

**STATE AND  
STATUTORY PUBLIC ENTITY  
FISCAL IMPACT**

**Drafting Number:** LLS 10-0191  
**Prime Sponsor(s):** Sen. Williams  
Rep. Vaad

**Date:** January 13, 2010  
**Bill Status:** Senate Transportation  
**Fiscal Analyst:** Kerry White (303-866-3469)

<b>Fiscal Impact Summary</b>	<b>FY 2010-2011</b>	<b>FY 2011-2012</b>
<b>State Revenue</b>		
<b>State Expenditures</b>		
Statewide Transportation Special Revenue Fund decrease	(\$16,089)	(\$16,089)
<b>FTE Position Change</b>	0.0 FTE	0.0 FTE
<b>Effective Date:</b> Upon signature of the Governor or upon becoming law without his signature.		
<b>Appropriation Summary for FY 2010-2011:</b> None.		
<b>Local Government Impact:</b> None.		

**Summary of Legislation**

This bill was recommended by the Transportation Legislation Review Committee, a legislative committee, during the 2009 interim, and modifies how civil penalty notices of camera-detected toll evasion are provided to the vehicle's registered owner.

Under current law, if the first penalty notice of toll evasion is unpaid or not responded to within 20 days, a second penalty notice is generated and sent by certified mail, return receipt requested. If the registered owner fails to pay or respond to the second penalty notice within 20 days, the notice constitutes a complaint to appear for adjudication of a toll evasion in a court or administrative toll enforcement proceeding. This bill:

- eliminates the second penalty notice requirement, and
- extends the time frame for payment or response to 30 days from the penalty notice.

**Background**

There are three toll areas within Colorado: High Occupancy Vehicle (HOV) Express Lanes on I-25, E-470, and Northwest Parkway. For vehicles without a vehicle-mounted transponder and associated pre-paid Express Toll account, cameras will photograph the front and rear license plates and a bill will be sent to the vehicle's registered owner. Billing statements are sent monthly for all

tolls incurred during that period. Northwest Parkway requires a vehicle-mounted transponder or cash payment during its operating hours of 6:00 am and 10:00 pm but participates in license plate billing after hours.

A toll is considered evaded if the bill is not paid or responded to within the specified period, or if a vehicle without a transponder fails to stop and pay a cash toll on Northwest Parkway during its operating hours. Currently, up to two civil penalty notices are sent to a vehicle's registered owner before the matter is referred for adjudication by an administrative toll enforcement hearing officer. Vehicle owners have the right to appeal to county court, although to date, there have been no instances of this occurring. The relevant public highway authority has the right to refer unpaid cases to court for collection.

### **State Expenditures**

**This bill is expected to reduce expenditures by \$16,089 annually** in the Statewide Transportation Special Revenue Fund in the Department of Transportation beginning in FY 2010-11, with some savings possible in FY 2009-10. The reduction is due to the elimination of printing and postage costs associated with 6,106 second penalty notice mailings for HOV Express Lane toll evasion notices. As these funds to the High-Performance Transportation Enterprise are continuously appropriated, this reduction does not create a need to change the Department's appropriation.

There may be a minimal impact to courts should the passage of this bill result in referring additional cases for collections, although it is anticipated that any such increases can be absorbed with existing resources.

### **Statutory Public Entity Impact**

The E-470 Public Highway Authority will reduce its printing and postage costs by a minimum of \$750,000 annually as a result of eliminating second penalty notices.

Northwest Parkway LLC will reduce its printing and postage costs by a minimum of \$225,000 annually as a result of eliminating second penalty notices.

### **Departments Contacted**

Transportation

Judicial