

Colorado Legislative Council Staff Fiscal Note

FINAL
FISCAL NOTE

Drafting Number: LLS 14-0228	Date: June 24, 2014
Prime Sponsor(s): Rep. Mitsch Bush; Hamner Sen. Schwartz	Bill Status: Signed into Law
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SHORT TITLE: HIGHWAY RESTRICTION VIOLATION PENALTIES

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue	\$4,468	\$4,468
Cash Funds	\$4,468	\$4,468
State Expenditures	\$2,000	\$0
Cash Funds	\$2,000	\$0
Appropriation Required: None.		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

The bill raises the fine from \$500 to \$1,000 for an operator of a motor vehicle or vehicle combination over 35-feet in length, both commercial and recreational, on State Highway 82 between mile markers 47 and 72. If a violation results in the closure of a lane, the penalty is increased to \$1,500. The bill increases the surcharge for such offenses from \$78 to \$156. In addition, it requires the Colorado Department of Transportation (CDOT) to erect signs by October 1, 2014, on state highway 82 giving notice of the enhanced penalties.

Background

Independence Pass is the stretch of State Highway 82 that connects Twin Lakes to Aspen, Colorado. It is typically open for about six months each year from Memorial Day through mid-November. Current law prohibits oversized and overweight vehicles from using the pass, including vehicles or vehicle combinations longer than 35 feet, regardless of weight or size.

State Revenue

Assuming at least one citation is issued in each of the six months that the pass is open, and that at least two of the violations will result in the closure of a lane, the bill will increase state revenue from fines and surcharges by at least \$4,468 per year beginning in FY 2014-15.

Fine Revenue. Beginning in FY 2014-15, there will be an increase in fine revenue of at least \$4,000. Fine revenue is deposited into the Highway Users Tax Fund (HUTF) and apportioned as follows: 65 percent to the State Highway Fund in the Department of Transportation, 26 percent to counties, and 9 percent to municipalities.

Surcharge Revenue. The bill increases the surcharge for offenses from \$78 to \$156, generating an estimated \$468 per year beginning in FY 2014-15. Under current law, surcharge revenue is distributed equally between the Crime Victim Compensation Fund in the Judicial Branch and the Victims and Witnesses Assistance and Law Enforcement Fund in the Department of Public Safety. Assuming six citations per year, each fund will receive an estimated \$234 per year beginning in FY 2014-15.

State Expenditures

The bill requires the CDOT to erect signs on State Highway 82 giving notice of the enhanced penalties. As such, there will be a one-time increase in state cash fund expenditures of \$2,000 from the State Highway Fund in the CDOT in FY 2014-15. No separate appropriation is required for this bill as the State Highway Fund is continuously appropriated to the CDOT.

Local Government Impact

This bill will increase the amount of HUTF revenue distributed to counties and municipalities to fund maintenance of local roads and transit-related projects.

Effective Date

The bill was signed into law by the Governor on May 15, 2014, and takes effect August 6, 2014, assuming no referendum petition is filed.

State and Local Government Contacts

Corrections
Revenue
Municipalities

Personnel
Transportation

Public Safety
Counties