



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Fiscal Note

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<b>Drafting Number:</b>	LLS 24-0466	<b>Date:</b>	February 1, 2024
<b>Prime Sponsors:</b>	Sen. Hinrichsen; Smallwood Rep. Mabrey	<b>Bill Status:</b>	Senate Transportation & Energy
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<b>Bill Topic:</b>	<b>MOTORCYCLE LANE FILTERING &amp; PASSING</b>
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<b>Summary of Fiscal Impact:</b>	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> Local Government
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill authorizes a two-wheeled motorcycle to pass another vehicle in the same lane under certain conditions. It may decrease state and local revenue and workload on an ongoing basis.

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<b>Appropriation Summary:</b>	No appropriation is required.
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<b>Fiscal Note Status:</b>	The fiscal note reflects the introduced bill.
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## Summary of Legislation

The bill authorizes a two-wheeled motorcycle to pass another vehicle in the same lane if:

- the overtaken vehicle is stopped or moving in the same direction of travel;
- lanes are wide enough for the motorcycle to pass safely;
- the motorcycle is driving 20 miles per hour or less; and
- conditions allow the motorcycle to pass safely.

The bill prohibits a motorcycle from overtaking or passing a vehicle:

- on the right shoulder;
- to the right of a vehicle on the farthest right-hand lane if the highway is not limited access; or
- in a lane of traffic moving in the opposite direction.

## 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 section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

**Prior conviction data.** This bill modifies the existing offense of driving a motorcycle between lanes of traffic by allowing it under certain conditions. From FY 2020-21 to FY 2022-23, three people have been convicted and sentenced for this offense. Of the persons convicted, all three were male and all three were White. The fiscal note assumes the bill will result in a minimal decrease in case filings or convictions. Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## **State Revenue and Expenditures**

Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue and expenditures. Fine revenue from traffic infractions to the Highway Users Trust Fund (HUTF), which is subject to TABOR, may decrease by a minimal amount. Similarly, any decrease in workload and costs for the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons are assumed to be minimal and no change in appropriations is required.

## **Local Government**

Similar to the state, it is expected that any workload or cost decreases for district attorneys to prosecute fewer offenses will be minimal. HUTF revenue generated by traffic fines is distributed to counties (26 percent) and municipalities (9 percent) for transportation needs.

## **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 that date.

## **State and Local Government Contacts**

Counties	Judicial	Public Safety
Regional Transportation	District Revenue	Transportation

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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](http://leg.colorado.gov).