

Colorado Legislative Council Staff Fiscal Note
**STATE and LOCAL
 FISCAL IMPACT**

Drafting Number: LLS 11-0872
Prime Sponsor(s): Sen. Morse
 Rep. Lee

Date: April 26, 2011
Bill Status: Senate Judiciary
Fiscal Analyst: Jonathan Senft (303-866-3523)

TITLE: CONCERNING SAFETY PROCEDURES RELATED TO THE TOWING OF VEHICLES.

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013
State Revenue		
Cash Funds		
Fines Collected Cash Fund	<\$5,000	<\$5,000
State Expenditures	See State Expenditures section.	
FTE Position Change		
Effective Date: Upon the signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2011-2012: None.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

This bill creates the following two class 3 misdemeanor offenses concerning tow-trucks:

- Unlawful removal of a tow-truck warning sign when the tow-truck is within 10 feet of a carrier vehicle; and
- Unlawful placement of a tow-truck warning sign when the vehicle is not being towed or occupied.

The bill also requires that drivers yield the right of way to stationary tow-trucks.

State Revenue

This bill may increase state revenue from fines, although less than \$5,000 in new state revenue is expected per year. According to Section 18-1.3-501, C.R.S., the penalty for a class 3 misdemeanor is 0 to 6 months in jail; \$50 to \$750 fine; or both. Fine revenue that is not otherwise appropriated is deposited into the Fines Collection Cash Fund. Because the courts have the discretion of incarceration, imposing a fine, or both, the impact to state revenue cannot be determined.

State Expenditures

This bill creates two new criminal offenses, which may result in additional court case filings. It is anticipated that the number of new court cases filed will be relatively low and can be absorbed within existing resources. Therefore, no appropriation is required.

Local Government Impact

The penalty for a class 3 misdemeanor is 0 - 6 months in jail; \$50 - \$750 fine; or both. Because the courts have the discretion of incarceration or imposing a fine, the impact at the local level cannot be determined. The cost to house an offender in county jails varies from \$45 to \$50 per day in smaller rural jails to \$62 to \$65 per day for larger Denver-metro area jails. For the current fiscal year, the state reimburses county jails a daily rate of \$50.44 to house state inmates. It is assumed that the impact of this new misdemeanor will be minimal and will not create the need for additional county jail space.

Departments Contacted

Judicial
Public Safety

Law
Regulatory Affairs

Local Affairs