


Colorado Legislative Council Staff Fiscal Note
STATE and LOCAL
REVISED FISCAL IMPACT
(replaces fiscal note dated February 4, 2013)

Drafting Number: LLS 13-0564
Prime Sponsor(s): Rep. Salazar
 Sen. Ulibarri

Date: April 2, 2013
Bill Status: Senate Finance
Fiscal Analyst: Jonathan Senft (303-866-3523)

TITLE: CONCERNING A DRIVER'S RIGHT TO CHALLENGE THE LAWFULNESS OF A LAW ENFORCEMENT OFFICER'S INITIAL CONTACT IN AN ADMINISTRATIVE PROCEEDING FOR A REVOCATION OF A DRIVER'S LICENSE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue Cash Funds Fines Collection Cash Fund	Minimal decrease - See State Revenues section.	
State Expenditures Cash Funds Driver's License Revocation Account	Up to \$42,024	Up to \$293,042
FTE Position Change		Up to 3.0
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2013-2014: None required.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

This *reengrossed* bill allows drivers to challenge the validity of a law enforcement officer's initial contact in any Department of Revenue (DOR) administrative proceeding for a driver's license revocation. It requires the hearing officer to consider these challenges if raised by a driver.

Background

The DOR hearing officers administer two types of driver's license revocation hearings: (i) independent determinations based on the facts of the case; and (ii) cases referred by a court of law. Most revocation hearings are for cases referred from the courts, where an independent determination is not required, but may sometimes be performed.

State Expenditures

Beginning in FY 2013-14, this bill is expected to increase costs within the Department of Revenue (DOR) by up to \$42,024 in FY 2013-14 and \$293,042 and 3.0 FTE per year thereafter. However, the actual impact may be much lower, depending on the number of people who challenge the basis of their traffic stop and the costs for DOR to conduct independent determinations.

To the extent that challenges only occur in cases where an independent determination on the facts of the case is already being conducted, and hearing officers rely on the court record for other cases, the costs will be minimal and will not require any additional appropriations. However, if challenges are used in all revocation hearings and each challenge requires an independent determination of the facts, the bill could cost as much as \$42,024 in FY 2013-14 and \$293,042 and 3.0 FTE per year thereafter. These costs include increased staff time to investigate the challenge, as well as legal costs within the Department of Law to represent the state in higher courts, should a case be elevated. The costs also include any necessary training the DOL lawyers would require in examining constitutional issues such as racial profiling.

Because it is unclear how widely the challenge will be used, the fiscal note assumes that no appropriation is necessary for FY 2013-14 and any resources needed in future years will be addressed through the annual budget process.

Departmental Difference

The Department of Revenue asserts that an appropriation is necessary in FY 2013-14 and future years because the challenge may be available to all defendants in revocation hearings, not just in those circumstances where a hearing officer is conducting an investigation independent of a court ruling. These appropriations are estimated at \$42,024 in FY 2013-14 and \$293,042 and 3.0 FTE in FY 2014-15 and beyond, and would be paid from the Driver's License Administrative Revocation Account in the HUTF. All of the FY 2013-14 amount would be reappropriated to the Department of Law. Alternatively, the DOR has suggested a technical amendment to clarify that the bill applies only to those few cases where the administrative hearings officers must conduct their own investigations.

Departments Contacted

Counties	Municipalities	Judicial
Law	Local Affairs	Public Safety
Revenue	Transportation	