

*Colorado Legislative Council Staff Fiscal Note*

**FINAL  
FISCAL NOTE**

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<b>Drafting Number:</b> LLS 15-0782	<b>Date:</b> June 9, 2015
<b>Prime Sponsor(s):</b> Rep. Melton Sen. Todd	<b>Bill Status:</b> Signed into Law
	<b>Fiscal Analyst:</b> Erin Reynolds (303-866-4146)

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**BILL TOPIC:** ALLOW DRIVING WITH ONE EARPHONE

<b>Fiscal Impact Summary*</b>	<b>FY 2014-2015 Current Year</b>	<b>FY 2015-2016</b>	<b>FY 2016-2017</b>
<b>State Revenue</b>	at least (\$250)	at least (\$1,000)	at least (\$1,000)
<b>State Expenditures</b>	Minimal workload reduction.		
<b>FTE Position Change</b>			
<b>Appropriation Required:</b> None.			

*\* This summary shows changes from current law under the bill for each fiscal year. Parentheses indicate a decrease in funds.*

**Summary of Legislation**

The bill allows the use of earphones while driving if the earphone covers only one ear and is connected to a wireless, hand-held telephone, notwithstanding any laws related to commercial driver's licenses.

**Background**

Under current law, it is a class B traffic infraction to use earphones while driving. In the past three years, there have been 172 cases filed under this charge, or about 57 cases annually.

**State Revenue**

This bill is expected to reduce fine revenue by \$250 in FY 2014-15, and \$1,000 in FY 2015-16 and each year thereafter. Under the bill, certain headphone uses while driving are exempt from a class B traffic infraction. The penalty for a class B traffic infraction is a fine between \$15 to \$100. Based on the average number of cases each year, it is expected that fine revenue will be reduced by at least \$1,000 annually; because of the bill's effective date, this impact is expected to be \$250 in the first year (April-June). Revenue from fines is credited to the Highway Users Tax Fund (HUTF), of which a portion is allocated to the State Highway Fund (SHF) within the Colorado Department of Transportation.

**State Expenditures**

This bill will result in a minimal workload reduction in trial courts in FY 2014-15 and each year thereafter. The earphone use exemption in the bill will likely create a reduction in the number of court filings for this offense, assuming some of the filings related to the earphone usage the bill identifies. The current county caseload model indicates that one full-time judicial officer can process 30,207 traffic infractions, therefore the workload reduction is expected to be minimal and no reduction in appropriations is required.

**Local Government Impact**

This bill will decrease HUTF revenue to local governments beginning in FY 2014-15, due to an anticipated reduction in traffic infractions. The bill also results in a minimal revenue reduction for municipalities, which are expected to have a decrease in fine revenue to the extent that they have adopted the model traffic code. Because no data is available on fines collected for this traffic infraction at the municipal level, the fiscal impact cannot be determined. Finally, the bill will result in a workload reduction for Denver County Court, which is funded entirely by the City and County of Denver. The Denver County Court is expected to have a reduction in the number of filings for this traffic offense and a minimal workload reduction as a result.

**Effective Date**

The bill was signed into law by the Governor and took effect on March 26, 2015.

**State and Local Government Contacts**

Counties  
Local Affairs  
Transportation

Judicial  
Public Safety

Law  
Revenue