



**Colorado
Legislative
Council
Staff**

SB17-093

FISCAL NOTE

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

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

Date: January 25, 2017
Bill Status: Senate Transportation
Fiscal Analyst: Erin Reynolds (303-866-4146)

BILL TOPIC: OPERATION OF BICYCLES APPROACHING INTERSECTIONS

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

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.

TABOR Impact

This bill minimally reduces state cash fund revenue from fees and fines, which will reduce the amount of money required to be refunded under TABOR for FY 2017-18 and FY 2018-19. TABOR refunds are paid out of the General Fund. Since the bill reduces the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will increase by an identical amount.

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 takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Counties
Municipalities
Sheriffs

Information Technology
Public Safety
Transportation

Judicial
Regional Transportation District