



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Fiscal Note

**Drafting Number:** LLS 23-0107  
**Prime Sponsors:** Rep. Lindsay  
Sen. Bridges

**Date:** February 7, 2023  
**Bill Status:** House Trans. Local Govt.  
**Fiscal Analyst:** Aaron Carpenter | 303-866-4918  
aaron.carpenter@coleg.gov

**Bill Topic:** **MOVE OVER OR SLOW DOWN STATIONARY VEHICLE**

**Summary of Fiscal Impact:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> State Revenue     | <input checked="" type="checkbox"/> TABOR Refund     |
| <input checked="" type="checkbox"/> State Expenditure | <input checked="" type="checkbox"/> Local Government |
| <input type="checkbox"/> State Transfer               | <input type="checkbox"/> Statutory Public Entity     |

The bill requires drivers to exhibit due care and caution when approaching or passing a stationary motor vehicle giving a hazard signal. Starting in FY 2023-24, the bill will minimally increase state and local revenue and expenditures.

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

**Fiscal Note Status:** The fiscal note reflects the introduced bill, which was recommended by the Transportation Legislation Review Committee.

## Summary of Legislation

Under current law, a driver must exhibit due care and caution by moving one lane over or, if moving over is not possible, reducing and maintaining a safe speed when approaching or passing a stationary authorized emergency vehicle, towing carrier, public utility service vehicle, or motor vehicle whose tires are being equipped with chains. The bill adds stationary motor vehicles giving a hazard signal to this list. Failure to exhibit due care and caution is considered careless driving, which can range from a class 2 traffic misdemeanor to a class 6 felony, depending on if the driver's actions are proximate cause of injury or death.

## 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 creates a new factual basis for an existing crime. The following sections outline data on crimes that are comparable to the offense in this bill and discuss assumptions on future rates of criminal convictions resulting from the bill.

**Prior conviction data and assumption.** This bill creates a new factual basis for the existing offense of not yielding to an emergency vehicle or other stationary vehicle by adding motor vehicles using a hazard signal. From FY 2019-20 to FY 2021-22, 230 individuals were sentenced for failing to exhibit

due care and caution when approaching or passing certain vehicles. Of those sentenced, 151 were male and 79 were female. Demographically 179 were white, 21 were Black, 15 were Hispanic, 10 were Asian, 4 were classified as other and 1 was classified as unknown. Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

**Assumptions.** The fiscal note assumes that drivers that fail to exhibit due care and caution when approaching or passing a vehicle displaying a hazard signal may be prosecuted for careless driving under current law. Therefore, the fiscal note assumes that there will be a minimal increase in criminal filings as a result of the bill.

## State Revenue and Expenditures

Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue and expenditures. Under the bill, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount. Traffic fines are deposited to the Highway Users Trust Fund (HUTF) and are distributed to CDOT (65 percent), counties (26 percent), and municipalities (9 percent), while other criminal surcharges and court fees are distributed to various cash funds in the Judicial Department. Similarly, any increase in workload and costs for the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, and to the Department of Corrections, are assumed to be minimal and no change in appropriations is required.

## Local Government

Similar to the state, it is expected that any revenue to counties and municipalities from the HUTF and workload to district attorneys to prosecute more offenses will be minimal. District attorney offices are funded by counties.

## Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, and applies to offenses committed on or after this date.

## State and Local Government Contacts

Counties	Information Technology	Judicial
Municipalities	Public Safety	Revenue
Transportation		