

  
 Colorado *Legislative Council Staff*  
**STATE and LOCAL**  
**REVISED FISCAL IMPACT**  
 (replaces fiscal impact dated April 26, 2006)

**Drafting Number:** LLS 06-0297 **Date:** April 28, 2006  
**Prime Sponsor(s):** Sen. Tochtrop **Bill Status:** House Appropriations  
 Rep. Harvey **Fiscal Analyst:** Brad Denning (303-866-4777)

**TITLE:** CONCERNING INCREASING PENALTIES FOR CARELESS DRIVING.

Fiscal Impact Summary	FY 2006/07	FY 2007/08
<b>State Revenues</b>		
Cash Funds - Highway Users Tax Fund (HUTF) Various Accounts	\$25,846	\$35,119
<b>State Expenditures</b>		
General Fund*	\$1,391	
<b>FTE Position Change</b>	0.0 FTE	0.0 FTE
<b>Effective Date:</b> July 1, 2006, unless a referendum petition is filed		
<b>Appropriation Summary for FY 2006/07:</b>		
Department of Revenue (DOR) -	\$1,391 General Fund	
<b>Local Government Impact:</b> 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**

As amended by the House Transportation and Energy Committee on April 27, 2006, the reengrossed bill increases the penalties related to careless driving resulting in serious bodily injury or death. It establishes additional discretionary minimum fines decided by the courts and expands the schedule of points used to suspend the license of persons convicted of certain careless driving violations. The bill credits fine revenue to the HUTF of which 65 percent is allocated to the State Highway Fund, 26 percent to the counties, and 9 percent to municipalities. 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 Discretionary Minimum 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

The expanded schedule of points used to suspend the license of persons includes convictions for careless driving resulting in bodily injury (6 points), serious bodily injury (8 points), and death (12 points). Under current law, the DOR has the authority to suspend the license of any driver who has been convicted of traffic violations resulting in the accumulation of 12 points or more within any 12 consecutive months or 18 points or more within any 24 consecutive months.

### **State Revenues**

The bill will increase state revenue from fines and fees by an estimated **\$25,846 in FY 2006-07** and \$35,119 per year thereafter. The bill requires that 100 percent of the revenue from each new fine 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.

***Minimum Fines.*** This bill may increase state fine revenue by **\$19,936 in FY 2006-07** and \$29,209 per year thereafter. This assumes 163 convictions for careless driving resulting in serious injury, 34 convictions for careless driving resulting in death per year, and that the courts levy the discretionary minimal fine 50 percent of the time. Although the fines apply to persons who receive a deferred sentence for careless driving resulting in serious injury or death, the number of cases is not known. The estimate assumes that 43 percent of the new fines assessed in FY 2006-07 will be collected in FY 2006-07 and 62 percent in FY 2007-08.

***Fees for Driver's License Reinstatements.*** The amended bill expands the schedule of points used to suspend the license of persons convicted of careless driving. Specifically, it adds points for careless driving resulting in bodily injury (6 points), serious bodily injury (8 points), and death (12 points). Under current law, the DOR has the authority to suspend the license of any driver who has been convicted of traffic violations resulting in the accumulation of 12 points or more within any 12 consecutive months or 18 points or more within any 24 consecutive months. 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 50 percent of the offenders receive a probationary driver's license and reinstate their license as soon as possible, the bill will raise fee revenue by **\$5,910 per year beginning FY 2006-07**. These fees are deposited into various accounts in the HUTF.

### **State Expenditures**

The bill will increase state expenditures by **\$1,391 in FY 2006-07** for the DOR.

***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 40 hours of computer programming at a one-time cost of \$1,391 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 \$1,391 unless sufficient resources are provided in the Long Bill.

**Departments Contacted**

Judicial  
Revenue

Public Safety  
Transportation