



**Colorado  
Legislative  
Council  
Staff**

**HB16-1205**

**FINAL  
FISCAL NOTE**

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

**Drafting Number:** LLS 16-0064  
**Prime Sponsor(s):** Rep. Klingenschmitt  
Sen. Cooke

**Date:** June 2, 2016  
**Bill Status:** Postponed Indefinitely  
**Fiscal Analyst:** Erin Reynolds (303-866-4146)

**BILL TOPIC:** MOTORCYCLE LANE-SPLITTING

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
<b>State Revenue</b> Cash Funds	Indeterminate but minimal. See State Revenue section.	
<b>State Expenditure</b> Cash Funds	up to \$25,000 up to 25,000	Minimal workload increase.
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing indeterminate revenue impact and minimal workload increase.		

**Note:** This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

**Summary of Legislation**

Current law prohibits a motorcyclist from driving between rows of motor vehicles or passing on the right. The bill allows a motorcyclist to drive between rows of motor vehicles or pass on the right when traffic is moving at less than 5 miles per hour (MPH) if the motor vehicles are traveling in the same direction as the motorcyclist, the motorcycle drives no faster than 15 MPH, and the motorcycle does not exceed the speed of traffic by more than 10 MPH. A motorcyclist may not pass on the right when a vehicle is using the shoulder. The Colorado Department of Transportation (CDOT) may notify the public of these changes.

**Background**

Under current law, it is a class A traffic infraction to violate any provision of law concerning the operation of motorcycles on roadways laned for traffic. In the past three years, there were 11 cases that contained this charge and, of those, only two cases that resulted in a guilty conviction.

## **State Revenue**

Overall, the state revenue impact cannot be determined, but is expected to be minimal. Based on the low number of convictions under this offense in the past three years, reduction in fine revenue credited to the Highway Users Tax Fund (HUTF) is expected to be minimal. However, to the extent that the lane-splitting provision is misinterpreted, fine revenue may increase for new violations. Any revenue increase or decrease will change the amount of money required to be refunded under TABOR, which is paid out of the General Fund. No TABOR refund is expected in FY 2016-17.

## **State Expenditures**

The bill authorizes CDOT to notify the public of the changes under the bill within its existing resources. However, the fiscal note estimates that this bill may increase expenditures from the continuously appropriated State Highway Fund in CDOT by up to \$25,000 in FY 2016-17. In addition, workload may be impacted in the Judicial Department and will minimally increase for the Department of Revenue (DOR).

**Department of Transportation.** If CDOT installs signs to indicate the legality of motorcycle lane-splitting and riding on the shoulder, it will incur costs. Because the bill is permissive, these costs are at the discretion of the Transportation Commission. Interstate-sized regulatory signs cost \$1,000 per sign. It is expected that signs would be required on the 250 miles of roadway in the state that contain multiple lanes and experience frequent congestion, and placed at a 10-mile interval. If incurred, the impact to the State Highway Fund in CDOT would be \$25,000 in FY 2016-17, not including future maintenance costs which are expected to be accomplished within existing resources.

**Judicial Department.** This bill may impact workload in trial courts beginning in FY 2016-17. Because the direction of fine revenue cannot be determined, it is unknown whether workload will increase or decrease. Overall, the workload impact is expected to be minimal and can be accomplished within existing appropriations.

**Department of Revenue.** The DOR will update its motorcycle driver handbook to reflect the changes under the bill. The handbook is updated regularly, therefore the cost to include the new legislation can be accomplished within existing appropriations.

## **Local Government Impact**

Overall, the revenue and workload impact to local governments cannot be determined, but is expected to be minimal. Beginning in FY 2016-17, this bill may affect HUTF revenue to local governments, fine revenue to municipalities, and workload in the Denver County Court as a result of the minimal reduction from fines and filings related to the offense.

## **Effective Date**

The bill was postponed indefinitely by the House Transportation and Energy Committee on February 17, 2016.

**State and Local Government Contacts**

Counties	Information Technology	Judicial
Municipalities	Public Safety	Regional Transportation District
Revenue	Sheriffs	Transportation