

LRB or Bill No./Adm. Rule No.  
 AB 160 (99-1529/2)  
 Amendment No. if Applicable

FISCAL ESTIMATE  
 DOA-2048 N(R10/94)

ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

**Subject**

Testing of blood for alcohol content in motor vehicle crashes involving a fatality or great bodily harm

**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  
 Decrease Costs  
 Permissive     Mandatory

3.  Increase Revenues  
 Permissive     Mandatory  
 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:**

Under current law, if a driver is killed in a crash, his or her blood is tested to determine its alcohol content (ss.346.71(2)). In addition, a law enforcement officer may arrest a driver involved in a crash if the officer has probable cause to believe that the driver is intoxicated, and require that the driver undergo a breath or blood alcohol analysis (ss.343.305(3)). Beyond the authority granted under probable cause, the officer has the authority to require the driver who is involved in a crash that results in a fatality or great bodily injury, to undergo a breath or blood alcohol analysis under the state vehicle code which permits such testing under the "special needs" exceptions.

AB 160 would require that all drivers involved in a crash that causes a fatality or great bodily harm must be subjected to a blood alcohol analysis. The testing requirement would not be contingent upon a determination by a law enforcement officer that the driver may be impaired. A driver who refuses to submit to the test may be required to forfeit not more than \$1000. The Department of Transportation would be responsible for the costs of these blood tests.

Based upon sample drunk driving arrests that were based on blood tests, it is estimated that the average cost of a blood test is \$75. This includes an average charge of \$36 for a blood sample withdrawal performed by local hospital or clinic staff, and an estimated average cost of \$39 for each blood alcohol content analysis that is performed by laboratories and medical facilities throughout the state.

Current records do not indicate whether injuries resulting from a crash involve "great bodily harm", but rather crash records categorize injuries as Type K, A, B and C. A Type A injury is defined as "An Incapacitating Injury - An injury, other than fatal, that prevents walking, driving, or performing other activities that were performed before the crash." Chapter 939.22(14) of the Wisconsin Statutes defines "great bodily harm" as "...bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury." This fiscal estimate assumes that Type A injuries are equivalent to injuries causing great bodily harm.

**Fiscal Impact on the Department of Transportation:**

Based on 1997 actual and 1998 preliminary crash statistics, it is estimated that an average of 7700 additional drivers would be required to take a blood alcohol test each year if AB 160 were enacted. This 7700 additional drivers includes those drivers involved in fatal or Type A crashes that either 1) had not been tested under probable cause for OWI or as a fatality, or 2) it was unclear whether they had been tested or not.

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**Long-Range Fiscal Implications**

None

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Date  
 3/10/99

- 1) The annual cost incurred by the Department of Transportation for the performance of these blood tests is estimated to be:  
 $(\$75 \text{ per blood test}) \times (7700 \text{ tests}) = \$577,500 \text{ per year}$
- 2) AB 160 also requires the Department of Transportation, Division of Motor Vehicles to receive and process the blood test reports by matching the results to the original crash police report with which they are associated. The estimated time needed to complete each match is 8.03 minutes. The position impact for this processing is:  
 $\text{FTE Impact} = (7700 \text{ records}) \times 8.03 \text{ minutes} = 1031 \text{ hours} = .6 \text{ FTE}$   
 $(.6 \text{ FTE}) \times (\text{TCR2 salary range \& fringe benefits of } \$31,500) = \$18,900$
- 3) Additionally, according to DOA guidelines, the ongoing non-salary cost for this position will be \$900 annually.
- 4) A one-time equipment cost of \$4,400 would also be incurred by DOT/ DMV.
- 5) Annual printing costs in the amount of \$300 would be incurred for developing and creating a form that law enforcement agencies could use for submission of blood samples to the laboratories statewide.

**Fiscal Impact on Local Law Enforcement Agencies and Local Governments:**

Local law enforcement agencies will not incur any additional costs under the enactment of AB 160 but would absorb the costs related to additional time spent by officers obtaining blood alcohol level tests of all drivers at a crash scene. This additional amount of time and effort is impossible to determine but will take the officers away from other enforcement duties. Secondly, the time spent by each local agency to attach the blood alcohol level test results to their crash reports will be absorbed as part of the administration related to the crash.

Local governments will not incur any additional costs because AB 160 mandates that the Department of Transportation pay for the additional blood alcohol level tests and the administration of recording the test results.

