

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-1419/1	Introduction Number AB-0060
Description Payment of judgments in traffic courts and municipal courts by installments and the suspension of operating privileges	
Fiscal Effect	
State: <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input 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 type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs	
Local: <input type="checkbox"/> No Local Government Costs <input checked="" 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	
Agency/Prepared By DOT/ Richard Kleist (608) 264-7029	Authorized Signature Julie Johnson (608) 267-3703
Date 2/24/2009	

Fiscal Estimate Narratives

DOT 2/24/2009

LRB Number	09-1419/1	Introduction Number	AB-0060	Estimate Type	Original
Description Payment of judgments in traffic courts and municipal courts by installments and the suspension of operating privileges					

Assumptions Used in Arriving at Fiscal Estimate

BILL SUMMARY

Traffic violation: Requires the court, when entering a judgment to allow a payment plan in lieu of operating privilege withdrawal if the defendant is unable to pay due to poverty.

Municipal ordinance violation: Prohibits a judge from ordering a defendant's imprisonment or withdrawing their operating privilege for non-payment of a judgment if:

- the defendant has notified the court they cannot pay due to poverty and;
- the defendant has not previously failed to comply with a court-ordered installment plan or previously failed to perform community service.

Operating privilege withdrawal for failure to pay a judgment:

- A court may terminate the withdrawal and substitute a payment plan;
- If the defendant is unable to pay due to poverty, requires the court to terminate the withdrawal and substitute a payment plan, unless the defendant has previously failed to comply with a payment plan.

This proposal uses poverty as defined in s. 814.29(1)(d).

ASSUMPTIONS

In Section 5 of the proposal, a court is required to "terminate" the suspension of an individual and substitute a payment plan. DMV is unsure of how "terminate" will be interpreted by the courts. If a court reports to DMV the judgment is paid, the individual will have to pay the required reinstatement fees to reinstate their operating privilege. If a court reports to DMV they are vacating or dismissing the suspension, no reinstatement fee will be required.

Assuming the courts are allowing an individual to enter into payment plans, more forfeitures, costs, fees, and surcharges should be collected by the courts and municipalities.

CONCLUSION

The vagueness of the word "terminate" as described above could potentially impact DOT revenues through a reduced collection of reinstatement fees.

Long-Range Fiscal Implications

See above.

Fiscal Estimate Worksheet - 2009 Session

Detailed Estimate of Annual Fiscal Effect

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Description Payment of judgments in traffic courts and municipal courts by installments and the suspension of operating privileges			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): Indeterminate.			
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, 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	\$		\$
NET CHANGE IN REVENUE	\$		\$
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		Date 2/24/2009	