



## Fiscal Estimate Narratives

DHS 11/30/2009

LRB Number	09-3640/1	Introduction Number	AB-0547	Estimate Type	Original
<b>Description</b> Operating a vehicle while intoxicated, granting rule-making authority, and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person who commits an offense related to driving while intoxicated (OWI) is liable for a penalty surcharge for driver improvement programs. Currently, a person who commits his or her first offense related to OWI and who has a blood alcohol concentration of .08 through .099 at the time of this offense is not liable for the surcharge.

Under this bill, a person who commits his or her first offense related to OWI and who has a blood alcohol concentration of .08 through .099 at the time of the violation is liable for the surcharge.

Under current law, the surcharge is \$365. The amount of the surcharge would not change under this bill. The statutes direct that 40% of the revenue from surcharges for driver improvement programs from offenses related to OWI be deposited in the Department of Health Services (DHS) appropriation s. 20.435 (5) (hx). The remaining 60% of the surcharge revenue is credited to the county department under s. 51.42 for services for drivers referred to treatment through assessment. This bill would increase s. 20.435 (5) (hx) revenue as well as revenue credited to county departments under s. 51.42 because first-time OWI offenders with a blood alcohol concentration of .08 through .099 would now be assessed the surcharge.

Department of Transportation (DOT) data shows a total of 40,260 OWI related convictions in CY 07 and 36,846 OWI related convictions in CY 08. Of these convictions, 1,699 in CY 07 and 2,152 in CY 08 were first-time offenders with a blood alcohol concentration of .08 through .099. Using the averages of CY 07 and CY 08 OWI conviction data, it is estimated that in SFY 08 there were 38,553 OWI related convictions and of those, 1,926 were first-time OWI related convictions with a blood alcohol concentration of .08 through .099.

Based on the estimated SFY 08 OWI convictions subject to the surcharge, it is estimated there were 36,628 SFY 08 OWI convictions that were liable for the surcharge. Therefore, under s. 20.435 (5) (hx), the Department would project \$5,347,600 of revenue in SFY 08 if all OWI offenders liable for the surcharge paid that surcharge. SFY08 actual revenue under s. 20.435 (5) (hx) was \$4,421,800. Actual SFY 08 revenue was 82.6% of the projected SFY 08 revenue if all OWI offenders had paid a surcharge.

This estimate assumes that there would be 1,926 first-time offenders annually who would now be assessed the surcharge under AB 547. This estimate assumes that 82.6% of first-time OWI offenders with a blood alcohol concentration of .08 through .099 would pay the surcharge and that under AB 547 state revenue under s. 20.435 (5) (hx) could increase by \$232,500 annually and local revenue could increase by \$348,700 annually.

This estimate assumes the change in the surcharge applies to offenses committed after the bill's effective date. It also assumes a nine month delay between the effective date of the legislation and the first convictions and surcharge payments. Further, this estimate assumes that the period of time between the violation and the final conviction could vary from nine months to fifteen months, so revenues would increase each month for six months, beginning in the tenth month after the effective date of this legislation.

Assuming year 1 begins on the effective date of AB 547, it is anticipated that state revenue under s. 20.435 (5) (hx) could increase by \$19,200 in year 1, \$222,500 in year 2 and \$232,500 in year 3, and it is anticipated that local revenue could increase by \$28,800 in year 1, \$338,800 in year 2 and \$348,700 in year 3.

Under current law, no person may operate a motor vehicle with a prohibited alcohol concentration. For most operators, the prohibited alcohol concentration is .08 or more. However, if a person has committed three or more OWI-related violations, the prohibited alcohol concentration for that person is no more than .02.

Under this bill, for a period of two years after a person commits a first or second OWI-related offense, the prohibited alcohol concentration is .02. To the extent that individuals who have committed a first or second OWI-related offense commit another OWI-related offense with an alcohol concentration between .02

and .08, revenues under s. 20.435 (5) (hx) will increase; however, due to a lack of data, this increase cannot be estimated.

Under this bill, \$10,000,000 collected from wine and liquor taxes would be deposited into a trust fund, the Intoxicated and Drugged Driver Fund, established under this bill. The bill would also create an appropriation under s. 20.435 (5) (q), Intoxicated and drugged driving assistance programs. The bill requires the Department of Health Services and other agencies to submit budget requests to prosecute first OWI-related offenses and provide treatment programs for offenders.

To the extent that DHS is allocated funds under the Intoxicated and Drugged Driver Fund, it will have expenditures under s. 20.435 (5) (q).

### **Long-Range Fiscal Implications**

## Fiscal Estimate Worksheet - 2009 Session

Detailed Estimate of Annual Fiscal Effect

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>09-3640/1</b>		<b>Introduction Number</b> <b>AB-0547</b>	
<b>Description</b> Operating a vehicle while intoxicated, granting rule-making authority, and providing a penalty			
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
	State Operations - Salaries and Fringes	\$	\$
	(FTE Position Changes)		
	State Operations - Other Costs		
	Local Assistance		
	Aids to Individuals or Organizations		
	<b>TOTAL State Costs by Category</b>	<b>\$</b>	<b>\$</b>
<b>B. State Costs by Source of Funds</b>			
	GPR		
	FED		
	PRO/PRS	0	
	SEG/SEG-S		
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>			
		Increased Rev	Decreased Rev
	GPR Taxes	\$	\$
	GPR Earned		
	FED		
	PRO/PRS	232,500	
	SEG/SEG-S		
	<b>TOTAL State Revenues</b>	<b>\$232,500</b>	<b>\$</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>			
		State	Local
	NET CHANGE IN COSTS	\$	\$
	NET CHANGE IN REVENUE	\$232,500	\$348,700
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	<b>Date</b>
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