



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FINAL FISCAL NOTE

Drafting Number:	LLS 20-0768	Date:	September 1, 2020
Prime Sponsors:	Sen. Woodward Rep. Herod	Bill Status:	Postponed Indefinitely
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Bill Topic: PENALTIES FOR DRIVING UNDER RESTRAINT

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

The bill would have modified penalties related to driving under restraint. The bill would have decreased state revenue on an ongoing basis; increased state expenditures in FY 2020-21 only; and may have decreased state and local workload on an ongoing basis.

Appropriation Summary: The bill would have required an appropriation of \$16,200 to the Department of Revenue.

Fiscal Note Status: The 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 SB 20-065**

		FY 2020-21	FY 2021-22
Revenue		-	-
Expenditures	Cash Funds	\$16,200	-
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

In Colorado, persons cannot drive after their driver license has been denied, revoked, or suspended in any state, referred to as driving under restraint. Under current law, persons driving under restraint for any reason other than an alcohol-related offense are guilty of a misdemeanor and must pay a penalty of up to \$500. Upon a second conviction, persons driving under restraint are not eligible to get a driver license for three years after the second offense. This bill repeals the driver license penalty if the driving under restraint was for any reason other than alcohol-related.

In addition, under current law, a person is an habitual offender for driving purposes when the person has three or more convictions of driving under restraint. Habitual offenders' driver licenses are revoked and a driver license cannot be issued for five years. This bill removes the three convictions requirement of driving under restraint from the definition of habitual offender as long as the driving under restraint was not alcohol-related. Therefore, the Department of Revenue (DOR) is not required to revoke a driver license for multiple convictions of driving under restraint.

Background

In FY 2018-19, the DOR revoked 2,505 driver licenses for a second or subsequent conviction of driving under restraint. In addition, in FY 2018-19, the DOR revoked 2,643 driver licenses of habitual offenders. Before a driver can have their license restored, they must first pay a \$95 driver license restoration fee; of this amount, \$73 goes to the Driver License Administrative Revocation Account and \$22 goes to the First Time Drunk Driving Account, both which are within the Highway Users Tax Fund (HUTF).

State Revenue

To the extent that fewer driver licenses are revoked under the bill, revenue will decrease to the HUTF. Of revenue distributed to the HUTF, 65 percent is distributed to the State Highway Fund for use by the Department of Transportation for transportation needs. HUTF revenue is subject to TABOR.

In addition, to the extent that persons will be able to reinstate their licenses earlier, state revenue will increase. However, although the bill impacts when a person's driver license can be reinstated, it does not increase the overall number of license reinstatements.

State Expenditures

The bill will increase state cash fund expenditures in the DOR by \$16,200 in FY 2020-21 only. The bill may also decrease workload for the Judicial Department. These expenditure impacts are discussed below.

Department of Revenue. In FY 2020-21, one-time programming costs of \$16,200 are required to update the Driver License, Record, Identification and Vehicle Enterprise Solutions (DRIVES) system. Programming costs are calculated at 72 hours at a rate of \$225 per hour and are paid from the DRIVES Vehicle Services Account. The bill may also decrease workload for DOR to handle second or subsequent driving under restraint sanctions and habitual offender revocations. This decrease is expected to be minimal and no change in appropriations is required.

Judicial Department. The bill may decrease workload for the trial courts in the Judicial Department. Although the bill will not impact the number of cases, defendants may be more likely to accept a plea, which reduces the trial court workload. Any workload decrease is expected to be minimal and no change in appropriation is required.

Local Government

Similar to the state, to the extent that fewer driver licenses are revoked under the bill, revenue will decrease to the HUTF. HUTF revenue is distributed to counties (26 percent) and municipalities (9 percent) for transportation needs. Also, as stated above, to the extent that persons will be able to reinstate their licenses earlier, local government HUTF revenue will increase. However, although the bill impacts when a person's driver license can be reinstated, it does not increase the overall number of license reinstatements.

In addition, the bill may decrease workload for district attorneys offices by reducing the length of time spent on each case. This workload decrease is expected to be minimal.

Effective Date

The bill was postponed indefinitely by the Senate Judiciary Committee on February 12, 2020.

State Appropriations

In FY 2020-21, the bill requires a cash fund appropriation of \$16,200 to the Department of Revenue from the DRIVES Vehicle Services Account.

State and Local Government Contacts

Alternate Defense Counsel
Information Technology
Public Defender
Transportation

Counties
Judicial
Public Safety

District Attorneys
Municipalities
Revenue