

Fiscal Estimate Narratives

DOT 5/9/2005

LRB Number	05-2015/1	Introduction Number	AB-358	Estimate Type	Original
Subject					
Speeding					

Assumptions Used in Arriving at Fiscal Estimate

This bill doubles the applicable minimum and maximum forfeitures for exceeding fixed or posted speed limits in a 1st class city (i.e. City of Milwaukee) by at least 10 miles per hour.

The penalty enhancer applies only to certain speed-related violations, including: Speeding in school zones [s.346.57(4)(a) - (c)]; speeding in excess of statutorily-fixed limits [s.346.57(4)(d) - (k)]; speeding in excess of posted limits [s.346.57(5)], and speeding while operating a metal or solid rubber tired vehicle [s.346.58]. The penalty enhancer does not apply to other speed-related violations, such as: Unreasonable/imprudent speed [s.346.57(2)] or driving too fast for conditions [s.346.57(3)].

The Uniform State Traffic Deposit Schedule ("Bond Book") specifies standard base forfeitures for all traffic offenses (at or between the statutorily-defined minimums and maximums), plus associated penalty assessments, court costs, surcharges and demerit points. However, penalties for speed-related offenses vary by violation type and other circumstances. For example, penalties for school zone speed offenses vary by the number of miles per hour in excess of the legal limit and double for repeat violations within one year. Penalties for speeding in excess of fixed or posted limits increase by the number of miles per hour in excess of the limit and the forfeitures double for violations within work zones.

With some exceptions, penalties specified in the Bond Book apply to convictions for statutory violations, as well as to violations of county or municipal ordinances that conform to state statutes. The exceptions include municipal ordinance violations that are assessed municipal court costs (which may vary from the \$25 circuit court cost), but are not assessed the \$77 Justice Information System & Court Support Services surcharges.

Summary data on traffic convictions are not available by municipality, but they are available by county. For purposes of this estimate, it is assumed speed-related convictions by municipality in Milwaukee County are in proportion to the population distribution in the county. The Department of Administration population estimates for 2004 were:

Milwaukee County = 939,358
City of Milwaukee = 593,920 = 63% of the county total

In 2004, the Division of Motor Vehicles (DMV) recorded convictions for speed-related violations for more than 10 mph over in Milwaukee County as follows:

Speeding-Intermediate (11-19 mph over limit) = 22,587
S-I in a Commercial Vehicle = 1,337
Total S-I violations = 23,924

Speeding-Excess (20 mph or more over limit) = 5,671
S-E in a Commercial Vehicle = 48
Total S-E violations = 5,719

It is unknown how many of these speed-related violations occurred in school zones or in work zones. Nor is it known how many of these violations occurred at specific speed intervals in excess of the fixed or posted limit.

Also, it is unknown how many of these speed-related cases were municipal ordinance violations adjudicated in the municipal court, but is believed that nearly all of them were. For purposes of this estimate, it is assumed that 100% were adjudicated in the City of Milwaukee municipal court.

For purposes of estimating the CURRENT penalty revenues for these speed-related violations in the City of Milwaukee, this estimate applies the lowest forfeitures specified in the Bond Book for each of these speed-related violations, as follows:

Speeding-Intermediate (11-19 mph over limit):

23,924 x 0.63 = 15,072 convictions in City of Milwaukee

15,072 x \$30 = \$452,160 total Forfeitures

\$452,160 x 0.24 = \$108,518 total Penalty Surcharge

Total Forfeitures & Penalty Surcharge levied by muni court = \$560,678

Speeding-Excess (20 mph or more over limit):

5,719 x 0.63 = 3,603 convictions in City of Milwaukee

3,603 x \$70 = \$252,210 total Forfeitures

\$252,210 x 0.24 = \$60,530 total Penalty Surcharge

Total Forfeitures & Penalty Surcharge levied by muni court = \$312,740

Total Forfeiture & Penalty Surcharge levied by muni court for these speed violations:

\$560,678 + \$312,740 = \$873,418

DMV assumes a 25% non-payment rate for most traffic-related convictions:

\$873,418 x 0.75 = \$655,064 estimated CURRENT revenue

For purposes of estimating the penalty revenue effects of the NEW penalty enhancer, it is assumed:

(a) The new penalty enhancer will not induce an increase in the number of Speeding (1-10 mph over) citations, which may be seen by some law enforcement officers as a lower-cost alternative to the higher penalties that would befall drivers cited for speeds just barely above 10 mph over (i.e. Speeding-Intermediate).

(b) There will be no discernible deterrent effect on the number of speeding convictions in the City of Milwaukee.

(c) Higher forfeiture levels for these speeding violations may result in an increased rate of failure to pay forfeitures, particularly for Speeding-Excess violations, but the effect is indeterminable, as is the resulting effect on DMV workload due to an increased number of driver license withdrawal cases that result from offenders failing to pay the higher forfeitures.

(d) When revised, the Bond Book will specify a simple doubling of the existing standard base deposit forfeitures used in the forfeiture schedule for s.346.57(4) violations.

Forfeiture revenue for violations of state statute are split 50:50 between the Common School Fund and the county in which the violation occurred, with none of the forfeiture revenue going directly to the law enforcement agency that wrote the citation. However, since this estimate assumes 100% of the speeding violations in the City of Milwaukee are cited under municipal ordinance 100% of the forfeiture revenue is retained by the City.

With these assumptions, it is estimated the NEW penalty enhancer will produce penalty revenues, as follows:

Speeding-Intermediate (11-19 mph over limit):

15,072 convictions in City of Milwaukee

15,072 x \$30 x 2 = \$904,320 total Forfeitures

\$904,320 x 0.24 = \$217,037 total Penalty Surcharge

NO change in Jail Surcharge & Crime Lab Drug Surcharge or Municipal Court Costs

Total Forfeitures & Penalty Surcharge levied by muni court = \$1,121,357

Speeding-Excess (20 mph or more over limit):

3,603 convictions in City of Milwaukee

3,603 x \$70 x 2 = \$504,420 total Forfeitures

\$504,420 x 0.24 = \$121,061 total Penalty Surcharge

NO change in Jail Surcharge & Crime Lab Drug Surcharge or Municipal Court Costs

Total Forfeitures & Penalty Surcharge levied by muni court = \$625,481

Total Forfeitures & Penalty Surcharge levied by muni court for speed violations:
 $\$1,121,357 + \$625,481 = \$1,746,838$

DMV assumes a 25% non-payment rate for most traffic-related convictions:
 $\$1,746,838 \times 0.75 = \$1,310,129$ estimated revenue WITH new penalty enhancer

The estimated NET revenue impacts due to the new penalty enhancer are:

Forfeitures:
 $(\$904,320 + \$504,420 - \$452,160 - \$252,210) \times 0.75 = +\$528,278$ INCREASE

Penalty Surcharge:
 $(\$217,037 + \$121,061 - \$108,518 - \$60,530) \times 0.75 = +\$126,788$ INCREASE

TOTAL = +\$655,066 INCREASE

Long-Range Fiscal Implications

Unknown

Fiscal Estimate Worksheet - 2005 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

LRB Number 05-2015/1		Introduction Number AB-358	
Subject			
Speeding			
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, ets.)			
		Increased Rev	Decreased Rev
GPR Taxes		\$	\$
GPR Earned			
FED			
PRO/PRS (126,788)		126,788	
SEG/SEG-S			
TOTAL State Revenues		\$126,788	\$
NET ANNUALIZED FISCAL IMPACT			
		<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS		\$	\$
NET CHANGE IN REVENUE		\$126,788	\$528,278
Agency/Prepared By	Authorized Signature		Date
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