


Colorado Legislative Council Staff
STATE and LOCAL
REVISED FISCAL IMPACT
(replaces fiscal impact dated February 10, 2005)

Drafting Number: LLS 05-0234	Date: March 29, 2005
Prime Sponsor(s): Sen. Mitchell Rep. Carroll T.	Bill Status: Senate Appropriations Fiscal Analyst: Chris Ward (303-866-5834)

TITLE: CONCERNING THE FORFEITURE OF VEHICLES FOR DRIVING UNDER RESTRAINT DUE TO SUBSTANCE-RELATED OFFENSES.

Fiscal Impact Summary	FY 2005/2006	FY 2006/2007
State Revenues		
General Fund		
Cash Fund	Potential Increase	Potential Increase
State Expenditures		
General Fund		
Cash Fund	Potential Increase	Potential Increase
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: None		
Effective Date: July 1, 2005		
Appropriation Summary for FY 2005/2006: None required		
Local Government Impact: local law enforcement agencies may seize vehicles in certain circumstances and may receive some of the proceeds from the sale of the vehicles.		

Summary of Legislation

As amended in the Senate Transportation Committee, the bill makes it a public nuisance for a person to commit certain substance-related driving offenses while driving with a license revoked because of previous substance-related driving offenses. A vehicle driven by such a person would be subject to immediate seizure by law enforcement and possible forfeiture, if ordered by the court. A person would not have to be convicted in order for a vehicle to be forfeited. For offenders caught driving a vehicle owned by another person, the bill refers back to a provision under current law that prohibits a person from loaning a car to another person unless the latter person is licensed. Proceeds from the sale of any forfeited vehicles would be distributed first to leinholders, next to law enforcement agencies and district attorneys, and finally to other entities as set forth in current law.

State Revenues

The bill allows for the immediate seizure, forfeiture, and sale of vehicles used in certain substance-related driving offenses when the person was driving with a license revoked because of previous substance-related driving offenses. An increase in state revenue is expected from the sale of seized vehicles, but this impact will depend on how aggressively prosecuting attorneys use the authority granted under the bill to ask courts to have a vehicle forfeited. This fiscal note assumes that up to 2,000 vehicles could be seized by the Colorado State Patrol per year. After paying the costs of towing and storing each vehicle (estimated at \$450), proceeds from the sale would be distributed first to leinholders, next to law enforcement agencies and district attorneys, and finally to other entities as set forth in current law. The amount that would be collected and retained by the state has not been estimated, but is expected to be minimal. For comparison, roughly \$300 was collected by the state patrol from the sale of 3,738 abandoned vehicles last year, after accounting for fees paid to private companies for towing, storage, and other incidental costs. It is assumed that any moneys raised from the sale of forfeited vehicles would not count towards the state's constitutional revenue limit (TABOR), which specifically excludes property sales.

State Expenditures

The impact on state expenditures will depend on the extent to which district attorneys pursue vehicle forfeitures under the bill. This fiscal note assumes that the bill will not affect expenditures of the courts, but it may provide a limited amount of new money for Colorado State Patrol in the Department of Public Safety. For the courts, the increase in forfeiture proceedings is expected to be absorbed within the Judicial Branch's existing budget, as these cases will be handled in civil court and tend to be completely administrative. For the state patrol, the bill may generate some new moneys, but no new state appropriations are required. Currently, expenditures from the patrol's seizure funds are not subject to appropriation by the General Assembly. Any proceeds would first be used to cover the costs of the company hired to tow and store the seized vehicle. These costs are estimated at \$450 per vehicle.

Local Government Impact

It is assumed that local law enforcement agencies will experience impacts similar to those described above for the state patrol. However, this impact has not been quantified.

State Appropriations

This fiscal note implies that no new state appropriations are required.

Departments Contacted

Human Services Judicial Law Public Safety Revenue