

*Colorado Legislative Council Staff Fiscal Note*

**STATE and LOCAL  
REVISED FISCAL IMPACT**

(replaces fiscal note dated March 9, 2010)

**Drafting Number:** LLS 10-0484

**Date:** April 1, 2010

**Prime Sponsor(s):** Sen. Williams  
Rep. Ryden

**Bill Status:** House Transportation and Energy

**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.

<b>Fiscal Impact Summary</b>	<b>FY 2010-2011</b>	<b>FY 2011-2012</b>
<b>State Revenue</b>		
Cash Funds		
Multiple Cash Funds (reduction)	(< \$ 10,000)	(< \$ 5,000)
<b>State Expenditures</b>		
<b>FTE Position Change</b>		
<b>Effective Date:</b> June 1, 2010.		
<b>Appropriation Summary for FY 2010-2011:</b> None required.		
<b>Local Government Impact:</b> 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 *reengrossed 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. The state patrol and local law enforcement agencies are required to keep compilations of manufacturer's instructions for best-selling child restraint systems.

Under current law, law enforcement officers can only issue a ticket for adult seat belt offenses if the driver is pulled over for another traffic infraction with the seat belt violation as a secondary offense. With some exceptions, law enforcement officers may pull over a driver for violation of child restraint provisions as a primary offense. This bill makes child restraint provisions a secondary offense, requiring law enforcement officers to pull over the driver for another infraction. From August 1, 2010, to August 1, 2011, drivers violating child restraint provisions will only be issued a warning.

## **State Revenue**

**State revenue from fines and surcharges is expected to *decrease* by \$10,000 or less in FY 2010-11 and \$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 secondary offense, fewer tickets will be issued for child restraint violations. 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 (more tickets will be issued for other offenses) and the reduction 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 as a secondary offense has not been estimated, this fiscal note assumes that the reduction in revenue is less than \$5,000. This change occurs in FY 2010-11 only.
- ▶ Expanding the scope of child restraint provisions may increase the number of offenses for which law enforcement can write a ticket (or warning, during the time-out).

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.

## **State Expenditures**

The Colorado State Patrol (CSP) in the Department of Public Safety is required to maintain a collection of manufacturers' instructions for best-selling child restraint systems. Workload associated with this provision includes: determining the best-selling child restraint systems, obtaining instruction manuals either online or from the manufacturer, maintaining the records in an easily accessible place, and updating the records as new models and information becomes available. This fiscal note assumes that this workload will be accomplished within existing resources and law enforcement agencies may draw upon each other's compilations of instruction manuals.

**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, counties and municipalities will also receive less HUTF moneys.

*Instruction manuals.* Law enforcement agencies are required to maintain a collection of instruction manuals. The workload associated with this provision are detailed in the State Expenditures section of this fiscal note.

**Departments Contacted**

Revenue  
Public Safety

Judicial  
Health Care Policy and Financing

Transportation