

Fiscal Estimate Narratives

CTS 8/31/2005

LRB Number 05-3399/1	Introduction Number AB-618	Estimate Type Original
Subject		
Child safety restraint systems and safety belt use requirements		

Assumptions Used in Arriving at Fiscal Estimate

This bill amends the requirements for the use of child safety restraint systems. The penalty structure for violations of the seat belt statutes remains unchanged.

Under current law, drivers and passengers who are at least 4 years of age are required to wear a safety belt. Violations of this requirement, s. 347.48 (2m), are subject to a \$10 forfeiture. Current law exempts violations of the safety belt statute from the imposition of court costs and various surcharges.

For violations of s. 347.48 (4) relating to child safety restraints, current law imposes a forfeiture of not less than \$30 nor more than \$75 for those violations involving a child under 4 years of age (s. 347.48 (4)(a)1.) and not less than \$10 nor more than \$25 for children more than 4 but less than 8 years of age (s. 347.48 (4)(a)2.). Higher forfeitures are required for second and subsequent offenses of s. 347.48 (4)(a)2. Violations of s. 347.48 (4) also result in the imposition of court costs and various surcharges. The totals due for these offenses in circuit court (forfeiture, court costs and surcharges) are \$160.50 and \$135.50, respectively, based on the lowest forfeiture amount. In most municipal courts, the totals due would be \$78.50 and \$53.50, respectively.

This bill creates a tiered structure for the type of child safety restraints required for those transporting children under the age of 8, but it retains the same penalties as under current law. There should be no change in the amounts collected for these violations in the longer term.

This bill also provides a 6-month grace period after the bill's effective date during which warnings would be issued instead of citations for violation of s. 347.48 (2m) or (4), provided the person had not been convicted of or received a warning for a previous violation during the same period. It is impossible to estimate how many violations might be for 2nd or 3rd offenses that would not be eligible for the warning rather than the citation.

To estimate the temporary impact of the 6-month grace period on the amounts collected for these violations, it is necessary to estimate the number of violations that are likely to be impacted by this change.

According to CCAP records, in the circuit courts in 2004, there were 47,760 cases resulting in convictions for violation of s. 347.48 (2m) and 1,671 convictions for violation of s. 347.48 (4). These figures do not include citations for violation of municipal ordinances in conformity with the statute.

Complete figures for all municipal courts are not available, but some data is available for the City of Milwaukee Municipal Court (CMMC), allowing an estimate of the number of violations of s. 347.48 (2m) and (4). The CMMC handles about 49% of the statewide total of traffic cases filed in the state's municipal courts. Using this percentage and CMMC's data, it is estimated there were 9,481 dispositions for violations of s. 347.48 (2m) and 1,394 violations of s. 347.48 (4) in all Wisconsin municipal courts in 2004.

Combining the circuit court figures and municipal court estimates leads to the following total estimated number of convictions:

s. 347.48 (2m) – 47,760

s. 347.48 (4) – 3,065

In addition, not all penalties imposed are collected from violators. Based upon data from the clerks of circuit court, it is estimated that about 80% of traffic fines and forfeitures are collected in the first year after they are imposed and another 5% are collected in the second year. For purposes of this estimate, it is assumed that 85% of the penalty amounts will be collected.

The maximum amount of penalties imposed for these convictions, discounted for those not collected, is

estimated as the following:

s. 347.48 (2m) – 47,760 X \$10 X .85 = \$405,960

s. 347.48 (4) – 1,671 X \$160.50 X .85 = \$227,966 (circuit courts)

s. 347.48 (4) – 1,394 X \$78.50 X .85 = \$93,015 (municipal courts, which do not impose the same surcharges and court costs as circuit courts)

The total of these 3 figures is \$726,941. Assuming the 6-month grace period decreases the projected revenues by half for the year in which it is effective, the temporary loss of revenue is estimated at \$363,471.

Long-Range Fiscal Implications