

LRB or Bill No./Adm. Rule No.
 AB 635 (-4307/1)
 Amendment No. if Applicable

FISCAL ESTIMATE
 DOA-2048 N(R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

Subject
 Relating to enacting traffic regulation ordinances that conform with rules of the Department of Transportation

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
 2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
 4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

Current law permits local authorities to enact and enforce ordinances that strictly conform to state traffic laws that are punishable by a forfeiture. AB 635 would permit any local authority to enact and enforce ordinances that strictly conform to any rules of the Department of Transportation (DOT) establishing child restraint standards (TRANS 310), motor vehicle equipment standards (TRANS 305), human service vehicles standards (TRANS 301), school bus standards (TRANS 300) and motor bus standards (TRANS 330). Rules pertaining to federal motor carrier safety standards would be exempt from local ordinance authority. The development of AB 635 was encouraged by issues identified in the Town of East Troy v. A-1 Service Co., Inc., 196 Wis. 2d.120 (1995), in which application of DOT rules by a local authority was contested.

The State Patrol currently has the authority, as identified in ss.110.07(1)(a), to enforce all traffic laws, orders, and rules, including child restraint in vehicles, vehicle equipment and standards, and size, weight and load limit regulations. Thus, enactment of AB 635 would not have a fiscal impact on the State Patrol's duties and enforcement related to traffic laws, vehicle equipment and standards laws, or child restraint laws.

With the enactment of AB 635, local law enforcement agencies would be able to stop and cite for human service vehicle, school bus, motor bus, and motor vehicle size, weight and load limit violations, as well as child restraint violations, in compliance with state statute and DOT rules, under the authority of local ordinances. Since most local law enforcement agencies have already incorporated most motor vehicle regulations/standards and child restraint use in their training curriculum, there should be minimal fiscal impact on the local agencies for additional training. Local law enforcement agencies would be given new authority to cite violations they observe during the completion of routine law enforcement duties. For those local law enforcement agencies that may not have adequately trained all sworn personnel in the area of bus and/or human service vehicle standards, or motor vehicle size, weight and load limit regulations, there may be some additional training costs. Thus, the State Patrol Academy, as the major instructional institution on bus and/or human service vehicle standards and motor vehicle size, weight and load limit regulations, may experience a limited increase in class enrollment by local law enforcement agency personnel. The extent of the increase, if any, is impossible to determine. The State Patrol has routinely provided motor vehicle regulation instruction to local law enforcement agencies, free of cost, when significant changes have been mandated. It is possible that this practice would continue as determined necessary and feasible by the State Patrol.

If AB 635 were enacted, there may be some increase in municipal court revenues awarded due to the forfeitures received from local law enforcement citation of violations of local ordinances related to bus and/or human service vehicle standards, motor vehicle size, weight and load limit regulations and child restraint use, though it is impossible to determine the extent of any increase. Under current statute, circuit courts are authorized to collect the violation's base deposit plus a court support services fee, a court cost fee, a penalty assessment surcharge, a jail assessment surcharge, and a justice information system fee, for each traffic violation (jail assessment fee is exempted from seat belt violations). Municipal courts are authorized to collect the violation's base deposit, plus a penalty assessment surcharge, a jail assessment surcharge, and a court cost fee, for each traffic violation (jail assessment fee is exempted from seat belt violations).

Long-Range Fiscal Implications

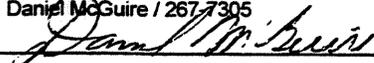
Unknown

Agency/Prepared by: (Name & Phone No.)

Loralee Brumund / DOT State Patrol / 267-3622

Authorized Signature/Telephone No.

Daniel McGuire / 267-7305



Date

12/11/97

FISCAL ESTIMATE WORKSHEET

1997 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
AB 635

Amendment No.

Subject
Relating to enacting traffic regulation ordinances that conform with rules of the Department of Transportation.

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 State funds from:	
A. State Costs by Category	Increased Costs	Decreased Costs
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	(FTE)	(- FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$ 0	\$ - 0
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
III. State Revenues -	Increased Rev.	Decreased Rev.
<small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$ 0	\$ - 0

NET ANNUALIZED FISCAL IMPACT

STATE

LOCAL

NET CHANGE IN COSTS

\$ None

\$ Unknown

NET CHANGE IN REVENUES

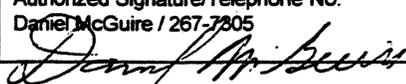
\$ None

\$ Unknown

Agency/Prepared by: (Name & Phone No.)
Loralee Brumund / DOT State Patrol - 267-3622

Authorized Signature/Telephone No.
Daniel McGuire / 267-7805

Date
12/11/97



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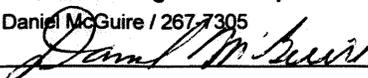
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Long-Range Fiscal Implications

Unknown

Agency/Prepared by: (Name & Phone No.)
 Lorelee Brumund / DOT State Patrol / 267-3622

Authorized Signature/Telephone No.
 Daniel McGuire / 267-7305


Date
 12/11/97

FISCAL ESTIMATE WORKSHEET

1997 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. AB 635	Amendment No.
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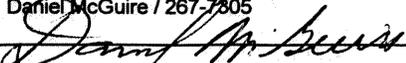
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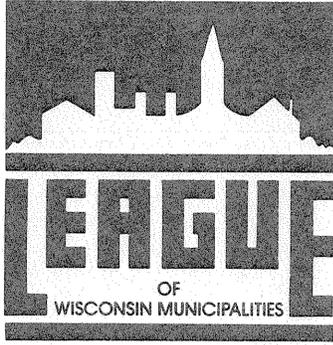
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GPR	\$	\$ -
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SEG/SEG-S		-
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$ 0	\$ - 0

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ None	\$ Unknown
NET CHANGE IN REVENUES	\$ None	\$ Unknown

Agency/Prepared by: (Name & Phone No.) Lorelee Brumund / DOT State Patrol - 267-3622	Authorized Signature/Telephone No. Daniel McGuire / 267-7805 	Date 12/11/97
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Ashwaubenon

2nd Vice President
Joseph F. Laux
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Past President
Virginia O. Smith
Mayor, Chippewa Falls

To: Members of the Wisconsin State Assembly

From: Dan Thompson, Executive Director *Dam*

Date: March 6, 1998

Re: Assembly Bill 635 — Traffic Ordinances

The League of Wisconsin Municipalities supports Assembly Bill 635, relating to enacting traffic regulation ordinances that conform with Department of Transportation rules. The bill is scheduled for floor action on Wednesday, March 11th.

The League supports this bill because it allows municipalities to incorporate Department of Transportation regulations into their ordinances. A recent court decision overturned an ordinance conviction because the municipality referenced DOT regulations in its ordinance. The court concluded that municipalities lack the authority to adopt DOT regulations. This bill would make it easier for municipalities to include state traffic regulations in their ordinances.

For this reason, we urge you to support AB 635. Thank you for your consideration.

Wisconsin State Senate

PLEASE REPLY TO:
State Capitol
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-5670



E-MAIL
Sen.Drzewiecki@legis.state.wi.us
TOLL-FREE LEGISLATIVE HOTLINE
1-800-362-9472

GARY DRZEWIECKI Senator

Representing Brown, Marinette and Oconto Counties

TO: ASSEMBLY HIGHWAYS AND TRANSPORTATION
COMMITTEE MEMBERS

FROM: SENATOR GARY DRZEWIECKI

RE: ASSEMBLY BILL 635

DATE: FEBRUARY 11, 1998

Bill file

AD

I am writing to you today to summarize Assembly Bill 635 which is up for a vote in the Assembly Highways and Transportation Committee tomorrow. The bill received a public hearing in the Committee on January 29th.

The bill is quite simple. It allows local governments to enact and enforce ordinances that strictly conform to D.O.T. administrative rules.

This bill is not attempting to expand the scope of local law enforcement. Local governments have been enforcing such things as equipment standards for many years. Unfortunately, the 1995 Court of Appeals decision, *Town of East Troy v. A-1 Service Co. Inc.*, 196 Wis 2d. 120 (1995), ruled that local governments do not have authority to incorporate DOT rules into their local ordinances because express legislative authority was never given. Express authority was only given for local governments to incorporate state statutes into their local ordinances. This bill will provide the express authority needed.

Local law enforcement needs to be able to enforce these rules in order for our roads to be safe. It is impossible to expect the state patrol to be able to effectively handle this additional workload. Furthermore, municipal courts are no longer able to adjudicate these matters, thus all of these violations must go through circuit court, which are already overburdened.

The bill does exempt rules pertaining to federal motor carrier safety standards. After meeting with the DOT during the drafting of the bill, it was determined that these provisions should be enforced strictly by the state.

Finally, many local authorities are not even aware of this decision. They therefore are continuing to operate in violation of the law. Therefore, it is extremely important that this matter is rectified this session to assure that all local governmental bodies are in compliance with the law.

For these reasons, I respectfully request your support for Assembly Bill 635. Among the supporters of the legislation are the Wisconsin State Patrol, the Wisconsin Chiefs of Police Association, the Wisconsin Troopers' Association, the Wisconsin Association of School Boards, the Wisconsin Alliance of Cities and the Wisconsin League of Municipalities.

Thank you for your consideration. If you have any questions or concerns regarding the legislation, please do not hesitate to contact me.

Wisconsin State Senate

PLEASE REPLY TO:
State Capitol
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-5670



E-MAIL
Sen.Drzewiecki@legis.state.wi.us
TOLL-FREE LEGISLATIVE HOTLINE
1-800-362-9472

GARY DRZEWIECKI
Senator

Representing Brown, Marinette and Oconto Counties

*Sheri,
This letter was
sent to all
committee
members.*

Janie

February 19, 1998

Representative Cliff Otte
109 West
State Capitol

~~Dear Representative Otte:~~ *Cliff!*

I want to thank you for your vote last week in favor of Assembly Bill 635 in the Highways and Transportation Committee. I sincerely appreciate your support for this legislation.

As you know, the bill allows local governments to enact and enforce ordinances that strictly conform to D.O.T. administrative rules. Among the supporters of the legislation are the Wisconsin State Patrol, the Wisconsin Chiefs of Police Association, the Wisconsin Troopers' Association, the Wisconsin Counties Association and the Wisconsin League of Municipalities.

As you may also know, Senate Bill 139, the senate companion, was passed on a voice vote on the Senate floor last week. The bill is scheduled for a vote in the Highways and Transportation Committee next week. It is my hope that I can once again receive your support for this legislation.

Thank you again for your vote in favor of Assembly Bill 635. If you have any questions or concerns regarding Senate Bill 139, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Gary".

GARY F. DRZEWIECKI
State Senator
30th Senate District

cc: Representative Dave Brandemuehl