

### Fiscal Estimate - 2013 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>13-1616/2</b>	<b>Introduction Number</b> <b>AB-0388</b>
<b>Description</b> Traffic violations resulting in harm to vulnerable highway users, driver education instruction, and providing a penalty	
<b>Fiscal Effect</b>	
<b>State:</b>	
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate	
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
<b>Local:</b>	
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate	
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</b>	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
<b>Affected Ch. 20 Appropriations</b>	
<b>Agency/Prepared By</b>	<b>Authorized Signature</b>
DOC/ Robin Walrath (608) 240-5422	Melissa Roberts (608) 240-5055
<b>Date</b>	
9/30/2013	

## Fiscal Estimate Narratives

DOC 9/30/2013

LRB Number	<b>13-1616/2</b>	Introduction Number	<b>AB-0388</b>	Estimate Type	<b>Original</b>
<b>Description</b> Traffic violations resulting in harm to vulnerable highway users, driver education instruction, and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

This bill proposes penalty enhancements for violations resulting in harm to vulnerable highway users. Several changes are proposed to traffic law violations, penalties, and driver education regulations to enhance offenses when violations cause harm to vulnerable highway users.

**Cause a Traffic Violation, resulting in harm to vulnerable highway user:**

Under this bill, if the violation results in bodily harm to a vulnerable highway user, the applicable forfeiture or fine doubles and this doubling is in addition to any other applicable penalty enhancement. For specific violations against vulnerable highway users, this bill makes the offense a Class A misdemeanor, punishable by a fine not exceeding \$10,000 or imprisonment not exceeding 9 months or both, or a Class B misdemeanor, punishable by a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both:

**Yield Violation:**

Under current legislation, the penalty for failure to yield resulting in bodily harm is a \$200 forfeiture, suspension of operating privileges for two months for the first offense, and a DOT-approved vehicle right-of-way course. Under this bill, failure to yield resulting in great bodily harm to a vulnerable highway user increases the penalty to a Class B misdemeanor and a 6 month DOT suspension of operating privileges, or a Class A misdemeanor and a one year DOT suspension of operating privileges if the violation results in death.

**Failure to Yield to Livestock:**

Under current legislation, the penalty for failure to yield to livestock is \$10-\$20 forfeiture for the first offense and \$25-50 forfeiture if a second is committed within a year of the first. Under this bill, failure to yield to livestock resulting in great bodily harm to a vulnerable highway user increases the penalty to a Class B misdemeanor and a 6 month DOT suspension of operating privileges, or a Class A misdemeanor and a one year DOT suspension of operating privileges if the violation results in death. The person must also attend a safe driver course approved by DOT.

**Overtaking and Passing Violation:**

Under current legislation, the penalty for committing a passing violation is \$25-\$200 forfeiture for the first offense and \$50-\$500 forfeiture if a second is committed within four years of the first. Under this bill, a passing violation resulting in great bodily harm to a vulnerable highway user increases the penalty to a Class B misdemeanor and a 6 month DOT suspension of operating privileges, or a Class A misdemeanor and a one year DOT suspension of operating privileges if the violation results in death. The person must also attend a safe driver course approved by DOT.

**Inattentive Driving Violation:**

Under current legislation, the penalty for inattentive driving is \$20-\$400 forfeiture for being pre-occupied or for texting while operating a motor vehicle. Under current legislation, the penalty for inattentive driving is \$20-\$40 forfeiture for the first offense and \$50-\$100 for the second offense if committed within a year of the first for operating a motor vehicle that is equipped with a television, or using a cell phone if operating under a probationary license or instruction permit. Under this bill, an inattentive driving violation resulting in great bodily harm to a vulnerable highway user increases the penalty to a Class B misdemeanor and a 6 month DOT suspension of operating privileges, or a Class A misdemeanor and a one year DOT suspension of operating privileges if the violation results in death. The person must also attend a safe driver course approved by DOT.

**Reckless Driving:**

Under current legislation, the penalty for committing a reckless driving violation that causes great bodily harm or death must have their operating privileges revoked by DOT for one year. Under this bill, if a person who commits a reckless driving violation and in doing so caused great bodily harm or death to a vulnerable

highway user, in addition to the current penalties, shall attend a safety driver course approved by DOT before operating privileges are reinstated.

**OWI related injury to vulnerable driver:**

Under current legislation, penalty for injury to another by OWI is a \$300-\$2,000 fine and imprisonment for 30 days-1 year. Under this bill, a person who causes injury to a vulnerable highway user due to an OWI shall have their penalties doubled. In most instances, DOT must also revoke operating privileges for 5 years and 6 months for a person who causes death of a vulnerable highway user by OWI or 2 years and 6 months for great bodily harm.

**Population Estimates:**

In FY12, three offenders were placed on probation related to a conviction for reckless driving violation, while three were admitted to prison. The average prison sentence length was 3.2 years, followed by 2 years of extended supervision. The average probation sentence length was 3.7 years. The remaining violations that include enhanced penalties with possible confinement terms do not have conviction data, given current legislative penalties.

**Sentencing Assumptions:**

Since this bill does not prescribe the place of imprisonment and the term is for less than one year, any offenders sentenced to confinement shall do so in a county jail. County jails may see increased capacity if offenders are sentenced to jails. The average FY12 annual cost to jail inmates is \$18,800.

Although the number of convictions associated with this bill may not be estimated, state costs would increase if offenders are convicted of this crime and placed on probation. The average FY12 annual cost to supervise one offender is approximately \$2,900.

The precise cost impact of this legislation will ultimately depend on the sentencing practices of judges under the new penalty structure and the number of offenders who violate these specific offenses.

**Long-Range Fiscal Implications**