

**STATE  
FISCAL IMPACT**

**Drafting Number:** LLS 13-0402  
**Prime Sponsor(s):** Rep. Young  
 Sen. King

**Date:** March 26, 2013  
**Bill Status:** House Transportation and Energy  
**Fiscal Analyst:** Jonathan Senft (303-866-3523)

**TITLE:** CONCERNING PENALTIES FOR PERSISTENT DRUNK DRIVERS.

<b>Fiscal Impact Summary</b>	<b>FY 2013-2014</b>	<b>FY 2014-2015</b>
<b>State Revenue</b>	See State Revenue section.	
<b>State Expenditures</b>		
Cash Funds		
First Time Drunk Driving Offender Account	at least \$126,834	at least \$89,452
<b>FTE Position Change</b>	1.0 FTE	2.1 FTE
<b>Effective Date:</b> January 1, 2014, except that the funding mechanism, section 6, becomes effective upon signature of the Governor, or upon becoming law without his signature.		
<b>Appropriation Summary for FY 2013-2014:</b> See State Appropriations section.		
<b>Local Government Impact:</b> None.		

**Summary of Legislation**

This bill modifies the definition and penalties for persistent drunk drivers. In particular, the bill:

- lowers the Blood Alcohol Content (BAC) threshold for a person to be considered a persistent drunk driver from 0.17 BAC to 0.15 BAC;
- adds a person whose license is revoked for refusing a BAC test to the list of persons who may be defined as a persistent drunk driver;
- requires that a persistent drunk driver use an interlock device on his or her vehicle for one year after their driver's license has been reinstated;
- allows those who have had their license revoked for one year for DUI, DUI *per se* or DWAI, to apply for reinstatement after one month, provided he or she has an interlock device, and is over 21. The same option applies for those who refuse a breathalyzer test after a two-month revocation period;
- requires the Department of Revenue (DOR) to assist in the cost of the interlock device for indigent persons under the above circumstances; and
- allows most revocation penalties for offenses that occur on or after January 1, 2014, to run concurrent instead of consecutively.

## **Background**

An Ignition Interlock is a device that is installed on motor vehicles to prohibit individuals from operating a vehicle while under the influence of alcohol. It requires the driver's breath sample before the engine will start and periodically requires breath samples while driving. If the device detects an elevated alcohol concentration level the vehicle will not start. Some individuals subject to driving restraints related to alcohol issues may be allowed to reinstate their driving privileges ahead of their normal eligibility date if they participate in the Ignition Interlock program.

Under this bill, an additional 3,200 drivers are expected to take part in a normal year. In the first year of this bill's effectiveness, however, it is estimated that approximately 6,200 will take part, when not adjusted for the fiscal year. If adjusted for the fiscal year, it is estimated that 4,600 will take part. The number of participants in the first year of this bill is larger than other years because there will be 3,000 offenders who will already have revoked licenses at the time of this bill's effectiveness, and will immediately participate in the program. The additional 3,200 (or 1600, when adjusted for the fiscal year) represent the number of offenders who will have their license revoked *after* January 1, 2014, which is the effective date of the legal procedures proposed within this bill.

## **State Revenue**

This bill is not expected to alter state revenue because it does not change whether a reinstatement fee will be paid. The bill potentially moves up the time frame in which the fee will be paid, because of the immediate influx expected on or after the effective date of this bill, mentioned above. The reinstatement fee is \$95.

## **State Expenditures**

This bill increases state expenditures by at least \$126,834 and 1.0 FTE for FY 2013-14, and at least \$89,452 and 2.1 FTE for FY 2014-15.

***Department of Revenue.*** Because this bill generally promotes the use of an interlock device in place of a longer driver's license revocation, it is expected to increase the number of additional interlock device requests by an estimated 3,200 in a normal year. These requests require a total of 2.1 FTE each year in two areas: administration and hearings. First, 1.9 FTE is required to process new requests, which entails the validation of lease data; updating of driver information; verification of the interlock affidavit; insurance; therapy documents; and correspondence. Second, these additional requests require an additional 0.2 FTE for hearing officers to conduct additional interlock device request proceedings. Because the legal provisions in this bill begin on January 1, 2014, this fiscal note assumes there will be 1,600 new applicants in the first year, plus the additional 3,000 applicants who have their license revoked on or before 2014, discussed above in the background section.

Since there will be an immediate increase in reinstatements in the first year, the DOR requires temporary staff to cover the initial ignition interlock application volumes. This fiscal estimates 3,000 of these types of offenders, plus 1600 offenders receiving penalties after January 1, 2014, resulting in 4,600 requests in the first year. Assuming that the temporary staff can process one request every 1.25 hours, at a rate of \$16 per hour, this work is estimated to cost \$60,000. The workload from the 1600 offenders receiving penalties after January 1, 2014 will be performed by the FTE appropriated to the DOR.

Expenditures for computer reprogramming and changing existing forms to incorporate new time frames for offenses are also required. These costs are listed below in Table 1, and are paid from the First Time Drunk Driving Offender Account, within the Highway Users Tax Fund.

This bill is also expected to increase expenditures to assist the indigent in obtaining interlock devices. This fiscal note does not estimate these costs, however, they are expected to be minimal and absorbed within existing DOR appropriations.

<b>Table 1. Expenditures Under HB13-1240</b>		
<b>Cost Components</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>
Personal Services	\$31,587	\$78,146
FTE	1.0	2.1
Operating Expenses and Capital Outlay*	5,653	11,306
Forms Adjustments	2,880	0
Computer Reprogramming	26,714	0
Temporary Staff	60,000	0
<b>TOTAL</b>	<b>\$126,834</b>	<b>\$89,452</b>

\* These costs are noted as 'at least' because the amount to be expended on the indigent cannot be determined.

**Judicial Branch.** Finally, the Judicial Branch will likely experience an increase in the number of jury trials and motions hearings related to this bill, which will increase magistrate workload by 0.4 FTE. This workload is expected to be offset by a reduction in the number of trials related to driving under restraint. Additional appropriations related to this workload change, if any, are expected to be addressed through the budget process.

**Expenditures Not Included**

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are summarized in Table 2.

<b>Table 2. Expenditures Not Included Under HB13-1240*</b>		
<b>Cost Components</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$6,683	\$14,043
Supplemental Employee Retirement Payments	2,115	5,427
<b>TOTAL</b>	<b>\$8,798</b>	<b>\$19,470</b>

*\*More information is available at: <http://colorado.gov/fiscalnotes>*

### **State Appropriations**

For FY 2013-14, the Department of Revenue requires an appropriation of \$126,834 and 1.0 FTE, from the First Time Drunk Driving Offender cash fund. Of this amount, \$26,714 should be reappropriated to the Governor's Office of Information Technology.

### **Departments Contacted**

Counties  
Judicial  
Revenue

Municipalities  
Local Affairs  
Transportation

Corrections  
Public Safety