

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

**Drafting Number:** LLS 09-0351  
**Prime Sponsor(s):** Rep. Levy  
 Sen. Bacon

**Date:** February 2, 2009  
**Bill Status:** House Transportation & Energy  
**Fiscal Analyst:** David Porter (303-866-4375)

**TITLE:** CONCERNING WIRELESS TELEPHONE PROHIBITIONS FOR DRIVERS.

Fiscal Impact Summary	FY 2009-2010	FY 2010-2011
<b>State Revenue</b>		
Cash Funds		
Multiple Cash Funds – Penalties and Surcharges	\$ 430,000	\$ 1,036,000
<b>State Expenditures</b>		
General Fund	\$ 42,000	
Cash Funds		
State Highway Fund	571,168	\$ 37,440
<b>FTE Position Change</b>		
<b>Effective Date:</b> December 1, 2009.		
<b>Appropriation Summary for FY 2009-2010:</b> See State Appropriations section.		
<b>Local Government Impact:</b> See Local Government Impact section.		

**Summary of Legislation**

HB09-1094 prohibits the following drivers from using a cell phone while the vehicle is in motion:

- ▶ the driver is 18-years-old or younger;
- ▶ the vehicle is a school bus; and
- ▶ the vehicle is subject to regulation by the Public Utilities Commission (i.e., taxis, tow trucks, limousines, etc.).

Cell phone use includes forms of data transmission such as text messaging.

For other drivers, a hands-free accessory must be used to operate a cell phone while driving. An exception is made for contacting a public safety entity or during an emergency. The bill does not apply to police or peace officers, members of a fire department, or operators of an authorized emergency vehicle while performing the duties of their job.

Violation of this law is a class A traffic infraction and carries a penalty of \$50 for the first offense and \$100 for second and subsequent offenses. A \$6 surcharge is also levied.

**State Revenue**

**Total state penalty and surcharge revenue is estimated to be \$430,000 in FY 2009-10 and \$1,036,000 in FY 2010-11.**

**Penalties and Surcharges.** Violation of this law is a class A traffic infraction and carries a \$50 penalty for the first offense and a \$100 for second and subsequent offenses. Violation also carries a \$6 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.

**State Expenditures**

**State expenditures under HB09-1094 are \$613,168 in FY 2009-10 and \$37,440 in FY 2010-11.** Expenditures are to equip personnel in the Department of Transportation and Department of Corrections with hands-free accessories for cellular telephones. Generally, hands-free accessories will be provided to personnel that spend a great deal of time driving between work sites and handle business affairs while driving. Costs are shown in Table 1 and discussed in the sections that follow.

<b>Cost Components</b>	<b>FY 2009-10</b>	<b>FY 2010-11</b>
<b>Department of Transportation</b>		
Hands-free Headsets	\$96,110	\$6,300
Hands-free Vehicle Consoles with Installation	475,058	31,140
<b>Department of Corrections</b>		
Hands-free Headsets	42,000	0
<b>TOTAL</b>	<b>\$613,168</b>	<b>\$37,440</b>

**Department of Transportation (\$571,168)** – The department will provide bluetooth headsets to 1,373 employees at a cost of \$70 per person. Additionally, the Department of Transportation will install hands-free devices in 1,373 of its vehicles at a cost of \$346 per vehicle. Decisions of whether to use a headset or vehicle-installed equipment will depend on the nature of the person's work. These costs will be paid from the State Highway Fund, which is continuously appropriated.

**Department of Corrections (\$42,000)** – The Department of Corrections has 600 employees that travel frequently and require a hands-free headset. As was true with the Department of Transportation, headsets cost roughly \$70 each.

*Department of Revenue (Undetermined)* – The Department of Revenue may require additional personnel to process tickets issued under the bill. At this time, these costs have not been estimated. The fiscal note will be updated as information becomes available.

**Local Government Impact**

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

**State Appropriations**

The Department of Corrections requires a General Fund appropriation of \$42,000 in FY 2009-10.

**Departments Contacted**

Judicial  
Regulatory Affairs  
District Attorneys  
Corrections

Local Affairs  
Revenue  
Military and Veterans  
Natural Resources

Education  
Public Safety  
Labor  
Transportation