

**STATE and LOCAL  
FISCAL IMPACT**

**Drafting Number:** LLS 13-0564

**Date:** February 4, 2013

**Prime Sponsor(s):** Rep. Salazar

**Bill Status:** House Judiciary

**Fiscal Analyst:** Jonathan Senft (303-866-3523)

**TITLE:** CONCERNING A DRIVER'S RIGHT TO CHALLENGE THE LAWFULNESS OF A LAW ENFORCEMENT OFFICER'S INITIAL CONTACT IN AN ADMINISTRATIVE PROCEEDING FOR A REVOCATION OF A DRIVER'S LICENSE.

<b>Fiscal Impact Summary</b>	<b>FY 2013-2014</b>	<b>FY 2014-2015</b>
<b>State Revenue</b> Cash Funds Fines Collection Cash Fund	Potential decrease - See State Revenue section.	
<b>State Expenditures</b> Cash Funds Driver's License Administrative Revocation Account	\$24,360	\$49,280
<b>FTE Position Change</b>		
<b>Effective Date:</b> Upon signature of the Governor, or upon becoming law without his signature.		
<b>Appropriation Summary for FY 2013-2014:</b> See State Appropriations		
<b>Local Government Impact:</b> See Local Government Impact section.		

**Summary of Legislation**

This bill allows drivers to challenge the validity of a law enforcement officer's initial contact related to driving under the influence, driving under the influence per se, and driving while ability impaired. It requires the hearing officer to consider these challenges if raised by a driver.

**State Revenue**

This bill is expected to decrease state revenue by an indeterminate amount. Permitting drivers to challenge the validity of the law enforcement contact allows an additional opportunity for the dismissal of charges stemming from that contact. Under this scenario, revenue would be lost from charges that are dismissed under the provisions of this bill. Since it is unknown how many drivers would invoke this challenge, nor the result of any hearing officer's determination, the impact on state revenue cannot be calculated.

**State Expenditures**

**For FY 2013-14, this bill is expected to increase state expenditures by \$24,360 in the Department of Revenue (DOR), and \$49,280 for FY 2014-15 and beyond.** These expenditures are expended from the Driver's License Administrative Revocation Account. Because any challenge under this bill must be addressed, and thus appealed, this bill will increase district court caseload from persons challenging the decisions of an administrative hearing officer. This requires additional resources within Department of Law (DOL) to represent the state in district court. These costs also include any necessary training the DOL lawyers would require in examining narrow constitutional issues, including racial profiling.

Over the past three years, DOL has billed an average of approximately 1,500 hours to the DOR Division of Motor Vehicle appeals. It is assumed there will be an increase of at least 40 percent in billable hours annually, or 617 additional hours, due to appeals and training envisioned under this bill. The hourly rate for legal services of \$79.87.

**Local Government Impact**

This bill may reduce local government revenue from fines paid to courts, and expenditures from housing offenders in county jail space, to the extent that any challenge under this bill leads to charges being dismissed. Since it is not possible to know how many drivers would invoke this challenge, nor the result of any hearing officer's determination, the impact on local government revenue cannot be calculated.

**State Appropriations**

For FY 2013-14, this bill requires an appropriation of \$24,360, from the Driver's License Administrative Revocation Account, within the Department of Revenue. This amount is reappropriated to the Department of Law.

**Departments Contacted**

Counties	Municipalities	Judicial
Law	Local Affairs	Public Safety
Revenue	Transportation	