

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

**Drafting Number:** LLS 07-0294  
**Prime Sponsor(s):** Rep. Weissmann

**Date:** January 22, 2007  
**Bill Status:** House Transportation & Energy  
**Fiscal Analyst:** Brad Denning (303-866-4777)

**TITLE:** CONCERNING AN INCREASE IN THE PENALTY FOR A MOVING TRAFFIC VIOLATION COMMITTED WHILE THE DRIVER IS DISTRACTED.

Fiscal Impact Summary	FY 2007-2008	FY 2008-2009
<b>State Revenue</b>		
Cash Fund - Highway Users Tax Fund (HUTF)	\$3,678,200	\$3,872,700
Cash Fund - Victims/Witness Asst. & Law Enforcement Fund	<u>107,744</u>	<u>123,760</u>
<b>Total</b>	<b>3,785,944</b>	<b>3,996,460</b>
<b>State Expenditures</b>		
General Fund	\$5,000	\$5,000
<b>FTE Position Change:</b>	0.0 FTE	0.0 FTE
<b>Effective Date:</b> July 1, 2007		
<b>Appropriation Summary for FY 2007-2008:</b> See State Appropriations section.		
<b>Local Government Impact:</b> Increased HUTF distributions to counties and municipalities.		

**Summary of Legislation**

The bill doubles the penalties and surcharges when a motorist commits a moving traffic violation if the motorist is "knowingly distracted." It defines "knowingly distracted" as an act of diverting attention from driving a vehicle to activities such as grooming, reading, eating, drinking or the use of cell phones, headphones, headsets, or electronic devices. The bill exempts drivers if there is an emergency or if the violation occurs in a construction or school zone. Under current law, penalties and surcharges for moving traffic violations in construction or school zones are already doubled. It does not create a separate traffic offense or infraction.

**State Revenue**

The bill doubles penalties and surcharges when motorists commit moving traffic violations while knowingly distracted. **This note estimates a total increase of approximately \$3.8 million in fine revenue for FY 2007-08 and \$4.0 million in FY 2008-09.** This note assumes that 20 percent of moving traffic violations will be committed by "knowingly distracted" drivers.

**Department of Revenue (DOR).** It is estimated that the bill will generate more fine revenue through the DOR by \$2.4 million in both FY2007-08 and FY 2008-09 to be deposited into the HUTF. For FY 2005-06, the DOR received penalty revenue from 184,796 drivers or \$11,484,978. These penalties are primarily moving violations, and do not include school or construction zone violations. The average assessment amount was \$64.12. Assuming that 20 percent of moving traffic violations will be committed while drivers are knowingly distracted, 36,959 drivers will be fined at an average of \$64.12, or a net increase of approximately \$2.4 million (36,959 x \$64.12).

**Judicial Branch.** It is estimated that the bill will generate more fine revenue through the courts of by \$1.3 million in FY2007-08 and \$1.5 million in FY 2008-09 to be deposited into the HUTF. In FY 2005-06, the number of traffic violation penalties assessed by the courts was roughly 140,000 or \$8,840,565, resulting in an average of \$63.15. This excludes non-moving violations, and current penalties for both construction and school zone violations, which are currently doubled under existing law. Assuming that 20 percent of moving traffic violations are committed while drivers are knowingly distracted, 28,000 drivers will be fined at an average of \$63.15, or a net increase of \$1,768,100. Estimating a collection rate of 74 percent in FY2007-08 and 11 percent greater in the following year, the revenue is \$1,308,400 in FY2007-08 and \$1,502,900 in FY2008-09.

Additionally, the bill increases the amount of revenue deposited into the Victims and Witness Assistance Law Enforcement Fund. Assuming an average surcharge of \$5.20, and the same collection rate for penalties, doubling the surcharge will generate additional surcharge revenue of at least \$107,744 in FY 2007-08 and \$123,760 in FY 2008-09.

<b>Table 1. Total Revenue for HB07-1006*</b>		
<b>Department</b>	<b>FY 2007-08</b>	<b>FY 2008-09</b>
Highway Users Tax Fund	\$3,678,211	\$3,872,711
Surcharges (Victims/Witness Asst. & Law Enforcement Fund)	107,744	\$123,760
<b>Total Revenue</b>	<b>\$3,785,955</b>	<b>\$3,996,471</b>

\*Numbers may vary from Fiscal Impact Summary box due to rounding.

**State Expenditures**

The new penalty and surcharge amounts will require one-time computer programming expenses for the DOR's penalty assessment system at a cost of \$5,000 in FY 2007-08.

**Local Government Impact**

The bill increases fine revenue to local governments and the HUTF. Counties and municipalities receive 35 percent of the HUTF fine revenue for highway purposes.

**State Appropriations**

For FY 2007-08, the Department of Revenue would require a General Fund appropriation of \$5,000.

**Departments Contacted**

Judicial      Public Safety      Revenue