



**Colorado  
Legislative  
Council  
Staff**

**HB17-1102**

**FISCAL NOTE**

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

**Drafting Number:** LLS 17-0335  
**Prime Sponsor(s):** Rep. Ginal

**Date:** January 25, 2017  
**Bill Status:** House Transportation and Energy  
**Fiscal Analyst:** Erin Reynolds (303-866-4146)

**BILL TOPIC:** PROHIBIT NUISANCE EXHIBITION MOTOR VEHICLE EXHAUST

<b>Fiscal Impact Summary</b>	<b>FY 2016-2017 <i>(current year)</i></b>	<b>FY 2017-2018</b>	<b>FY 2018-2019</b>
<b>State Revenue</b> Cash Funds	Minimal increase.		
<b>State Expenditures</b>	Minimal workload increase.		
<b>TABOR Impact</b>		Minimal increase.	
<b>Appropriation Required:</b> None.			
<b>Future Year Impacts:</b> Ongoing minimal state revenue and workload increase.			

**Summary of Legislation**

The bill prohibits the nuisance exhibition of motor vehicle exhaust in a manner that would harass or obstruct the view of another driver, bicyclist, or pedestrian. Violators commit a Class A traffic infraction punishable by a fine of \$100.

**Comparable Crime**

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 the existing crime that creates a new factual basis for the offense. It is currently a Class A traffic infraction to tamper with a vehicle's air pollution control system, punishable by a fine between \$15 and \$100. Between January 2014 and January 2016, there were three Caucasian males convicted of tampering with a vehicle's air pollution control system. Additionally, it is an unclassified misdemeanor traffic offense to cause or knowingly permit visible emissions from diesel-powered motor vehicles, punishable by a fine of \$100. Between January 2014 and January 2016, there were five Caucasian males convicted of permitting visible emissions from diesel-powered motor vehicles.

## State Revenue

Beginning in the current FY 2016-17, this bill is anticipated to minimally increase county court fee revenue to the Judicial Department and state traffic fine revenue to the Highway Users Tax Fund (HUTF) of which the State Highway Fund in the Colorado Department of Transportation receives 65 percent.

## TABOR Impact

This bill minimally increases state cash fund revenue from fines, which will increase the amount of money required to be refunded under TABOR for FY 2017-18 and FY 2018-19. TABOR refunds are paid out of the General Fund. No TABOR refund is expected in FY 2016-17. Since the bill increases the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will decrease by an identical amount.

## State Expenditures

Beginning in the current FY 2016-17, workload in the Judicial Department will minimally increase to hear traffic cases under the bill. From FY 2016-17 through FY 2017-18, this bill will minimally increase workload in the Department of Public Safety and the Department of Revenue. In FY 2017-18, workload may increase in the Department of Public Health and Environment.

**Judicial Department.** Workload in the Judicial Department will increase beginning in the current FY 2016-17 to hear the new Class A traffic infraction under the bill. The department's workload model estimates that one county court judicial officer can process 30,207 traffic infraction cases per year. Using the recent citations issued, as discussed in the Comparable Crime section, the fiscal note assumes that this workload impact will be minimal and no change in appropriations is required.

**Departments of Public Safety and Revenue.** In FY 2016-17 and FY 2017-18, these departments will be required to update materials to reflect the change in law. This workload is minimal and can be accomplished within the existing appropriations of each department.

**Department of Public Health and Environment.** The Mobile Sources program within the Air Pollution Control Division of the department currently instructs law enforcement officers on how to recognize excessive amounts of smoke emitted from vehicles. If this training does not satisfy law enforcement needs and requires modification, additional training costs are expected to be addressed during the annual budget process.

## Local Government Impact

Beginning in the current FY 2016-17, this bill will increase local government revenues and workloads, as discussed below.

**HUTF fine revenue.** The bill will minimally increase local government HUTF revenue beginning in FY 2016-17. HUTF revenue generated by traffic fines is distributed to counties (26 percent) and municipalities (9 percent) for transportation needs.

**District attorneys.** District attorneys may experience a minimal workload increase to represent individuals cited for the new Class A traffic infraction under the bill.

**Denver County Court.** The Denver County Court, which is managed and funded by Denver City and County, may experience a minimal revenue and workload increase to hear traffic cases under the bill.

**Municipal courts.** The bill may also result in a minimal revenue and workload increase for municipal courts, to the extent these courts adopt the model traffic code.

## Effective Date

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

## State and Local Government Contacts

Counties  
Municipalities  
Transportation

Information Technology  
Public Health and Environment

Judicial  
Revenue