

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

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

**Date:** June 17, 2009  
**Bill Status:** Signed into Law  
**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	< \$ 5,000	< \$ 5,000
<b>State Expenditures</b>		
<b>FTE Position Change</b>		
<b>Effective Date:</b> The Governor signed the bill into law on June 1, 2009, and it takes effect December 1, 2009.		
<b>Appropriation Summary for FY 2009-2010:</b> None required.		
<b>Local Government Impact:</b> See Local Government Impact section.		

**Summary of Legislation**

Currently, it is a class A traffic infraction for a person driving on a minor's instruction permit or a temporary instruction permit to use a cell phone while driving. This bill prohibits the use of cell phones by persons under 18 years old and prohibits text messaging by any driver. The bill includes an exception for emergencies.

Violation of this law is a class A traffic infraction and carries a penalty of \$50 for the first offense, \$100 for second and subsequent offenses, and 3 points. A \$6 surcharge is also levied.

**State Revenue**

This bill is expected to generate penalty and surcharge revenue from an increase in the fines for cell phone usage by minors and the new prohibition on text messaging while driving. However, since the bill does not add new law enforcement officers and the total number of tickets issued statewide is not expected to increase, the amount of new revenue is expected to be less than \$5,000.

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

**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.

**Departments Contacted**

Judicial  
Regulatory Affairs  
District Attorneys  
Corrections

Local Affairs  
Revenue  
Military and Veterans  
Natural Resources

Education  
Public Safety  
Labor  
Transportation