



**Colorado
Legislative
Council
Staff**

HB17-1151

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0842 **Date:** February 10, 2017
Prime Sponsor(s): Rep. Hansen; Willett **Bill Status:** House Transportation
 Sen. Kerr; Hill **Fiscal Analyst:** Ryan Long (303-866-2066)

BILL TOPIC: ELECTRICAL ASSISTED BICYCLES REGULATION OPERATION

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue Cash Funds	Minimal increase.	
State Expenditures Cash Funds	Minimal workload increase. See State Expenditures Section.	
TABOR Impact	Minimal increase.	
Appropriation Required: None.		
Future Year Impacts: Ongoing minimal state revenue and workload increases.		

Summary of Legislation

This bill removes electrical assisted bicycles from the definition of motor vehicle and defines an electrical assisted bicycle as a bicycle equipped with an electric motor not exceeding 750 watts of power. This bill creates three classes of electrical assisted bicycle, as outlined in Table 1.

Table 1. Classification of Electrical Assisted Bicycle Under HB17-1151	
Class 1	An electrical assisted bicycle that only provides assistance when the rider is pedaling; the motor ceases at 20 miles per hour (mph).
Class 2	An electrical assisted bicycle that provides assistance regardless of whether the rider is pedaling; the motor ceases at 20 mph.
Class 3	An electrical assisted bicycle that provides assistance only when the rider is pedaling; the motor ceases at 28 mph.

Every manufacturer or distributor of new electrical assisted bicycles is required to attach a label that contains the classification number, as shown in Table 1. A person is prohibited from modifying an electrical assisted bicycle without replacing the classification label. Electrical assisted bicycles must comply with the equipment and manufacturing requirements for bicycles adopted by the Consumer Product Safety Commission. Anyone who violates the labeling and equipment provisions is subject to a Class B traffic infraction, with a fine of \$15 and a surcharge of \$6. Local authorities may prohibit the operation of Class 1 or Class 2 electrical assisted bicycles on a bike or pedestrian path under its jurisdiction.

Comparable Crime

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. Between February 2014 to February 2017, there were 60 convictions under the bicycle and personal mobility device equipment law. Of this number, there were 52 males, 5 females, and 3 for which gender information was not available; 46 were Caucasian, 7 were African American, 3 were Hispanic, 1 was Asian, and 3 were classified as other/unknown. These convictions included convictions for bicycles, electrical assisted bicycles, and segways.

State Revenue

Beginning in FY 2017-18, this bill may minimally increase fee revenue to the Judicial Department and state traffic fine revenue to the Highway Users Tax Fund (HUTF), of which the State Highway Fund in the Colorado Department of Transportation receives 65 percent.

TABOR Impact

This bill increases state cash fund revenue from fines, which will reduce the amount of money required to be refunded under TABOR for FY 2017-18 and FY 2018-19. TABOR refunds are paid out of the General Fund. Since the bill increases the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will decrease by an identical amount.

State Expenditures

Beginning in FY 2017-18, workload in the Judicial Department will minimally increase to hear Class B traffic infractions under this bill. The department's workload model estimates that one county court judicial officer can process 30,207 infractions in a year. This fiscal note assumes that additional convictions pursuant to the provisions in this bill will be minimal; therefore, this workload increase will be minimal and no change in appropriations is required.

Local Government Impact

Beginning in FY 2017-18, this bill may minimally decrease local government revenues and workloads, as discussed below.

Local governments. Costs and workload may increase for local governments who adopt policies related to electrical assisted bicycle use on pedestrian and bike trails.

HUTF fine revenue. This bill may minimally increase local government HUTF revenue beginning in FY 2017-18. HUTF revenue generated by traffic fines is distributed to counties (26 percent) and municipalities (9 percent) for transportation needs.

District attorneys. District attorneys may experience a minimal workload increase related to individuals cited for the Class B traffic infraction under this bill.

Denver County Court. The Denver County Court, which is managed and funded by Denver City and County, may experience a minimal revenue and workload increase for traffic cases.

Municipal courts. The bill may also result in a minimal revenue and workload increase for municipal courts, to the extent these courts have adopted the model traffic code.

Effective Date

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Counties
Public Safety

Information Technology
Revenue

Judicial
Sheriffs

Municipalities
Transportation