



**Colorado
Legislative
Council
Staff**

HB16-1039

**REVISED
FISCAL NOTE**

(replaces fiscal note dated January 13, 2016)

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0368 **Date:** March 22, 2016
Prime Sponsor(s): Rep. Mitsch Bush; Rankin **Bill Status:** Senate Transportation
 Sen. Todd; Donovan **Fiscal Analyst:** Erin Reynolds (303-866-4146)

BILL TOPIC: INTERSTATE 70 MOTOR VEHICLE TRACTION EQUIPMENT

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue	<u><\$5,000</u>	<u><\$5,000</u>
Cash Funds	<5,000	<5,000
State Expenditures	Minimal workload increase.	
TABOR Impact	<\$5,000	<\$5,000
Appropriation Required: None.		
Future Year Impacts: Ongoing minimal revenue and workload increase.		

Summary of Legislation

The **reengrossed** bill requires motor vehicles driving on Interstate 70 between milepost 133 (Dotsero) and milepost 259 (Morrison), from October 1 to May 15 of each year, to be equipped with:

- tire chains or an equivalent traction control device (i.e. cable chains);
- four-wheel drive or all-wheel drive, and tires with a tread depth of one-eighth of an inch; or
- tires with any form of the mountain-snowflake symbol or "mud and snow" lettering (i.e., M/S and M+S) on the side wall of the tire and a tread depth of one-eighth of an inch.

Under the bill, "equipped" means that a motor vehicle uses or carries the appropriate traction equipment if icy or snow-packed conditions are not present, and that a motor vehicle uses the appropriate traction equipment if icy or snow-packed conditions are present.

A noncommercial violator of these requirements commits an existing class B traffic infraction and is subject to a \$100 fine and a \$32 surcharge. If a violation results in the closure of at least one lane of traffic, the violator is subject to an enhanced existing penalty of \$500 and a \$156 surcharge.

Background

Under current statute, the Colorado Department of Transportation (CDOT) has the authority to close any portion of a state highway to public travel or to prohibit travel by vehicles that are not equipped with tire chains, four-wheel or all-wheel drive with adequate tires for existing conditions, or snow tires with a "mud and snow" or all-weather rating from the manufacturer. CDOT can do this whenever it considers such a closure or restriction of use necessary for the protection and safety of the public. Highway closures and restrictions are achieved with cooperation from the Colorado State Patrol (CSP).

The state Transportation Commission has statutory authority to promulgate rules to implement Colorado's chain laws, which apply to all state, federal, and interstate highways. For noncommercial vehicles, the commission has determined two levels of chain law: "traction law" and "passenger vehicle chain law."

Traction law. This level, known as a Code 15, requires the use of snow tires or traction devices such as cable chains. Snow tires must have the M/S or all-weather rating from the manufacturer on the side wall. Four-wheel and all-wheel drive vehicles are permitted to operate without a traction device, but all tires must have a minimum one-eighth of an inch tread depth.

Passenger vehicle chain law. When this level, known as a Code 16, is in effect, use of conventional, steel-link chains or an approved traction control device is required for all vehicles. Four-wheel drive and all-wheel drive vehicles are not permitted to operate without tire chains.

State Revenue

Beginning in FY 2016-17, this bill is anticipated to increase fine revenue by less than \$5,000 per year, credited to the Highway Users Tax Fund (HUTF), and allocated to the State Highway Fund within CDOT and to cities and counties. While an increase in fines collected is expected, based on the low number of fines imposed in 2015, the fiscal note assumes that any revenue generated is likely to be less than \$5,000 per year.

TABOR Impact

The bill increases state revenue from fines, which will increase the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund.

State Expenditures

Beginning in FY 2016-17, this bill is anticipated to minimally increase workload in CDOT, the Judicial Department, the Department of Public Safety (DPS), and the Department of Revenue (DOR).

Colorado Department of Transportation. CDOT is required to provide signage notifying the public of traction control requirements during inclement weather, which is expected to be achieved within existing resources and will therefore have a minimal fiscal impact.

Judicial Department. Trial courts in counties along the I-70 corridor between Dotsero and Morrison (Eagle, Summit, Clear Creek, and Jefferson) can expect to see a minimal increase in infractions. Under the Judicial Department's workload model, one county court judicial officer can process 30,207 infraction cases a year; therefore, it is assumed that workload impact is minimal and will not require an increase in appropriations.

Department of Public Safety. DPS will be required to enforce the bill and update its information materials on the Colorado chain law. These impacts are expected to be accomplished within existing workloads and appropriations.

Department of Revenue. DOR will be required to update its Penalty Assessment Express System (PAX), and the accounting system used to input ticket payment information. It is assumed that this workload impact can be managed within existing appropriations.

Local Government Impact

This bill will increase HUTF revenue to local governments beginning in FY 2016-17 by increasing the local government portion of fine revenue collected from the class B traffic infraction under the bill.

Effective Date

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Counties	Judicial	Law
Local Affairs	Municipalities	Public Safety
Regional Transportation District	Revenue	Sheriffs
Transportation		

Research Note Available

An LCS Research Note for House Bill 16-1039 is available online and through the iLegislate app. Research notes provide additional policy and background information about the bill and summarize action taken by the General Assembly concerning the bill.