

Fiscal Estimate - 2019 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 19-1198/1	Introduction Number SB-009
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Description
 penalties for offenses related to operating a vehicle while intoxicated and providing a penalty

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

Local:

<input type="checkbox"/> No Local Government Costs		5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
<input checked="" type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

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/ Robert Combs (608) 266-1449	Authorized Signature Joan Meier (608) 267-6978	Date 3/6/2019
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Fiscal Estimate Narratives

DOT 3/6/2019

LRB Number	19-1198/1	Introduction Number	SB-009	Estimate Type	Original
Description penalties for offenses related to operating a vehicle while intoxicated and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under this bill the Division of Motor Vehicles (DMV) would receive both an expunge and a vacate order for the 1st offense OWI, for individuals who did not re-offend and make the request, and a follow-up conviction of a "civil violation" to be placed on their record. This civil violation would have the same violation date, but a new conviction date. While the original conviction would be expunged from court records, the driving record would still contain the original violation in a vacated status. When this new conviction is added, a new revocation would also be added. If the individual had reinstated their driving privileges after the original conviction, his or her driving privileges would be reinstated without fee. The replacement OWI first offense would look identical to the initial conviction, except with a more recent conviction date, and it is unclear what other requirements may be triggered by its entry on the driving record (such as an IID requirement). These actions would largely be a manual process, and would result in a number of statutorily-required letters documenting the events being mailed to the individual. The five-year timeframe appears to be based on the conviction date of the first offense, rather than the violation date.

Updating the IT systems that handle evaluating OWI convictions would cost approximately \$20,700 and could be completed in the implementation timeframe provided by the bill.

In 2017 there were 14,313 convictions of first offense OWI. It is unknown what percentage of drivers who are convicted would qualify for, and request, the violation be vacated. A large majority of first offenders do not re-offend. Assuming 75% of the offenders are qualified and requested the vacate, there would be approximately 10,700 instances of this new process. The manual processing of these vacate-and-replace tasks takes approximately 20 minutes each, resulting in an increase of approximately 2 FTE (\$96,500).

Each vacate process results in a number of status changes for the individuals driving record. These changes produce four letters that are sent to the individual. These mailings would cost the division approximately \$21,000 per year.

Long-Range Fiscal Implications

Approximately 2 FTE (\$96,500) and mailing costs of approximately \$21,000 each year.

The process for vacating convictions committed by the holder of a commercial driver's license or commercial learner's permit (CDL or CLP) may violate the federal prohibition against "masking," or preventing a CDL or CLP holder's conviction for any violation of a state traffic law from appearing on the holder's federal driving record. If so, and if this caused the state to be deemed to be noncompliant with federal CDL laws, the bill could result in lost federal highway revenue.

Fiscal Estimate Worksheet - 2019 Session

Detailed Estimate of Annual Fiscal Effect

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Description penalties for offenses related to operating a vehicle while intoxicated and providing a penalty			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): One-time IT costs of approximately \$20,700			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
	State Operations - Salaries and Fringes	\$96,500	\$
	(FTE Position Changes)	(2.0 FTE)	
	State Operations - Other Costs	21,000	
	Local Assistance		
	Aids to Individuals or Organizations		
	TOTAL State Costs by Category	\$117,500	\$
B. State Costs by Source of Funds			
	GPR		
	FED		
	PRO/PRS		
	SEG/SEG-S (20.395(5)(cq))	117,500	
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			
		<u>State</u>	<u>Local</u>
	NET CHANGE IN COSTS	\$117,500	\$
	NET CHANGE IN REVENUE	\$	\$
Agency/Prepared By		Authorized Signature	Date
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