



## Fiscal Estimate Narratives

DOT 3/25/2003

LRB Number	03-1786/1	Introduction Number	AB-164	Estimate Type	Original
<b>Subject</b>					
Increasing driver improvement surcharge					

### Assumptions Used in Arriving at Fiscal Estimate

2003 AB 164 increases the driver improvement surcharge for OWI convictions by \$100 to \$455. The additional \$100 collected from the violator would be disbursed to the law enforcement agency that arrested the person who is subsequently convicted of a violation relating to operating a vehicle while intoxicated. The funds generated from the \$100 surcharge would be used by the recipient law enforcement agencies to purchase and maintain law enforcement equipment to assist in preventing alcohol-related and drug-related criminal activity.

There would be no additional costs to the recipient local law enforcement agencies to collect these funds from the municipal and/or circuit courts.

However, the municipal and circuit courts would incur costs in developing and performing the policies and procedures related to disbursing the collected \$100 OWI surcharge to the appropriate law enforcement agencies. Current policies and procedures direct how the courts disburse collected surcharges, fines and forfeitures to county and state treasurers for further disbursement to appropriate recipients, but they do not address disbursement to individual law enforcement agencies. Specifically 61.5% of the current \$355 goes to Counties for programs related community health, development disabilities, alcoholism and drug abuse, and 38.5% goes to the State Treasurer to fund alcohol related programs and to the State Patrol Chemical Test Section to purchase breath alcohol testing equipment and to effect ongoing program expenses.

There are over 600 law enforcement agencies in Wisconsin who are potential recipients of the \$100 OWI surcharge. It is not possible to estimate the cost of developing and performing the disbursement procedures for each municipal and circuit court; costs will vary due to established procedures for individual courts and the number of potential recipient law enforcement agencies within each court's jurisdiction.

The amount of revenue received from OWI convictions on an annual basis is indeterminable. Though the Department of Transportation, Division of Motor Vehicles (DMV) records approximately 33,500 OWI convictions during 2001, the DMV also reported a non-payment rate for OWI convictions of approximately 37%. Thus, a potential \$3,350,000 OWI surcharge revenue, statewide, may be reduced to \$2,110,500 based on the 37% non-payment rate, thus reducing the overall revenue actually received. This revenue may be further reduced due to a greater non-payment rate related to the substantial increase in the fine/foreiture.

For any amount of revenue received, it is impossible to determine which law enforcement agencies would receive the funding and how much it would cost each applicable court to disburse the surcharge funds.

Note that the Wisconsin State Patrol would be required to request a statutory amendment to create a program revenue appropriation to receive the OWI surcharge and deposit the funds into the account specific to funding OWI-related equipment exclusive for State Patrol use.

### Long-Range Fiscal Implications

unknown