


Colorado Legislative Council Staff Fiscal Note
FINAL
FISCAL NOTE

Drafting Number: LLS 10-0484
Prime Sponsor(s): Sen. Williams
 Rep. Ryden

Date: August 12, 2010
Bill Status: Signed into Law
Fiscal Analyst: David Porter (303-866-4375)

TITLE: CONCERNING THE ENFORCEMENT OF OFFENSES INVOLVING FAILURE OF CERTAIN PERSONS TO PROPERLY RESTRAIN A CHILD IN A VEHICLE.

Fiscal Impact Summary	FY 2010-2011	FY 2011-2012
State Revenue		
Cash Funds		
Multiple Cash Funds (reduction)	(< \$ 5,000)	< \$ 5,000
State Expenditures		
FTE Position Change		
Effective Date: The bill was signed by the Governor and became law on May 26, 2010, and it became effective on August 11, 2010.		
Appropriation Summary for FY 2010-2011: None required.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

Under current law, the driver, any front seat passengers, and children age 6 and older must wear a seat belt when the vehicle is in motion. Small children under age 6 must be in an appropriate child car seat. Violation of these requirements is a class B traffic infraction.

This bill modifies child restraint requirements for children up to age 8. With some exceptions, these children must be in an age- and size-appropriate child seat in the rear seat of the vehicle. From ages 8 to 16, children can sit in the front or back seat so long as they use a safety belt or are in an appropriate child restraint device.

With some exceptions, law enforcement officers currently may pull over a driver for violation of child restraint provisions as a primary offense. This bill makes *all* child restraint provisions a primary offense. From August 1, 2010, to August 1, 2011, drivers violating certain child restraint provisions will only be issued a warning.

State Revenue

State revenue from fines and surcharges is expected to *decrease* by \$5,000 or less in FY 2010-11 and *increase* by \$5,000 or less in FY 2011-12.

Fines and Surcharges. This bill will result in the following changes with respect to tickets issued for child restraint systems:

- ▶ By making violation of the law a primary offense, more tickets will be issued for child restraint violations. Expanding the scope of child restraint provisions may increase the number of offenses for which law enforcement can write a ticket. However, it is assumed that since the bill does not change the number of law enforcement officers, overall, the number of tickets issued in the state will be unchanged (fewer tickets will be issued for other offenses) and the increase in revenue will be less than \$5,000.
- ▶ By providing a "time-out" period in which warnings are issued rather than citations, some tickets that would be issued under either current law or under the bill will be issued as warnings. Although the number of tickets issued has not been estimated, this fiscal note assumes that the reduction in revenue is less than \$10,000. This change occurs in FY 2010-11 only.

Fine revenue from citations issued by both state patrol officers and local law enforcement is credited to the Highway Users Tax Fund (HUTF) and distributed to the state, counties, and municipalities for highway purposes. Surcharge revenue is split evenly between the Victims and Witnesses Assistance and Law Enforcement Fund and the Crime Victim Compensation Fund and is distributed to victims and witnesses. For informational purposes, violation of child restraint system requirements results in a \$65 fine and a \$16 surcharge. Under current law, approximately 1,900 citations are issued each year. Fine and surcharge revenue is approximately \$153,900 each year.

Local Government Impact

HUTF revenue. Counties and municipalities receive 35 percent of HUTF revenue that results from traffic offenses. In addition, revenue from fines imposed by local peace officers remains within the jurisdiction where the offense occurred. Since this bill reduces HUTF revenue in FY 2010-11, counties and municipalities will also receive less HUTF moneys. In FY 2011-12, counties and municipalities will receive more HUTF moneys.

Departments Contacted

Revenue
Public Safety

Judicial
Health Care Policy and Financing

Transportation