



Legislative Council Staff
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Fiscal Note

Drafting Number: LLS 24-0248 Date: January 15, 2024
Prime Sponsors: Rep. Froelich; Pugliese Bill Status: House Trans., Hous. & Local Govt.
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Bill Topic: CHILD PASSENGER SAFETY & EDUCATION

Summary of Fiscal Impact: [X] State Revenue [X] State Transfer [ ] Local Government
[X] State Expenditure [ ] TABOR Refund [ ] Statutory Public Entity

The bill creates a grant program within the Department of Transportation and modifies child restraint system laws to increase child passenger safety. The bill increases state expenditures and may increase revenue on an ongoing basis beginning in FY 2024-25.

Appropriation Summary: For FY 2024-25, the bill requires an appropriation of \$500,000 to the Department of Transportation.

Fiscal Note Status: The fiscal note reflects the introduced bill, which was recommended by the Transportation Legislation Review Committee.

Table 1
State Fiscal Impacts Under HB 24-1055

Table with 4 columns: Category, Sub-category, Budget Year FY 2024-25, and Out Year FY 2025-26. Rows include Revenue, Expenditures (Child Passenger Safety Grant Fund, Total Expenditures, Total FTE), Transfers (General Fund, Child Passenger Safety Grant Fund, Net Transfer), and Other Budget Impacts (General Fund Reserve).

1 The fiscal note assumes the bill's transfer will be made through an appropriation of General Fund to a cash fund.

## **Summary of Legislation**

The bill creates the Child Passenger Safety Education and Distribution Grant Program within the Department of Transportation (CDOT) to fund the certification of child passenger safety technicians and programs that educate and increase access to child restraint systems. CDOT must develop and administer the grant program by January 1, 2025, and must report annually on the program to the General Assembly by December 1, 2026. The grant program repeals September 1, 2030.

The bill creates the Child Passenger Safety Education and Distribution Grant Program Fund for the grant program that will consist of any appropriations made by the General Assembly and any gifts, grants, or donations from private or public sources. Subject to annual appropriation, funds may be used to cover the costs of administering the grant program and any remaining funds will be transferred to the General Fund on August 30, 2030.

The bill also makes changes to existing child restraint systems laws, including:

- increasing the age of children who must use a child restraint system from under eight to under nine years of age, and adding a requirement that any child under 57 inches in height must use a child restraint system;
- increasing the age and weight of children who must be restrained in a rear-facing child restraint system from under one year to under two years of age and from under 20 pounds to under 40 pounds;
- increasing the age of children who must be restrained in a rear-facing or forward-facing child restraint system from one year or older to two years or older;
- adding a requirement that children aged four to nine who weigh at least 40 pounds must use a booster seat in a rear seat, if available; and
- adding a requirement that children aged nine to 13 must sit in a rear seat, if available, and use a seat belt.

## **Assumptions**

The bill does not specify funding for the grant program, which is at the discretion of the General Assembly. The fiscal note assumes \$500,000 will be made available annually for grant administration and funding based on similar safety grant programs.

## **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. 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 new class B traffic infractions related to child passenger safety, including failing to use a child restraint system for children under 57 inches in height, failing to use a booster seat for children aged four to nine, and failing to use a seat belt for children aged nine to 13. This bill also expands the requirements for the existing offense of failing to properly use child restraint systems. To form an estimate on the prevalence of these crimes, the fiscal note analyzed the existing offense of violating the proper use of child restraint systems in motor vehicles as a comparable crime. From FY 2020-21 to FY 2022-23, 1,655 have been convicted and sentenced for this existing offense. Of the persons convicted, 790 were male, 858 were female, and 7 did not have a gender identified. Demographically, 1,250 were White, 132 were Black/African American, 172 were Hispanic, 8 were Asian, 42 were American Indian, 35 were classified as "Other," and 16 did not have a race identified.

The fiscal note assumes that any impact on criminal justice-related revenue or expenditures at the state or local levels will be minimal; therefore, these potential impacts are not discussed further in this fiscal note. Visit [leg.colorado.gov/fiscalnotes](https://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## State Revenue

The bill may increase state revenue to the Child Passenger Safety Education and Distribution Grant Program Fund from gifts, grants, or donations; however, no sources have been identified at this time. Gifts, grants, and donations are exempt from TABOR revenue limits.

## State Transfer

As discussed in the Assumptions section, the bill is assumed to require an annual transfer of \$500,000 from the General Fund to the Child Passenger Safety Education and Distribution Grant Program Fund beginning in FY 2024-25. Any unspent funding remains in the fund at the end of each fiscal year until the program's repeal, at which point any unspent funding must be transferred to the General Fund on August 30, 2030. The timing and amount of any transfers to the fund will be at the discretion of the General Assembly, which will affect the amount of funding available for grants each year.

## State Expenditures

Beginning in FY 2024-25, the bill increases state expenditures in the CDOT by \$500,000 per year, paid from the Child Passenger Safety Education and Distribution Grant Program Fund. Expenditures are shown in Table 2 and described below. Workload will also increase for the Department of Public Safety and Department of Public Health and Environment beginning in FY 2024-25.

**Table 2**  
**Expenditures Under HB 24-1055**

|  | FY 2024-25 | FY 2025-26 |
|--|------------|------------|
| <b>Department of Transportation</b>            |            |            |
| Personal Services                              | \$15,194   | \$26,046   |
| Operating Expenses                             | -          | \$675      |
| Capital Outlay Costs                           | \$6,670    | -          |
| Child Passenger Safety Education Grant         | \$473,260  | \$465,083  |
| Employee Insurance and Supplemental Retirement | \$4,876    | \$8,196    |
| <b>Total Cost</b>                              | \$500,000  | \$500,000  |
| <b>Total FTE</b>                               | 0.3 FTE    | 0.5 FTE    |

**Department of Transportation.** Beginning in FY 2024-25, expenditures will increase in CDOT to administer the grant program.

- **Staff.** CDOT requires 0.5 FTE for grant administration activities, including developing program policies, reviewing applications, providing technical assistance, collecting data and reporting. The remaining funds will be available for grants. Staff costs are prorated the first year for a December 1, 2024, start date, and include standard operating, capital outlay, and other overhead costs.
- **Grant program.** Beginning in FY 2024-25, the remainder of the funding will be used by CDOT to provide grant awards to qualifying programs. Grant amounts and recipients will be determined by CDOT, based on the amount of funding available for the program after administrative expenses. Program funding levels are assumptions only; actual funding will be determined by the General Assembly.

**Other departments.** Beginning in FY 2024-25, workload will increase for the Department of Public Safety and Department of Public Health and Environment to help CDOT develop rules and implement the grant program. This workload is expected to be minimal and can be accomplished within existing appropriations.

### **Other Budget Impacts**

**General Fund reserve.** Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

## **Effective Date**

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

## **State Appropriations**

For FY 2024-25, the bill requires an appropriation of \$500,000 from the Child Passenger Safety Education and Distribution Grant Program Fund to the Department of Transportation, and 0.3 FTE.

## **State and Local Government Contacts**

|               |                    |                               |
|---------------|--------------------|-------------------------------|
| Counties      | District Attorneys | Information Technology        |
| Judicial      | Law                | Public Health and Environment |
| Public Safety | Revenue            | Transportation                |
| Treasury      |                    |                               |

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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: [leg.colorado.gov/fiscalnotes](https://leg.colorado.gov/fiscalnotes).