

Fiscal Estimate Narratives

DOT 1/5/2010

LRB Number 09-3640/1	Introduction Number AB-0547	Estimate Type Original
Description Operating a vehicle while intoxicated, granting rule-making authority, and providing a penalty		

Assumptions Used in Arriving at Fiscal Estimate

BILL SUMMARY

.08 - .099 Loophole

Current law provides a person who commits their first OWI offense and has a blood alcohol concentration between 0.08 and 0.099 at the time of the offense does not have to pay the penalty surcharges or court fees and does not have to complete an alcohol or other drug assessment program. Additionally, DOT must purge its records of a first offense OWI in this category after 10 years. All other records of OWI offenses are kept permanently.

This bill makes a person committing their first OWI offense and has a blood alcohol concentration between 0.08 and 0.099 liable for the surcharges or fees and they must complete an alcohol or other drug assessment program before their driver license can be reinstated. The bill also requires DOT to keep record of this offense permanently.

Sobriety Checkpoints

Under current law, with few exceptions, a law enforcement officer may not stop a motor vehicle without reasonable cause to believe the operator has violated a law or ordinance.

This bill requires the Law Enforcement Standards Board (LESB) to establish rules for a sobriety checkpoint program and requires law enforcement agencies to comply with the rules whenever they conduct a sobriety checkpoint.

.02 Prohibited Alcohol Concentration

Current law provides that no person may operate a motor vehicle with a prohibited alcohol concentration which for most operation is 0.08 or more. However, if a person has committed three or more OWI-related violations, the prohibited alcohol concentration for that person is more than 0.02.

This bill creates a prohibited alcohol concentration of more than 0.02 if the person has convicted of a first or second alcohol-related offense within a two year period of the current offense.

ASSUMPTIONS

.08 - .099 Loophole

Those persons convicted of operating a motor vehicle with a blood alcohol concentration between 0.08 and 0.099 would be required to complete an alcohol assessment, as is currently required of a person convicted of operating with a blood alcohol concentration of 0.10 or greater. As this proposal would require more drivers to submit to alcohol assessments, it would also increase the number of revocations of operating privileges DMV must generate for failure to complete the alcohol assessment.

Purge criteria for removal of convictions for first offense OWI with a blood alcohol concentration between 0.08 and 0.099 must be changed, as this proposal would now require those convictions to be stored on the record permanently.

Sobriety Checkpoints

Additional requirements necessary to conduct sobriety checkpoints cannot be determined until the rules relating to a sobriety checkpoint program are defined.

.02 Prohibited Alcohol Concentration

This proposal would increase DMV workload for creating OWI related revocations, issuance of occupational licenses and license reinstatements due to the increase in convictions as a result of the lower blood alcohol concentration levels.

CONCLUSION

.08 - .099 Loophole

In 2007, there were approximately 950 revocations for operating a motor vehicle with a blood alcohol concentration between 0.08 and 0.099 who would under this proposal now be required to complete an alcohol assessment. Assuming 40% of these people did not complete the required assessment (a percentage equal to first offense OWI convictions in 2007) and their operating privilege was subsequently revoked, an additional 380 revocations would be generated by DMV. Of these 380 revocations, approximately 50%, or 190 would be created manually. Additionally, an expected 50%, or 190 of the people revoked would regain compliance and subsequently reinstate their operating privilege.

The fiscal impact of generating these revocations is .04 FTE or \$1800 and \$500 for supplies and services. (0.04 TCR Advanced = \$1,800 salary and fringe annually)

One-time cost of approximately \$300 for updating driver license computer systems changing driver record purge criteria and to allow pending flags to be set requiring alcohol assessments to be completed for persons with blood alcohol concentrations of 0.08 through 0.099.

The revenue generated by reinstatements of an expected 50% of these additional revocations is \$11,400.

Sobriety Checkpoints

The cost differences between running a High Visibility Enforcement exercise, as the State Patrol currently participates in, and a full-blown Sobriety Checkpoint exercise is believed to be minimal, if any. Potentially there could be some nominal training costs incurred if State Patrol opted to engage in a lot of checkpoint exercises, but our training role would be as "students", not as "trainers."

.02 Prohibited Alcohol Concentration

In 2007, 45,366 persons were convicted of offenses under s. 343.307 (1), which would make them eligible for the 0.02 prohibited alcohol concentration requirement. Assuming 15% of those persons violated the .02 requirements, an additional 6,800 new operating privilege withdrawals would result. The fiscal impact of these new withdrawals would be an additional 2.3 FTE or \$116,200 and \$5,426 for supplies with approximately \$328,060 in additional revenue from reinstatement and occupational license fees.

The proposal would have an indeterminate fiscal impact on State Patrol operations depending on the size in the increase of OWI-related arrests that occur as a result of the lower prohibited alcohol concentration level.

The proposal would have an indeterminate fiscal impact on county governments. Increased staff and costs resulting from additional jail time resulting from criminalizing all first offense OWI-related charges; requiring a person to be incarcerated for the mandatory minimum period of imprisonment; the implementation of sobriety checkpoints; and reducing the prohibited alcohol concentration allowed for persons with one or two prior OWI-related convictions cannot be determined at this time. Cities, towns, and villages would lose revenue resulting from first offense OWI convictions occurring in municipal courts.

Long-Range Fiscal Implications

See above.

Fiscal Estimate Worksheet - 2009 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

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Description Operating a vehicle while intoxicated, granting rule-making authority, and providing a penalty			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes	\$		\$
(FTE Position Changes)			
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category	\$		\$
B. State Costs by Source of Funds			
GPR			
FED			
PRO/PRS			
SEG/SEG-S			
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
		Increased Rev	Decreased Rev
GPR Taxes	\$		\$
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
TOTAL State Revenues	\$		\$
NET ANNUALIZED FISCAL IMPACT			
		State	Local
NET CHANGE IN COSTS		\$Indeterminate	\$Indeterminate
NET CHANGE IN REVENUE		\$	\$
Agency/Prepared By		Authorized Signature	Date
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