



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 24-0249
Prime Sponsors:

Date: September 27, 2023
Bill Status: Bill Request
Fiscal Analyst: Colin Gaiser | 303-866-2677
colin.gaiser@coleg.gov

Bill Topic: **CLASSIFICATION COMMERCIAL MOTOR VEHICLE OFFENSES**

Summary of Fiscal Impact:

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

The bill changes the classification of certain offenses involving the operation of a commercial motor vehicle from a class A traffic infraction to a class 1 misdemeanor traffic offense.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the bill draft requested by the Transportation Legislation Review Committee.

Summary of Legislation

This bill clarifies penalties related to commercial vehicle operation. Specifically, the bill reverts the following offenses back to class 1 misdemeanor traffic offenses, which had been made Class A traffic infractions under Senate Bill 21-271:

- driving a commercial vehicle while under 21 years old, with exceptions for interstate commerce; and
- holding more than one driver license while driving a commercial motor vehicle.

This bill also creates a new exception for these offenses. If the defendant presents a valid commercial driver license to the court within 30 days after the citation or at the person's first scheduled court appearance, the penalty does not apply.

Background

SB 21-271 reclassified various crimes, created a new “civil infraction” classification, and modified punishments for class 1 and 2 misdemeanors, petty offenses, and civil infractions. In that bill, offenses involving the operation of a commercial vehicle were reduced from a misdemeanor to a class A traffic infraction; however, the punishment for the misdemeanor offense was retained.

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. This bill reclassifies existing offenses related to commercial vehicle operation. Using Judicial Department data from FY 2019-20 to FY 2022-23, there were an average of 400 cases per year that included a commercial vehicle charge in the bill. Prior to the passage of SB 21-271, 97 percent of cases that included one of these charges were filed as traffic misdemeanor cases. From March 2022 through August 2023, following the bill’s passage, 211 cases (39 percent of cases) became traffic infractions.

Assumptions. This fiscal note assumes some traffic infraction cases will be charged as traffic misdemeanor cases after passage of this bill. However, due to the bill’s exception for drivers who produce their license in the allotted time, the number of traffic infraction cases that would revert to traffic misdemeanor cases is expected to be lower than the number of traffic misdemeanor cases prior to March 2022.

State Revenue and Expenditures

Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue and expenditures. Under the bill, traffic fines and court fees, which are subject to TABOR, may increase by a minimal amount. Similarly, any increase in workload and costs for the Judicial Department, including the trial courts, and to the Department of Revenue, are assumed to be minimal and no change in appropriations is required.

Local Government

Similar to the state, to the extent traffic fine collection amounts change as a result of the bill, revenue to local governments will change. Any impact is expected to be minimal.

Effective Date

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

State and Local Government Contacts

District Attorneys
Public Safety

Judicial
Revenue

Law
Transportation