Colorado Legislative Council Staff Fiscal Note

STATE and LOCAL FISCAL IMPACT

Drafting Number: LLS 15-0313 **Date:** February 12, 2015

Prime Sponsor(s): Rep. Mitsch Bush; Rankin Bill Status: House Transportation & Energy

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BILL TOPIC: WINTER DRIVING I-70 TREAD DEPTH & TIRE CHAINS

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue	<u><\$5,000</u>	<\$5,00 <u>0</u>
Cash Funds	<5,000	<5,000
State Expenditures	Minimal workload impact. See State Expenditures section.	
FTE Position Change		
TABOR Set Aside	<\$5,000	<\$5,000
Appropriation Required: None.	•	

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

Summary of Legislation

The bill requires all noncommercial motor vehicles driving on Interstate 70 between Dotsero (milepost 133) and Morrison (milepost 259) between November 1 and May 15 to:

- have tires with any form of the mountain-snowflake symbol or "mud and snow" lettering (i.e., M/S and M+S) on the side wall of the tire and a tread depth of one-eighth of an inch; or
- carry tire chains or an equivalent traction control device (i.e. cable chains).

Under the bill, violations are a class B traffic infraction with penalties of a \$100 fine and a \$32 surcharge.

Beginning September 1, 2015, the Colorado Department of Transportation (CDOT) is required to notify the public of the bill's requirements through temporary, electronic, or permanent signs; the CDOT travel website; social media; and other appropriate means.

Background

Currently, Colorado's chain law applies to every state and federal highway, including interstate highways. There are two levels of chain law for noncommercial vehicles: "chains or adequate snow tires required" and "chains only."

Chains or adequate snow tires required. When this level of chain law is in effect, noncommercial vehicles are required to either use a traction device or have tires with the mud and snow or all-weather rating on the side wall. Four-wheel drive vehicles are exempt from the requirement as long as they have tires with a tread depth of at least one-eighth inch.

Chains only. When this level of chain law is in effect, noncommercial vehicles are required to use conventional, metal-link chains regardless of tire tread depth. Four-wheel drive vehicles are exempt from this requirement.

State Revenue

Assumptions. Because the bill affects travel from November 1 to May 15 each year, it is assumed that the CDOT will implement the bill in FY 2015-16, and the chain requirement will not take effect until November 1, 2015.

Beginning in FY 2015-16, this bill is anticipated to increase fine revenue by less than \$5,000 per year, credited to the Highway Users Tax Fund, and allocated to the State Highway Fund (SHF) within the CDOT and to cities and counties. The fine penalty for the new class B traffic infraction of violating the tire tread depth or chain requirement on I-70 is \$100 with a \$32 surcharge. This violation has not before existed in the state and the impact of the violation will be focused along a 126-mile corridor of I-70 between Dotsero and Morrison. While an increase in fines collected is expected, it is assumed that the majority of drivers will comply with the provisions of the bill and that any revenue generated is likely to be less than \$5,000 per year.

TABOR Impact

This bill increases state revenue from fines, which will increase the amount required to be refunded under TABOR.

State Expenditures

Beginning in FY 2015-16, this bill is anticipated to minimally increase workload in the CDOT, the Judicial Department, the Department of Public Safety, and the Department of Revenue.

Colorado Department of Transportation. Beginning September 1, 2015, the CDOT is required to notify the public of the bill's requirements. Because of the bill's allowance for the CDOT to use electronic signs and online mediums, the fiscal note assumes that no material costs will be incurred. A minimal increase in workload is expected to accomplish the information and outreach required under the bill; however, no additional appropriations are required.

Judicial Department. Trial courts in counties along the I-70 corridor between Dotsero and Morrison (Eagle, Summit, Clear Creek, and Jefferson) can expect to see a minimal increase in infractions. Because the new class B traffic infraction has not before existed in the state, this increase cannot be determined; however, the fiscal note assumes that the majority of drivers will comply with the provisions of the bill. Under the Judicial Department's workload model, one county court judicial officer can process 30,207 infraction cases a year. Therefore, it is assumed that workload impact is minimal and will not require an increase in appropriations.

Department of Public Safety. The Department of Public Safety will be required to enforce a new class B traffic infraction, and update its information materials on the Colorado chain law. These impacts are expected to be accomplished within existing workloads and require no additional appropriations.

Department of Revenue. The Department of Revenue will be required to update its Penalty Assessment Express System (PAX), and the accounting system used to input ticket payment information. It is assumed that this workload impact can be managed within existing appropriations.

Local Government Impact

This bill will increase HUTF revenue to local governments beginning in FY 2015-16 by increasing the local government portion of fine revenue collected from the class B traffic infraction under the bill.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Transportation Judicial Local Affairs
Public Safety Cities and Counties Revenue
RTD Law Sheriffs