

Multiple Agency Fiscal Note Summary

Bill Number: 1304 S HB	Title: Comm motor vehicle carriers
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Estimated Cash Receipts

Agency Name	2007-09		2009-11		2011-13	
	GF- State	Total	GF- State	Total	GF- State	Total
Washington State Patrol	Non-zero but indeterminate cost. Please see discussion."					
Total \$	0	0	0	0	0	0

Local Gov. Courts *						
Local Gov. Other **	Non-zero but indeterminate cost. Please see discussion.					
Local Gov. Total						

Estimated Expenditures

Agency Name	2007-09			2009-11			2011-13		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Utilities and Transportation Commission	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	8.5	0	1,661,670	10.0	0	1,640,660	10.0	0	1,640,630
Department of Licensing	Fiscal note not available								
Total	8.5	\$0	\$1,661,670	10.0	\$0	\$1,640,660	10.0	\$0	\$1,640,630

Local Gov. Courts *	Non-zero but indeterminate cost. Please see discussion.								
Local Gov. Other **	Non-zero but indeterminate cost. Please see discussion.								
Local Gov. Total									

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Prepared by: Garry Austin, OFM	Phone: 360-902-0564	Date Published: Preliminary 3/19/2007
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID: 17432

Judicial Impact Fiscal Note

Bill Number: 1304 S HB	Title: Comm motor vehicle carriers	Agency: 055-Admin Office of the Courts
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

FUND	FY 2008	FY 2009	2007-09	2009-11	2011-13
Counties					
Cities					
Total \$					

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☒ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.

Legislative Contact:	Phone:	Date: 03/14/2007
Agency Preparation: Julia Appel	Phone: (360) 705-5229	Date: 03/15/2007
Agency Approval: Jeff Hall	Phone: 360-357-2131	Date: 03/15/2007
OFM Review: Garry Austin	Phone: 360-902-0564	Date: 03/16/2007

Request #

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Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

Section 6
Creates a new gross misdemeanor for a failure to comply with the requirement that a motor carrier subject to RCW 46.32.080 must not be operated on trip permits authorized by RCW 46.16.160 or 46.16.162 if the motor carrier's department of transportation (DOT) number has been placed out of service by the Washington state patrol (WSP).

II. B - Cash Receipts Impact

II. C - Expenditures

Section 6
There is no data to predict how many new charges might be filed under the provisions in this section. WSP is assuming that due to the large monetary penalty and the fact that this is a criminal violation, the number of violations may be small.

The expenditure impact is indeterminate but expected to be less than \$50,000 annually. The \$50,000 expenditure level represents approximately 87 hours (0.09 FTE) of district court judicial officer time, or approximately 59 hours (0.06 FTE) of municipal court judicial officer time annually cumulative for all courts in the state with associated support staff and operational costs. It is assumed, therefore, that this bill would require less than 87 hours of judicial officer time statewide on an annual basis.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Individual State Agency Fiscal Note

Bill Number: 1304 S HB	Title: Comm motor vehicle carriers	Agency: 215-Utilities and Transportation Comm
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Part I: Estimates

☒ **No Fiscal Impact**

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 03/14/2007
Agency Preparation: Kim Anderson	Phone: 360-664-1153	Date: 03/15/2007
Agency Approval: Carole Washburn	Phone: 360-664-1174	Date: 03/16/2007
OFM Review: Garry Austin	Phone: 360-902-0564	Date: 03/16/2007

Individual State Agency Fiscal Note

Bill Number: 1304 S HB	Title: Comm motor vehicle carriers	Agency: 225-Washington State Patrol
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

Estimated Expenditures from:

	FY 2008	FY 2009	2007-09	2009-11	2011-13
FTE Staff Years	7.0	10.0	8.5	10.0	10.0
Fund					
State Patrol Highway Account-State 081-1	722,840	938,830	1,661,670	1,640,660	1,640,630
Total \$	722,840	938,830	1,661,670	1,640,660	1,640,630

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☒ Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 03/14/2007
Agency Preparation: Shawn Eckhart	Phone: 360-753-5763	Date: 03/15/2007
Agency Approval: Diane C. Perry	Phone: 360-570-3132	Date: 03/19/2007
OFM Review: Garry Austin	Phone: 360-902-0564	Date: 03/19/2007

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe, by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

SHB 1304 makes changes to existing law that increases the Washington State Patrol's (WSP) compliance review audits of intrastate commercial vehicles. This includes the elimination of the exemption from such reviews for certain commercial carriers as stricken in Section 10. The measure also requires the WSP to use data-driven analysis (SafetyNet, PRISM, or successor systems) to identify higher-risk carriers to prioritize compliance reviews.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

SHB 1304 has revenue-generating provisions that are collected by the Department of Licensing, the Department of Transportation and other agencies. The Washington State Patrol currently issues to and collects penalties from carriers with inspection violations. SHB 1304 provides for a \$250 re-inspection fee to those carriers with violations. As the agency anticipates an increase in inspections due to this legislation, it anticipates an increase in penalties issued and eventually collected, as well as levying re-inspection fees. Current unknowns in the variables determining penalties and re-inspection fees leave revenues from those sources indeterminate at this time.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

WSP will need to increase staffing in a phased approach to assure that the agency is prepared to meet increased demand for compliance review audits generated by SHB 1304. These new positions will handle the input, maintenance and monitoring of data as well as the increased demand for compliance review audits that will result once the system starts analyzing the data and identifying higher-risk carriers.

The WSP would need funding to hire, equip and sustain 2 Customer Service Specialist 1s (CSS1) to input data for intrastate carriers into the agency's current system used to judge the safety fitness of carriers. One of the two positions is needed for only the first year and the other position will be ongoing to maintain the data-driven system.

The WSP would also need 4 Commercial Vehicle Enforcement Officers 2 (CVEOs , or "auditors") in the first fiscal year. An initial 6 months will be required for testing/hiring, position transfer, initial training, federal certification training, and follow-up. This would be followed by an additional 6 months working in the field. The field work during this training phase will produce further data for the system so that the system will be more robust when it starts coming online sometime in FY 2009.

The WSP will need a CVEO3 to provide required additional supervision of new personnel and cases.

In the second year, WSP would need another 4 CVEO2s (for a total of 8) to be trained to handle further expected increases in compliance review audits and follow-up reviews. WSP assumes that follow-up reviews of those with violations will take place about 3 months following the initial review.

WSP anticipates the initial four auditors to produce a total of 160 compliance review inspections in the first year and the combined eight new auditors to produce about 320 total additional compliance reviews in subsequent years.

If workload generated from this draft legislation increases agency costs beyond those anticipated in this fiscal note, the WSP will request additional funding through the budget process.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2008	FY 2009	2007-09	2009-11	2011-13
FTE Staff Years	7.0	10.0	8.5	10.0	10.0
A-Salaries and Wages	302,400	456,000	758,400	912,000	912,000
B-Employee Benefits	108,340	159,130	267,470	318,260	318,260
C-Personal Service Contracts					
E-Goods and Services	77,400	126,200	203,600	252,400	252,400
G-Travel	8,400	12,000	20,400	24,000	24,000
J-Capital Outlays	226,300	185,500	411,800	134,000	134,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
Total:	\$722,840	\$938,830	\$1,661,670	\$1,640,660	\$1,640,660

III. B - Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2008	FY 2009	2007-09	2009-11	2011-13
CCS1	31,788	2.0	1.0	1.5	1.0	1.0
CVEO2	46,320	4.0	8.0	6.0	8.0	8.0
CVEO3	53,700	1.0	1.0	1.0	1.0	1.0
Total FTE's		7.0	10.0	8.5	10.0	10.0

Part IV: Capital Budget Impact

This proposed measure does not impact the capital budget.

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

The agency will change Washington Administrative Code (WAC) to outline how compliance reviews are prioritized and the process for conducting them, including initial audits and follow-ups to those with violations. The mitigation and appeals process will also need to be outlined in WAC.

Furthermore, Section 14 of the proposed legislation requires WSP, in consultation with DOL, to adopt rules to regulate intrastate motor carriers.

LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

Bill Number: 1304 S HB

Title: Comm motor vehicle carriers

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☐ Cities:
- ☒ Counties: New gross misdemeanor -- costs of prosecution and collection of monetary penalties.
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

Part II: Estimates

- ☐ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☐ Legislation provides local option:
- ☒ Key variables cannot be estimated with certainty at this time: Number of prosecutions for new gross misdemeanor.

Estimated revenue impacts to:

Indeterminate Impact

Estimated expenditure impacts to:

Indeterminate Impact

Part III: Preparation and Approval

Fiscal Note Analyst: Gary Reid	Phone: (360) 725 3044	Date: 03/15/2007
Leg. Committee Contact:	Phone:	Date: 03/14/2007
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 03/16/2007
OFM Review: Garry Austin	Phone: 360-902-0564	Date: 03/16/2007

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

Section 6 amends RCW 46.16.160 to specifically provide that if a motor carrier operates a commercial vehicle using trip permits while the vehicle registration is revoked and the DOT number has been placed in out-of-service status, the violation is a gross misdemeanor, subject to a penalty of no less than \$2,500 for the first violation and \$5,000 for subsequent violations.

This provision is the same as in the original bill, but was not addressed in a fiscal note.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

Prosecution of gross misdemeanors typically requires approximately 13 hours of attorney time, averaging \$42.98 per hour, and four hours of staff time, averaging \$22.12 per hour, based on a LGFN 2007 survey of prosecution costs and salary data from Association of Washington Cities (AWC). The cost of prosecuting each new gross misdemeanor would be $(13 \times \$42.98) + (4 \times \$22.12) = \$647.22$. The number of prosecutions of the newly defined crime, however, cannot be determined; therefore total expenditures are indeterminate.

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

The minimum monetary penalty for violation of the new gross misdemeanor described in RCW 46.16.160(7) is \$2,500 for a first offense and \$5,000 for each subsequent violation. Since this is a newly defined crime, there is no historical data to indicate the estimated number of prosecutions; therefore cash receipts from penalty payments are indeterminate.

All penalties recovered under Section 12, amending RCW 46.32.100, are credited to the state patrol highway account, which is used only for highway operations of the Washington State Patrol.

EXPENDITURE AND REVENUE SOURCES:

Administrative Office of the Courts

LGFN 2007 prosecution cost survey (weighted by population)

Association of Washington Cities