


Colorado Legislative Council Staff Fiscal Note
STATE
REVISED FISCAL IMPACT
(replaces fiscal note dated April 2, 2013)

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

Date: April 12, 2013
Bill Status: Senate Appropriations
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		
State Expenditures		
Cash Funds		
Driver's License Revocation Account	Minimal increase. See State Expenditures section.	
FTE Position Change		
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: None.		

Summary of Legislation

This bill, *as amended by the Senate Judiciary committee*, 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.

State Expenditures

Beginning in FY 2013-14, this bill is expected to increase costs within the Department of Revenue (DOR) by a minimal amount. This cost is dependent on the number of people who challenge the basis of their traffic stop and the costs for DOR to conduct independent determinations.

In both cases where an independent determination on the facts of the case is necessary, and when hearing officers rely on the court record, the costs will be minimal and will not require any additional appropriations. An independent determination of the facts of the case requires an increase in staff time to investigate the challenge. If appeals result from the determination, legal costs within the Department of Law to represent the state in higher courts may be incurred.

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.

Departments Contacted

Counties
Law
Revenue

Municipalities
Local Affairs
Transportation

Judicial
Public Safety