



**Colorado
Legislative
Council
Staff**

HB16-1319

FISCAL NOTE

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

Drafting Number: LLS 16-0965
Prime Sponsor(s): Rep. Ginal; Tyler

Date: March 22, 2016
Bill Status: House Transportation and Energy
Fiscal Analyst: Erin Reynolds (303-866-4146)

BILL TOPIC: PROHIBIT COAL ROLLING IN DIESEL VEHICLES

Fiscal Impact Summary	FY 2015-2016	FY 2016-2017	FY 2017-2018
State Revenue	<\$150	<\$1,000	<\$1,000
Cash Funds	<150	<1,000	<1,000
State Expenditures	Minimal workload increase.		
TABOR Impact	<\$150	<\$1,000	<\$1,000
Appropriation Required: None.			
Future Year Impacts: Ongoing minimal workload increase.			

Summary of Legislation

This bill prohibits the practice of "coal rolling," defined as the purposeful release of high quantities of emissions from an exhaust system in a diesel-powered vehicle into the air and onto roadways in order to harass another vehicle, bicyclist, or pedestrian, or to obstruct or obscure the view of another driver, roadway user, or a traffic control device. Under the bill, coal rolling is a class 2 misdemeanor traffic offense punishable by a fine of \$150 to \$300, between 10 and 90 days in jail, or both. A violator is also subject to three points assessed against his or her driving record.

Comparable Crime

Pursuant to Section 2-2-322 (2.5), C.R.S., Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of the existing crime that creates a new factual basis for the offense. Currently, it is an unclassified misdemeanor traffic offense to violate the statute governing visible emissions from diesel-powered motor vehicles, punishable by a fine of \$100 upon conviction, credited to the local jurisdiction where the violation occurred. If proof is submitted to the court of competent jurisdiction that the operator was not the vehicle owner, or that the vehicle has been disposed of, the fine penalty is reduced to \$25. Between January 1, 2013, and December 31, 2015, there were four visible diesel emissions convictions, all involving Caucasian males. Furthermore, it is currently a class A traffic infraction to tamper with a vehicle's air pollution control system, punishable by a fine between \$15 and \$100, though the Department of Revenue may not assess points against a driving record for this offense. Between January 1, 2013, and December 31, 2015, there was one Caucasian male convicted of tampering with an air pollution control system.

State Revenue

Beginning in FY 2015-16, this bill is anticipated to increase state revenue to the Highway Users Tax Fund (HUTF) by less than \$1,000 per year, prorated for two months in the first year. Fine revenue that is not otherwise appropriated to local government entities is deposited into the HUTF. The State Highway Fund in the Colorado Department of Transportation (CDOT) receives 65 percent of the HUTF revenues generated through court fines. The penalty for a class 2 misdemeanor traffic offense is a fine of \$150 to \$300, between 10 and 90 days in jail, or both. Because the courts have the discretion of imposing a fine, incarceration, or both, the precise impact to state revenue cannot be determined. Based on the low number of fines imposed in 2015 and the assumption of compliance with the law, the fiscal note estimates that any revenue generated is likely to be less than \$1,000 per year.

TABOR Impact

This bill increases state cash fund 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

This bill may minimally increase workload in the Department of Public Health and Environment (CDPHE), Department of Revenue (DOR), and the Judicial Department. Workload increases are discussed below and will not require an increase in appropriations to any department.

Department of Public Health and Environment. If existing training provided by the Mobile Sources program within the Air Pollution Control Division of CDPHE, which currently instructs law enforcement officers how to recognize excessive amounts of smoke emitted from vehicles, does not satisfy law enforcement needs, the training program will need to be modified.

Department of Revenue. The Driver Control Unit in DOR will be required to update driver records when an individual is assessed points on their record under the bill.

Judicial Department. Trial court workload may increase to hear any new coal rolling cases. The fiscal note assumes that people will comply with the new law so this caseload will be low. Probation services may also experience a minimal workload increase to supervise any offenders sentenced under the bill. Finally, the bill may increase workload or costs for the Office of the State Public Defender and Office of Alternate Defense Counsel, to provide representation for any persons deemed to be indigent.

Local Government Impact

This bill will affect local governments in several ways, as discussed below.

Fine revenue. The bill is expected to increase local government HUTF revenue by a minimal amount in FY 2015-16, and less than \$350 in FY 2016-17 and future years. HUTF revenue generated by court fines is distributed to counties (26 percent) and municipalities (9 percent) for transportation needs.

Misdemeanor offenses in county courts. The bill may increase workload for district attorneys to prosecute any new offenses under the bill. To the extent that this bill increases misdemeanor convictions and offenders are sentenced to jail, costs will increase. Because the courts have the discretion of incarceration or imposing a fine, the precise impact at the local level cannot be determined. The cost to house an offender in county jails varies from about \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$52.74 to house state inmates. It is assumed that the impact of this bill will be minimal.

Denver County Court. The bill may result in an increase in revenue and workload for the Denver County Court, managed and funded by the City and County of Denver. The court will try misdemeanor cases within its jurisdiction. Probation services in the Denver County Courts may also experience a minimal increase in workload to supervise any persons convicted under the bill.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Counties
Municipalities
Transportation

Information Technology
Public Health and Environment

Judicial
Revenue

Research Note Available

An LCS Research Note for House Bill 16-1319 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.