


Colorado Legislative Council Staff
STATE and LOCAL
FISCAL IMPACT
No State General Fund Impact

Drafting Number: LLS 05-0009
Prime Sponsor(s): Rep. Garcia
 Sen. Johnson

Date: January 18, 2005
Bill Status: House Transportation & Energy
Fiscal Analyst: Chris Ward (303-866-5834)

TITLE: CONCERNING THE REGULATION OF THE USE OF MOBILE COMMUNICATION DEVICES BY PERMITTED DRIVERS IN MOTOR VEHICLES.

Fiscal Impact Summary	FY 2005/2006	FY 2006/2007
State Revenues		
General Fund		
Cash Fund	less than \$5,000	less than \$5,000
State Expenditures		
General Fund		
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: TABOR Impact		
Effective Date: August 10, 2005, unless a referendum petition is filed.		
Appropriation Summary for FY 2005/2006: None required		
Local Government Impact: minimal increase in HUTF distributions to counties and municipalities		

Summary of Legislation

The bill prohibits a person driving under an instruction permit from using a cellular phone or other mobile communication device while driving. The offense would be considered a class A traffic infraction, subject to a \$15 penalty, a \$2.60 surcharge, and a one-point penalty assessment. Under the bill, a violation would be considered a "secondary" offense and law enforcement officers would be prohibited from citing a driver for using a cellular phone while driving unless the driver was stopped for another alleged violation. The bill provides exceptions for certain emergency personnel and other individuals in case of an emergency.

State Revenues

The bill imposes a penalty of \$15 and a surcharge of \$2.60 on persons convicted of illegally driving while using a cell phone. Colorado State Patrol officers are expected to issue roughly 20 citations per month under the bill, which would raise up to \$4,224 annually. (The state patrol currently issues tickets for other driving offenses, such as careless driving, which may involve cell

phone use). Penalty revenue would be credited to the Highway Users Tax Fund; most surcharge revenue is credited to the Victims and Witnesses Assistance and Law Enforcement Fund.

State Expenditures

The bill assesses one point against drivers convicted of misusing a mobile communication device. By assessing points against an offender's driving privileges, the bill may increase costs of the Department of Revenue for conducting hearings based on excess points, issuing probationary licenses, and reinstating driving privileges. Any increased cost for hearings has not been estimated.

Local Government Impact

The bill will increase state revenue from fines, which will also increase the amount of excess state revenue required to be refunded to taxpayers under the state's constitutional revenue limit (TABOR).

State Appropriations

The bill increases HUTF revenue from fines, 35 percent of which is distributed to counties and municipalities for highway purposes.

Departments Contacted

No new state appropriations are required.

Departments Contacted

Judicial Public Safety Revenue