



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

SB 20-061

FISCAL NOTE

Drafting Number: LLS 20-0372
Prime Sponsors: Sen. Foote

Date: January 21, 2020
Bill Status: Senate Judiciary
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Bill Topic: YIELD TO BICYCLES IN BICYCLE LANES

- Summary of Fiscal Impact:
- State Revenue (checked)
- State Expenditure (checked)
- State Transfer (unchecked)
- TABOR Refund (checked)
- Local Government (checked)
- Statutory Public Entity (unchecked)

The bill creates a new class A traffic infraction for failure to yield to a bicycle in a bicycle lane. The bill will minimally increase state and local revenue beginning in FY 2020-21 and state expenditures in FY 2020-21 only.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill creates a class A traffic infraction for failure to yield to a bicycle in a bicycle lane. This class A traffic infraction is punishable by a fine of \$70, a \$10 surcharge, and 4 points against a driver license. If the failure to yield to a bicycle in a bicycle lane is the proximate cause of the crash, it is considered careless driving, which is a class 2 misdemeanor. In addition, if the failure to yield to a bicycle in a bicycle lane is the proximate cause of bodily injury to another, it is also considered careless driving, which class 1 misdemeanor.

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. 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 under the bill.

Prior conviction data. This bill creates the new traffic infraction of failing to yield to a bicycle in a bicycle lane, a class A traffic infraction. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of failure to yield to vehicles enter an roadway as a comparable crime. From 2017 to 2019, 89 persons have been convicted and sentenced for this existing offense. Of the persons convicted, 56 were male, 32 were female, and 1 did not have a gender identified. Demographically, 84 were White, 1 was Black/African American, 1 was Hispanic, 2 were Asian, and 1 did not have a race identified.

**Assumptions.** Because causing proximate cause of a crash or bodily injury is already a class 2 and class 1 misdemeanor, respectively, this analysis assumes that new offense for failing to yield to a bicycle in a bicycle lane will only minimally increase the total amount of traffic infractions.

Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## **State Revenue**

Beginning in FY 2020-21, this bill is anticipated to minimally increase 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 increase revenue to the Judicial Department from court fees and surcharges. This fine and fee revenue is subject to TABOR.

## **State Expenditures**

**Department of Revenue — computer programming.** In FY 2020-21, Department of Revenue (DOR) expenditures will increase by \$675 from the Licensing Services Cash Fund to program its DRIVES system. It is estimated that three hours of work at \$225 per hour is necessary. The fiscal note assumes this increase can be covered with existing within the cash fund balance and no appropriation is required.

**Judicial Department.** Workload in the Judicial Department will increase beginning in the current FY 2020-21 to hear the new class A traffic infraction under the bill. The department's workload model estimates that one county court judicial officer can process approximately 30,000 traffic infraction cases per year. Using the recent citations issued, as discussed in the Comparable Crime section, the fiscal note assumes that this workload impact will be minimal and no change in appropriations is required.

**TABOR refund.** The bill is expected to increase state General Fund obligations for TABOR refunds by a minimal amount in FY 2020-21 and FY 2021-22. Under current law and the December 2019 Legislative Council Staff forecast, the measure will correspondingly increase the amount refunded to taxpayers via sales tax refunds made available on income tax returns for tax years 2021 and 2022, respectively. A forecast of state revenue subject to TABOR is not available beyond FY 2021-22.

## **Local Government**

Beginning in the current FY 2020-21, this bill will increase local government revenues, workloads, and expenditures, as discussed below.

**HUTF fine revenue.** The bill will minimally increase local government HUTF revenue beginning in the current FY 2020-21. HUTF revenue generated by traffic fines is distributed to counties (26 percent) and municipalities (9 percent) for transportation needs.

**District and city attorneys.** District and city attorneys may see increased workloads in offices that offer plea deals. District attorney offices are allowed by statute to negotiate plea bargains in traffic infraction cases. To the extent a municipality has adopted the model traffic code, city attorneys may negotiate plea bargains in these cases.

**Denver County and municipal courts.** Similar to state-funded courts, the bill may increase revenue and workload (or expenditures) for the Denver County Court, which is managed and funded by the City and County of Denver, and for municipal courts to the extent that infractions occur in these jurisdictions.

**Effective Date**

The bill takes effect July 1, 2020, and applies to offenses committed on or after this date.

**State and Local Government Contacts**

Counties	Information Technology	Judicial
Municipalities	Public Safety	Revenue
Transportation		