



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

HB 19-1265

FINAL FISCAL NOTE

Drafting Number: LLS 19-0993
Prime Sponsors: Rep. Esgar; Soper
 Sen. Rankin; Winter
Date: June 18, 2019
Bill Status: Signed into Law
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Bill Topic: RIGHT-OF-WAY FOR SNOWPLOWS IN ECHELON FORMATION

Summary of Fiscal Impact:

| | |
|--|---|
| <input checked="" type="checkbox"/> State Revenue (<i>minimal</i>) | <input type="checkbox"/> TABOR Refund |
| <input checked="" type="checkbox"/> State Expenditure | <input checked="" type="checkbox"/> Local Government (<i>minimal</i>) |
| <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

This bill creates a class A traffic infraction for passing a snowplow in a echelon formation. Beginning in FY 2019-20, this bill will increase state and local revenue and expenditures on an ongoing basis.

Appropriation Summary: For FY 2019-20, the bill requires and includes a \$3,375 appropriation to the Department of Revenue.

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

**Table 1
State Fiscal Impacts Under HB 19-1265**

| | | FY 2019-20 | FY 2020-21 |
|---------------------|------------|-------------------|-------------------|
| Revenue | | - | - |
| Expenditure | Cash Funds | \$3,375 | - |
| Transfer | | - | - |
| TABOR Refund | | - | - |

Summary of Legislation

Under current law, drivers must exercise care and caution when passing a snowplow engaged in snow and ice removal. Failure to do so is a class B traffic infraction. This bill makes it a class A traffic infraction if a driver passes a snowplow operated by a state, county, or local government while performing its service in a echelon formation, as defined by the bill. The bill does not change penalties for passing a snowplow.

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. The following sections outline data on crimes that are comparable to the offense in this bill and discuss assumptions on future rates of criminal convictions under the bill.

Prior conviction data. This bill creates the new offense of passing a snowplow in a echelon formation, and makes it a class A traffic infraction. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of failing to exercise care while passing a snowplow as a comparable crime. In the last three fiscal years (2016-2018), there have been 4 offenders who were convicted and sentenced for this existing offense. Of the persons convicted, 3 were male and 1 was female. Demographically, 3 were White and 1 was African American.

Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

Assumptions. This analysis assumes that there will be no increase in criminal case filings from the passing a snowplow traffic violation. Instead, this bill may result in higher fines assessed on current offenders.

State Revenue

Starting in FY 2019-20, the bill will increase revenue to the Highway Users Tax Fund (HUTF) from higher traffic infraction fines. Based on the assumptions laid out in the Comparable Crime section about the number of convictions, any increase is expected to be minimal. Traffic infraction fines are considered to be a first stream revenue, with 65 percent of revenue going to the State Highway Fund in the Colorado Department of Transportation; 26 percent going to counties; and 9 percent to municipalities.

State Expenditures

The bill will increase expenditures to the Department of Revenue by \$3,375 from the DRIVES Vehicle Services Account to program its DRIVES system to add the new offense. This cost is based on an estimated 15 hours of work at \$225 per hour.

Local Government

To the extent that the bill results in higher fines, revenue to county and municipal governments will increase by a minimal amount, as outlined in the Comparable Crime section.

Effective Date

This bill was signed into law by the Governor on May 17, 2019, and takes effect August 2, 2019, assuming no referendum petition is filed.

State Appropriations

For FY 2019-20, the bill requires and includes a \$3,375 appropriation from the DRIVES Vehicle Services Account to the Department of Revenue.

State and Local Government Contacts

Counties
Judicial
Revenue

District Attorneys
Municipalities
Transportation

Information Technology
Public Safety