



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 26-1329: MOTOR VEHICLE STUNT DRIVE & TAKEOVER PENALTIES

Prime Sponsors:

Rep. Clifford; Richardson

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Published for: House Judiciary

Drafting number: LLS 26-0052

Version: Initial Fiscal Note

Date: March 30, 2026

Fiscal note status: This fiscal note reflects the introduced bill.

Summary Information

Overview. The bill prohibits street takeovers, races, and stunt driving on highways and roadways.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- Minimal State Revenue
- State Expenditures
- Local Government

Appropriations. The bill requires appropriations to the Department of Revenue of \$101,946 in the current FY 2025-26 and \$24,275 in FY 2026-27.

Table 1
State Fiscal Impacts

Type of Impact	Current Year FY 2025-26	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0	\$0
State Expenditures	\$101,946	\$30,883	\$30,883
Transferred Funds	\$0	\$0	\$0
Change in TABOR Refunds	\$0	\$0	\$0
Change in State FTE	0.0 FTE	0.3 FTE	0.3 FTE

Fund sources for these impacts are shown in the tables below.

**Table 1A
State Expenditures**

Fund Source	Current Year FY 2025-26	Budget Year FY 2026-27	Out Year FY 2027-28
General Fund	\$0	\$0	\$0
Cash Funds	\$101,946	\$24,275	\$24,275
Federal Funds	\$0	\$0	\$0
Centrally Appropriated	\$0	\$6,608	\$6,608
Total Expenditures	\$101,946	\$30,883	\$30,883
Total FTE	0.0 FTE	0.3 FTE	0.3 FTE

Summary of Legislation

The bill prohibits certain conduct and establishes penalties for violations as discussed below.

Prohibited Conduct

Current law prohibits speed contests and exhibitions. The bill repeals these offenses, and instead prohibits driving a motor vehicle in a street takeover, coordinated street takeover, race, drag race, and stunt driving. These new terms are defined in the bill. Additionally, the following conduct related to these activities is prohibited:

- facilitating or participating in any manner;
- riding as a passenger;
- impeding the movement of other vehicular or pedestrian traffic;
- driving a vehicle for the purpose of providing fuel for another vehicle; and
- spectating.

Penalties

Speed contests are currently punished as a class 1 misdemeanor traffic offense, while speed exhibitions are a class 2 misdemeanor traffic offense. The bill replaces these with the following offenses:

- spectating (class B traffic infraction);
- unlawful exhibition of racing or stunt driving (class 1 misdemeanor traffic offense); and
- unlawful coordinated street takeover (class 6 felony).

Unlawful exhibition of racing or stunt driving applies to all conduct listed above except spectating, and unlawful coordinated street takeover only applies when certain conduct occurs. Penalties for violations align with the standard crime classification. However, the bill provides for enhanced fines, as well as increased classifications for subsequent convictions within certain time frames. The bill also makes vehicular eluding in connection with or immediately after a violation a class 4 felony, instead of the current class 5 felony.

Additionally, driver license revocation by the Department of Revenue (DOR) is required for unlawful exhibition and unlawful coordinated street takeover convictions. Vehicles involved in these offenses may be impounded for evidence or as a condition of sentencing if determined by the court. For subsequent violations, vehicles may be subject to civil asset forfeiture.

Finally, the bill allows automated vehicle identification systems (AVIS) to assist in identifying motor vehicles used in violations, as long as the AVIS is installed and utilized according to requirements under current law.

Comparable Crime Analysis

Legislative Council Staff is required to include certain analysis in the fiscal note for any bill that creates a new crime, or that either reclassifies or creates a new factual basis for an existing crime. The sections below identify prior conviction data and assumptions on future conviction rates resulting from the bill.

Prior Conviction Data

The bill creates three new offenses—spectating (class B traffic infraction), unlawful exhibition of racing or stunt driving (class 1 misdemeanor traffic offense), and unlawful coordinated street takeover (class 6 felony). To form an estimate on the prevalence of these new crimes, the fiscal note analyzed the existing offenses of engaging in speed contests or exhibitions, a class 1 or class 2 misdemeanor traffic offense, respectively. From FY 2022-23 to FY 2024-25, 991 individuals have been convicted and sentenced for these existing offenses. Of the persons convicted, 833 were Male, 153 were Female, and 5 did not have a gender identified. Demographically, 791 were White, 89 were Black/African American, 55 were Hispanic, 24 were Asian, 2 were American Indian, 21 were identified as “Other,” and 9 did not have a race identified.

The bill also reclassifies vehicular eluding as a class 4 felony if it occurs in connection with unlawful exhibition. From FY 2022-23 to FY 2024-25, 2,506 individuals have been convicted and sentenced for the existing class 5 felony of vehicular eluding. Of the persons convicted, 2,009 were Male, 487 were Female, and 10 did not have a gender identified. Demographically, 2,070 were White, 194 were Black/African American, 154 were Hispanic, 16 were Asian, 17 were American Indian, 53 were identified as “Other.” and 2 did not have a race identified.

Assumptions

Overall, the bill is expected to have a minimal impact on the state criminal justice system given the narrow scope of prohibited conduct.

New Offenses

The fiscal note assumes that the new offenses created by the bill prohibit the same conduct as current law, and therefore are expected to result in minimal or no additional criminal case filings or convictions.

Reclassified Offense

The primary impact of the bill is from the change in vehicular eluding in connection with unlawful exhibition, which is a much rarer occurrence than outlined in the prior conviction data. Judicial data show there is about 1 case per year that involve both convictions, none of whom were sentenced to the Colorado Department of Corrections (CDOC). Because the number of cases is minimal, any increase in bed impact is expected to be minimal.

Visit the [Fiscal Notes website](#) for more information about criminal justice costs in fiscal notes.

State Revenue

Based on the assumptions above, the fiscal note estimates a minimal impact to state revenue starting in FY 2026-27 if more violations occur. Revenue from traffic offense fines is credited to the Highway Users Tax Fund (HUTF), while criminal fines and court fees are received by the Judicial Department. All revenue is subject to TABOR. Additionally, the Colorado Department of Transportation (CDOT) receives 65 percent of revenue from the HUTF.

State Expenditures

The bill increases state expenditures in the DOR by about \$102,000 in the current FY 2025-26 and by about \$31,000 in FY 2026-27 and future years. These costs, paid from the DRIVES Cash Fund, are summarized in Table 2 and discussed below. The bill also minimally affects workload in the state criminal justice system.

Table 2
State Expenditures
Department of Revenue

Cost Component	Current Year FY 2025-26	Budget Year FY 2026-27	Out Year FY 2027-28
Personal Services	\$0	\$24,275	\$24,275
Operating Expenses	\$0	\$0	\$0
Capital Outlay Costs	\$0	\$0	\$0
DRIVES Update	\$101,946	\$0	\$0
Centrally Appropriated Costs	\$0	\$6,608	\$6,608
Total Costs	\$101,946	\$30,883	\$30,883
Total FTE	0.0 FTE	0.3 FTE	0.3 FTE

Department of Revenue

The department will have staff and DRIVES update costs beginning in the current FY 2025-26 to implement the bill as discussed below.

Staff

Although the bill is not expected to increase the number of criminal cases filed, it will increase the number of driver license revocations issued by the DOR since these revocations are mandatory. Each license revocation is entitled to a hearing by a hearing officer within the DOR. Based on an estimated 660 additional license revocations, 0.3 FTE Hearing Officer II is required. This is below the threshold for operating and capital outlay costs per fiscal notes common policies, so the amounts above reflect only personal services costs prorated for a July 1, 2026, start date.

DRIVES Updates

With an effective date of June 15, 2026, the DOR will have expenditures in the current FY 2025-26 to update the DRIVES system to implement the bill. This includes the following programming:

- 102 hours from the Office of Information Technology, at a cost of \$104.00 per hour;
- 525 hours from the DOR’s DRIVES vendor, at a blended cost of \$161.17 per hour; and
- 164 hours of user acceptance testing, at a cost of \$41.00 per hour.

Centrally Appropriated Costs

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which may include employee insurance, supplemental employee retirement payments, indirect cost assessments, and other costs, are shown in Table 2 above.

Criminal Justice Agencies

Based on the assumptions in the Comparable Crime Analysis section, the fiscal note estimates that there will be a minimal impact on expenditures in the criminal justice system. Under the bill, workload and costs in the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, and to the CDOC, may increase by a minimal amount. No change in appropriations is required.

Local Government

Similar to the state, it is expected that any workload or cost increases for district attorneys to prosecute more offenses, or for county jails to imprison more individuals under the bill will be minimal. District attorney offices and county jails are funded by counties. Additionally, revenue from the HUTF is distributed to counties (26 percent) and municipalities (9 percent).

Effective Date

The bill takes effect June 15, 2026, and applies to offenses committed on or after this date.

State Appropriations

The bill requires the following appropriations from the DRIVES Cash Fund to the Department of Revenue:

- for FY 2025-26, \$101,946; and
- for FY 2026-27, \$24,275, and 0.3 FTE.

State and Local Government Contacts

District Attorneys	Public Safety
Judicial	Revenue
Public Defender	