



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated February 1, 2024)

Drafting Number:	LLS 24-0466	Date:	March 11, 2024
Prime Sponsors:	Sen. Hinrichsen; Smallwood Rep. Mabrey; Weinberg	Bill Status:	House Trans., Hous. & Local Govt.
		Fiscal Analyst:	Colin Gaiser 303-866-2677 colin.gaiser@coleg.gov

Bill Topic: **MOTORCYCLE LANE FILTERING & PASSING**

Summary of Fiscal Impact:	<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.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill, as amended by the Senate Transportation and Energy Committee.

Summary of Legislation

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

- the overtaken vehicle is stopped;
- lanes are wide enough for the motorcycle to pass safely;
- the motorcycle is driving 15 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.

These provisions repeal on September 1, 2027. By January 1, 2027, the Department of Transportation must issue a report to the General Assembly on motorcycle collisions before and after the bill's implementation date.

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 for more information about criminal justice costs in fiscal notes.

State Revenue

The bill may decrease fine revenue from traffic infractions to the Highway Users Tax Fund (HUTF), which is subject to TABOR. Based on the assumptions above, this fiscal note assumes any decrease in fine collection will be minimal.

State Expenditures

Judicial Department. The bill may decrease workload and costs in the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons. The fiscal note assumes minimal impacts.

Department of Transportation. The bill requires CDOT to report on motorcycle collisions before and after the bill's implementation in FY 2026-27. Because CDOT already maintains a public collection of crash data, any workload increase would originate from sorting and communicating the data. This can be accomplished with existing resources.

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
Regional Transportation

Judicial
District Revenue

Public Safety
Transportation

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](#).