



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

## Fiscal Note Memorandum

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**TO:** Representatives Foote and Weissman

**FROM:** Ryan Long, Fiscal Analyst  
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**SUBJECT:** Fiscal Assessment of Proposed Amendment HB1406\_L.003

This memorandum is an assessment of the fiscal impact of the attached proposed amendment to **HB18-1406**. This fiscal assessment is for the impact of the bill with inclusion of this amendment only. Any other added amendment could influence the fiscal impact.

### Summary of Proposed Amendment

This amendment creates a \$30 administrative processing fee when a judgment is entered against a person for failing to pay a traffic infraction, and requires the court to send a written notice to the violator of the penalties that the person is required to pay. If the \$30 administrative processing fee is not paid within 45 days of issuance, a person will be assessed an additional \$95 fee. If the \$95 fee is assessed, it is required to be distributed in the same manner as the fees collected for reinstating a driver license. If a violator satisfies the fee payment, the court must provide written confirmation of this fact to the violator.

### Fiscal Impact of Amendment

**State Revenue.** Under current law, a \$30 administrative processing fee is collected when an outstanding judgment is issued. Of this fee, \$15 is retained by the Judicial Department to pay for administrative costs in the trial courts, and \$15 is transferred to the Highway Users Tax Fund. The introduced bill removed this administrative fee for outstanding judgments or warrants issued for failing to pay the fine for a traffic infraction. This resulted in a loss of revenue of \$1,122,900 per year.

This amendment creates a new \$30 administrative fee issued specifically for judgments entered against someone for failure to pay a traffic infraction, with the same distribution to departments as the fee above. This will eliminate the \$1,122,900 revenue reduction created by exempting persons with an outstanding judgment or warrant from the original administrative fee.

**State Expenditures.** The fiscal note assumed that state General Fund expenditures would increase by \$561,450 in the Judicial Department to offset the lost administrative fee revenue. As this amendment replaces the administrative fee under current law with a new administrative fee, the cost of \$561,450 is eliminated. The Judicial Department is expected to have costs to make the required notifications under Amendment L.003. As of this writing, this cost is unknown.

**Bill's Revised Fiscal Impact with Amendment**

		FY 2017-18 <i>(current year)</i>	FY 2018-19	FY 2019-20
<b>Revenue</b>	State Highway Fund	(\$343,108)	(\$3,555,850)	(\$3,555,850)
<b>Expenditures</b>	Cash Funds		\$46,350	
<b>Transfers</b>		-	-	-
<b>TABOR Refund</b>	General Fund	(\$343,108)	(\$3,555,850)	(\$3,555,850)

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation & Energy.

HB18-1406 be amended as follows:

1 Amend printed bill page 4, after line 16, insert:

2 "SECTION 2. In Colorado Revised Statutes, 42-4-1710, amend  
3 (4)(a)(I)(A); and add (4)(c) as follows:

4 42-4-1710. Failure to pay penalty for traffic infractions -  
5 failure of parent or guardian to sign penalty assessment notice -  
6 procedures. (4) (a) (I) (A) If judgment is entered against a violator, the  
7 violator shall be assessed an appropriate penalty and surcharge thereon,  
8 a docket fee of sixteen dollars, and other applicable costs authorized by  
9 section 13-16-122 (1), ~~C.R.S.~~; AND AN ADMINISTRATIVE PROCESSING FEE  
10 OF THIRTY DOLLARS. THE COURT ENTERING THE JUDGMENT SHALL RETAIN  
11 FIFTY PERCENT OF THE ADMINISTRATIVE PROCESSING FEE AND SHALL  
12 TRANSMIT THE OTHER FIFTY PERCENT TO THE STATE TREASURER, WHO  
13 SHALL CREDIT THAT MONEY TO THE HIGHWAY USERS TAX FUND. If the  
14 violator had been cited by a penalty assessment notice, the penalty shall  
15 be assessed pursuant to section 42-4-1701 (4)(a). If a penalty assessment  
16 notice is prohibited by section 42-4-1701 (5)(c), the penalty shall be  
17 assessed pursuant to section 42-4-1701 (3)(a).

18 (c) (I) AFTER JUDGMENT IS ENTERED, THE COURT SHALL SEND  
19 WRITTEN NOTICE OF THE JUDGMENT TO THE VIOLATOR. THIS NOTICE SHALL  
20 INCLUDE A DESCRIPTION OF ALL PENALTIES, SURCHARGES, COSTS, AND  
21 FEES OWED PURSUANT TO SUBSECTION (4)(a)(I)(A) OF THIS SECTION.

22 (II) IF PAYMENT OF THE AMOUNTS DESCRIBED IN SUBSECTION  
23 (4)(a)(I)(A) OF THIS SECTION IS NOT RECEIVED BY THE COURT WITHIN  
24 FORTY-FIVE DAYS AFTER ISSUANCE OF THE NOTICE DESCRIBED IN  
25 SUBSECTION (4)(c)(I) OF THIS SECTION, THE VIOLATOR SHALL BE ASSESSED  
26 AN OUTSTANDING JUDGMENT FEE IN THE SAME AMOUNT AS THE  
27 RESTORATION FEE DESCRIBED IN SECTION 42-2-132 (4)(a)(I). PAYMENTS  
28 MADE BY THE VIOLATOR MUST FIRST BE APPLIED TO THE AMOUNTS  
29 DESCRIBED IN SUBSECTION (4)(a)(I)(A) OF THIS SECTION, SUCH THAT THE  
30 OUTSTANDING JUDGMENT FEE IS LAST TO BE PAID. ONCE PAID, THE COURT  
31 SHALL TRANSMIT THE OUTSTANDING JUDGMENT FEE TO THE TREASURER,  
32 WHO SHALL CREDIT THE OUTSTANDING JUDGMENT FEE IN THE SAME  
33 MANNER AS THE RESTORATION FEE DESCRIBED IN SECTION 42-2-132  
34 (4)(b).

35 (III) IF PAYMENT OF THE AMOUNTS DESCRIBED IN SUBSECTION  
36 (4)(a)(I)(A) OF THIS SECTION IS RECEIVED WITHIN FORTY-FIVE DAYS AFTER  
37 ISSUANCE OF THE NOTICE DESCRIBED IN SUBSECTION (4)(c)(I) OF THIS  
38 SECTION, THE COURT SHALL PROVIDE THE VIOLATOR WITH CONFIRMATION  
39 IN WRITING THAT ALL AMOUNTS OWED HAVE BEEN PAID."

40 Renumber succeeding sections accordingly.

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