

Fiscal Estimate - 2005 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 05-4053/2		Introduction Number SB-611	
Description Testing of persons involved in certain motor vehicle accidents and providing a penalty			
Fiscal Effect			
State:			
<input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs			
Local:			
<input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts			
Fund Sources Affected		Affected Ch. 20 Appropriations	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEGS			
Agency/Prepared By		Authorized Signature	
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Date			3/14/2006

Fiscal Estimate Narratives

DOT 3/14/2006

LRB Number	05-4053/2	Introduction Number	SB-611	Estimate Type	Original
Description Testing of persons involved in certain motor vehicle accidents and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law [s.343.305], operators of motor vehicles on public highways are deemed to have given consent (i.e. "implied consent") to tests of blood, breath or urine to determine the presence or quantity of alcohol, controlled substances, controlled substance analogs, or other drugs, when requested to do so by a law enforcement officer who has probable cause to believe the driver is impaired.

SB-611 expands the implied consent law by requiring drivers involved in fatal and serious injury crashes, and who are not requested to provide a blood, breath or urine sample for testing under s.343.305, to provide a blood sample on request of a law enforcement officer, if the officer knows that a person died of injuries suffered in the crash or suffered great bodily harm before being removed from the scene. Under this bill, the officer would have discretion to pick and choose any/all of the surviving drivers to submit to a test if s/he found any presence of alcohol/controlled substance in only one of the vehicles. Drivers who are unconscious or otherwise incapable of giving consent are presumed to have given consent to the sampling/testing of their blood.

Samples must be provided within 3 hours of the crash and forwarded to the Wisconsin State Hygiene Lab (WSHL) to test for presence/quantity of alcohol, controlled substances, controlled substance analogs, or other drugs, or combinations thereof. Results of the analysis are provided to the investigating law enforcement agency, as well as to the Department of Transportation (DOT). Costs associated with sample collection by the State Patrol is paid for by the DOT.

It is assumed surviving driver test results can be the basis for OWI charges against individuals with alcohol levels above the applicable statutorily prohibited alcohol concentration (PAC) or who test positive for controlled substances. Expanded testing of all surviving drivers in fatal and serious injury crashes, beyond those who are already tested on suspicion of Operating While Intoxicated (OWI), will result in:

(1) Greater likelihood of detecting drivers with a prohibited alcohol concentration (PAC) at the time of the crash, which will increase OWI or other alcohol-related prosecutions since very low PAC levels apply to certain classes of drivers (e.g. 0.04 for commercial motor vehicle operators, 0.02 for persons with at least 2 prior OWI offenses, and 0.00 for persons under age 21).

(2) Greater likelihood of detecting drivers with a measurable amount of a controlled substance at the time of the crash, which will increase OWI prosecutions since Wisconsin's OWI law prohibits operation of a motor vehicle with ANY detectable amount of a controlled substance.

(3) Increased workload for the Wisconsin State Hygiene Lab (WSHL), since the Lab does the large majority of implied consent alcohol testing and virtually all implied consent testing for drugs other than alcohol. Currently, WSHL costs for implied consent testing are funded thru the State OWI Surcharge Account, with no costs charged back to DOT nor any law enforcement agency requesting the tests. It is assumed that implied consent tests would continue to be funded through the OWI Surcharge Account and not be blended with the new surviving driver testing. However, since all surviving driver blood samples will have to be tested for drugs other than alcohol, not just for alcohol alone, the WSHL will likely need additional staff and equipment to maintain its current 1-3 month turnaround time for tests for drugs other than alcohol.

Based on (2002-2004) fatal and serious injury crash trends and rates of associated implied consent testing of surviving drivers, it is assumed there will be an average of 6,900 surviving drivers required to provide blood samples for testing every year.

According to WisDOT citation data, the State Patrol writes approximately 11%, on average, of all the citations for OWI arrests. At an average cost of \$50 per blood draw by a medical facility (based on review of

invoices submitted to the Division of State Patrol in January 2005 for OWI arrests made by DSP personnel) these 6,900 additional tests will incur a total cost to DOT of:

$$(6,900 \times \$50)(.11) = \$37,950 \text{ per year}$$

The test result reports from the WSHL will also be processed by DOT staff. However, the estimated fiscal impact for DOT staff to process these reports is expected to be negligible. Annual printing costs associated with the new test reporting forms are estimated to be \$300.

These 6,900 new blood sample collections will incur indeterminable staffing costs to state and local law enforcement agencies and medical facilities for added effort in the aftermath of fatal and serious injury traffic crashes.

The subset of the 6,900 tests that includes drivers found to be operating with PAC levels or with detectable amounts of controlled substances (who are subsequently prosecuted for OWI), or that result in additional chemical test refusal cases, will incur indeterminable staffing costs to local prosecutors. Likewise, there will be indeterminable increased revenues from successful OWI prosecutions (fines, penalties, court costs, surcharges).

Long-Range Fiscal Implications

None

Fiscal Estimate Worksheet - 2005 Session

Detailed Estimate of Annual Fiscal Effect

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Description Testing of persons involved in certain motor vehicle accidents and providing a penalty			
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	\$37,950		
(FTE Position Changes)			
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category	\$37,950		\$
B. State Costs by Source of Funds			
GPR			
FED			
PRO/PRS			
SEG/SEG-S	37,950		
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			
SEG/SEG-S			
TOTAL State Revenues	\$	\$	
NET ANNUALIZED FISCAL IMPACT			
	State	Local	
NET CHANGE IN COSTS	\$37,950	\$	
NET CHANGE IN REVENUE	\$	\$	
Agency/Prepared By		Authorized Signature	
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		Date	
		3/14/2006	