



## **Could 'Crash Tax' Crash? Lawmaker Looks to Prohibit Accident Response Fees**

Peter Marcus, Denver Daily News  
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A Republican state lawmaker would like to see come to a crashing halt any future fees by local municipalities that aim to recoup response costs following an accident.

Rep. Spencer Swalm, R-Centennial, has introduced legislation that would put an end to the so-called "crash tax." The fee gained attention last year when the Denver City Council considered a proposal from then-Mayor John Hickenlooper to charge the fee as a budget-balancing proposal.

A "crash tax" usually allows municipalities to collect a fee from non-resident at-fault drivers involved in an accident that requires an emergency response.

Critics of the tax say it is unfair to charge a fee simply for causing an accident, arguing that citizens have a right to expect that municipalities will take care of their emergency needs in the event of an unfortunate incident.

"I rang many doorbells during the campaign, and many people I talked to were out of work and struggling to pay their bills," said Swalm. "The idea of having this tax imposed on them if they just happen to be driving through another town on their way to work didn't seem fair to me."

Questions, however, have already been raised over limiting local government control, and the possibility of violating home rule municipality laws.

Kevin Bommer, legislative advocacy manager for the Colorado Municipal League, said his organization will likely oppose the legislation.

"The fees that first responders have been charging ... have been statutorily authorized in the past specifically to help recover the costs that become reimbursed due to those individuals who are unable to pay, or more importantly, when the insurance company may fail to pay or takes a protracted amount of time to reimburse," said Bommer.

"We always prefer to keep local control, local," he continued.

Bommer has also raised issues over the necessity of the law, pointing out that very few local governments charge the fee. In fact, a July 2010 *Denver Daily News* report states that only three known governments charge accident response fees in Colorado, including Foothills Fire District in Jefferson County, North Washington Fire District in Adams County, and the South Adams Fire District.

In 2008, five states banned accident response fees, and in 2009, three more states followed suit. Recently, Alabama passed a law prohibiting accident response fees.

Jon Caldara, president of the libertarian Independence Institute and a vocal critic of the crash tax, joked that if he were involved in an accident in a town that imposed the fee, he would call a tow truck to tow both cars to another municipality.

“It’s actually a little cheaper that way,” he joked.

“But seriously ... voters shouldn’t have to be worrying that when they cross over a municipal line, whether they’re going to be liable for calling 9-1-1 or not,” Caldara concluded.

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