

**Legislative
Council Staff***Nonpartisan Services for Colorado's Legislature***FISCAL NOTE**

Drafting Number: LLS 18-0596
Prime Sponsors: Sen. Court
Rep. Young

Date: January 22, 2018
Bill Status: Senate SVMA
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Bill Topic: PRIMARY OFFENSE FOR NO SAFETY BELT

**Summary of
Fiscal Impact:**

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>)	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill makes not wearing a seatbelt a primary offense. It will increase state and local revenue and workload on an ongoing basis.

**Appropriation
Summary:** No appropriation is required

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

Table 1
State Fiscal Impacts Under SB 18-053

		FY 2017-18 (current year)	FY 2018-19	FY 2019-20
Revenue	Highway Users Tax Fund	\$81,445	\$488,605	\$488,605
	Cash Funds	\$7,518	\$45,102	\$45,102
	Total	\$88,963	\$533,707	\$533,707
Expenditures		-	-	-
Transfers		-	-	-

Summary of Legislation

Under current law, every front seat passenger in a motor vehicle must wear a seatbelt, but law enforcement cannot pull someone over on the grounds of a seatbelt violation. This bill makes a seatbelt violation a primary offense and requires all passengers in a motor vehicle to wear seatbelts while the vehicle is in motion.

Comparable Crime, Data, and Assumptions

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. Under current law, it is a Class B traffic infraction if a driver is pulled over and he or she, or a front seat passenger, is not wearing a seatbelt. This Class B traffic infraction is punishable by a fine of \$65 and a \$6 surcharge.

Data from the Judicial Department indicate that from January 2015 to December 2017, there have been 10 seatbelt convictions; however, demographic information about these cases are not available. Data from the Colorado State Patrol (CSP) indicate that from January 2010 to December 2017, there has been an annual average of 19,783 seatbelt violations. The fiscal note assumes that the 19,783 offenders were charged with an additional offense, which means they would not be represented in the Judicial Department's data. According to a CSP survey, in other states that have made seatbelt violations a primary offense (Delaware, Florida, Kansas, and Oklahoma), there is an average 38 percent increase in citations for the first three to seven years before falling back to historical averages. A 38 percent increase of 19,783 is 7,517 new cases a year, which is the estimate used in this fiscal note.

State Revenue

The bill increases cash fund revenue by \$88,963 in the current FY 2017-18 and \$533,707 in FY 2018-19 and FY 2019-20. In outyears, the initial surge of violations is expected to fall to historical levels. Revenue increases are outlined in Table 2 and discussed below.

Table 2
Revenue Under SB 18-053

Fiscal Year	Cash Funds	Fine	Number Affected	Total
FY 2017-18 (current year)	Highway Users Tax Fund	\$65	1,253	\$81,445
	Crime Victim Compensation Fund	\$6	1,253	\$7,518
			FY 2017-18 Total	\$88,963
FY 2018-19	Highway Users Tax Fund	\$65	7,517	\$488,605
	Crime Victim Compensation Fund	\$6	7,517	\$45,102
			FY 2018-19 Total	\$533,707
FY 2019-20	Highway Users Tax Fund	\$65	7,517	\$488,605
	Crime Victim Compensation Fund	\$6	7,517	\$45,102
			FY 2019-20 Total	\$533,707

Highway Users Tax Fund. The increase in seatbelt violations will increase revenue to the Highway Users Tax Fund (HUTF). For each violation, an individual pays a \$65 fine that is credited to the HUTF. As outlined in the comparable crime section, this results in a revenue increase to the HUTF of \$81,445 in the current FY 2017-18 and \$488,605 in FY 2018-19 and FY 2019-20. The current fiscal year is prorated for 2 months. Table 3 shows how HUTF revenue will be distributed to the Colorado Department of Transportation (CDOT), counties, and municipalities.

Table 3
HUTF Distribution Under SB 18-053

HUTF Distribution	FY 2017-18 (current year)	FY 2018-19	FY 2019-20
CDOT (65 percent)	\$52,939	\$317,594	\$317,594
Counties (26 percent)	\$21,176	\$127,037	\$127,037
Municipalities (9 percent)	\$7,330	\$43,974	\$43,974
Total	\$81,445	\$488,605	\$488,605

Judicial Department. Cash fund revenue to the Judicial Department will increase from the \$6 surcharge as a result of seatbelt violation increases, credited to the Crime Victim Compensation Fund. This amount is estimated to be \$7,518 for the current FY 2017-18 and \$45,102 per year in FY 2018-19 and FY 2019-20.

TABOR Refund

The bill increases state revenue subject to TABOR by \$88,963 in the current FY 2017-18 and \$533,707 in each of FY 2018-19 and FY 2019-20. State revenue is not currently expected to exceed the TABOR limit in either year and no refund is required. Therefore, the bill is not expected to impact TABOR refunds in any of the three years. However, refunds in future years when the state next collects a TABOR surplus will be increased.

State Expenditures

The bill increases workload for the Judicial Department, Department of Public Safety, and Department of Revenue.

Judicial Department. The Judicial Department will see a workload increase as more seatbelt violation cases are filed with the courts. While the fiscal note assumes an increase of 7,517 cases, courts would need to see more than 30,207 traffic cases filed to require an increase in appropriations.

Department of Public Safety. The Department of Public Safety will enforce seatbelt violations on state highways not under local government jurisdiction. The department will be required to update its information materials to reflect the change in the law, but any costs are expected to be minimal and accomplished within existing appropriations.

Department of Revenue. The Department of Revenue will be required to update informational material with the changes to current law. These impacts are expected to be minimal and accomplished within existing appropriations.

Local Government Impact

Enforcement. This bill will increase workload for local enforcement agencies as more people will be pulled over for seatbelt violations.

Prosecution of offenses. District 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 and may see a workload increase in negotiating plea deals for drivers guilty of using a mobile electronic device while driving. Traffic offenses prosecuted in a municipal court will similarly increase revenue and workload for that particular municipality.

Denver County expenditures. The bill results in an increased workload for the Denver County Court for seatbelt violations. The Denver County Court is managed and funded by the City and County of Denver.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

District Attorneys
Public Safety

Information Technology
Revenue

Judicial
Sheriffs

Municipalities
Transportation