



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

# FISCAL NOTE

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<b>Drafting Number:</b>	LLS 18-0835	<b>Date:</b>	February 6, 2018
<b>Prime Sponsors:</b>	Sen. Kerr Rep. Willett	<b>Bill Status:</b>	Senate SVMA
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**Bill Topic:** BICYCLE OPERATION APPROACHING INTERSECTION

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

This bill allows local governments to adopt rules regulating when a bicycle can pass through an intersection. The bill minimally impacts state and local government revenue and expenditures on an ongoing basis.

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

**Fiscal Note  
Status:** The fiscal note reflects the introduced bill.

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### Summary of Legislation

This bill permits a municipality or county to adopt regulations allowing a bicycle or electric bicycle to pass through an intersection with a stop sign without stopping if the bicyclist:

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

Additionally, counties and municipalities may adopt regulations allowing bicycles and electric bicycles to turn right on or proceed through an intersection with a red light after first stopping. Bicyclists may not turn left when there is a red light unless the street is one way.

### 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 bicycle or electric bicycle to glide through an intersection without stopping, punishable by a per offense penalty of \$150. Between January 2015 and January 2018, there were 43 bicyclists convicted for all bicycle traffic offenses, which represents an average of about 14 bicyclists per year. Of those convicted, 38 were Caucasian, 3 were African American, and 1 was Hispanic; 36 were male, 6 were female; and no race or gender data was available for 1. It is unknown how many of these offenses were specifically for gliding through an intersection.

## **State Revenue**

Beginning in the current 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. It is unknown exactly how many people received a citation for gliding through an intersection, however, this revenue reduction is expected to be minimal.

## **State Expenditures**

Beginning in the current FY 2017-18, workload in the Judicial Department may minimally decrease. In FY 2018-19 only, this bill will minimally increase workload in the Departments of Public Safety, Revenue, and Transportation.

**Judicial Department.** To the extent that municipalities and counties adopt the regulations in this bill, workload in the Judicial Department may minimally decrease beginning in the current FY 2017-18 due to fewer cases related to bicyclists in intersections. Of the bicycle-related infractions discussed in the Comparable Crime Section, it is unknown how many of those cases specifically involved gliding through an intersection. The fiscal note assumes that any decrease in cases will be minimal and no change in appropriations is required.

**Departments of Public Safety, Revenue, and Transportation.** In FY 2018-19, 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**

Beginning in the current FY 2017-18, this bill may minimally decrease local government revenues and workloads, as discussed below. Any changes to revenue and workload will depend on the number of county and municipal governments that adopt the changes in this bill.

**HUTF fine revenue.** The bill may minimally decrease local government HUTF revenue beginning in the current 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 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 this 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 takes effect upon signature of the Governor, or upon becoming law without his signature.

**State and Local Government Contacts**

Counties  
Public Safety  
Transportation

Judicial  
Regional Transportation District

Municipalities  
Sheriffs