

Fiscal Estimate - 2023 Session

☒ Original ☐ Updated ☐ Corrected ☐ Supplemental

LRB Number 23-1912/1	Introduction Number AB-0055
Description penalties for reckless driving and providing a penalty	
Fiscal Effect State: <div style="display: flex; flex-wrap: wrap;"><div style="width: 33%;"><input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations</div><div style="width: 33%;"><input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues</div><div style="width: 33%;"><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"/> Decrease Costs</div></div> Local: <div style="display: flex; flex-wrap: wrap;"><div style="width: 33%;"><input type="checkbox"/> No Local Government Costs <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</div><div style="width: 33%;">5. Types of Local Government Units Affected <div style="display: flex; flex-wrap: wrap;"><div style="width: 33%;"><input type="checkbox"/> Towns <input type="checkbox"/> Counties <input type="checkbox"/> School Districts</div><div style="width: 33%;"><input type="checkbox"/> Village <input type="checkbox"/> Others <input type="checkbox"/> WTCS Districts</div><div style="width: 33%;"><input type="checkbox"/> Cities</div></div></div></div>	

Fund Sources Affected
☐ GPR ☐ FED ☐ PRO ☐ PRS ☒ SEG ☐ SEGS

Affected Ch. 20 Appropriations
20.395(5)(dq)

Fiscal Estimate Narratives

DOT 3/17/2023

LRB Number	23-1912/1	Introduction Number	AB-0055	Estimate Type	Original
Description penalties for reckless driving and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under state statute, no forfeiture collected from traffic violations is distributed to the Department of Transportation. For the purposes of this fiscal estimate, the most recent complete conviction data (from calendar year (CY) 2021) is being used.

In cases of first-time reckless driving offenses, under s. 346.62 (2), the bill amends the forfeiture amount that may be assessed for a first offense from \$25 - \$200 to \$50 - \$400. Currently, when a citation is issued for a first offense the forfeiture is \$200. Under the proposed bill, the forfeiture amount for the first offense is assumed to be \$400, although the actual amount will be set by the Wisconsin Judicial Conference and could be unchanged. In CY21, there were 1,624 first-time reckless driving convictions statewide, the changes are assumed to increase revenue by approximately \$324,800 annually in forfeiture revenue statewide.

In cases of a reckless driving offense involving a railroad crossing, under s. 346.62 (2m), the bill increases the range of the forfeiture that may be assessed from \$300 - \$1,000 to \$600 - \$2,000. Currently, when a citation is issued for an offense the minimum value of \$300 is the typical forfeiture amount. If the minimum amount allowed under law is used for future citations, it could lead to a doubling of the forfeiture revenue. In CY21, there were 2 convictions under this statute generating approximately \$600 in forfeiture revenue statewide.

For convictions of these citations issued under state statute, 50% of the forfeiture would go to the county in which the citation is issued and 50% of the forfeiture is applied to the Common School Fund.

In the case of second and subsequent reckless driving offenses, under s. 346.62 (2), the bill amends the fine amount that may be assessed from \$50 - \$500 to \$100 - \$1,000. However, due to second and subsequent offenses being criminal cases, the fines levied by the courts may vary widely. The Department does not have data on those fines. In CY21, there were 99 convictions under this statute statewide.

Offenses, under s. 346.62 (3), the bill amends the fine amount that may be assessed from \$300 - \$2,000 to \$600 - \$4,000. However, due to these offenses being criminal cases, the fines levied by the courts may vary widely. The Department does not have data on those fines. In CY21, there were 23 convictions under this statute statewide.

For convictions of reckless driving under s. 346.62, the driver improvement surcharge of \$435 and the safe ride program surcharge of \$50 will be imposed. In CY21, there were a total of 1,748 reckless driving convictions under s. 346.62 which could generate additional annual surcharge revenue of approximately \$760,380 for driver improvement and \$87,400 for the safe ride program.

In addition to the penalty amounts increased by this bill, current law assesses various surcharges and fees, some of which are based on a percentage of the penalty amount. The department assumes miscellaneous increased revenues from those increased surcharges and fees and that those increase will be determined by other agencies' fiscal estimates.

Long-Range Fiscal Implications

A small long-term increase in citation revenue for counties and local governments may result from the bill. In addition, there may be an increase in annual surcharge revenue for both the driver improvement and safe ride programs of approximately \$760,400 and \$87,400 respectively.

One-time Costs or Revenue Impacts for State (does not include in annualized fiscal effect):

The IT work required to account for the changes to the charging statutes would cost approximately \$3,000 and

require approximately 3 months to implement.

Fiscal Estimate Worksheet - 2023 Session

Detailed Estimate of Annual Fiscal Effect

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Description penalties for reckless driving and providing a penalty		
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): The IT work required to account for the changes to the charging statutes would cost approximately \$3,000 and require approximately 3 months to implement.		
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		
	<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS	\$	\$
NET CHANGE IN REVENUE	\$	\$
Agency/Prepared By DOT/ John Gilchrist (608) 266-7135		
Authorized Signature Tjuana Loggins (608) 267-0261		Date 3/17/2023