


 Colorado *Legislative Council Staff*
STATE and LOCAL
REVISED FISCAL IMPACT
 (replaces fiscal impact dated April 4, 2006)

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

Date: April 26, 2006
Bill Status: House Transportation & Energy
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 - Highway Users Tax Fund (HUTF) Various Accounts	\$50,993	\$77,923
State Expenditures		
General Fund*	\$2,781	
Cash Funds - Highway Safety Sign Account	22,500	\$32,500
FTE Position Change	0.0 FTE	0.0 FTE
Effective Date: July 1, 2006, unless a referendum petition is filed		
Appropriation Summary for FY 2006/07:		
Department of Revenue (DOR) -	\$2,781	GF
Department of Transportation (CDOT) -	\$22,500	Highway Safety Sign Account
Local Government Impact: Increased HUTF allocations to counties and municipalities		

* This amount is for the Department of Revenue but may also be provided in the Long Bill.

Summary of Legislation

The reengrossed bill increases the penalties related to careless driving resulting in serious bodily injury or death. It establishes additional mandatory minimum fines and requires the suspension of a person's license following a conviction. The suspension for a person convicted of careless driving resulting in serious bodily injury is 6 months or more and 12 months or more for careless driving resulting in death. The bill credits fine revenue, after certain allocations, to the newly-created Highway Safety Sign Account in the HUTF for signage to alert motorists to share the road and to warn of road hazards. Table 1 illustrates the current sentencing range and proposed new fines for conviction of careless driving resulting in serious bodily injury or death.

Penalty - Class 1 misdemeanor	Current Law - Time in Jail and Fine	New Minimum Mandatory Fine
Serious Injury	10 days to 12 months, \$100 to \$1,000, or both	\$500
Death	10 days to 12 months, \$100 to \$1,000, or both	\$1,000

State Revenues

The bill will increase state revenue from fines and fees by an estimated **\$55,993 in FY 2006-07** and \$82,923 per year thereafter. These moneys would be credited to various accounts in the HUTF and a portion would be allocated to local governments:

Mandatory Minimum Fines. This bill increases state fine revenue by an estimated **\$45,000 in FY 2006-07** and \$65,000 per year thereafter, assuming there continue to be 163 convictions for careless driving resulting in serious injury and 34 convictions for careless driving resulting in death per year. The fines also apply to persons who receive a deferred sentence, although the number of persons receiving a deferred sentence for careless driving resulting in serious injury or death is unknown. The estimate assumes roughly 43 percent of the new fines will actually be collected in FY 2006-07 and 62 percent in FY 2007-08.

The bill requires that 50 percent of the revenue from each new fine be credited to the Highway Safety Sign Account and used for the production and placement of highway signs. Ten percent is credited to the Driver's License Administrative Revocation Account for costs incurred by the DOR to administer driver's license restraints. Forty percent is to be credited to the HUTF, of which 65 percent is allocated to the State Highway Fund, 26 percent to the counties, and 9 percent to municipalities. This distribution of money is shown in Table 2.

Table 2. Distribution of New Fine Revenue Under SB 06-72				
			FY 2006/07	FY 2007/08
Highway Safety Sign Account			\$22,500	\$32,500
Driver's License Administrative Revocation Account			\$4,500	\$6,500
HUTF	FY 2006/07	FY 2007/08	\$18,000	\$26,000
State Highway Fund -	\$11,700	\$16,900		
Counties -	\$ 4,680	\$ 6,760		
Municipalities -	\$ 1,620	\$ 2,340		
Total			\$45,000	\$65,000

Fees for Probationary Driver's Licenses and Reinstatements. The bill requires that the DOR suspend the license of any person convicted of careless driving resulting in serious injury for at least six months, and suspend the license of any person convicted of careless driving resulting in death for at least one year. While under suspension, these individuals may apply for a probationary license costing \$5.60. After the period of suspension has expired, a person may apply for reinstatement of his or her full driving privileges, which requires a \$60 fee. Assuming that all offenders receive a probationary driver's license and reinstate their license as soon as possible, the bill will raise fee revenue by **\$5,993 in FY 2006-07** and \$12,923 per year thereafter. These fees are deposited into various accounts in the HUTF.

State Expenditures

The bill will increase state expenditures by **\$25,281 in FY 2006-07**, including \$2,781 in costs for the DOR and an estimated \$22,500 to the CDOT for signage.

Judicial Branch. The bill also creates a mandatory license suspension, potentially reducing the number of plea bargains. A reduction in plea bargains may result in an increase in county and jury trials, although it is assumed that the Judicial Branch will be able to implement this provision within existing resources.

Department of Transportation. After certain allocations, the bill provides an estimated \$22,500 to CDOT for the production and placement of signage to alert motorists to share the road and to warn of road hazards. This money would be credited to the Highway Safety Sign Account in the HUTF and continuously appropriated to CDOT.

Department of Revenue. The DOR will have to modify the driver's license computer system to account for the new license suspensions. These changes are expected to require 80 hours of computer programming at a one-time cost of \$2,781 in FY 2006-07 to be paid from the General Fund. It should be noted, however, that the department has traditionally received ongoing computer programming resources in the Long Bill and if sufficient resources are provided in FY 2006-07, no further appropriation for computer programming would be necessary.

Local Government Impact

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

State Appropriations

For FY 2006-07, the Department of Revenue will require a General Fund appropriation of \$2,781, unless sufficient resources are provided in the Long Bill. The bill provides continuous spending authority to the Department of Transportation for money in the Highway Safety Sign Account, but also appropriates \$22,500 from the Highway Safety Sign Account in the HUTF.

Departments Contacted

Judicial
Revenue

Public Safety
Transportation