

Fiscal Estimate Narratives

DOT 2/7/2006

LRB Number	05-3631/2	Introduction Number	AB-966	Estimate Type	Original
Description Vehicle owner liability for violations arising from the failure to stop at the scene of an accident and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

This bill creates liability for the owner of a vehicle operated in the commission of a Failure-To-Stop (FTS) violation following a traffic crash. A person who observes an FTS violation may, within 24 hours, report the violation to a county or municipal traffic officer. If the report includes certain information (time and location of the crash, and for each vehicle involved in the crash, the registration number, color and type), then the officer may, within 72 hours, investigate the alleged violation.

After determining probable cause that the FTS violation occurred, the officer may cite the vehicle owner. The owner has certain limited defenses, as do lessors and dealers of vehicles identified in this manner, including: (a) vehicle was stolen at the time of the FTS violation, or (b) owner/lessor provides the name of person operating the vehicle at the time of the FTS violation and there is not probable cause to believe the owner was operating the vehicle at the time of the FTS violation.

If convicted of FTS, vehicle owners would face a forfeiture up to \$100 for FTS involving an unattended vehicle or damage to property other than a motor vehicle and up to \$1,000 for any other FTS violation. There would be no suspension or revocation of the vehicle owner's operating privilege and no demerit points would be recorded.

Under current law, several types of traffic violations can be cited based on non-law enforcement eyewitness vehicle identification (i.e. failure to stop for school bus, failure to stop at active train signals, failure to stop for fire trucks, failure to stop at school crossings). However, each of these identification opportunities is limited to a specific class of eyewitnesses (i.e. school bus drivers, railroad employees, fire department personnel, adult school crossing guards).

It is assumed the intent of the bill is two-fold:

(a) create a new disincentive for drivers to leave the scene of a crash without performing their legal duties (i.e. in effect, reduce the number of hit and run crashes, as well as the number of driver-FTS convictions, by increasing the likelihood that the driver will eventually be identified)

(b) create a stronger incentive for owners of vehicles involved in FTS violations to identify the drivers (if they were not operating the vehicle at the time of the crash).

In 2002-2004, there were an average of 13,460 hit and run traffic crashes per year (excluding parking lot and private property crashes).

In 2002-2004, there were an average of 7,857 convictions per year for the existing variety of FTS violations (i.e. failure to report a crash, failure to stop after crash, failure to stop after striking unattended vehicle, duty upon striking property, plus equivalent offenses involving commercial vehicles).

In 2002-2004, over \$535,000 in total damage to Department-owned roadside property (e.g. signs, guardrail, light poles, culverts) went uncollected because responsible hit and run drivers could not be identified.

The amount of reduction in hit and run crashes and FTS convictions and the increase in reimbursement for damage to Department-owned roadside property that will arise from this bill is indeterminable since the new sanctions imposed on the owner of a vehicle involved in an FTS offense are less severe than those a vehicle owner would face under current law if he/she is the driver, flees the scene, is identified to police, and is later tracked down and cited under the new owner-FTS statute.

The disparity in penalty severity is less for owner-FTS vs. driver-FTS involving unattended vehicles or damage to property other than vehicles. The \$100 maximum forfeiture for owner-FTS in these cases is

equal to that for driver-FTS, but the offense does not also carry the equivalent license suspension (up to 1 year), nor does it carry the 6 demerit points for FTS after striking an unattended vehicle.

The disparity in penalty severity is dramatic for owner-FTS vs. driver-FTS after striking a person or an attended/occupied vehicle. The \$1,000 maximum forfeiture for owner-FTS is equal to that for driver-FTS if no one is injured, but it is lower than the maximum forfeiture for driver-FTS if someone is injured (up to \$10,000). Nor does owner-FTS feature the jail time options available to courts in cases of driver-FTS (i.e. up to 6 months if no injury, up to 9 months if injury but not great bodily harm, Class E felony if GBH, Class D felony if someone was killed).

In current practice, law enforcement personnel already take enforcement action when probable cause can be determined that a driver has fled the scene of a crash (i.e. an unknown portion of the nearly 7,900 driver-FTS convictions each year involve vehicle identification based on eyewitness information). It cannot be determined how many new FTS citations would be issued to vehicle owners due to diligent law enforcement investigations based on current levels or increased volumes of timely, accurate and complete eyewitness descriptions of all vehicles involved crashes.

Long-Range Fiscal Implications

Unknown

Fiscal Estimate Worksheet - 2005 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

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Description Vehicle owner liability for violations arising from the failure to stop at the scene of an accident and providing a penalty			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): Indeterminable			
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			
SEG/SEG-S			
TOTAL State Revenues		\$	\$
NET ANNUALIZED FISCAL IMPACT			
		<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS		\$	\$
NET CHANGE IN REVENUE		\$	\$
Agency/Prepared By		Authorized Signature	Date
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