-866-4146)

**BILL TOPIC:** INTERSTATE 70 MOTOR VEHICLE TRACTION EQUIPMENT

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
<b>State Revenue</b>	<u>&lt;\$5,000</u>	<u>&lt;\$5,000</u>
Cash Funds	<5,000	<5,000
<b>State Expenditures</b>	Minimal workload impact. See State Expenditures section.	
<b>TABOR Impact</b>	<\$5,000	<\$5,000
<b>FTE Position Change</b>		
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> None.		

**Summary of Legislation**

The bill, *recommended by the Transportation Legislation Review Committee*, requires motor vehicles driving on Interstate 70 between milepost 133 (Dotsero) and milepost 259 (Morrison), when icy or snow-packed conditions are present, to be equipped with:

- tire chains or an equivalent traction control device (i.e. cable chains);
- four-wheel drive or all-wheel drive, and tires with a tread depth of one-eighth of an inch; or
- tires with any form of the mountain-snowflake symbol or "mud and snow" lettering (i.e., M/S and M+S) on the side wall of the tire and a tread depth of one-eighth of an inch.

Under the bill, "equipped" means that a motor vehicle uses or carries the appropriate traction equipment if icy or snow-packed conditions are not present, and that a motor vehicle uses the appropriate traction equipment if icy or snow-packed conditions are present.

A noncommercial violator of these requirements commits a 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 an enhanced penalty of \$500 and a \$156 surcharge.

## **Background**

Under current statute, 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 state 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: "traction law" and "passenger vehicle chain law."

**Traction law.** This level, known as a Code 15, requires the use of snow tires or traction devices such as cable chains. Snow tires must have the M/S or all-weather rating from the manufacturer on the side wall. Four-wheel and all-wheel drive vehicles are permitted to operate without a traction device, but all tires must have a minimum one-eighth of an inch tread depth.

**Passenger vehicle chain law.** When this level, known as a Code 16, is in effect, use of conventional, steel-link chains or an approved traction control device is required for all vehicles. Four-wheel drive and all-wheel drive vehicles are not permitted to operate without tire chains.

## **State Revenue**

**Assumptions.** Because the bill affects travel during icy or snow-packed conditions, it is assumed that CDOT and CSP will begin to implement its requirements in the winter of FY 2016-17.

**Beginning in FY 2016-17, this bill is anticipated to increase fine revenue by less than \$5,000 per year,** credited to the Highway Users Tax Fund (HUTF), and allocated to the State Highway Fund within CDOT and to cities and counties. While an increase in fines collected is expected, based on the low number of fines imposed in 2015, the fiscal note assumes that any revenue generated is likely to be less than \$5,000 per year.

## **TABOR Impact**

The bill increases state revenue from fines, which will increase the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund.

## **State Expenditures**

Beginning in FY 2016-17, this bill is anticipated to minimally increase workload in CDOT, the Judicial Department, the Department of Public Safety (DPS), and the Department of Revenue (DOR).

**Colorado Department of Transportation.** CDOT is required to provide signage notifying the public of traction control requirements during inclement weather, which is expected to be achieved within existing resources and will therefore have a minimal fiscal impact.

**Judicial Department.** Trial courts in counties along the I-70 corridor between Dotsero and Morrison (Eagle, Summit, Clear Creek, and Jefferson) can expect to see a minimal increase in infractions. Under the Judicial Department's workload model, one county court judicial officer can process 30,207 infraction cases a year; therefore, it is assumed that workload impact is minimal and will not require an increase in appropriations.

**Department of Public Safety.** DPS will be required to enforce the bill and update its information materials on the Colorado chain law. These impacts are expected to be accomplished within existing workloads and appropriations.

**Department of Revenue.** DOR will be required to update its Penalty Assessment Express System (PAX), and the accounting system used to input ticket payment information. It is assumed that this workload impact can be managed within existing appropriations.

### **Local Government Impact**

This bill will increase HUTF revenue to local governments beginning in FY 2016-17 by increasing the local government portion of fine revenue collected from the class B traffic infraction under the bill.

### **Effective Date**

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

### **State and Local Government Contacts**

Counties	Judicial	Law	Local Affairs
Municipalities	Public Safety	RTD	Revenue
Sheriffs	Transportation		