



**Colorado
Legislative
Council
Staff**

HB16-1319

**FINAL
FISCAL NOTE**

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

Drafting Number: LLS 16-0965

Date: May 24, 2016

Prime Sponsor(s): Rep. Ginal; Tyler
Sen. Kefalas

Bill Status: Postponed Indefinitely

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BILL TOPIC: PROHIBIT COAL ROLLING IN DIESEL VEHICLES

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

Note: This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

The bill prohibits the visual exhibition of smoke, often referred to as "coal rolling," which is defined in the bill as the knowing release of high quantities of emissions from an exhaust system in a light-duty diesel 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, visual exhibition of smoke is a class A traffic infraction punishable by a fine of \$35 and 2 points assessed against the violator's driving record for each offense.

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. 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 (DOR) 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 minimally increase state fine revenue to the Highway Users Tax Fund (HUTF). Fine revenue from traffic infractions 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.

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. No TABOR refund is expected in FY 2015-16 or FY 2016-17.

State Expenditures

This bill may minimally increase workload in the Department of Public Health and Environment (CDPHE) and DOR.

Department of Public Health and Environment. The Mobile Sources program within the Air Pollution Control Division of CDPHE currently instructs law enforcement officers on how to recognize excessive amounts of smoke emitted from vehicles. If this training does not satisfy law enforcement needs and requires modification, this cost is expected to be addressed during the annual budget process.

Department of Revenue. The bill requires the Driver Control Unit in DOR to update driver records when an individual is assessed points on their record for coal rolling. This workload is minimal and can be accomplished within existing appropriations.

Local Government Impact

This bill will increase local government revenue from fines and county court workload, as discussed below.

Fine revenue. The bill will minimally increase local government HUTF revenue beginning in FY 2015-16. HUTF revenue generated by court fines is distributed to counties (26 percent) and municipalities (9 percent) for transportation needs.

County courts. The bill will result in a minimal workload increase for the county courts, including Denver County Court, which is managed and funded by the City and County of Denver, to hear traffic cases under the bill.

Effective Date

The bill was postponed indefinitely on April 26, 2016, by the Senate Transportation Committee.

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.