

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

Drafting Number: LLS 11-0859 Prime Sponsor(s): Sen. Hudak Rep. Vaad; Ryden	Date: April 6, 2011 Bill Status: Senate Health and Human Services Fiscal Analyst: Kerry White (303-866-3469)
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TITLE: CONCERNING A REPEAL OF THE EXCEPTION TO THE CHILD RESTRAINT SYSTEM LAW FOR CHILDREN WEIGHING MORE THAN FORTY POUNDS WHO ARE BEING TRANSPORTED IN A MOTOR VEHICLE WITH A REAR SEAT THAT WAS NOT EQUIPPED WITH COMBINATION BELTS AT THE TIME OF MANUFACTURE.

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013
State Revenue	See State Revenue and Expenditures section.	
State Expenditures		
FTE Position Change		
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2011-2012: None required.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

This bill modifies child restraint requirements for children up to age 8. Under Colorado law and with some exceptions, children under the age of 8 must be restrained in an age- and size-appropriate child seat in the rear seat of a vehicle. Senate Bill 10-110 excepted children weighing more than 40 pounds from this requirement if the vehicle's rear seat was not equipped by the manufacturer with combination lap and shoulder seat belts. This bill repeals that exception in order to ensure the state's ability to receive certain federal funds.

Background

The National Highway Transportation Safety Administration (NHTSA) provides federal funding to states through an incentive grant program to increase the use of child safety restraints and seatbelts. Moneys are provided through six-year grants, for which the Colorado Department of Transportation (CDOT) received \$505,238 in federal fiscal year 2008-09 and \$486,481 in federal fiscal year 2009-10. The state would have been eligible to receive funding for four additional years under the program; however, with the enactment of SB 10-110, the state is currently ineligible to receive funds until it conforms with federal regulations. Federal moneys received are used to award grants to county-level Regional Emergency Trauma Advisory Councils (RETACs) and to support the Child Passenger Safety Team within the Colorado State Patrol.

State Revenue and Expenditures

Subject to federal approval and beginning as early as FY 2011-12, this bill could make the state eligible for federal grant moneys. This analysis assumes that the CDOT will reapply to the NHTSA for funding in February 2012 and may receive approval as early as April 2012. Based on prior years' funding, the state could receive up to \$500,000 in federal funds per year for distribution to RETACs and the Colorado State Patrol. The actual amount and timing of these expenditures is conditional upon the receipt of federal moneys. Once approved, the state is eligible for up to four additional years of funding through the program.

Local Government Impact

To the extent that the state receives federal funds, RETACs will receive and distribute moneys to the counties they represent. The fiscal note assumes that a total of 10 RETACs will receive grants of up to \$50,000 per year to perform activities related to increasing the use of child safety restraints and seatbelts. As discussed in the State Revenue and Expenditures section, the timing and amounts are dependent on the actual moneys approved by the NHTSA and awarded to the state.

Departments Contacted

Judicial

Public Safety

Revenue

Transportation