

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5002 S SB	<b>Title:</b> Alcohol concentration/DUI
-------------------------------	---

## Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Department of Licensing	Non-zero but indeterminate cost and/or savings. Please see discussion.								
<b>Total \$</b>	0	0	0	0	0	0	0	0	0

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
Loc School dist-SPI						
Local Gov. Other	Fiscal note not available					
Local Gov. Total						

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Patrol	.0	0	0	119,000	.0	0	0	0	.0	0	0	0
Criminal Justice Training Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Licensing	.0	0	0	5,000	.0	0	0	0	.0	0	0	0
Department of Licensing	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Department of Children, Youth, and Families	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.											
<b>Total \$</b>	0.0	0	0	124,000	0.0	0	0	0	0.0	0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other	Fiscal note not available								
Local Gov. Total									

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Criminal Justice Training Commission	.0	0	0	.0	0	0	.0	0	0
Department of Licensing	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other	Fiscal note not available								
Local Gov. Total									

## Estimated Capital Budget Breakout

--

<b>Prepared by:</b> Kyle Siefering, OFM	<b>Phone:</b> (360) 995-3825	<b>Date Published:</b> Preliminary
---	---------------------------------	---------------------------------------

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 5002 S SB	<b>Title:</b> Alcohol concentration/DUI	<b>Agency:</b> 055-Administrative Office of the Courts
-------------------------------	---	--

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*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 for 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.

Contact	Phone:	Date: 01/23/2023
Agency Preparation: Jackie Bailey-Johnson	Phone: 360-704-5545	Date: 01/24/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/24/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/24/2023

179,705.00

Request # 089-1

## Part II: Narrative Explanation

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

This bill amends RCW 46.20.308 (implied consent, test refusal, and procedures) and amends RCW 46.20.3101 (implied consent, license sanctions, length of). Changes bring the 0.08 language in congruence with 0.05 changes in original bill.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

There is no estimated fiscal impact to the courts or the Administrative Office of the Courts.

While lowering the limit may increase the number of violators and could cause an increase in filings, prosecutors use evidence of blood alcohol concentration over 0.00 to prove a person was under the influence. So, cases with a blood alcohol concentration of under .08 are already filed.

## Part III: Expenditure Detail

### III. A - Expenditure By Object or Purpose (State)

NONE

### III. B - Expenditure By Object or Purpose (County)

NONE

### III. C - Expenditure By Object or Purpose (City)

NONE

### III. D - FTE Detail

NONE

### III. E - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B1 - Expenditures by Object Or Purpose (State)

NONE

### IV. B2 - Expenditures by Object Or Purpose (County)

NONE

### IV. B3 - Expenditures by Object Or Purpose (City)

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

179,705.00

Form FN (Rev 1/00)

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5002 S SB	<b>Title:</b> Alcohol concentration/DUI	<b>Agency:</b> 101-Caseload Forecast Council
-------------------------------	---	--

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*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: 01/23/2023
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 01/25/2023
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 01/25/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/25/2023

## Part II: Narrative Explanation

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

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

See attached.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

See attached.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

**SSB 5002**  
**CONCERNING ALCOHOL CONCENTRATION**  
**101 – Caseload Forecast Council**  
**January 23, 2023**

**SUMMARY**

**A brief description of what the measure does that has fiscal impact.**

Section 1 Describes the legislative intent of the bill.

Section 2 Amends RCW 46.61.502 by reducing the blood alcohol concentration (BAC) level for driving under the influence from 0.08 to 0.05.

Section 3 Amends RCW 46.61.504 by reducing the BAC level for actual physical control from 0.08 to 0.05.

Section 4 Amends RCW 46.61.5055 by reducing the BAC level for probation provisions for non-felony driving under the influence and actual physical control, from 0.08 to 0.05.

Section 5 Amends RCW 46.61.506 by reducing the BAC level for evidence provisions for driving under the influence and actual physical control, from 0.08 to 0.05 and by lowering the results of the BAC test from between .072 to .088, to .045 to .055.

Section 8 States the act takes effect December 31, 2023.

**EXPENDITURES**

**Assumptions.**

None.

**Impact on the Caseload Forecast Council.**

None.

**Impact Summary**

This bill:

- Lowers the BAC level for several alcohol-related offenses from 0.08 to 0.05.

This bill impacts two gross misdemeanor and two felony offenses by reducing the BAC limit of the offenses.

The Caseload Forecast Council has no information concerning how the numerous amendments reducing the blood alcohol concentration level will increase the number of incidents of driving under the influence and actual physical control. As such, the Caseload Forecast Council cannot reliably predict bed impacts resulting from the bill.



**Impact on prison and jail beds.**

As gross misdemeanor offenses, driving under the influence and actual physical control are punishable by a term of confinement of 0-364 days in jail (minimum terms for driving under the influence and actual physical control depend on the individual's number of prior offenses in seven years and his/her BAC level.) Therefore, any impact should manifest itself as an increased need for jail beds.

Additionally, as Class B and C felony offenses ranked at Seriousness Level IV on the adult felony sentencing grid, felony driving under the influence and felony actual physical control are punishable by standard range terms of confinement of between 3-9 months in jail and 63-84 months in prison (actual physical control is limited to 60 months by the statutory maximum sentence for Class C felonies), depending on the individual's prior history. Therefore, any impact should manifest itself as an increased need for both jail beds and prison beds.

**Impact on local detention and Juvenile Rehabilitation beds.**

As gross misdemeanor offenses ranked at Category D on the Juvenile Sentencing Grid, driving under the influence and actual physical control are punishable by a standard range term of Local Sanctions (0-30 days in local juvenile detention).

While Felony level driving under the influence and actual physical control are ranked at Category B+ and are punishable by a standard range term of confinement in a Juvenile Rehabilitation for juveniles adjudicated for the offense, it is assumed there would be no impact to JR as there have been no convictions for the felony level offenses.

Therefore, increased incidence of this offense would likely only impact local juvenile detention beds.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5002 S SB	<b>Title:</b> Alcohol concentration/DUI	<b>Agency:</b> 225-Washington State Patrol
-------------------------------	---	--

## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
State Patrol Highway Account-State 081-1	119,000	0	119,000	0	0
<b>Total \$</b>	119,000	0	119,000	0	0

### Estimated Capital Budget Impact:

NONE

*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: 01/23/2023
Agency Preparation: Yvonne Ellison	Phone: 360-596-4042	Date: 01/24/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 01/24/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/24/2023

## Part II: Narrative Explanation

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

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

The proposed legislation will have a fiscal impact to the Washington State Patrol (WSP).

The substitute version updates Chapter 20 of Title 46 RCW to also reflect the changes of the original version, and changes the proposed effective date to December 31, 2023. This does not alter our fiscal impact assumptions.

The proposed legislation makes changes to Title 46 RCW – Motor Vehicles, changing current impaired driving laws to reduce the alcohol concentration level at which a person is guilty of driving while under the influence from 0.08 to 0.05.

Section 5(4)(a)(vii) changes the allowable test result range for the liquid simulator solution, external standard, or dry gas external standard used to calibrate the breath test instrument from a range of 0.072-0.088 to 0.045-0.055.

If enacted, this legislation would become effective December 31, 2023.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

NONE

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

All of our current Driving Under the Influence (DUI) Arrest Reports will need to be replaced with new forms updated to reflect the applicable changes. We estimate one-time printing costs of approximately \$24,000.

All Draeger Alcotest 9510 breath test instruments will need software updates to be in compliance with the proposed changes. The cost for this is not currently known, but the company's minimum charge for software changes is \$5,000. If the actual costs are significantly more, we may request additional funding in the 2024 supplemental budget.

All current dry gas standards for the Draeger Alcotest instruments will need to be replaced. We currently have 262 Draeger instruments deployed across the state, and each Draeger instrument requires two dry gas external standard canisters to operate. The current cost of these canisters is \$115.50 each. We estimate that a one-time appropriation of \$61,000 will be needed to replace all the existing 0.080 canisters with the 0.050 canisters. These will then be replenished through normal supply ordering.

We base our estimate for agency indirect costs on the approved federal indirect cost rate of 31.88 percent. We apply this indirect cost rate percentage to all categories of expenditure with only two exceptions: capital equipment and expenditures after \$25,000 of each projected contract. Indirect costs include, but are not limited to, computer and telecommunications support, payroll processing, vendor payments, general accounting, procurement administration, inventory control, and human resource management.

Additional rulemaking will be required as a result of this proposed legislation. Rulemaking within the WSP requires input from various individuals including the Government and Media Relations Captain and Legislative Analyst, the captain(s) of the impacted division(s), the Assistant Chief for the impacted bureau(s), the Risk Management Division Commander, and

the Chief or his designee.

The costs associated with legislative rule making are dependent upon the individuals working on the effort and how much time is required of each, but generally include the Government and Media Relations staff (8.5 hours), Subject Matter Expert (SME – 16 hours), and various reviewers (2.5 hours). The estimated cost for such rule making would be approximately \$6,000 and will be absorbed within current resources.

If the proposed legislation results in increased DUI arrests there is a potential for increased overtime costs, courtroom testimony, and Department of Licensing hearings. There is also a potential for an increase in consumables and repair costs for evidentiary breath test instruments, as well as an increase in courtroom testimony for Breath Test Technicians. We are unable to estimate the potential impacts as there is no reliable way to determine in advance how frequently any of these may occur, but if the impact is significant we will seek additional funding through the legislative process.

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
081-1	State Patrol Highway Account	State	119,000	0	119,000	0	0
<b>Total \$</b>			119,000	0	119,000	0	0

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services	90,000		90,000		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-Agency Indirect	29,000		29,000		
<b>Total \$</b>	119,000	0	119,000	0	0

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

Rulemaking is required for this proposed legislation. Changes will be needed for WAC 448-16-050 to reflect the new requirements for external standards.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5002 S SB	<b>Title:</b> Alcohol concentration/DUI	<b>Agency:</b> 227-Criminal Justice Training Commission
-------------------------------	---	---

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*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.

<b>Legislative Contact:</b>	<b>Phone:</b>	<b>Date:</b> 01/23/2023
Agency Preparation: Brian Elliott	Phone: 206-835-7337	Date: 01/24/2023
Agency Approval: Brian Elliott	Phone: 206-835-7337	Date: 01/24/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/25/2023

## Part II: Narrative Explanation

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

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

This bill has no fiscal impact on the Washington State Criminal Justice Training Commission or the Washington Association of Sheriffs and Police Chiefs.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

This bill has no cash receipt impact.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

This bill has no expenditure impact.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*



# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5002 S SB	<b>Title:</b> Alcohol concentration/DUI	<b>Agency:</b> 240-Department of Licensing
-------------------------------	---	--

## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
Highway Safety Account-State 106 -1	5,000	0	5,000	0	0
<b>Total \$</b>	5,000	0	5,000	0	0

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### Estimated Capital Budget Impact:

NONE

*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: 01/23/2023
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 01/25/2023
Agency Approval: Gerrit Eades	Phone: (360)902-3863	Date: 01/25/2023
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 01/26/2023

## Part II: Narrative Explanation

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

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

Please see attached fiscal note

### II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

See attached fiscal note

### II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Please see attached fiscal note.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
106-1	Highway Safety Account	State	5,000	0	5,000	0	0
<b>Total \$</b>			5,000	0	5,000	0	0

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services	5,000		5,000		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	5,000	0	5,000	0	0

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

**III. C - Operating FTE Detail:** FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

Agency 240 – Department of Licensing

Bill Number: SSB 5002

Bill Title: alcohol concentration/DUI

**Part 1: Estimates**

**No Fiscal Impact**

**Estimated Cash Receipts:**

INDETERMINATE; PLEASE SEE NARRATIVE

**Estimated Expenditures:**

PARTIALLY INDETERMINATE; PLEASE SEE NARRATIVE

	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
FTE Staff Years	-	-	-	-	-

Operating Expenditures	Fund	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Highway Safety	106	5,000	-	5,000	-	-
<b>Account Totals</b>		<b>5,000</b>	-	<b>5,000</b>	-	-

*The revenue 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 the fiscal impact is **less than \$50,000** per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- 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.
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Linda Hamilton	Phone: (360) 515-8620	Date: 1/23/2023
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 1/25/2023
Agency Approval: Gerrit Eades	Phone: (360) 902-3931	Date:

Request #	1
Bill #	5002 SSB

## **Part 2 – Explanation**

This bill reduces the breath or blood alcohol concentration (BAC) limit of 0.08 or higher to 0.05 or higher for a person guilty of:

- Driving while under the influence (DUI) of intoxicating liquor, cannabis, or any drug; or,
- Being in actual physical control (PC) of a motor vehicle while under the influence of intoxicating liquor or any drug.

**SSB 5002 compared to SB 5002:** SSB 5002 includes statutory changes to incorporate the 0.05 BAC into administrative driver's license suspension laws. SSB 5002 also removes the emergency clause and establishes a new effective date of December 31, 2023.

Changes made in SSB 5002 could result in workload changes for the department, primarily in the Hearings Unit, if the number of DUI arrests changes. However, due to the lack of estimates regarding potential changes in arrest and conviction frequency, the department's fiscal note remains primarily indeterminate.

### **2.A – Brief Description Of What The Measure Does That Has Fiscal Impact**

Section 2 amends RCW 46.61.502 by changing the blood alcohol concentration from 0.08 to 0.05 when determining a person's guilt for driving under the influence within two hours after driving. Analysis of blood or breath samples may be used as evidence if a person has a BAC of 0.05

Section 3 amends RCW 46.61.504 by changing the blood alcohol concentration from 0.08 to 0.05 when determining a person's guilt of being in physical control of a motor vehicle while driving under the influence.

- Defendant must prove by a preponderance of evidence that they consumed sufficient quantity of alcohol after the time of being in control of a vehicle and before the administration of an analysis of blood or breath to cause BAC to be 0.05 or more within two hours after being in such control.
- Analysis of blood or breath samples may be used as evidence if a person has a BAC of 0.05

Section 4 amends RCW 46.61.5055 which stipulates conditions of probation includes not driving or being in physical control of a motor vehicle while having an alcohol concentration of 0.05 or more.

Section 5 amends RCW 46.61.506 by stating a person's alcohol concentration of less than .05 may still be considered with other competent evidence in determining if a person was under the influence, and allows a breath test to be admissible if result of the test did lie between 0.045 and 0.055

Sections 6 and 7 amend RCW 46.20.308 to change the BAC threshold for implied consent from 0.08 to 0.05.

Section 8 establishes an effective date of December 31, 2023.

## **2.B - Cash receipts Impact**

Cash receipts impacts are indeterminate. Persons convicted of a DUI or PC offense under the provisions of this bill will be subject to driver's license suspension. When they are eligible to reinstate their driving privilege, they must pay a \$170 alcohol reissue fee, collected by the Department of Licensing (DOL). The department does not have an estimate of changes in DUI-related convictions based on the proposed change in BAC levels, therefore cash receipts impacts cannot be determined.

## **2.C – Expenditures**

DOL expenditures are partially indeterminate. Costs related to information systems technology are available. Changes to department operations, including driver records, reviews conducted by the driver hearings unit, field office transactions to pay reissue fees, and additional call to DOL's Customer Service Center, are functions of changes in DUI-related convictions based on the proposed change in BAC levels. The department does not have estimates for changes in DUI-related convictions, therefore estimates for operations impacts are indeterminate.

The inclusion of sections 6 and 7 could result in a change in workflow for the department's Hearings Unit. A person subject to an administrative suspension following an arrest for DUI can appeal to the department. Impacted staff include Hearings Examiners and support staff.

Once the Hearings Unit receives a DUI hearing request, support staff reviews the request for procedural completeness (i.e., filing fee or indigency request, attorney names, whether an interpreter is needed). If we have the arrest report, support staff stay the action of the sanction, compile discovery documents, set the matter for hearing, and assign a Hearings Examiner. The Hearings Examiner convenes the evidentiary hearing, which is typically an hour or longer with testimony, rules on evidentiary motions and motions to dismiss, marks exhibits, records the hearing audio, and hears closing arguments.

Within 30 days of the closing of the record, the Hearings Examiner must review the evidence and applicable law before drafting and finalizing their order and sending that order to the driver or their attorney. The driver then has 30 days from the order to appeal the Hearings Examiner's decision to superior court. When this happens, support staff prepare a certified copy of the evidentiary record for the superior court and for the agency's Assistant Attorney General.

### **Information Services:**

This bill will not require systems modifications but will require systems testing. DRIVES can currently accept and take action on a BAC of 0.05, with action taken based on AAMVA Code Dictionary (ACD) logic. The agency will use appropriated funds to hire contract programmers to accomplish this work or to support current staff implementing this legislation within the required timeline. Appropriated funds may also be used to hire agency temporary staff to support permanent staff assigned to this legislative effort.

Any change requires a process to ensure changes are correctly applied to the system. This involves Project Managers that manage the team that completes the update, business analyst that documents and reviews the system changes, architect services that analyzes how the update could have an effect

on other systems or DOL processes, developers who create the change, and testers and quality assurance teams that ensure the update is working correctly.

Cost Category	Description	Rate	2024	2025	2026	2027	2028	2029	Total Cost
TESTER	Test to verify individual components meet requirements; ensure that other business transactions have not been impacted.	\$ 22,620	4,500	-	-	-	-	-	4,500
Project Contingency	Office of the Chief Information Officer designated rate of 10%	\$ 25,474	500	-	-	-	-	-	500
<b>Totals</b>			<b>5,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>5,000</b>

What DOL will implement:

- Testing to confirm BAC of .05 is taking action for the appropriate ACD codes

### Part 3 – Expenditure Detail

#### 3.A – Operating Budget Expenditures

Operating Expenditures	Fund	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Highway Safety	106	5,000	-	5,000	-	-
<b>Account Totals</b>		<b>5,000</b>	<b>-</b>	<b>5,000</b>	<b>-</b>	<b>-</b>

#### 3.B – Expenditures by Object or Purpose

Object of Expenditure	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Goods and Services	5,000	-	5,000	-	-
<b>Total By Object Type</b>	<b>5,000</b>	<b>-</b>	<b>5,000</b>	<b>-</b>	<b>-</b>

#### 3.C – FTE Detail

None.

### Part 4 – Capital Budget Impact

None.

### Part 5 – New Rule Making Required

None.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5002 S SB	<b>Title:</b> Alcohol concentration/DUI	<b>Agency:</b> 307-Department of Children, Youth, and Families
-------------------------------	---	--

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

**Estimated Capital Budget Impact:**

NONE

*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: 01/23/2023
Agency Preparation: Jay Treat	Phone: 360-556-6313	Date: 01/25/2023
Agency Approval: James Smith	Phone: 360-764-9492	Date: 01/25/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/26/2023



## Part II: Narrative Explanation

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

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Comparison of 5002 SB to 5002 SSB:

New Section 8 changes the effective date from July 1, 2023 to December 31, 2023.

---

#### 5002 SSB

Section 2(1)(a) amends RCW 46.61.502 by reducing the blood alcohol concentration (BAC) level for driving under the influence from 0.08 to 0.05.

Section 3(1)(a) amends RCW 46.61.504 by reducing the BAC level for actual physical control of a motor vehicle from 0.08 to 0.05.

Sections 5(1) & 5(4)(a)(vii) amends RCW 46.61.506 by reducing the BAC level for evidence provisions for driving under the influence and actual physical control of a motor vehicle, from 0.08 to 0.05 and by lowering the results of the BAC test from between .072 to .088 to .45 to .055.

New Section 8 provides an effective date of December 31, 2023.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

Fiscal impact is indeterminate.

Section 2, 3 & 5 reduce the BAC level from 0.08 to 0.05 for driving under the influence, actual physical control for a motor vehicle and probation provisions.

Current statutes require individuals sentenced in adult court for an offense committed under the age of 18 to serve their confinement at a Juvenile Rehabilitation (JR) facility, until age 25, or until release if occurring prior to age 25. This change could impact JR beds.

The Department of Children, Youth, and Families (DCYF) assumes the bill may result in an increase in Average Daily Population (ADP) and indeterminate costs to DCYF.

DCYF assumes the impact will result when the ADP caseload changes in the Juvenile Rehabilitation (JR) residential facilities forecast. The impact would be reflected in the forecasted maintenance level budget step. DCYF will true up our fiscal impact in subsequent budget submittals if the legislation is enacted into law.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

### III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None

## Part V: New Rule Making Required

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5002 S SB	<b>Title:</b> Alcohol concentration/DUI	<b>Agency:</b> 310-Department of Corrections
-------------------------------	---	--

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

**Estimated Capital Budget Impact:**

NONE

*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: 01/23/2023
Agency Preparation: Scherry Sinclair	Phone: (360) 725-8428	Date: 01/24/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 01/24/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/24/2023

## Part II: Narrative Explanation

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

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

S SB 5002 amends the following sections in the substitute bill:

Section 6 Amends RCW 46.20.308 by reducing the BAC level for driving under the influence from 0.08 to 0.05.

Section 7 Amends RCW 46.20-3101 by reducing the BAC level from 0.08 to 0.05 pursuant to RCW 46.20.309, the department shall suspend, revoke, or deny the arrested person's privilege to drive.

Section 8 Effective date takes effect December 31, 2023.

S SB 5002 keeps the following sections the same as the original bill:

Section 1 Describes the legislative intent of the bill.

Section 2 Amends RCW 46.61.502 by reducing the blood alcohol concentration (BAC) level for driving under the influence from 0.08 to 0.05.

Section 3 Amends RCW 46.61.504 by reducing the BAC level for actual physical control from 0.08 to 0.05.

Section 4 Amends RCW 46.61.5055 by reducing the BAC level for probation provisions for non-felony driving under the influence and actual physical control, from 0.08 to 0.05.

Section 5 Amends RCW 46.61.506 by reducing the BAC level for evidence provisions for driving under the influence and actual physical control, from 0.08 to 0.05 and by lowering the results of the BAC test from between .072 to .088, to .045 to .055.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

The fiscal impact of this bill is indeterminate, assumed to be less than \$50,000 per fiscal year (FY).

This bill reduces the blood alcohol concentration level for driving under the influence from 0.08 to 0.05.

The Caseload Forecast Council has no information concerning how the numerous amendments reducing the blood alcohol concentration limit for operating a motor vehicle will increase the number of incidents of driving under the influence and actual physical control. As such, the Caseload Forecast Council cannot reliably predict bed impacts resulting from the bill.

However, as Class B and C felony offenses ranked at Seriousness Level IV on the adult felony sentencing grid, felony driving under the influence and felony actual physical control are punishable by standard range terms of confinement of between 3-9 months in jail and 63-84 months in prison (actual physical control is limited to 60 months by the statutory maximum sentence for Class C felonies), depending on the individual's prior history. Therefore, any impact should manifest itself as an increased need for both jail beds and prison beds.

The CFC and DOC are unable to reliably predict the ADP impact of this legislation, as such the impact is assumed to be indeterminate, less than \$50,0000.

However, for illustration purpose only, we assume Direct Variable Cost (DVC) of \$6,980 per incarcerated individual per fiscal year (FY) to facilitate cost discussions during legislative session for bills. This cost estimate includes prison and health services direct variable costs. It does not include staffing or dollars necessary for staffing needed at the facility outside of

the living/housing units. The DVC is calculated by DOC and reviewed and approved with Office of Financial Management, Senate, and House staff each legislative session.

### Part III: Expenditure Detail

#### III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

#### III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

#### III. D - Expenditures By Program (optional)

NONE

### Part IV: Capital Budget Impact

#### IV. A - Capital Budget Expenditures

NONE

#### IV. B - Expenditures by Object Or Purpose

NONE

#### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

### Part V: New Rule Making Required

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*