



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

HB 19-1221

**REVISED
FISCAL NOTE**

(replaces fiscal note dated March 12, 2019)

Drafting Number:	LLS 19-0769	Date:	March 26, 2019
Prime Sponsors:	Rep. Coleman; Valdez A. Sen. Bridges; Pettersen	Bill Status:	Senate Transportation
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Bill Topic: REGULATION OF ELECTRIC SCOOTERS

Summary of Fiscal Impact:	<input checked="" type="checkbox"/> State Revenue (<i>minimal</i>)	<input checked="" type="checkbox"/> TABOR Refund (<i>minimal</i>)
	<input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>)	<input checked="" type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill defines electric scooters as motor vehicles and regulates them in a manner similar to electric-assisted bicycles. The bill may increase state and local government revenue and expenditures beginning in FY 2019-20.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill defines an electric scooter as a device with handlebars and an electric motor that weighs less than 100 pounds; that is powered by an electric motor; and has a maximum speed of 20 miles per hour. The bill adds electric scooters to the definition of motor vehicles and authorizes them for use on the roadway; however electric scooters are not required to be registered. The bill regulates electric scooters in a manner similar to electric-assisted bicycles and also allows local governments to regulate the use of electric scooters in a manner consistent with a class 1 electric-assisted bicycle.

Traffic infractions and misdemeanors. Under current law, persons riding electric bicycles who violate traffic regulations are subject to the same penalty as vehicles, with the exception of the penalties assessed against driver licenses. This bill adds electric scooters to several current class A and class B traffic offenses, along with class 1 and class 2 misdemeanor traffic offenses.

Background

Under current law, electric scooters are regulated as toy vehicles and are not authorized for use on the roadway. At the local level, the City and County of Denver has issued electric scooter permits to five companies and passed an ordinance allowing electric scooters on roadways if the maximum speed of the roadway does not exceed 30 miles per hour.

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. This section outlines data on crimes comparable to the offense in this bill and discusses assumptions on future rates of criminal conviction for those offense.

Prior conviction data and assumptions. This bill adds electric scooters to several current class A and class B traffic offenses, along with class 1 and class 2 misdemeanor traffic offenses, as shown below in Table 1. The fiscal note assumes that there will continue to be minimal or no additional criminal case filings or convictions for this offense under the bill. Because the bill is not expected to have a tangible impact on criminal justice-related revenue or expenditures at the state or local levels, these potential impacts are not discussed further in this fiscal note.

Table 1
Existing Electric Bicycle Penalties Applied to Scooters under HB 19-1221

Level of Offense	Description of Crime
Class B traffic infraction	<ul style="list-style-type: none">• Bicycle and personal mobility device equipment;• Horns or warning devices;• Slow-moving vehicles - display of emblem;• Projecting loads on passenger vehicles; and• Stopping, standing, or parking in specified places
Class A traffic infraction	<ul style="list-style-type: none">• Pedestrians' right-of-way in crosswalks
Class 2 misdemeanor traffic offense	<ul style="list-style-type: none">• Reckless driving; and• Operation of bicycles and other human powered vehicles
Class 2 misdemeanor traffic offense (class 1 misdemeanor traffic offense when bodily injury or death to another results)	<ul style="list-style-type: none">• Careless driving

Traffic infraction penalties. Traffic infractions have two categories: class A and class B. The penalty range for the commission of a class A or class B traffic infraction is generally a \$15 to \$100 fine, although fines defined within the statute may exceed \$100.

Traffic misdemeanors. Misdemeanor traffic offenses have two categories: class 1 and class 2. The penalty scheme for misdemeanor traffic offenses is indicated in Table 2.

Table 2
Sentencing Scheme for Misdemeanor Traffic Offenses

Class of Misdemeanor Traffic Offense	Minimum Sentence	Maximum Sentence
Class 1	10 days in jail or \$300 fine, or both	12 months in jail or \$1,000 fine, or both
Class 2	10 days in jail or \$150 fine, or both	90 days jail or \$300 fine, or both

Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue

Traffic infractions and misdemeanors. Beginning in FY 2019-20, this bill may minimally increase fine revenue to the Highway Users Tax Fund (HUTF), of which 65 percent goes to the State Highway Fund in the Department of Transportation. The bill may also minimally increase revenue to the Judicial Department from court fees. As this fiscal note assumes a majority of electric scooter users will comply with the law, these impacts are expected to be negligible and have been excluded from this fiscal note.

State Expenditures

The bill may increase workload for the Department of Public Safety, the Department of Revenue, the Department of Transportation, and the Judicial Department beginning in FY 2019-20.

Department of Public Safety. The bill may increase workload for the Department of Public Safety to update informational materials. This increase can be accomplished within existing resources.

Department of Revenue. The bill will increase workload for the Department of Revenue to incorporate electric scooters into its rules on slow moving vehicles. In addition, the department, along with the Department of Transportation, will incorporate electric scooters into the state bicycle and pedestrian manual. This workload increase can be accomplished within existing resources.

Department of Transportation. The bill may increase workload for the Department of Transportation to incorporate electric scooters into the state bicycle and pedestrian manual and update any signage. This workload increase can be accomplished within existing resources.

Judicial Department. This bill may increase workload for the trial courts in the Judicial Department to process any additional case filings. Overall, it is assumed that this workload can be accomplished within existing appropriations. Should a change in funding be required for any agency or division within the Judicial Department, the fiscal note assumes it will be addressed through the annual budget process.

TABOR refund. The bill may minimally increase state General Fund obligations for TABOR refunds in FY 2019-20. Under current law and the December 2018 forecast, the bill will correspondingly minimally increase the amount refunded to taxpayers via sales tax refunds on income tax returns for tax year 2020. The state is not expected to collect a TABOR surplus in FY 2020-21.

Local Government

The bill will increase workloads for local governments to update various traffic regulations to incorporate electric scooters into the definition of motor vehicles. In addition, workloads will increase for local governments that choose to adopt separate regulations regarding electric scooters. These costs have not been estimated for this fiscal note, but will vary based on jurisdiction.

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

Denver County Court. The bill may increase workload for the Denver County Court, which is managed and funded by the City and County of Denver, to process additional cases under the bill.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Counties
Public Safety
Transportation

District Attorneys
Regional Transportation District

Judicial
Revenue