

### Fiscal Estimate - 2019 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>19-4434/1</b>	<b>Introduction Number</b> <b>SB-522</b>
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**Description**  
 the use of a wireless communication device while driving and providing a penalty

**Fiscal Effect**

**State:**

No State Fiscal Effect  
 Indeterminate  
      Increase Existing Appropriations     
  Increase Existing Revenues     
  Increase Costs - May be possible to absorb within agency's budget  
      Decrease Existing Appropriations     
  Decrease Existing Revenues     
   
  Yes       No  
      Create New Appropriations     
   
  Decrease Costs

**Local:**

No Local Government Costs  
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input checked="" type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<b>5. Types of Local Government Units Affected</b> <input checked="" type="checkbox"/> Towns <input checked="" type="checkbox"/> Village <input checked="" type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

<b>Agency/Prepared By</b> DOT/ Robert Combs (608) 266-1449	<b>Authorized Signature</b> Joan Meier (608) 267-6978	<b>Date</b> 1/24/2020
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## Fiscal Estimate Narratives

DOT 1/24/2020

LRB Number	19-4434/1	Introduction Number	SB-522	Estimate Type	Original
<b>Description</b> the use of a wireless communication device while driving and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

Under state statute, no forfeiture collected from traffic violations is distributed to DOT, thus there is no fiscal effect on DOT.

Local governments would see an increase in revenue from the forfeiture collected from traffic citations. The exact amount of citations that would be issued is unclear. The State of Washington signed similar legislation into place in 2017 and saw a total of 6,475 citations issued in the first six months of implementation, which if holding constant would mean a total of 12,950 citations for the full year. Wisconsin has approximately 78.6% the number of licensed drivers that Washington has, which would mean a total of approximately 10,179 citations if the same proportion of citations to drivers is issued in Wisconsin.

The legislation amends statute so that the maximum forfeiture that may be assessed for first offense is \$50, however it is likely that the amount will be set to a lower amount, such as what is assessed currently (\$20) for using a hand-held wireless communication device in a construction zone. For convictions in circuit court, half of the forfeiture will go to the county in which the citation is issued while those convicted in municipal court will see 100% of their forfeiture going to the municipality.

Using the assumption of 10,179 yearly citations and that approximately 42.2% of convictions under this law would come from a circuit court, the result would be \$42,955-\$107,388 for county governments and \$117,669-\$294,173 for municipal governments depending on the level the forfeiture is set at. For local governments, this would mean a total of as low as \$160,624 if set at \$20 or as high as \$401,561 if it is set to the maximum allowed by the bill.

### Long-Range Fiscal Implications

It is likely that this range will fluctuate as time passes, as increased awareness of the penalty will likely lead to less violations over time (less revenue) but will also create second and subsequent offenders (more revenue).



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**State of Wisconsin**  
**Wisconsin Department of Transportation**

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**MEMORANDUM**

**To:** Executive Offices  
**From:** Division of State Patrol  
**Date:** 10/29/19  
**Subject:** Analysis for SB-522 relating to: The use of a wireless communication device while driving and providing a penalty.

1. Effect on Existing State Law

Under current law, there is no state statute that explicitly prohibits the use of a wireless communication device while driving. Inattentive driving of a motor vehicle is prohibited, which means that a driver of a motor vehicle may not be engaged with an activity that would interfere with the safe driving of the vehicle.

This bill would amend state statute so that drivers of a motor vehicle are prohibited from using a wireless communication device, except for certain hands-free use, use by law enforcement officials, or use related to an emergency. Persons who violate this prohibition may be required to forfeit not more than \$50 for first offense, not more than \$100 for second offense, and not more than \$150 for third and subsequent offenses. There is already an explicit prohibition in Wisconsin state statute on texting while driving, this would be unaffected by this legislation.

2. Legislative Action in Previous Session

In previous legislative sessions, there have been successful attempts to limit the use of wireless communication devices while driving, though most of these have been for much more narrow cases. For example, in the 2015-16 session Act 308 was signed into law which prohibited the use of a handheld wireless communication device in a construction zone.

However, legislation taking a broad approach to the issue like SB-522 has been introduced but has typically not made it out of committee. In the 2017-18 legislative session, AB-662/SB-608 would have codified an explicit prohibition of using a handheld wireless communication device while driving, although it would have introduced a different penalty structure. The bill never received a public hearing after introduction.

3. Policy Significance

This bill would prohibit hand-held cellphone use while driving and would require law enforcement officers to cite vehicle owners who are found using their hand-held device while driving. There are no criminal penalties introduced in this legislation, as drivers in violation of this requirement would simply be issued a ticket for forfeiture.

4. Administrative Significance

Under this bill, law enforcement officers would pull over and cite drivers in violation of using a hand-held wireless communication device while driving. The officer would need to verify that the device was not for the use of an emergency and would undertake the same steps that would be seen in a traditional traffic violation stop.

Revenue collected from forfeiture in circuit courts would be distributed 50% to the county where a citation is issued, while 50% would go to the state common school fund. Revenue collected from forfeiture in municipal courts would be distributed 100% to the municipality that issued the citation.

5. Fiscal Effect

Under state statute, no forfeiture collected from traffic violations is distributed to DOT, thus there is no fiscal effect on DOT.

Local governments would see an increase in revenue from the forfeiture collected from traffic citations. The exact amount of citations that would be issued is unclear. The State of Washington signed similar legislation into place in 2017 and saw a total of 6,475 citations issued in the first six months of implementation, which if holding constant would mean a total of 12,950 citations for the full year. Wisconsin has approximately 78.6% the number of licensed drivers that Washington has, which would mean a total of approximately 10,179 citations if the same proportion of citations to drivers is issued in Wisconsin.

The legislation amends statute so that the maximum forfeiture that may be assessed for first offense is \$50, however it is likely that the amount will be set to a lower amount, such as what is assessed currently (\$20) for using a hand-held wireless communication device in a construction zone. For convictions in circuit court, half of the forfeiture will go to the county in which the citation is issued while those convicted in municipal court will see 100% of their forfeiture going to the municipality.

Using the assumption that approximately 42.2% of convictions under this law would come from a circuit court, the result would be \$42,955-\$107,388 for county governments and \$117,669-\$294,173 for municipal governments, depending on the level the forfeiture is set at. For local governments, this would mean a total of as low as \$160,624 if set at \$20 or as high as \$401,561 if it is set to the maximum allowed by the bill. It is likely that this range will fluctuate as time passes, as increased awareness of the penalty will likely lead to less violations over time (less revenue) but will also create second and subsequent offenders (more revenue).

6. Laws in Other States

Currently there are twenty states as well as the District of Columbia that explicitly prohibit hand-held cellphone use while operating a motor vehicle. Among other midwestern states, Wisconsin is not the only one to have not yet passed legislation as Iowa and Indiana have not either. However, Illinois and Minnesota both signed into law legislation earlier this year, and Michigan along with Ohio allow for local municipalities to prohibit hand-held cell phone use while driving.

On the website of the NCSL, there is a complete list of which states have prohibited hand-held cell phone use and to which extent.

7. Summary and Recommendation

The intent of this bill is to explicitly prohibit hand-held cell phone use while operating a motor vehicle except under specific circumstances and outlines the maximum forfeiture that would be assessed for a violation.

8. Prepared by

Jeremy Kloss – Program and Policy Analyst, Wisconsin DSP

## Fiscal Estimate Worksheet - 2019 Session

Detailed Estimate of Annual Fiscal Effect

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> 19-4434/1		<b>Introduction Number</b> SB-522	
<b>Description</b> the use of a wireless communication device while driving 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>  The IT work required to account for the changes to the charging statutes would cost approximately \$23,300 and require approximately 3 months to implement.			
<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	\$0	\$
	(FTE Position Changes)		
	State Operations - Other Costs		
	Local Assistance		
	Aids to Individuals or Organizations		
	<b>TOTAL State Costs by Category</b>	<b>\$0</b>	<b>\$</b>
<b>B. State Costs by Source of Funds</b>			
	GPR	0	
	FED		
	PRO/PRS		
	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	\$0	\$
	GPR Earned		
	FED		
	PRO/PRS		
	SEG/SEG-S		
	<b>TOTAL State Revenues</b>	<b>\$0</b>	<b>\$</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>			
		<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS		\$0	\$
NET CHANGE IN REVENUE		\$0	\$
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	<b>Date</b>
DOT/ Robert Combs (608) 266-1449		Joan Meier (608) 267-6978	1/24/2020