

Colorado Legislative Council Staff Fiscal Note

**STATE and LOCAL
REVISED FISCAL IMPACT**

(replaces fiscal note dated January 21, 2008)

Drafting Number: LLS 08-0737

Date: March 10, 2008

Prime Sponsor(s): Rep. Marostica
Sen. Brophy

Bill Status: Senate Judiciary

Fiscal Analyst: Brad Denning (303-866-4777)

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

Fiscal Impact Summary	FY 2008-2009	FY 2009-2010
State Revenue		
Cash Funds - Highway Users Tax Fund (HUTF)	\$5,200	\$5,200
State Expenditures		
FTE Position Change	0.0 FTE	0.0 FTE
Effective Date: Upon signature of the Governor, or upon the bill becoming law without his signature.		
Appropriation Summary for FY 2008-2009: None.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

This fiscal note is revised to reflect the reengrossed bill. The bill creates a new traffic infraction class and misdemeanor traffic offense. “Aggravated right-of-way” applies when death or bodily injury has been caused by a violation of traffic rights-of-way. The first violation of this new requirement is a class C traffic infraction. A second or subsequent conviction is a class 1 misdemeanor traffic offense. These offenses are repealed on January 1, 2011.

State Revenue

For FY 2008-09 and until repealed, fines from these infractions are expected to be \$5,200. The amended bill creates a fine of \$400 for the class C traffic infraction, resulting in increased fine revenue to the HUTF. It is assumed that at least 13 violations will occur.

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 HUTF. Because the courts have the discretion of incarceration or imposing a fine for the class 1 misdemeanor traffic offense, the impact to state revenue from the misdemeanor cannot be determined.

State Expenditures

Judicial Branch. Although the bill creates a new traffic infraction and 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 C traffic infraction is \$400, which is expected to increase fine revenue for local governments. 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 for the misdemeanor 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 class C traffic infraction and misdemeanor will increase 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