



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number: LLS 21-0562
Prime Sponsors: Rep. Larson; Titone

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Bill Status: Postponed Indefinitely
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Bill Topic: CARELESS DRIVING SERIOUS BODILY INJURY

- Summary of Fiscal Impact:
[X] State Revenue
[X] State Expenditure
[] State Transfer
[] TABOR Refund
[X] Local Government
[] Statutory Public Entity

This bill would have subjected drivers who cause serious bodily injury to license suspension and an order of restitution. Starting in FY 2022-23, the bill would have increased state revenue and expenditures and local workload.

Appropriation Summary: No appropriation was required.

Fiscal Note Status: This fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Table 1
State Fiscal Impacts Under HB 21-1039

Table with 4 columns: Category, Budget Year FY 2021-22, Out Year FY 2022-23, and values for Revenue, Expenditures, Transfers, and TABOR Refund.

Summary of Legislation

Under current law, it is a class 1 traffic misdemeanor if a driver, while carelessly driving, causes serious bodily injury to a vulnerable user. In addition to the class 1 traffic misdemeanor, a driver is subject to a license suspension and an order of restitution; and, depending on a court order, may have to attend a driver improvement course or perform public service.

This adds drivers who cause serious bodily injury to any person to this offense. A driver guilty of this offense is subject to the same penalties outlined above.

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 careless driving resulting in serious bodily injury by applying the offense of causing bodily injury to any person, instead of just vulnerable road users. Because there are already offenses for causing injury or death while carelessly driving, to form an estimate on the prevalence of this crime, the fiscal note analyzed those offense as a comparable crime. From FY 2017-18 to FY 2019-20, 2,199 individuals have been convicted and sentenced for causing injury or death while carelessly driving, or about 733 per year. Of the persons convicted, 1,418 were male, 779 were female, and 2 did not have a gender identified. Demographically, 1,887 were White, 123 were African American, 104 were Hispanic, 35 were Asian, 12 were American Indian, 28 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.

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 up to 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.

The Department of Revenue (DOR) handles approximately 54 hearings per month relating to convictions for careless driving involving serious bodily injury, death or other factors. The fiscal note assumes that there may be up to a 50 percent increase in these 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 2022-23.

State Revenue

This bill will increase state cash fund revenue by up to \$30,020 beginning in FY 2022-23 from license 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 Account in the Highway Users Tax Fund (HUTF) and \$22 goes to the First-Time Drunk Driving Account, also in the HUTF.

**Table 2
Fee Impact on HB 21-1039**

Fiscal Year	Type of Fee	Fee	Number Affected	Total Fee Impact
	Driver License Admin. Revocation Account	\$73	up to 316	up to \$23,068
FY23	First-Time Drunk Driving Account	\$22	up to 316	up to \$6,952
FY 2022-23 Total				up to \$30,020

Driver License Administrative Revocation Account. In FY 2022-23, the bill will increase revenue to the Driver License Administrative Revocation Account by up to \$23,068 per year. Under current law, money credited to the account 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 Driver License Administrative Revocation Account 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 2022-23, the bill will increase revenue to the First-Time Drunk Driving Account by up to \$6,952 per year. Under current law, money credited to the account is first appropriated to the DOR 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 First-Time Drunk Driving Account is assumed to be minimal and thus, the increase in revenue to CDOT is assumed to be minimal.

State Expenditures

Beginning in FY 2022-23, the bill will increase state cash fund expenditures in the DOR by \$17,656 per year. In addition, workload will increase for the Judicial Department. These expenditures are shown in Table 3 and described below.

Table 3
Expenditures Under HB 21-1039

	FY 2021-22	FY 2022-23
Department of Revenue		
Personal Services	-	\$14,357
Centrally Appropriated Costs ¹	-	\$3,299
Total Cost	-	\$17,656
Total FTE	-	0.2 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Department of Revenue. Beginning in FY 2022-23, the DOR requires 0.2 FTE for a hearing officer to handle approximately 25 additional driver license revocation hearings, resulting in a cost of \$17,656, paid 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 \$3,299 in FY 2022-23.

TABOR refunds. The bill increases state revenue subject to TABOR. For FY 2022-23, the March 2021 LCS forecast projects revenue to fall short of the TABOR limit by \$28.6 million, or 0.2 percent of the limit. If actual revenue exceeds the limit, the bill will increase the amount required to be refunded to taxpayers from the General Fund in FY 2023-24.

Federal ARPA funds. This bill increases state revenue, which may impact the state's flexibility in spending federal American Rescue Plan Act (ARPA) funds. For more information, see the LCS memo, titled "Legislative Changes and Flexibility in Use of American Rescue Plan Funds," available online at: <https://leg.colorado.gov/node/2211881>.

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 was postponed indefinitely by the House Finance Committee on April 12, 2021.

State and Local Government Contacts

Counties	District Attorneys	Information Technology
Judicial	Municipalities	Public Safety
Revenue	Sheriffs	Transportation