



**Legislative Council Staff**

*Nonpartisan Services for Colorado's Legislature*

**Revised Fiscal Note**

(replaces fiscal note dated January 31, 2024)

<b>Drafting Number:</b>	LLS 24-0645	<b>Date:</b>	April 30, 2024
<b>Prime Sponsors:</b>	Sen. Will; Bridges Rep. Bird; Evans	<b>Bill Status:</b>	House Trans., Hous. & Local Govt.
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**Bill Topic: POSSESS IDENTIFICATION WHILE DRIVING**

<b>Summary of Fiscal Impact:</b>	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> Local Government
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill allows drivers to use a digital version of their driver license or permit and makes it a class 2 misdemeanor traffic offense to refuse to present identifying information to a peace officer. This bill may increase state and local revenue and expenditures on an ongoing basis.

**Appropriation Summary:** No appropriation is required.

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

**Summary of Legislation**

The bill modifies two identification-related traffic offenses.

Under current law, it is a class B traffic infraction to drive without a physical driver license, minor license, or instruction permit in the driver’s immediate possession. The bill allows drivers to use a digital version of their license or permit when not in immediate possession of the physical license or permit.

Under current law, it is a class A traffic infraction to refuse to show a peace officer a driver license or permit. Under the bill, if a person refuses to show a peace officer a driver license or permit, the person must present personally identifying information. Refusal to present identifying information to a peace officer is a class 2 misdemeanor traffic offense, however, the bill prohibits the peace officer from arresting the individual unless the officer needs to ascertain the person’s identity. Finally, the bill reduces the associated \$35 penalty and \$10 surcharge for the current class A traffic infraction to a \$15 penalty and \$4 surcharge. Class 2 misdemeanor traffic offenses are subject to 10 to 90 days imprisonment, a fine ranging from \$150 to \$300, or both.

## **Comparable Crime Analysis**

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 creates a new factual basis for an existing crime. Using Judicial Department data, the following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

**Driving without driver license in possession.** This bill modifies the offenses of driving without a driver license in one's possession, a class B traffic infraction. From FY 2020-21 to FY 2022-23, 1,087 individuals have been convicted and sentenced for this existing offense. Of the persons convicted, 714 were male, 362 were female, and 11 were unknown. Demographically, 832 were White, 109 were Black/African American, 92 were Hispanic, 5 were Asian, 4 were American Indian, 27 were classified as "Other," and 18 did not have a race identified.

**Refusing to present a driver license.** This bill creates the new offense of failing to present personally identifying information to a peace officer, a class 2 traffic misdemeanor. To form an estimate on the prevalence of this offense, the fiscal note analyzed the current offense of refusing to present a driver license to a peace officer, a class A traffic infraction. From FY 2020-21 to FY 2022-23, 6 individuals have been convicted and sentenced for this existing offense. Of the persons convicted, 4 were male, and 2 were female. Demographically, 5 were White, and 1 was Hispanic.

**Assumptions.** The fiscal note assumes that allowing drivers to use a digital license will minimally decrease sentences for driving without a driver license in one's possession. In addition, because there are also a minimal number of convictions for refusing to present a driver license to a peace officer, the fiscal note assumes the bill's overall impact to the criminal justice system will be minimal. Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## **State Revenue**

Based on the assumptions above, this analysis assumes that the bill will impact state revenue in two ways. First, if the bill results in additional traffic misdemeanor fines and surcharges from the new offense, revenue to the Highway Users Tax Fund (HUTF) and associated judicial cash funds will increase. However, revenue to the HUTF and associated judicial cash funds will decrease under the bill due to the reduction in the penalty and surcharge of the current class A traffic infraction. Overall, any impact to state revenue will be minimal. These fees and surcharges are subject to TABOR.

## **State Expenditures**

Starting in FY 2024-25, workload may increase to the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, to the extent the bill's new offense increases court cases or probation sentences. Due to the low

number of cases under current law for this offense, the fiscal note assumes any impact will be minimal and no change in appropriations is required.

Additionally, workload to the Department of Revenue will be minimally impacted in two ways. Workload will increase to update the DRIVES system, and will decrease if the bill reduces penalty assessments. No change in appropriations is required.

### **Local Government**

To the extent there are more individuals convicted from the bill's new offense, county jail costs and county fine revenue may increase. However, fine revenue may decrease due to the lower penalty amounts for the class A traffic infraction. Similar to the state, any impact is expected to be minimal.

### **Effective Date**

The bill takes effect March 31, 2025, and applies to offenses committed on or after that date.

### **State and Local Government Contacts**

Judicial

Revenue

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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).