

Fiscal Estimate Narratives

DOT 9/3/2021

LRB Number	21-4086/1	Introduction Number	SB-441	Estimate Type	Original
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#: 21-4086/1

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

Original
 Updated
 Corrected
 Supplemental

LRB Number 21-4086/1		Introduction Number SB-441	
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 (Transportation fund)	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
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