



Colorado  
Legislative  
Council  
Staff

Bill 1

# FISCAL NOTE

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0368

**Date:** October 29, 2015

**Prime Sponsor(s):**

**Bill Status:** Transportation Legislation Review  
Committee Interim Bill Request

**Fiscal Analyst:** Matt Kiszka (303-866-6275)

**BILL TOPIC:** WINTER DRIVING I-70 TREAD DEPTH & TIRE CHAINS

| Fiscal Impact Summary         | FY 2016-2017  | FY 2017-2018 |
|-------------------------------|---|--------------|
| State Revenue                 | <\$5,000  | <\$5,000     |
| Cash Funds                    | <5,000  | <5,000       |
| State Expenditures            | Minimal workload impact.<br>See State Expenditures section. |              |
| TABOR Impact                  | <\$5,000  | <\$5,000     |
| FTE Position Change           |   |              |
| Appropriation Required: None. |   |              |

## Summary of Legislation

This bill, *requested by the Transportation Legislation Review Committee*, requires motor vehicles driving on Interstate 70 between milepost 133 (Dotsero) and milepost 259 (Morrison), when icy or snow-packed conditions are present, to be equipped with:

- tire chains or an equivalent traction control device (i.e. cable chains);
- four-wheel drive or all-wheel drive, and tires with a tread depth of one-eighth of an inch; or
- tires with any form of the mountain-snowflake symbol or "mud and snow" lettering (i.e., M/S and M+S) on the side wall of the tire and a tread depth of one-eighth of an inch.

Under the bill, "equipped" means that a motor vehicle uses or carries the appropriate traction equipment if icy or snow-packed conditions are not present, and that a motor vehicle uses the appropriate traction equipment if icy or snow-packed conditions are present.

A noncommercial violator of these requirements commits a class B traffic infraction and is subject to a \$100 fine and a \$32 surcharge. If a violation results in the closure of at least one lane of traffic, the violator is subject to an enhanced penalty of \$500 and a \$156 surcharge.

## Background

Under current statute, the Colorado Department of Transportation (CDOT) has the authority to close any portion of a state highway to public travel or to prohibit travel by vehicles that are not equipped with tire chains, four-wheel drive with adequate tires for existing conditions, or snow tires with a "mud and snow" or all-weather rating from the manufacturer. CDOT can do this whenever it considers such a closure or restriction of use necessary for the protection and safety of the public. Highway closures and restrictions are achieved with cooperation from the Colorado State Patrol (CSP).

The Transportation Commission has statutory authority to promulgate rules to implement Colorado's chain laws, which apply to all state, federal, and interstate highways. For noncommercial vehicles, the commission has determined two levels of chain law: "chains or adequate snow tires required" and "chains only."

***Chains or adequate snow tires required.*** This level requires the use of snow tires or traction devices such as cable chains. Snow tires must have the M/S or all-weather rating from the manufacturer on the side wall.

***Chains only.*** When this level is in effect, use of conventional, steel-link chains is required. Four-wheel drive vehicles are permitted to operate without tire chains.

#### **State Revenue**

***Assumptions.*** Because the bill affects travel during icy or snow-packed conditions, it is assumed that CDOT and CSP will begin to implement its requirements in the winter of FY 2016-17.

**Beginning in FY 2016-17, this bill is anticipated to increase fine revenue by less than \$5,000 per year,** credited to the Highway Users Tax Fund (HUTF), and allocated to the State Highway Fund (SHF) within CDOT and to cities and counties. While an increase in fines collected is expected, based on the low number of fines imposed in 2014, the fiscal note assumes that any revenue generated is likely to be less than \$5,000 per year.

#### **TABOR Impact**

The bill increases state revenue from fines, which will increase the amount required to be refunded under TABOR. TABOR refunds are paid from the General Fund.

#### **State Expenditures**

Beginning in FY 2016-17, this bill is anticipated to minimally increase workload in CDOT, the Judicial Department, the Department of Public Safety, and the Department of Revenue.

***Colorado Department of Transportation.*** The CDOT is required to provide signage notifying the public of traction control requirements during inclement weather, which is expected to have a minimal fiscal impact and will be achieved within existing resources.

**Judicial Department.** Trial courts in counties along the I-70 corridor between Dotsero and Morrison (Eagle, Summit, Clear Creek, and Jefferson) can expect to see a minimal increase in infractions. Under the Judicial Department's workload model, one county court judicial officer can process 30,207 infraction cases a year; therefore, it is assumed that workload impact is minimal and will not require an increase in appropriations.

**Department of Public Safety.** The Department of Public Safety will be required to enforce the bill and update its information materials on the Colorado chain law. These impacts are expected to be accomplished within existing workloads and appropriations.

**Department of Revenue.** The Department of Revenue will be required to update its Penalty Assessment Express System (PAX), and the accounting system used to input ticket payment information. It is assumed that this workload impact can be managed within existing appropriations.

### **Local Government Impact**

This bill will increase HUTF revenue to local governments beginning in FY 2016-17 by increasing the local government portion of fine revenue collected from the class B traffic infraction under the bill.

### **Effective Date**

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

### **State and Local Government Contacts**

Transportation  
Public Safety  
RTD

Judicial  
Cities and Counties  
Law

Local Affairs  
Revenue  
Sheriffs