

### Fiscal Estimate - 2005 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>05-3536/1</b>	<b>Introduction Number</b> <b>SB-305</b>
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**Subject**  
 Child safety restraint systems and safety belt use requirements

**Fiscal Effect**

**State:**

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Indeterminate	<input checked="" type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

**Local:**

<input type="checkbox"/> No Local Government Costs		
<input type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	4. <input checked="" type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory	

<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.255(2)(s), 20.395(5)(cq)	

<b>Agency/Prepared By</b> DOT/ Dennis Hughes (608) 267-9075	<b>Authorized Signature</b> Julie Johnson (608) 267-3703	<b>Date</b> 8/30/2005
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## Fiscal Estimate Narratives

DOT 8/31/2005

LRB Number	05-3536/1	Introduction Number	SB-305	Estimate Type	Original
<b>Subject</b>					
Child safety restraint systems and safety belt use requirements					

### Assumptions Used in Arriving at Fiscal Estimate

This bill strengthens and clarifies state law on the use of child safety restraints (CSR) for passenger vehicle occupants under age 8.

For the first 6 months following the effective date of this bill, law enforcement officers can only issue written warnings, not citations, for CSR violations, provided the person has not received a CSR warning or citation within the 6-month warning-only period. These written warnings will be submitted to DOT to be kept on file under Wis. Stats. 342.23(2)(a).

For purposes of this Fiscal Estimate, it is assumed that DOT will not create a CSR violation warning form for use by all law enforcement agencies (i.e. DOT will not create an electronic notation in the Driver Record File), that CSR warning documentation received by DOT will be kept on file only in paper form and only for the duration of the 6-month warning-only period, and that DOT will respond to phone inquiries regarding warnings on file only during normal business hours, Monday-Friday.

It is assumed that DOT will receive 1,600 telephone inquiries during the 6-month warnings-only period to verify if a prior CSR warning is on file. It is assumed that limited term staff will handle these inquiries. At an average 5.4 minutes per call, the anticipated workload impact is as follows:  $1,600 \times 5.4 = 8,640$  minutes = 0.14 LTE staff impact. At \$13.209/hour, the estimated salary and benefits cost is:  $0.14 \times \$13.209 \times 1040$  hours/LTE "year" = \$1,923

It is assumed the bill will lead to greater compliance with the CSR, resulting in a 25% reduction in the number of CSR violations involving children at least age 4 but younger than age 8, except there will be no CSR convictions arising from traffic stops during the 6-month warning-only period.

This bill does not change existing forfeitures for CSR violations.

Under current law, for children under age 4, a CSR violator is subject to a forfeiture of not less than \$30 and not more than \$75. The current Uniform State Traffic Deposit Schedule (established by the Wisconsin Judicial Conference) sets the standard forfeiture for CSR offenses involving children under age 4 at \$30, with no increase for repeat offenses. Additional fees, surcharges, and other costs for traffic offenses with \$30 forfeitures total another \$130.50 per violation. However, no change in the number of CSR violations involving children under age 4 is anticipated.

Under current law, for children at least age 4 but less than age 8, on 1st offense, a CSR violator is subject to a forfeiture of not less than \$10 nor more than \$25. For a 2nd or subsequent offense (within 3 years) involving children at least age 4 but less than age 8, a CSR violator is subject to a forfeiture of not less than \$25 and not more than \$200. The current Uniform State Traffic Deposit Schedule sets the standard forfeiture for these CSR offenses at \$10 for 1st offense, \$50 for 2nd offense, and \$100 for third or subsequent offense. Additional fees, surcharges, and other costs at these forfeiture levels total another \$125.50, \$135.50, and \$148.00, respectively. A 25% reduction in the number of these CSR violations is anticipated.

According to DOT records, there were 3,198 CSR convictions in 2004. Of these, 2,974 were for 1st offense and 186 were for 2nd offense, and 38 were for 3rd or subsequent offense.

It is assumed that CSR violators, like most traffic law violators, do (and will continue to) actually pay only 75% of all forfeitures, fees and costs imposed on them and that there will be a 25% decrease in the number of CSR convictions (except there will be no citations issued during the initial 6-month warnings-only period). Therefore, the annual revenue impacts are estimated to be as follows:

Annual CSR-related FORFEITURE REVENUES under CURRENT LAW

1st offense:  $2,974 \times \$10 \times .75 = \$22,305$

2nd offense:  $186 \times \$50 \times .75 = \$ 6,975$

3+ offense:  $38 \times \$100 \times .75 = \$ 2,850$

TOTAL = \$32,130

(\*50% to the Common School Fund & 50% to the county in which the violation occurs\*)

CSR-related ADDITIONAL FEES & COSTS REVENUES under CURRENT LAW

1st offense:  $2,974 \times \$125.50 \times .75 = \$279,928$

2nd offense:  $186 \times \$135.50 \times .75 = \$ 18,902$

3+ offense:  $38 \times \$148 \times .75 = \$ 4,218$

TOTAL = \$303,048

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Annual CSR-related FORFEITURE REVENUES under PROPOSED LAW

1st offense:  $2,974 \times \$10 \times .75 \times .75 = \$16,729$

2nd offense:  $186 \times \$50 \times .75 \times .75 = \$ 5,231$

3+ offense:  $38 \times \$100 \times .75 \times .75 = \$ 2,138$

TOTAL = \$24,098

(\*50% to the Common School Fund & 50% to the county in which the violation occurs\*) (\*\*Reduce by 50% for warnings-only in 1st 6-months\*\*)

CSR-related ADDITIONAL FEES & COSTS REVENUES under PROPOSED LAW

1st offense:  $2,974 \times \$125.50 \times .75 \times .75 = \$209,946$

2nd offense:  $186 \times \$135.50 \times .75 \times .75 = \$ 14,177$

3+ offense:  $38 \times \$148 \times .75 \times .75 = \$ 3,164$

TOTAL = \$227,287

(\*\*Reduce by 50% for warnings-only in 1st 6-months\*\*)

Beginning with Federal Fiscal Year 2006 (October 2006 – September 2007), states can qualify for annual federal incentive funds if they enact and enforce CSR laws requiring any child riding in a passenger vehicle who is too large to be secured in a child safety seat to be secured in a CSR that meets the requirements prescribed under Section 3 of "Anton's Law" (49 USC 30127 note; 116 Stat.2772). These funds may be used only for child safety seat and CSR programs; 50% must be used to purchase/distribute child safety seats and CSR's to low-income families, and 50% must be used to fund enforcement of child restraint laws, to educate the public on the proper use/ installation of child safety seats and CSR's, or to train child safety professionals, emergency personnel, educators and parents about child safety seats and CSR's.

The national pool of funding is expected to be \$6 million annually in FFY2006-2008 and \$7 million in FFY 2009. The federal share of expenditures for these state programs is limited to 75% in the first three years of the grant and to 50% in the fourth year.

Federal eligibility guidelines for this grant program have not yet been issued, but for purposes of this Fiscal Estimate it is assumed that this bill will bring Wisconsin into full compliance and that federal funds will be received. However, the amount of incentive funding the state will receive cannot be precisely estimated since it is unknown which or how many of the 33 states that currently have CSR laws similar to the provisions of "Anton's Law" will also be deemed fully compliant and receive a proportionate share of the national pool of CSR incentive funding. Likewise, it is unknown how many of the 17 states without CSR laws will enact new CSR laws that will be deemed compliant with "Anton's Law."

### Long-Range Fiscal Implications

The difference between the total current forfeiture revenues and additional fees received ( $\$32,130 + \$303,048 = \$335,178$ ) for violations and the projected reduced forfeiture revenues and additional fees ( $\$24,098 + \$227,287 = \$251,385$ ) is \$83,793.

## Fiscal Estimate Worksheet - 2005 Session

Detailed Estimate of Annual Fiscal Effect

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> 05-3536/1		<b>Introduction Number</b> SB-305	
<b>Subject</b>			
Child safety restraint systems and safety belt use requirements			
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>			
\$1,923 one-time cost impact on State DOT			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations - Salaries and Fringes		\$	
(FTE Position Changes)			
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
<b>TOTAL State Costs by Category</b>		\$	\$
<b>B. State Costs by Source of Funds</b>			
GPR			
FED			
PRO/PRS			
SEG/SEG-S			
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>			
		Increased Rev	Decreased Rev
GPR Taxes		\$	\$
GPR Earned			-83,793
FED			
PRO/PRS			
SEG/SEG-S			
<b>TOTAL State Revenues</b>		\$	\$-83,793
<b>NET ANNUALIZED FISCAL IMPACT</b>			
		<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS		\$	\$
NET CHANGE IN REVENUE		\$-83,793	\$
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	<b>Date</b>
DOT/ Dennis Hughes (608) 267-9075		Julie Johnson (608) 267-3703	8/30/2005