



Colorado Legislative Council Staff
**STATE and LOCAL
 FISCAL IMPACT**

Drafting Number: LLS 06-0297
Prime Sponsor(s): Sen. Tochtrop

Date: February 4, 2006
Bill Status: Senate Judiciary
Fiscal Analyst: Brad Denning (303-866-4777)

TITLE: CONCERNING INCREASING PENALTIES FOR CARELESS DRIVING.

Fiscal Impact Summary	FY 2006/07	FY 2007/08
State Revenues		
Cash Funds - Driver's License Administrative Revocation Account (in HUTF)	\$5,100	\$7,140
Cash Funds - Highway Safety Sign Account (in HUTF)	44,900	62,860
State Expenditures		
General Fund*	\$1,390	
Cash Funds - Driver's License Administrative Revocation Account	5,100	\$7,140
Cash Funds - Highway Safety Sign Account	44,900	62,860
FTE Position Change	0.0 FTE	0.0 FTE
Effective Date: Upon signature of the Governor		
Appropriation Summary for FY 2006/07:		
Department of Revenue	\$ 6,490	Total
Department of Transportation	\$44,900	"
Local Government Impact: Minimal increase in HUTF allocations to counties and municipalities		

* The \$1,390 is not required if the Department of Revenue receives sufficient ongoing computer programming resources in the FY 2006-07 Long Bill.

Summary of Legislation

The bill revises the penalties related to careless driving by establishing additional minimum mandatory fines and requiring the mandatory license revocation for drivers convicted of careless driving resulting in unintentional serious bodily injury or unintentional death. It eliminates the court's discretion to reduce, suspend, or waive these mandatory minimum penalties. Additionally, the bill creates the Highway Safety Sign Account in the HUTF for signage to alert motorists to share the road with others and of road hazards. The table below illustrates the sentencing range for conviction of careless driving resulting in unintentional serious bodily injury or unintentional death, and the new minimum mandatory fine for both.

Table 1: New Minimum Mandatory Fines from SB 06-072		
Penalty - Class 1 misdemeanor	Current Law - Time in Jail and Fine	New Minimum Mandatory Fine
Unintentional Serious Injury	10 days to 12 months, \$100 to \$1,000, or both	\$500
Unintentional Death	10 days to 12 months, \$100 to \$1,000, or both	\$1,000

The bill establishes minimum mandatory fines for person committed of careless driving when the violation results in unintentional serious bodily injury or unintentional death. It revokes licenses of drivers convicted of unintentional serious bodily injury for 6 months or more and for 1 year or more for unintentional death.

State Revenues

This bill increases state revenue from the minimum mandatory fines by \$50,000 in FY 2006-07 and \$70,000 in FY 2007-08, assuming that there continues to be 163 careless driving convictions for unintentional serious injury and 34 for unintentional death per year. The estimate factors in the collection rate for fines.

The majority of fine revenue is credited to the Highway Safety Sign Account and used for the production and placement of highway signs; \$44,900 in FY 2006-07 and \$62,860 in FY 2007-08. Funds not expended from the Highway Safety Sign Account are credited to the HUTF.

The first \$60 of each new fine is credited to the Driver's License Administrative Revocation Account for costs incurred by the Department of Revenue to administer driver's license restraints. These estimated account increases are \$5,100 in FY 2006-07 and \$7,140 in FY 2007-08.

State Expenditures

After deducting for allowable costs under the bill, an estimated \$44,900 in FY 2006-07 and \$62,860 in FY 2007-08 will be available to the Department of Transportation to fund signs that alert motorists.

For FY 2006-07, the Department of Revenue will require one-time computer programming changes of 40 hours at a rate of \$34.76, or \$1,390, from the General Fund. The department will also have an estimated \$5,100 in FY 2006-07 and \$7,140 in FY 2007-08 from the Driver's License Administrative Revocation Account for direct and indirect costs incurred for the administration of drivers' license restraints. It should be noted that the Long Bill may provide ongoing computer programming resources sufficient to meet this requirement. If these resources are provided in the Long Bill, no further appropriation for computer programming would be necessary for this bill.

This bill creates a mandatory license suspension, potentially reducing the number of plea bargains. A reduction in plea bargaining may result in an increase in county and jury trials. However, the fiscal note assumes the Judicial Branch will be able to implement the bill's provisions within existing resources.

Local Government Impact

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

State Appropriations

For FY 2006-07, the Department of Revenue will require an appropriation of \$1,390 from the General Fund unless sufficient resources are provided in the Long Bill, and \$5,100 cash funds from the Driver's License Administrative Revocation Account. The Department of Transportation will require an appropriation of \$44,900 from the Highway Safety Sign Account.

Departments Contacted

Judicial Public Safety Revenue Transportation