

Colorado Legislative Council Staff Fiscal Note

**STATE and LOCAL
REVISED FISCAL IMPACT**

(replaces fiscal note dated February 4, 2010)

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

Date: March 9, 2010
Bill Status: Senate Second Reading
Fiscal Analyst: David Porter (303-866-4375)

TITLE: CONCERNING THE ENFORCEMENT OF OFFENSES INVOLVING FAILURE OF CERTAIN PERSONS IN A VEHICLE TO USE AN APPROPRIATE RESTRAINING DEVICE.

Fiscal Impact Summary	FY 2010-2011	FY 2011-2012
State Revenue		
Cash Funds		
Highway Users Tax Fund (HUTF)	\$ 19,000	\$ 19,000
State Expenditures		
FTE Position Change		
Effective Date: June 1, 2010.		
Appropriation Summary for FY 2010-2011: None required.		
Local Government Impact: See Local Government Impact section.		

This revised fiscal note incorporates Senate Transportation Committee amendments that, among other things, strike language making all seat belt violations a primary offense.

Summary of Legislation

Under current law, the driver, any front seat passengers, and small children must wear a seat belt or be in an appropriate child car seat when the vehicle is in motion. Law enforcement officers can only issue a ticket for this offense if the driver is pulled over for another traffic infraction. This *amended* bill makes violation of child restraint laws a primary offense for which tickets may be issued if the violation is clearly observed. The bill also modifies child restraint requirements to include children up to age 8, rather than up to age 6. With some exceptions, children must be in an age- and size-appropriate child seat in the rear seat of the vehicle. Fines for violation of child restraint laws increase from \$65 to \$75.

State Revenue

State revenue from is expected to increase by approximately \$19,000 annually from fines for child restraint violations.

Fines. This bill allows peace officers to issue citations for child restraint violations as a primary offense, meaning that drivers may be stopped for these violations. Law enforcement may issue more tickets for these offenses, but without additional resources most, if not all, of the increase is expected to be offset by a reduction in tickets issued for other types of offenses.

The bill increases fines for child restraint violations from \$65 to \$75. Fine revenue from citations issued by both state patrol officers and local law enforcement is credited to the HUTF and distributed to the state, counties, and municipalities for highway purposes. Approximately 1,900 citations are issued each year for child restraint violations. An increase of \$10 per violation will result in new revenue of \$19,000 annually.

State Expenditures

No new state expenditures are expected under this bill. It is assumed that any increase in child restraint citations will be at least partially offset by a reduction in tickets issued for other violations. It is also assumed that increases in cases filed in courts for child restraint violations will be partially offset by a reduction of other filings. Costs for the Department of Transportation to provide information to law enforcement agencies and modify its public awareness campaigns will be absorbed within existing resources.

Local Government Impact

Counties and municipalities receive 35 percent, or \$6,650, of additional HUTF revenue that result from the bill. In addition, revenue from fines imposed by local peace officers remains within the jurisdiction where the offense occurred.

Departments Contacted

Revenue
Public Safety

Judicial
Health Care Policy and Financing

Transportation