



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number: LLS 20-0186
Prime Sponsors: Rep. Larson

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Bill Status: House Judiciary
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Bill Topic: CARELESS DRIVING SERIOUS BODILY INJURY

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input checked="" type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill expands the definition of a current class 1 traffic misdemeanor for causing serious bodily injury to a vulnerable road user while careless driving to include all persons who cause serious bodily injury while carelessly driving. The bill increases state expenditures beginning in FY 2021-22 and increases state and local government workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under HB 20-1118

		FY 2020-21	FY 2021-22
Revenue	Cash Funds	-	\$30,020
Expenditures	Cash Funds	-	\$14,350
	Centrally Appropriated	-	\$3,206
	Total	-	\$17,556
	Total FTE	-	0.2 FTE
Transfers		-	-
TABOR Refund	General Fund	-	\$30,020

Summary of Legislation

The bill expands the definition of a current class 1 traffic misdemeanor for causing serious bodily injury to a vulnerable road user while careless driving to include causing serious bodily injury to anyone while carelessly driving. A violation results in 12 points issued to the driver license, which results in a license being suspended. In addition, the driver may be subject to a restitution order, required to attend a driver improvement course, or be ordered to perform useful public service for no more than 320 hours.

Background and Assumptions

Senate Bill 19-175 created a new class 1 traffic misdemeanor of causing serious bodily injury to a vulnerable road user while carelessly driving. Because causing serious bodily harm to any person while carelessly driving is already a class 1 traffic misdemeanor offense, this analysis assumes that the expanded offense for causing serious bodily injury anyone will not increase the total amount of offenses. The fiscal note assumes that up to 50 percent of current careless driving offenses resulting in serious bodily injury involve a vulnerable person. The fiscal note assumes 316 license suspensions are occurring for causing serious bodily injury to a vulnerable road user, expanding the current penalties will result in an additional 316 license suspensions per year.

In addition, the Department of Revenue (DOR) handles approximately 54 careless driving convictions per month that involve serious bodily injury, death or other factors. The fiscal note assumes that there may be up to a 50 percent increase in careless driving hearings, or approximately 25 additional hearings per month. Because the bill takes effect in August 2020, the request for additional hearing judges will occur in FY 2021-22.

Comparable Crime Analysis

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 an existing crime. The following sections outline data on crimes that are comparable to the offense in this bill and discuss assumptions on future rates of criminal convictions under the bill.

Prior conviction data. This bill changes the element of existing offense of class 1 traffic misdemeanor for causing serious bodily injury to a vulnerable road user while careless driving by expanding the definition to include anyone. In the last three fiscal years, 1,898 offenders have been convicted and sentenced for causing bodily injury to another while carelessly driving or about 632 per year. Of the persons convicted, 1,191 were male, 702 were female, and 5 did not have a gender identified. Demographically, 1,631 were White, 101 were Black/African American, 83 were Hispanic, 42 were Asian, 5 were American Indian, 26 were classified as "Other," and 10 did not have a race identified.

Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue

This bill will increase state cash fund revenue by up to \$30,020 beginning in FY 2021-22 from restoration fees, as shown in Table 2 and discussed below.

License restoration fee impact. Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. Table 2 below identifies the fee impact of this bill. Of the \$95 license restoration fee, \$73 goes to the Driver License Administrative Revocation (DLAR) Account with in the Highway Users Tax Fund (HUTF) and \$22 goes to the First Time Drunk Driving (FTDD) Account, also within the HUTF.

**Table 2
 Fee Impact and License Restoration Breakdown**

Fiscal Year	Cash Funds	License Restoration Share	Number Affected	Total
FY 2021-22	Driver License Administrative Revocation Account	\$73	up to 316	up to \$23,068
	First Time Drunk Driving Account	\$22	up to 316	up to \$6,952
FY 2021-22 Total				up to \$30,020

Driver License Administrative Revocation Account. In FY 2021-22, the bill will increase revenue to the DLAR by up to \$23,068 per year. Under current law, money credited to the DLAR are for the direct and indirect costs incurred by the DOR in the administration of driver's license restraints. Any unspent money in the account at the end of the fiscal year gets transferred to the HUTF and allocated in accordance with other HUTF first stream funding: 65 percent to the Colorado Department of Transportation (CDOT); 26 percent to counties; and 9 percent to municipalities. Any change in unspent money in the DLAR is assumed to be minimal and thus, any increase in revenue to the HUTF stream is assumed to be minimal.

First Time Drunk Driving Account. In FY 2021-22, the bill will increase revenue to the FTDD by up to \$6,952 per year. Under current law, money credited to the FTDD is first appropriated to the DOR in order to cover implementation costs associated various programs. Any unexpended money in the account is then appropriated to CDOT for high visibility drunk driving enforcement. Any change in unspent money in the FTDD is assumed to be minimal and thus, the increase in revenue to CDOT is assumed to be minimal.

State Expenditures

Beginning in FY 2021-22, the bill will increase state cash fund expenditures by \$17,556 in DOR. In addition, workload will increase for the Judicial Department. These expenditures are shown in Table 2 and described below.

Table 2
Expenditures Under HB 20-1118

	FY 2020-21	FY 2021-22
Department of Revenue		
Personal Services	-	\$14,350
Centrally Appropriated Costs*	-	\$3,206
Total Cost	-	\$17,556
Total FTE	-	0.2 FTE

* Centrally appropriated costs are not included in the bill's appropriation.

Department of Revenue. Beginning in FY 2021-22, the DOR requires 0.2 FTE of a hearing officer to handle approximately 25 additional driver license conviction hearings, resulting in a cost of \$17,556 from the Licensing Services Cash Fund. In addition, the bill will increase workload within the DOR to update rules and manuals and to hold more administrative hearings for probationary driver licenses.

Judicial Department. Workload in the Judicial Department may increase beginning in FY 2020-21 to the extent that persons are not already being charged under several existing careless driving statutes. The fiscal note assumes that any increase in workload will be minimal and can be accomplished within existing appropriations.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$3,206 in FY 2021-22 and future years.

TABOR refunds. The bill is expected to increase state General Fund obligations for TABOR refunds by \$30,020 in FY 2021-22. Under current law and the December 2019 Legislative Council Staff forecast, the bill will correspondingly increase the amount refunded to taxpayers via sales tax refunds made available on income tax returns for tax years 2021 and 2022, respectively. A forecast of state revenue subject to TABOR is not available beyond FY 2021-22.

Local Government

Similar to the state, costs and workload to the Denver County Court may increase to the extent that persons are not already being charged under several existing careless driving statutes. The fiscal note assumes that any increase in costs and workload will be minimal.

Effective Date

The bill takes effect August 5, 2020, if the General Assembly adjourns on May 6, 2020, as scheduled, and no referendum petition is filed. The bill applies to offenses committed on or after this date.

State and Local Government Contacts

Counties
Municipalities
Transportation

Information Technology
Public Safety

Judicial
Revenue