


Colorado Legislative Council Staff Fiscal Note
STATE and LOCAL
REVISED FISCAL IMPACT
(replaces fiscal note dated February 7, 2009)

Drafting Number: LLS 09-0667
Prime Sponsor(s): Sen. Brophy
 Rep. Merrifield

Date: March 16, 2009
Bill Status: House Transportation & Energy
Fiscal Analyst: David Porter (303-866-4375)

TITLE: CONCERNING REVISIONS TO THE RULES GOVERNING THE SAFE INTERACTION OF BICYCLES WITH OTHER VEHICLES ON ROADWAYS.

Fiscal Impact Summary	FY 2009-2010	FY 2010-2011
State Revenue		
Cash Funds		
Multiple Cash Funds - Penalties and Surcharges	<\$ 5,000	<\$ 5,000
State Expenditures		
FTE Position Change		
Effective Date: The bill is effective 90 days following final adjournment of the General Assembly unless a referendum petition is filed (August 4, 2009, if final adjournment is May 6, 2009).		
Appropriation Summary for FY 2009-2010: None required.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

This *reengrossed* bill makes several changes to the traffic laws that address the interaction between bicyclists and motor vehicles. Motor vehicles that are passing bicyclists must provide at least 3 feet of separation. At the same time, the passing motorist must avoid crossing into more than 1/2 of the oncoming traffic's lane. Violation of passing rules is a class A traffic infraction.

Current law requires bicyclists to ride in the right-hand lane far enough to the right to facilitate traffic passing. When riding in this lane, it is permissible to do the following:

- ▶ ride in the left lane when making a left turn;
- ▶ ride on the left side of a dedicated right-turn lane even if not turning;
- ▶ leave the right-hand lane to overtake slower vehicles or avoid road hazards.

SB09-148 specifies that these rules apply to situations in which the bicyclist is traveling slower than the normal speed of traffic. The bill also stipulates that bicyclists can ride in the left-hand lane on one-way roads, provided that they ride far enough to the left to facilitate traffic passing. The bicyclist is not expected to ride over hazards regardless of whether in the left- or right-hand lane.

The bill also does the following:

- ▶ provides more details about the situations in which bicyclists are permitted to ride two abreast (a class 2 misdemeanor traffic offense);
- ▶ categorizes driving intentionally close to a bicyclist in a threatening or dangerous manner as careless driving (a class 2 misdemeanor traffic offense – class 1 if bodily harm or death results); and
- ▶ establishes a new class 2 misdemeanor for harassing, taunting, or throwing an object or substance at a bicyclist.

State Revenue

State revenue is expected to increase from penalty, fine, and surcharge collection, but by less than \$5,000. Although the bill expands and clarifies existing traffic law and introduces harassment of a bicyclist, changes that are not expected to result in a large number of new convictions.

Penalties and Surcharges. Table 1 shows the fines, penalties and surcharges that result from violation of this bill.

Table 1. Fines, Penalties, and Surcharges Impacted by SB09-148				
Statutory Cite	Topic	Charge	Fine or Penalty / Surcharge	Imprisonment
42-4-1002, 42-4-1003, 42-4-1004, and 42-4-1005	Passing rules	class A traffic infraction	\$100 / \$10	—
42-4-1412	Riding 2 abreast	class 2 traffic misdemeanor	\$15/\$6	—
42-4-1008.5	Driving too close in a threatening manner	class 2 traffic misdemeanor / class 1 traffic misdemeanor	\$150/\$16	—
18-2-210	Taunting or harassing a cyclist	class 2 misdemeanor	\$250 - \$1,000 / n.a.	3 - 12 months

Penalty revenue from citations issued by both state patrol officers and local law enforcement is credited to the Highway Users Tax Fund (HUTF) and distributed to the state, counties, and municipalities for highway purposes. Surcharge revenue is split evenly between the Victims and Witnesses Assistance and Law Enforcement Fund and the Crime Victim Compensation Fund and is distributed to victims and witnesses. Revenue from convictions of vehicular harassment will be credited to the Fines Collection Cash Fund.

Local Government Impact

This bill may increase HUTF fine revenue distributions to local governments. Counties and municipalities receive 35 percent of HUTF fine revenue for highway purposes.

The penalty for a class 2 misdemeanor is 3 to 12 months imprisonment in a county jail, a fine of \$250 to \$1,000, or both. Because the courts have the discretion of incarceration or imposing a fine, the impact at the local level cannot be determined. The cost to house an offender in county jails varies from \$45 to \$50 per day in smaller rural jails to \$62 to \$65 per day for larger Denver-metro area jails. For the current fiscal year, the state reimburses county jails a daily rate of \$50.44 to house state inmates. It is assumed that the impact of this new misdemeanor will be minimal and will not create the need for additional county jail space.

Departments Contacted

Judicial Public Safety Revenue Transportation