

**FINAL  
FISCAL NOTE**

<b>Drafting Number:</b> LLS 14-0600	<b>Date:</b> May 19, 2014
<b>Prime Sponsor(s):</b> Rep. Melton Sen. Kerr; King	<b>Bill Status:</b> Postponed Indefinitely
	<b>Fiscal Analyst:</b> Kristen Koehler (303-866-4918)

**SHORT TITLE:** REQUIRE HANDS-FREE TELEPHONES WHEN DRIVING

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
<b>State Revenue</b>	<u>&lt;\$5,000</u>	<u>&lt;\$5,000</u>
Cash Funds	<5,000	<5,000
<b>State Expenditures</b>	Workload increase. See State Expenditures section.	
<b>FTE Position Change</b>		
<b>Appropriation Required:</b> None.		

\* This summary shows changes from current law under the bill for each fiscal year.

**Summary of Legislation**

Under current law, it is a class A traffic infraction for an adult to use a wireless phone for text messaging or other similar forms of manual data entry or transmission (texting) while driving a motor vehicle. This bill expands the offense to prohibit the use of a wireless phone application while driving.

The bill also prohibits an adult from using a wireless phone to make or receive a phone call while driving, unless the driver uses a hands-free device. This is a class A traffic infraction, if:

- the driver is stopped for another traffic violation, the officer witnesses the use of the phone, and the violation occurs in a school or construction zone; or
- the violation was the cause of a traffic accident.

Exceptions are made for use of a wireless phone while driving if an emergency situation occurs or if the driver is contacting a public safety entity.

**State Revenue**

This bill is expected to increase state cash fund revenue from the collection of fines and surcharges by less than \$5,000 per year, beginning in FY 2014-15.

**Fine and surcharge revenue.** This bill expands the existing class A traffic infraction for using a wireless phone for texting while driving to include the use of a wireless phone application. The bill also creates the new offense of using a wireless phone to make or receive a phone call while driving and makes the offense a class A traffic infraction in certain circumstances. The

penalty for either offense is \$50 for the first violation and \$100 for the second violation. Fine revenue is credited to the Highway Users Tax Fund (HUTF) and is distributed to the Colorado Department of Transportation (CDOT) (65 percent) and to local governments (35 percent). In addition to the fine, offenders pay a \$6 surcharge for each violation. Surcharge revenue is split evenly between the Victims and Witnesses Assistance and Law Enforcement Fund, and the Crime Victim Compensation Fund in the Department of Public Safety for distribution to victims and witnesses.

### **State Expenditures**

Overall, this bill is expected to increase workload for the Judicial Department beginning in FY 2014-15.

**Judicial Department.** This bill will increase the workload of county courts to the extent that additional cases result from the expanded infraction definition and the new infraction created by the bill. The caseload model for county courts indicates that a judge can process approximately 30,207 traffic infractions annually. Workload increases to county courts as a result of this bill are expected to be minimal and do not require new appropriations.

### **Local Government Impact**

Overall, this bill is expected to increase Highway Users Tax Fund (HUTF) revenue to local governments by a minimal amount beginning in FY 2014-15.

Fine revenue collected as a result of a violation of this bill is credited to the HUTF and distributed to the CDOT (65 percent) and to counties (26 percent) and cities (9 percent) for transportation needs. Fine revenue credited to local governments is expected to increase by a minimal amount, but has not been estimated.

### **Comparable Crimes**

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.

Under current law, it is class A traffic infraction for an adult to use a wireless phone for texting while driving a motor vehicle. Since FY 2012-13, there have been approximately 515 charges filed in violation of this law. Gender and minority data for these violations is not available. Current law also prohibits a person under age 18 from using a wireless phone for any purpose while driving, and makes the violation a class A traffic infraction. Since FY 2012-13, there have been approximately 159 charges filed for this violation. Gender and minority data for these violations is not available.

The traffic infractions created under this bill are very narrow, and because there have been a small number of existing offenses, this fiscal note assumes there will be a minimal increase in the number of charges filed as a result of the bill.

**Effective Date**

This bill was postponed indefinitely by the House Transportation and Energy Committee on April 10, 2014.

**State and Local Government Contacts**

All departments