

STATE and LOCAL FISCAL IMPACT

Drafting Number: LLS 10-0500**Date:** January 25, 2010**Prime Sponsor(s):** Rep. Kefalas
Sen. Bacon**Bill Status:** House Transportation and Energy**Fiscal Analyst:** Kerry White (303-866-3469)

TITLE: CONCERNING SAFER USE OF NONMOTORIZED WHEELED TRANSPORTATION BY MINORS, AND, IN CONNECTION THEREWITH, CODIFYING INTO LAW THE EXISTING BIKE AND PEDESTRIAN POLICY DIRECTIVE OF THE DEPARTMENT OF TRANSPORTATION, REQUIRING THE DEPARTMENTS OF TRANSPORTATION, EDUCATION, AND PUBLIC SAFETY TO COLLABORATE WITH LOCAL GOVERNMENTS, SCHOOL DISTRICTS, AND APPROPRIATE ORGANIZATIONS TO DEVELOP AND MAKE AVAILABLE TO SCHOOLS A COMPREHENSIVE EDUCATIONAL CURRICULUM FOR MINORS REGARDING THE SAFE USE OF PUBLIC STREETS AND PREMISES OPEN TO THE PUBLIC, AND REQUIRING THAT A MINOR WEAR A PROTECTIVE HELMET WHILE USING NONMOTORIZED WHEELED TRANSPORTATION ON SUCH STREETS AND PREMISES.

Fiscal Impact Summary	FY 2010-2011	FY 2011-2012
State Revenue		
Cash Funds		
State Highway Fund	\$41,700	
State Expenditures		
Cash Funds		
State Highway Fund*	\$111,645	
FTE Position Change		
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2010-2011: None required.		
Local Government Impact: See Local Government Impact section.		

* \$41,700 of this amount relates to producing safety information cards and is contingent upon receiving gifts, grants, or donations.

Summary of Legislation

This bill directs the Departments of Transportation, Education, and Public Safety to collaborate with a variety of stakeholders to create a transportation safety curriculum under the Safe Routes to School program. The curriculum is to be designed for youth and made available to schools.

The bill also requires a person that is between the ages of 2 and 18 and using non-motorized, wheeled forms of transportation to wear a helmet that meets applicable federal safety standards, unless doing so violates the person's religious beliefs. Non-motorized, wheeled forms of transportation include, but are not limited to, bicycles, scooters, skateboards and inline skates. Violations of this requirement are categorized as an unclassified traffic infraction and are enforced by providing an information card to the youth or their accompanying adult. The information card will explain the risks associated with not wearing a helmet and provide information about to where to obtain a free or low-cost helmet. The provision of safety information cards is contingent upon receiving gifts, grants, or donations from federal or other sources. The bill specifies that a violation of the helmet requirement is not admissible as evidence in court as a defense against liability or to reduce damages awarded in a lawsuit.

State Revenue

This bill allows the Departments of Transportation, Education, and Public Safety to accept federal monies, gifts, grants, donations, services, and in-kind donations for the production and distribution of safety information cards. Based on expenditures described in this fiscal note, the departments will need to obtain at least \$41,700 in gifts, grants, or donations for the safety information cards. There are no identified sources of these monies at present, although it is likely that any such funds will be credited to the State Highway Fund in the Department of Transportation.

State Expenditures

State expenditures of \$111,645 are expected in FY 2010-11 only. This fiscal note assumes that one-time expenditures are in the Department of Transportation, including \$111,645 in continuously appropriated State Highway Funds, subject to the receipt of gifts, grants, and donations of \$41,700 for the production and distribution of safety information cards. The department has requested \$69,645 in federal Safe Routes to School funding for the curriculum development. If their application is approved, \$69,645 in State Highway Funds will be unnecessary and this fiscal note will be revised accordingly.

Table 1. Expenditures Under HB10-1147		
Cost Components	FY 2010-11	FY 2011-12
Curriculum Development	\$69,645	\$0
Safety Information Cards*	41,700	0
TOTAL	\$111,645	\$0

** This cost is subject to the receipt of sufficient gifts, grants, and donations.*

This analysis assumes that the finished curriculum will be made available to school districts and other partners through electronic means, and that outreach and coordination activities performed by staff of the Departments of Transportation, Public Safety, and Education can be absorbed within existing resources. The costs for producing safety information cards will not be incurred unless sufficient gifts, grants, or donations are received.

Local Government Impact

School districts will be asked to assist in the development and dissemination of the curriculum, and local law enforcement personnel will distribute safety information cards. This analysis assumes that these activities can be absorbed within existing resources.

Departments Contacted

Education
Transportation

Judicial

Public Safety