



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**HB 19-1298**

**FISCAL NOTE**

**Drafting Number:** LLS 19-1065  
**Prime Sponsors:** Rep. Melton  
Sen. Priola

**Date:** April 10, 2019  
**Bill Status:** House Energy & Environment  
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**Bill Topic:** ELECTRIC MOTOR VEHICLE CHARGING STATION PARKING

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**Summary of Fiscal Impact:**

<input checked="" type="checkbox"/> State Revenue	<input 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

This bill creates a class B traffic offense for a motor vehicle which is parked in a charging station parking space and is not charging. The bill increases state and local revenue and expenditures on an ongoing basis.

**Appropriation Summary:** No appropriation required.

**Fiscal Note Status:** This fiscal note reflects the introduced bill.

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## Summary of Legislation

This bill allows an owner of public or private property to install a sign that identifies a parking space as a charging station and creates a class B traffic infraction for parking a motor vehicle in a parking space designated for charging a plug-in electric motor vehicle unless the vehicle is parked for the purpose of charging. Violators are subject to a \$350 fine and a \$64 surcharge. The bill establishes several exemptions for vehicles to park in a charging station for electric vehicles.

## Background

According to the Alternative Fuel Data Center, there are currently 681 public electric vehicle charging stations in Colorado with 1,787 ports.

## 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 creates the new offense of parking a motor vehicle in a plug-in electric parking space, a class B traffic infraction. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of parking in designated areas on private property for authorized vehicles as a comparable crime. From 2016 to 2018, 2 offenders have been convicted and sentenced for this existing offense. Of the persons convicted, 1 was male and 1 was female. Demographically, 1 was White, and 1 was classified as "Other".

**Assumptions.** Based on the above data, this analysis assumes that there will be less than 10 criminal case filings per year for the offense under the bill.

Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## State Revenue

Beginning in FY 2019-20, this bill is anticipated to minimally increase revenue to the Highway Users Tax Fund (HUTF), of which 65 percent goes to the State Highway Fund in the Colorado Department of Transportation. The bill may also minimally increase revenue to the Judicial Department from court fees and surcharges. For informational purposes, the bill establishes a fine of \$350 and a surcharge of \$64. Revenue from traffic infractions are subject to TABOR, however, according to the March 2018 LCS forecast, no TABOR refund in FY 2019-20 and FY 2020-21 is expected.

## State Expenditures

Starting in FY 2019-20, the bill will increase costs and workload in the Department of Revenue and the Judicial Department, as described below.

**Department of Revenue — computer programming.** Costs and workload will increase in the Department of Revenue to create a new common code for the citation and configure the new fees with this citation in the DRIVES computer services. The fiscal note assumes that these costs can be absorbed within existing appropriators.

**Judicial Department.** Workload in the Judicial Department will increase to hear cases regarding the new Class B traffic infraction. The fiscal note assumes that this workload impact will be minimal and no change in appropriations is required.

## Local Government

Beginning in the current FY 2019-20, this bill will increase local government revenues and expenditures, as discussed below.

**HUTF fine revenue.** The bill will minimally increase local government HUTF revenue beginning in FY 2019-20. HUTF revenue generated by traffic fines is distributed to counties (26 percent) and municipalities (9 percent) for transportation needs.

**District and city attorneys.** District and city attorneys may see increased workloads in offices that offer plea deals. District attorney offices are allowed by statute to negotiate plea bargains in traffic infraction cases. To the extent a municipality has adopted the model traffic code, city attorneys will negotiate plea bargains in these cases.

**Denver County and municipal courts.** Similar to state-funded courts, the bill may increase revenue, and workload for the Denver County Court, which is managed and funded by the City and County of Denver, and for municipal courts to the extent that infractions occur in these jurisdictions.

### **Effective Date**

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed. This bill applies to offenses committed on or after the effective date.

### **State and Local Government Contacts**

Colorado Energy Office  
Information Technology  
Public Safety

Counties  
Judicial  
Revenue

District Attorneys  
Municipalities  
Transportation