

Fiscal Estimate - 2021 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 21-2624/2	Introduction Number AB-0466
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Description
 the penalty for operating a motor vehicle while operating privileges have been suspended 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 checked="" type="checkbox"/> Yes <input 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 | | |
| <input type="checkbox"/> Indeterminate | | |
| 1. <input checked="" type="checkbox"/> Increase Costs | 3. <input type="checkbox"/> Increase Revenue | 5. Types of Local Government Units Affected
<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 |
| <input type="checkbox"/> Permissive <input checked="" 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

GPR
 FED
 PRO
 PRS
 SEG
 SEGS

Agency/Prepared By	Authorized Signature	Date
DOT/ Paul Nilsen (608) 261-0126	Joan Meier (608) 267-6978	9/9/2021

Fiscal Estimate Narratives

DOT 9/9/2021

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Description the penalty for operating a motor vehicle while operating privileges have been suspended and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

The Division of State Patrol issued the following citations for Operating While Suspended (OWS):

- 2018: 5,911
- 2019: 5,164
- 2020: 4,424
- 2021 (through 6/30/21): 2,604

Presently, once a trooper believes an OWS violation has occurred, the civil infraction requires issuance of a citation. State Patrol estimates issuance of a citation takes 30 minutes, which includes time to search a driving record, confirm with dispatch an exact count of prior offenses, enter the data, and to explain and issue a citation.

This bill converts second and subsequent convictions for OWS to a criminal offense instead of a civil infraction. Meaning that second and subsequent OWS offenses will result in arrests rather than citations. State Patrol estimates an arrest takes approximately 1.5 hours for transport and booking. The actual time required per arrest depends on where the arrest occurs, the proximity to a booking station, the need for towing the suspect's vehicle, and the proximity of towing services. State Patrol estimates an additional 1.25 hours of work would be required for each second and subsequent OWS because those offenses would lead to an arrest.

The Department cannot determine how many OWS violations are committed within 3 years of a prior OWS offense. Lacking data, the Department used projected rates of the annual number of OWS violations that could be criminal offenses under this bill to provide a range of fiscal effects. Table 1 in Appendix A shows the number of citations issued by State Patrol for each year since 2018, and the number of arrests that would be made instead of citations, if the number of second and subsequent violations within the preceding three years was 25%, 50% or 75%.

Considering the potential number of arrests and the amount of time needed for an arrest, a range of 1,382 hours (0.66 FTE) to 5,541 hours (2.66 FTE) of additional work will be created for State Patrol Troopers. Based on the average salary and fringe of a State Patrol Trooper, this is equivalent to between \$79,400 and \$320,000 in salary and fringe annually.

LOCAL LAW ENFORCEMENT FISCAL EFFECTS:

Traffic convictions are reported to the Division of Motor Vehicles (DMV) and show the following convictions for OWS.

- 2020: 51,517
- 2019: 70,122
- 2018: 79,453
- 2017: 79,381

The department does not know how many citations were written, so it assumes a conviction rate of 100%. (A lower conviction rate means more citations were written, and a greater workload impact.) Table 2, in Appendix A, shows the number of estimated annual arrests range from a low of 11,401 to a high of 48,718. Assuming the time difference between writing a citation and making an arrest is the same for local law enforcement as State Patrol (an increase of 1.25 hours per arrest), the bill creates for local law enforcement an additional 14,251 hours (6.85 FTE) to 60,897 hours (29.3 FTE) of work to process arrests. Based on the average salary of a patrolman in Wisconsin, this is equivalent to between \$557,300 and \$2,383,700.

Long-Range Fiscal Implications

For the Department, on an annually basis, the bill creates additional work equal to between 0.66 and 2.66 State Trooper FTE, equivalent to \$79,400 and \$320,000 in salary and fringe.

For local law enforcement, on an annually basis, the bill creates additional work equal to between 6.85 FTE to 29.3 FTE local law enforcement FTE, equivalent to between \$557,300 and \$2,383,700 in salary.

Department of Transportation

LRB#: 21-2624/2

Subject: Transportation

Table 1: State Patrol - Percentage of OWS Citations that could now be Criminal Charges				
	2018 (5,911 citations)	2019 (5,164 citations)	2020 (4,424 citations)	2021 (2,604 citations thru 6/30/21)
25%	1,478	1,291	1,106	651
50%	2,956	2,582	2,212	1,302
75%	4,433	3,873	3,318	1,953

Table 2: Local Law Enforcement - Percentage of OWS Citations that could now be Criminal Charges			
	2018 (45,606 citations)	2019 (64,958 citations)	2020 (47,093 citations)
25%	11,402	16,240	11,773
50%	22,803	32,479	23,547
75%	34,205	48,719	35,320

Fiscal Estimate Worksheet - 2021 Session

Detailed Estimate of Annual Fiscal Effect

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Description the penalty for operating a motor vehicle while operating privileges have been suspended and providing a penalty		
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):		
II. Annualized Costs:		
	Annualized Fiscal Impact on funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$79,400	\$
(FTE Position Changes)	(0.7 FTE)	
State Operations - Other Costs		
Local Assistance		
Aids to Individuals or Organizations		
TOTAL State Costs by Category	\$79,400	\$
B. State Costs by Source of Funds		
GPR		
FED		
PRO/PRS		
SEG/SEG-S	79,400	
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	\$79,400	\$557,300
NET CHANGE IN REVENUE	\$	\$
Agency/Prepared By Authorized Signature Date		
DOT/ Paul Nilsen (608) 261-0126	Joan Meier (608) 267-6978	9/9/2021