

**FINAL  
FISCAL NOTE**

**Drafting Number:** LLS 08-0737  
**Prime Sponsor(s):** Rep. Marostica  
 Sen. Brophy

**Date:** May 20, 2008  
**Bill Status:** Deemed Lost  
**Fiscal Analyst:** Brad Denning (303-866-4777)

**TITLE:** CONCERNING VIOLATIONS OF TRAFFIC RIGHTS-OF-WAY RESULTING IN BODILY INJURY OR DEATH.

<b>Fiscal Impact Summary</b>	<b>FY 2008-2009</b>	<b>FY 2009-2010</b>
<b>State Revenue</b>		
Cash Funds - Highway Users Tax Fund (HUTF)	<\$5,000	<\$5,000
<b>State Expenditures</b>		
<b>FTE Position Change</b>	0.0 FTE	0.0 FTE
<b>Effective Date:</b> The bill was laid over until May 8, 2008, during the consideration of Senate amendments in the House of Representatives on April 4, 2008.		
<b>Appropriation Summary for FY 2008-2009:</b> None.		
<b>Local Government Impact:</b> See Local Government Impact section.		

**Summary of Legislation**

The bill creates a new misdemeanor traffic offense, “aggravated right-of-way,” that applies when death or serious bodily injury has been caused by a violation of traffic rights-of-way. A violation of this new requirement is a class C traffic infraction; a subsequent offense is a class 1 misdemeanor traffic offense. This offense is repealed on January 1, 2011.

**State Revenue**

The bill creates a penalty of \$400 for the first violation of "aggravated right-of-way." It is assumed that a minimal number of these violations will occur. In addition, under current law, the penalty for a class 1 misdemeanor traffic offense is 10 days to 1 year imprisonment in a county jail, a fine of \$10 to \$1,000, or both. Fine revenue is deposited into the Highway Users Tax Fund. Because the courts have the discretion of incarceration or imposing a fine, the impact to state revenue cannot be determined. A minimal amount of fine revenue is assumed under the bill.

## **State Expenditures**

**Judicial Branch.** Although the bill creates a new misdemeanor traffic offense, it is expected that these cases are already filed as traffic infractions rather than misdemeanor traffic cases. It is anticipated that a minimal number of cases will be filed as a result of the bill. Any increase in workload due to additional misdemeanor traffic cases will be offset by a reduction in traffic infraction cases and is absorbable within existing resources.

**Department of Revenue.** The creation of this new violation will require a new common code to be added to the driver's license system. This programming is absorbable within existing resources.

## **Local Government Impact**

The penalty for a class 1 misdemeanor traffic offense is 10 days to 1 year imprisonment in a county jail, a fine of \$10 to \$1,000, or both. The impact at the local level cannot be determined because the courts have the discretion of incarceration or imposing a fine. 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 \$49.69 to house state inmates. It is assumed that the impact of this new misdemeanor will be minimal. The bill minimally 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**

None required.

## **Departments Contacted**

Judicial          Public Safety          Revenue