

Colorado Legislative Council Staff Fiscal Note

**STATE and LOCAL
REVISED FISCAL IMPACT**

(replaces fiscal note dated February 4, 2014)

Drafting Number: LLS 14-0229	Date: February 19, 2014
Prime Sponsor(s): Rep. Primavera Sen. Todd	Bill Status: House Finance
	Fiscal Analyst: Kristen Koehler (303-866-4918)

SHORT TITLE: DISABLED PARKING LICENSE PLATES PLACARDS

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue	<u>up to \$18,338</u>	<u>up to \$71,689</u>
Cash Funds	up to \$18,338	up to \$71,689
State Expenditures	<u>\$84,147</u>	Workload increase. See State Expenditures section.
General Fund	\$66,689	\$0
Cash Funds	17,458	0
FTE Position Change		
Appropriation Required: \$84,147 - Department of Revenue (FY 2014-15)		

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

Summary of Legislation

As amended in the House Transportation and Energy Committee, this bill repeals and reenacts the laws governing reserved parking for persons with disabilities and makes clarifying changes to the program. Among its several changes, the bill provides that:

- personalized license plates with an identifying figure will be available to eligible persons;
- the Department of Revenue (DOR) will place a "C" on the registration of the parent of a minor who is mobility-impaired and has a placard providing reserved parking;
- reserved parking placards must be visible through the windshield or placed on a vehicle's dashboard;
- entities that transport persons who are mobility impaired must provide the driver's license or identification document of the organization's chief operating officer within Colorado;
- applicants for a reserved parking plate or placard must sign an affidavit that the person receiving the plate or placard is eligible to do so;
- the Colorado Advisory Council for Person with Disabilities may implement an education program; and
- the DOR is authorized to issue additional sets of reserved parking plates to eligible persons.

In addition, the bill changes the classification of several offenses, and heightens the penalty for some offenses, related to disabled parking privileges. Table 1 shows the changes in classification and penalties from current law.

Table 1. Offenses related to Disabled Parking Privileges - Changes under HB 14-1029		
Behavior	Classification and Penalty under Current Law	Classification and Penalty under HB 14-1029
<p>Attempting to obtain a disabled parking plate or placard while revoked</p> <p>42-3-204 (2)(III)(d)(III), C.R.S.</p>	<p>Class B Traffic Infraction, punishable by a fine of \$15 and a surcharge of \$4</p>	<p>Unclassified misdemeanor, punishable by a \$32 surcharge and fines of: \$350 to \$1,000 for first offense; \$600 to \$1,000 for second offense; \$1,000 to \$5,000 and up to 10 hours of community service for third and subsequent offenses</p>
<p>Parking in reserved parking without a disabled parking plate or placard</p> <p>42-4-1208 (6)(a), C.R.S.</p>	<p>Class B Traffic Infraction, punishable by \$32 surcharge and fines of: \$350 to \$1,000 for first offense; \$600 to \$1,000 for second offense; becomes misdemeanor and fined \$1,000 to \$5,000 and up to 10 hours of community service for third and subsequent offenses</p>	<p>Unclassified misdemeanor, but existing surcharge and fine structure remain in place</p>
<p>Moving a vehicle with disabled parking privileges from a time limited space to another time limited space located within 100 yards</p> <p>42-4-1208 (15)(d), C.R.S.</p>	<p>Class B Traffic Infraction, punishable by a \$15 fine and \$4 surcharge</p>	<p>Class B Traffic Infraction, punishable by a \$150 fine and a \$32 surcharge</p>
<p>Blocking reasonable access</p> <p>42-4-1208 (10), C.R.S.</p>	<p>Class B Traffic Infraction, punishable by \$32 surcharge and fines of: \$350 to \$1,000 for first offense; \$600 to \$1,000 for second offense; becomes misdemeanor and fined \$1,000 to \$5,000 and up to 10 hours of community service for third and subsequent offenses</p>	<p>Unclassified misdemeanor, but existing surcharge and fine structure remain in place</p>
<p>Fraud and trafficking of disabled parking plates or placards</p> <p>42-4-1208 (11)(a), C.R.S.</p>	<p>Unclassified misdemeanor, punishable by a fine of \$1,000</p>	<p>Class 1 misdemeanor, punishable by 6 to 18 months imprisonment, a fine of \$500 to \$5,000, or both</p>
<p>Receiving payment for fraud and trafficking of disabled parking plates or placards</p> <p>42-4-1208 (11)(b), C.R.S.</p>	<p>Unclassified misdemeanor, punishable by twice the civil and criminal penalties otherwise rendered</p>	<p>Class 1 misdemeanor, punishable by twice the civil and criminal penalties for a Class 1 misdemeanor (6 to 18 months imprisonment, a fine of \$500 to \$5,000, or both)</p>

State Revenue

Overall, the bill is expected to increase state cash fund revenue by up to \$18,338 in FY 2014-15 and up to \$71,689 in FY 2015-16.

Department of Revenue. Under current law, an identifying placard may be issued to a parent or guardian of a child under 16 years old who has a disability. All other eligible persons may receive one identifying license plate set, or one identifying placard and one identifying licence plate set, or two identifying placards. The bill allows all eligible persons, including the parents and/or guardians of children under 16 years old, to receive up to two identifying license plate sets, or one identifying license plate set and one placard, or two placards. The DOR collects \$5.92 per plate set issued to cover the tab and license plate material costs; no fee is charged for a placard.

The fiscal note assumes that an additional 2,253 license plate sets will be issued in FY 2014-15 and increase cash fund revenue to the DOR by \$13,338. In FY 2015-16, the DOR will issue an additional 11,265 plate sets, resulting in a revenue increase to the department of \$66,689.

New fine revenue. Beginning in FY 2014-15, this bill is anticipated to increase state revenue by less than \$5,000 per year, credited to the Fines Collection Cash Fund in the Judicial Department. This bill changes the classification of several offenses related to disabled parking privileges and heightens the penalty for some of these offenses. Because the courts have the discretion of incarceration, imposing a fine, or both, the impact to state revenue cannot be determined.

State Expenditures

This bill is expected to increase one-time state expenditures by \$84,147, and may increase workload beginning in FY 2014-15.

New license plates. The DOR will manufacture additional identifying license plate sets for parents or guardians of disabled children under 16 years of age, and for eligible persons wishing to purchase an additional set of identifying license plates, as authorized by the bill. For FY 2014-15, this is expected to increase expenditures in the DOR by \$80,027.

Division of Motor Vehicle (DMV) offices are authorized to have up to six months of license plate inventory on hand; therefore, the fiscal note assumes that the cost of \$80,027 to create the additional identifying license plate sets will be incurred in FY 2014-15. Typically, license plates production costs are paid out of the License Plate Cash Fund; however, due to the underfunded status of this account, the fiscal note assumes a General Fund appropriation of \$66,689 is required for FY 2014-15.

Programming. For FY 2014-15, the DOR will be required to purchase one-time computer programming services at a cost of \$103 per hour for 40 hours, or \$4,120. Programming is required to update registration and title modules in the Colorado State Titling and Registration System (CSTARS) and for system testing and deployment.

Judicial Department. The bill will impact the workload of courts to hear cases related to the new misdemeanor crimes created by the bill. The caseload model for county courts indicates that a judge can process approximately 3,926 misdemeanor cases per year. Any increase in the workload to county courts as a result of this bill is expected to be minimal and does not require new appropriations.

Local Government Impact

This bill impacts local governments by changing the classification for certain offenses and increasing the penalty for some, as shown in Table 1 above. Under current law, the penalty for a class 1 misdemeanor is 6 to 18 months in a county jail, a fine of \$500 to \$5,000, or both. Because the courts have the discretion of incarceration or imposing a fine, the impact at the local level cannot be determined. The cost to house an offender in county jails varies from \$45 to \$50 per day in smaller rural jails to \$62 to \$65 per day for larger Denver-metro area jails. For the current fiscal year, the state reimburses county jails at a daily rate of \$51.45 to house state inmates. It is assumed that the impact of this bill will be minimal.

An offender who commits a class B traffic infraction or a class 1 misdemeanor must pay a surcharge in addition to the fine penalty assessed for the offense. All surcharge revenue collected by the Department of Revenue is transmitted to the court of the judicial district in which the offense occurred and is credited to the Crime Victim Compensation Fund.

Local governments may experience an increase in workload to provide training in the changes made by the bill to law enforcement and other impacted entities.

Courts in the City and County of Denver may also experience a workload increase as a result of the bill. The increase in workload is expected to be minimal.

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, a person who parks in a clearly marked disabled parking spot without a disabled parking permit or placard commits a class B traffic infraction. Under the bill, the offense is an unclassified misdemeanor. Since FY 2012-13, there have been approximately 200 charges of parking in a clearly marked disabled parking spot without a disabled parking plate or placard. Gender and minority data for these violations is not available.

Current law also addresses the behaviors of fraudulently creating, obtaining, possessing, using, or transferring a disabled parking placard, or what purports to be, a disabled parking placard; or receiving payment for these activities. Under current law, fraudulent behavior is an unclassified misdemeanor punishable by a fine of up to \$1,000, but under the bill the offense is a class 1 misdemeanor, punishable by 6 to 18 months imprisonment, or a fine of \$500 to \$5,000, or both. Receiving payment for fraudulent behavior is an unclassified misdemeanor, but a class 1 misdemeanor punishable by twice the civil and criminal charges for a class 1 misdemeanor which is 6 to 18 months imprisonment, or a fine of \$500 to \$5,000, or both. Since FY 2012-13, there have been a total of 13 charges for these behaviors. Gender and minority data for these violations is not available.

Effective Date

The bill takes effect July 1, 2014, and applies to applications submitted for identifying plates or placards and offenses committed on or after January 1, 2015.

State Appropriations

For FY 2014-15, the DOR requires a cash fund appropriation of \$13,338 from the License Plate Cash Fund and a cash fund appropriation of \$4,120 from the CSTAR account. The DOR also requires a General Fund appropriation of \$66,689. The Governor's Office of Information Technology requires spending authority for \$4,120 in reappropriated funds.

State and Local Government Contacts

Revenue
Local Affairs
Military Affairs
Public Health and Environment

Judicial
Special Districts
Law