

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-0914/3	Introduction Number AB-0151	
Description Drunk driving penalties, consumption reports, and intoxicated driver deterrence		
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 checked="" type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue 5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <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 20.395 (5)(cq)		
Agency/Prepared By DOT/ Richard Kleist (608) 266-1449	Authorized Signature Julie Johnson (608) 267-3703	Date 6/8/2009

Fiscal Estimate Narratives

DOT 6/8/2009

LRB Number	09-0914/3	Introduction Number	AB-0151	Estimate Type	Original
Description Drunk driving penalties, consumption reports, and intoxicated driver deterrence					

Assumptions Used in Arriving at Fiscal Estimate

BILL SUMMARY

Ignition Interlock Devices (IID)

Under current law, if a person is convicted of a second offense of operating a motor vehicle with a prohibited alcohol concentration or under the influence of an intoxicant (OWI related offense), a judge may immobilize the person's motor vehicles or require that the person's operating privilege be limited to operating vehicles equipped with an Ignition Interlock Device. If a person is convicted of a third or subsequent (OWI related offense) within five years, a judge must limit the person to operating only vehicles equipped with an IID or order that the person's motor vehicles be immobilized or seized and sold at auction.

Current law requires the person to pay the cost of installing and monitoring the IID on every vehicle they own. If the judge determines this would cause a hardship on the person, the judge may require the IID be installed on some, but not all, of the person's vehicles.

This proposal gives a court the discretion to order a person's occupational license to be restricted to operation of Class D vehicles equipped with an IID if the person is convicted of any charge of operating while intoxicated (OWI), operating with a prohibited blood alcohol concentration (PAC), negligent homicide by the intoxicated use of a motor vehicle (NHI), or great bodily harm while under the influence of an intoxicant (GBH) and the person had a blood alcohol concentration of less than 0.12 at the time of the offense.

Additionally, the bill gives a court the discretion to order a person's regular operating privilege be restricted to operation of Class D vehicles equipped with an IID if the person is convicted of any charge of OWI, PAC, NHI, or GBH and the person had a blood alcohol concentration of less than 0.12 at the time of the offense.

This bill requires the court to order a person's operating privilege, including an occupational license, be restricted to operating only vehicles equipped with an IID if the person improperly refuses a test to determine their blood alcohol concentration (IC) or is convicted of any operating under the influence causing injury (OII), OWI, PAC, NHI, or GBH and the person had a blood alcohol concentration of 0.12 or more at the time of the offense and that each vehicle for which the person's name appears on the vehicle's title or registration be equipped with an ignition interlock device unless the court orders the motor vehicle used in the violation seized. This proposal also eliminates the court's option of ordering the person's vehicle to be immobilized.

Under current law, the period for which a person is restricted to operation of vehicles equipped with an IID begins on the date their operating privilege is revoked or a later date up to one year after the revocation period begins and continues for the period of time ordered by the court. This bill requires the period to begin on the date the department issues ANY license to the individual.

OWI Revocation Periods

Under current law, the court is required to revoke a persons operating privilege upon their conviction for OWI or PAC. The first conviction requires a six to nine month revocation, the second conviction requires a one-year to 18-month revocation, third and subsequent convictions required a two to three year revocation.

This proposal changes those revocation periods to one year to 18 months for the first conviction, two years to three years on the second conviction, and three years to four years for third and subsequent convictions.

Intoxicated Driver Deterrence

Whenever a person is convicted of OWI or PAC, this bill requires the department to publish a Class 1 notice in the county where the conviction occurred or the county where the convicted person resides containing the

person's name, age, last-known residence address and the total number of OWI and/or PAC convictions the have received.

Motor Vehicle Accident Statistical Information

Current law requires the department to publish at least annually, reports indicating the number and circumstances of traffic accidents.

This bill requires the department to publish these reports at least monthly and that they include the number of accidents in which consumption of alcohol or other drugs were contributing factors to the accident and information indicating the amounts of intoxicants or other drugs that were in the blood of the drivers involved in the accidents.

ASSUMPTIONS

IIDs

This proposal would increase DMV workload for the online updating of IID restrictions for those restrictions ordered by a court's discretion for operating with a blood alcohol concentration of less than 0.12 and for refusals and all OWI-related convictions with a blood alcohol concentration ("BAC") of 0.12 or more. This bill could make Wisconsin non-compliant with federal OWI-repeater law, which requires vehicle sanctions on 2nd and subsequent OWI-related convictions regardless of BAC. The bill does not give the department authority to require an IID should the court fail to do so.

The proposal would also require a recalculation of IID restriction ending dates based on the date the person first had a Class D license issued.

This proposal would eliminate the need to add notations to driver's registration records relating to the immobilization of their vehicles.

OWI Revocation Periods

This bill as written would increase the revocation periods allowed for first, second, and third and subsequent convictions for OWI and PAC. These changes would require DOT computer programs to be changed to reflect the new periods.

Intoxicated Driver Deterrence

The proposal states the department should make efforts to deter intoxicated driving in Wisconsin, but does not require any specific efforts or programs to do so other than publishing a Class 1 notice in the county where the person's OWI or PAC conviction occurred or the county where the convicted person resides containing the person's name, age, last-known residence address and the total number of OWI and/or PAC convictions the have received. This requirement in itself would require the department to publish this notice in virtually every county every month. The total number of convictions necessary to be published varies from year to year. The fees charged by the publications also vary so depending on the number of convictions and publications those convictions must be published in, the cost will vary monthly. Computer programming to develop these listings and the cost of publishing the notices would be significant.

Motor Vehicle Statistical Information

AB-151 would require data summaries at least monthly (or more frequently), and they must include detail regarding alcohol or drugs as contributing factors, including the amount of alcohol/drugs in the blood of the drivers. While we could publish monthly data, it would be both old and incomplete. There can be significant lag time between date of crash and date on which alcohol concentration test results are reported to DMV for killed drivers or surviving drivers. The data will also be incomplete, since only about 70% of drivers involved in fatal crashes have an alcohol concentration test result on record, and not every had-been-drinking driver is processed for an evidentiary test. And as for drugs other than alcohol, such tests are not routinely performed and, when they are done, quantitative results are available only for some classes of drugs, not all. Many times the alcohol/drug use information is provided in a Yes/No answer only, quantitative tests results for drivers that had been drinking is missing about one-third of the time and can take weeks/months to be reported to the department. This report is currently provided annually. It is assumed this monthly report will be made available by accessing the information from the Department's website and then consolidated into the annual report each year.

CONCLUSION

In 2007, there were about 26,395 revocations for first offense OWI-related convictions (OWI, PAC, GBH, and NHI), there were approximately 11,245 convictions for second and subsequent OWI related offenses, and 3,285 convictions for IC and OII. Assuming 67% of the OWI-related convictions resulted from a person operating with a blood alcohol concentration of 0.12 or more and all of the IC and OII convictions each required an IID restriction under this proposal, an additional 28,100 offenders would be subject to the IID.

The fiscal impact of on-lining these restrictions is .27 FTE (1 minute per transaction).
.27 FTE at a TCR-Senior classification equals \$12,200 (salary and fringe).

The fiscal impact of possible title transfers to avoid the need to install IIDs in each vehicle titled or registered in the persons name is indeterminate. The number of these transfers is impossible to determine, therefore the cost of the FTE necessary for handling the transfers and the revenue generated by fees paid for the transaction cannot be determined.

The fiscal impact of publishing a Class 1 notice in the county where the person's OWI or PAC conviction occurred or the county where the convicted person resides containing the person's name, age, last-known residence address and the total number of OWI and/or PAC convictions the have received will be significant. By polling 15 different newspapers for approximate costs of these notices and using that as an average, the annual cost of publishing the notices would be approximately \$534,900. There would be an additional cost of \$3,500 for computer programming to develop the monthly file and an ongoing annual cost of \$9,840 for running the program and emailing the information to each publication.

The fiscal impact of publishing a monthly report detailing traffic accident data would result from computer programming to develop a monthly report costing \$5,500 and an ongoing annual cost of approximately \$12,660 to compile the information monthly and enter it on the DOT website.

Long-Range Fiscal Implications

See above.

Fiscal Estimate Worksheet - 2009 Session

Detailed Estimate of Annual Fiscal Effect

Original
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LRB Number 09-0914/3		Introduction Number AB-0151	
Description Drunk driving penalties, consumption reports, and intoxicated driver deterrence			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
\$18,500 for updating computer programs changing the OWI withdrawal periods, creating and emailing lists of persons convicted of OWI to newspapers for publication, and development of programs to produce motor vehicle crash reports and a mechanism to enter the information on the DOT website.			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$12,200	\$
(FTE Position Changes)		(0.3 FTE)	
State Operations - Other Costs		557,400	
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category		\$569,600	\$
B. State Costs by Source of Funds			
GPR			
FED			
PRO/PRS			
SEG/SEG-S (s.20.395 (5) (cq))		569,600	
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
		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		\$569,600	\$
NET CHANGE IN REVENUE		\$	\$
Agency/Prepared By		Authorized Signature	Date
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