

  
*Colorado Legislative Council Staff Fiscal Note*  
**FINAL**  
**FISCAL NOTE**

**Drafting Number:** LLS 09-1096  
**Prime Sponsor(s):** Sen. Boyd  
 Rep. Ryden

**Date:** May 29, 2009  
**Bill Status:** Postponed Indefinitely  
**Fiscal Analyst:** David Porter (303-866-4375)

**TITLE:** CONCERNING THE ENFORCEMENT OF OFFENSES INVOLVING FAILURE OF CERTAIN PERSONS IN A VEHICLE TO USE AN APPROPRIATE RESTRAINING DEVICE.

Fiscal Impact Summary	FY 2009-2010	FY 2010-2011
<b>State Revenue</b>		
Cash Funds		
Highway Users Tax Fund (HUTF)	\$ 300,000	\$ 300,000
<b>State Expenditures</b>		
Federal Funds	up to \$ 14.0 million	
<b>FTE Position Change</b>		
<b>Effective Date:</b> The bill was postponed indefinitely by the House Appropriations Committee on May 4, 2009.		
<b>Appropriation Summary for FY 2009-2010:</b> None required.		
<b>Local Government Impact:</b> See Local Government Impact.		

**Summary of Legislation**

Under current law, the driver, any front seat passengers, and small children must wear a seat belt or be in an appropriate child car seat when the vehicle is in motion. Law enforcement officers can only issue a ticket for this offense if the driver was pulled over for another traffic infraction. This bill makes violation of seat belt and child car seat laws a primary offense for which tickets may be issued if the violation is clearly observed. The bill includes language to reinforce that profiling is prohibited.

Other provisions of the bill include:

- ▶ an exemption for medical conditions;
- ▶ changes to the requirements for rear-facing and forward-facing child seats;
- ▶ clarification to the applicability of the law; and
- ▶ an increase in fines for violation of seat belt laws from \$65 to \$75.

## **State Revenue**

State revenue is expected to increase by approximately \$300,000 in FY 2009-10 and thereafter. Revenue is from the increase in fines for seat belt and child car seat violations.

***Fines and Surcharges.*** This bill allows peace officers to issue citations for seat belt violations or certain child car seat violations as a primary offense, meaning that drivers may be stopped for these violations. Law enforcement may issue more tickets for these offenses, but without additional resources most or all of the increase is expected to be offset by a reduction in tickets issued for other types of offenses.

The bill increases fines for seat belt violations and child safety seat violations from \$65 to \$75. Surcharges remain unchanged at \$16 for child safety seat violations and \$6 for seat belt violations. Fine revenue from citations issued by both state patrol officers and local law enforcement is credited to the HUTF and distributed to the state, counties, and municipalities for highway purposes. Approximately 30,000 citations are issued each year for seat belt and child safety seat violations. An increase of \$10 per violation will result in new revenue of \$300,000 annually.

## **State Expenditures**

**State expenditures of federal funds are expected to increase by up to \$14.0 million in FY 2009-10.**

***Federal Funds.*** If Colorado passes a primary offense seat belt law before October 2009, it is eligible for a one-time grant of approximately \$12.0 million. Of this money, \$1.0 million must be spent on behavioral programs such as "The Heat is On." Federal grant moneys set aside for other states that have not been claimed will be distributed among those states that adopted primary seat belt laws. Colorado will be eligible for an additional \$2.0 million from these redistributed moneys.

***Fines and Surcharges.*** It is assumed that any increase in seat belt citations will be at least partially offset by a reduction in tickets issued for other violations. It is also assumed that increases in cases filed in courts for safety belt violations will be partially offset by a reduction of other filings. Costs for the Department of Transportation to provide information to law enforcement agencies and modify its public awareness campaigns will be absorbed within existing resources. It is further assumed that law enforcement agencies will provide information to drivers stopped for traffic violations within existing resources.

***Medicaid.*** The bill's legislative declaration predicts state Medicaid savings of \$72.5 million over 10 years. These savings cannot currently be quantified because the Colorado Department of Health Care Policy and Financing does not track medical expenses specifically to the lack of seat belt use. Medicaid expenditures are tracked by medical diagnosis to identify the type of injury received, but not the cause of injury. Additionally, although various reports have made claims of specific Medicaid savings due to seat belt usage, the amount of proposed savings has not been substantiated.

**Local Government Impact**

Counties and municipalities would receive 35 percent of the additional HUTF revenue as a result of the bill. In addition, revenue from fines imposed by local peace officers would remain within the jurisdiction where the offense occurred.

**Departments Contacted**

Revenue  
Public Safety

Judicial  
Health Care Policy and Financing

Transportation