



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

SB 19-144

REVISED FISCAL NOTE

(replaces fiscal note dated March 4, 2019)

Drafting Number: LLS 19-0859
Prime Sponsors: Sen. Zenzinger
Rep. Roberts

Date: March 26, 2019
Bill Status: House Trans. & Local Govt.
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Bill Topic: MOTORCYCLISTS & MALFUNCTIONING TRAFFIC SIGNALS

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue (<i>minimal</i>)	<input checked="" type="checkbox"/> TABOR Refund (<i>minimal</i>)
<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

The bill allows motorcycles to proceed through an intersection or other location with a traffic control signal after yielding if: the traffic control signal is inoperative, remains on a steady red or yellow for two minutes or more, or fails to recognize a motorcycle. The bill minimally reduces state revenue and expenditures on an ongoing basis beginning in FY 2019-20.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill allows motorcycles to proceed through an intersection or other location with a traffic control signal after yielding if:

- the traffic control signal is inoperative;
- remains on a steady red or yellow for several time cycles; or
- fails to recognize a motorcycle.

Background

Under current law, motorcycles may not proceed through an intersection with a traffic control signal that fails to recognize a motorcycle.

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 changes an element of an existing crime. This section outlines data on crimes comparable to the offense in this bill and discusses assumptions on future rates of criminal conviction for those offense.

Prior conviction data and assumptions. This bill changes the element of an existing class A traffic infraction by allowing motorcycles to proceed through an intersection if malfunctioning traffic signal fails to recognize a motorcycle. The fiscal note assumes that there will continue to be minimal or no additional criminal case filings or convictions for this offense under the bill. Because the bill is not expected to have a tangible impact on criminal justice-related revenue or expenditures at the state or local levels, these potential impacts are assumed to be minimal.

Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue

Beginning in FY 2019-20, this bill may minimally decrease fine revenue to the Highway Users Tax Fund (HUTF), of which 65 percent goes to the State Highway Fund in the Colorado Department of Transportation. The bill may also minimally decrease revenue to the Judicial Department from court fees and surcharges. These revenue sources are subject to TABOR.

State Expenditures

This bill may decrease workload in the Judicial Department a minimal amount beginning in FY 2019-20.

Judicial Department. This bill may decrease workload for the trial courts in the Judicial Department to process fewer case filings. Should a change in funding be required for any agency or division within the Judicial Department, the fiscal note assumes it will be addressed through the annual budget process.

TABOR refund. The bill may decrease state General Fund obligations for TABOR refunds in FY 2019-20. Under current law and the December 2018 forecast, the bill will correspondingly decrease the amount refunded to taxpayers via sales tax refunds on income tax returns for tax year 2020. The state is not expected to collect a TABOR surplus in FY 2020-21.

Local Government

Beginning in FY 2019-20, this bill may decrease local government revenue and workload as described below.

HUTF fine revenue. The bill may minimally decrease local government HUTF fine revenue beginning in the current FY 2019-20. HUTF revenue generated by traffic fines is distributed to counties (26 percent) and municipalities (9 percent) for transportation needs.

Denver County Court. The bill may decrease workload for the Denver County Court, which is managed and funded by the City and County of Denver, to process fewer cases under the bill.

Effective Date

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Counties
Public Safety

Judicial - Civil / Administration
Transportation

Municipalities