

**STATE and LOCAL  
FISCAL IMPACT**

**Drafting Number:** LLS 09-0411

**Date:** January 26, 2009

**Prime Sponsor(s):** Rep. Court

**Bill Status:** House Transportation and Energy

**Fiscal Analyst:** David Porter (303-866-4375)

**TITLE:** CONCERNING AN EXCEPTION TO THE REQUIREMENT THAT A PERSON WHO IS LAWFULLY PRESENT IN COLORADO BE LICENSED TO DRIVE BY THE DEPARTMENT OF REVENUE WHEN SUCH PERSON DRIVES WHILE PRESENT IN COLORADO FOR BUSINESS PURPOSES.

<b>Fiscal Impact Summary</b>	<b>FY 2009-2010</b>	<b>FY 2010-2011</b>
<b>State Revenue</b>		
Cash Funds		
Multiple Cash Funds - Penalties and Surcharges	< (\$ 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 becomes effective upon signature of the governor or upon becoming law without his signature.		
<b>Appropriation Summary for FY 2009-2010:</b> None Required.		
<b>Local Government:</b> See Local Government Impact section.		

**Summary of Legislation**

This bill allows persons to drive motor vehicles in Colorado without a Colorado driver's license under the following two circumstances:

- ▶ the person lives in another state and has a driver's license in the other state but is doing business in Colorado; and
- ▶ the person is legally present in Colorado and is working as a seasonal worker — provided that the person is over 16 years old, is not employed for more than 180 days in a 12-month period, and holds a driver's license in their country of origin.

The bill also stipulates that persons who obtain an identification card through the Colorado Nonimmigrant Agricultural Seasonal Worker Pilot Program Act are not required to surrender their driver's license from another country.

**State Revenue**

*Fines.* Driving without a license is a class 2 misdemeanor traffic offense. According to Section 42-4-1701(3)(a)(II)(A), C.R.S., the penalty for a class 2 misdemeanor traffic offense is 10 to 90 days imprisonment in a county jail, a fine of \$150 to \$300, or both. Fine revenue that is not otherwise appropriated is deposited into the Highway Users Tax Fund.

*Penalties and Surcharges.* Driving without a license also carries a \$35.00 penalty and a \$10.00 surcharge. Penalty revenue from citations issued by both state patrol officers and local law enforcement is credited to the Highway Users Tax Fund (HUTF) and distributed to the state, counties, and municipalities for highway purposes. Surcharge revenue is split evenly between the Victims and Witnesses Assistance and Law Enforcement Fund and the Crime Victim Compensation Fund and is distributed to victims and witnesses.

*Assessment.* In calendar year 2008, 39,150 cases were filed in which at least one of the charges was driving without the correct license. It is possible that this bill will address a very small number of these cases. In the event that fewer charges of driving without a license are filed, state fine, penalty, and surcharge revenue may be reduced, although a reduction of less than \$5,000 is expected per year.

**Local Government Impact**

This bill may decrease HUTF fine revenue distributions to local governments. Counties and municipalities receive 35 percent of HUTF fine revenue for highway purposes.

**Departments Contacted**

Revenue                  Judicial                  Labor