



**Colorado  
Legislative  
Council  
Staff**

**SB17-093**

**FINAL  
FISCAL NOTE**

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

**Drafting Number:** LLS 17-0551  
**Prime Sponsor(s):** Sen. Kerr

**Date:** June 28, 2017  
**Bill Status:** Postponed Indefinitely  
**Fiscal Analyst:** Erin Reynolds (303-866-4146)

**BILL TOPIC:** OPERATION OF BICYCLES APPROACHING INTERSECTIONS

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
<b>State Revenue</b> Cash Funds	Minimal decrease.	
<b>State Expenditures</b>	Minimal workload impact. See State Expenditures section.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing minimal state revenue and workload decrease.		

**NOTE: This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.**

**Summary of Legislation**

The bill allows a bicyclist, including those on electrically assisted bicycles, to pass through an intersection without stopping if the bicyclist:

- slows to a reasonable speed;
- yields to vehicles and pedestrians; and
- can safely proceed or turn.

The same rule applies to bicyclists passing through a red light, except that the bicyclist cannot make a left-hand turn unless stopping, yielding to vehicles and pedestrians, and turning left onto a one-way street.

**Background**

**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. It is currently a class 2 misdemeanor traffic offense for a bicyclist to glide through an intersection without stopping, punishable by a per offense penalty of \$150. Between January 2014 and January 2017, there were 44 bicyclists convicted for passing through an intersection without

stopping, which represents an average of about 15 bicyclists per year. Of those convicted, 41 were Caucasian and 2 were African American; 36 were male, and 7 were female; and no race or gender data was available for 1.

### **State Revenue**

Beginning in FY 2017-18, the bill may minimally decrease county court 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. As discussed in the Comparable Crime section, there is a low annual state conviction rate for this traffic offense currently, resulting in approximately \$1,625 in annual fine revenue to the State Highway Fund. However, the bill still requires bicyclists to follow certain protocols in an intersection, particularly with left-hand turns; therefore, this fine revenue will not be entirely eliminated.

### **State Expenditures**

Beginning in FY 2017-18, workload in the Judicial Department may minimally decrease. In FY 2017-18 only, this bill will minimally increase workload in the Departments of Public Safety, Revenue, and Transportation.

**Judicial Department.** Workload in the Judicial Department may minimally decrease beginning in FY 2017-18 to hear fewer cases related to bicyclists in intersections. The department's workload model estimates that one county court judicial officer can process 11,145 misdemeanor traffic cases per year on average. Considering the recent citations issued, as discussed in the Comparable Crime section, and the potential for citations to continue under the bill, the fiscal note assumes that this workload reduction will be minimal and no change in appropriations is required.

**Departments of Public Safety, Revenue, and Transportation.** In FY 2017-18, these departments will be required to update materials to reflect the change in law. This workload is minimal and can be accomplished within the existing appropriations of each department.

### **Local Government Impact**

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

**HUTF fine revenue.** The bill may minimally decrease local government HUTF revenue beginning in FY 2016-17. 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 decrease to prosecute fewer individuals cited for misdemeanor traffic offenses.

**Denver County Court.** The Denver County Court, which is administered and funded by Denver City and County, may experience a minimal revenue and workload decrease related to traffic offenses under the bill.

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

**Effective Date**

The bill was postponed indefinitely by the Senate Transportation Committee on February 7, 2017.

**State and Local Government Contacts**

Counties  
Municipalities  
Sheriffs

Information Technology  
Public Safety  
Transportation

Judicial  
Regional Transportation District