

# Multiple Agency Fiscal Note Summary

|                                |   |
|--------------------------------|---|
| <b>Bill Number:</b> 5002 2S 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                     | Fiscal note not available  |          |             |       |         |          |             |       |         |          |             |       |
| 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 | Fiscal note not available  |          |             |       |         |          |             |       |         |          |             |       |
| Department of Corrections                   | Fiscal note not available  |          |             |       |         |          |             |       |         |          |             |       |
| The Evergreen State College                 | Fiscal note not available  |          |             |       |         |          |             |       |         |          |             |       |
| <b>Total \$</b>                             | 0.0  | 0        | 0           | 5,000 | 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                     | Fiscal note not available |          |          |            |          |          |            |          |          |
| 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 | Fiscal note not available |          |          |            |          |          |            |          |          |
| Department of Corrections                   | Fiscal note not available |          |          |            |          |          |            |          |          |
| The Evergreen State College                 | Fiscal note not available |          |          |            |          |          |            |          |          |
| <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 Sieferring, OFM | <b>Phone:</b><br>(360) 995-3825 | <b>Date Published:</b><br>Preliminary 2/14/2023 |
|--|---------------------------------|---|

# Judicial Impact Fiscal Note

|                                |   |  |
|--------------------------------|---|--|
| <b>Bill Number:</b> 5002 2S 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: 02/11/2023 |
| Agency Preparation: Jackie Bailey-Johnson | Phone: 360-704-5545   | Date: 02/13/2023 |
| Agency Approval: Chris Stanley            | Phone: 360-357-2406   | Date: 02/13/2023 |
| OFM Review: Gaius Horton                  | Phone: (360) 819-3112 | Date: 02/14/2023 |

183,192.00

Request # 176-1

## Part II: Narrative Explanation

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

This bill relates to alcohol concentration and would amend RCW 46.20 and RCW 46.61, add new sections to RCW 43.59, RCW 66.44, and RCW 66.08.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

This bill would reduce the breath or blood alcohol concentration limit for operating a motor vehicle from .08 to .05 and reduce the breath or blood alcohol concentration limit for physical control of a motor vehicle from .08 to .05.

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.

No fiscal impact to the Administrative Office of the Courts or the courts.

## 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

183,192.00

Form FN (Rev 1/00)

**IV. C - Capital Budget Breakout**

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

NONE

# Individual State Agency Fiscal Note

|                                |   |  |
|--------------------------------|---|--|
| <b>Bill Number:</b> 5002 2S 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: 02/11/2023 |
| Agency Preparation: Clela Steelhammer | Phone: 360-664-9381   | Date: 02/14/2023 |
| Agency Approval: Clela Steelhammer    | Phone: 360-664-9381   | Date: 02/14/2023 |
| OFM Review: Cynthia Hollimon          | Phone: (360) 810-1979 | Date: 02/14/2023 |

## 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.*



**2SSB 5002**  
**CONCERNING ALCOHOL CONCENTRATION**  
**101 – Caseload Forecast Council**  
**February 13, 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 11 States the act takes effect July 1, 2024.

**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 2S 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.

|                                   |                       |                  |
|-----------------------------------|-----------------------|------------------|
| Legislative Contact:              | Phone:                | Date: 02/11/2023 |
| Agency Preparation: Brian Elliott | Phone: 206-835-7337   | Date: 02/13/2023 |
| Agency Approval: Brian Elliott    | Phone: 206-835-7337   | Date: 02/13/2023 |
| OFM Review: Cynthia Hollimon      | Phone: (360) 810-1979 | Date: 02/13/2023 |

## 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 2S 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<br>-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: 02/11/2023 |
| Agency Preparation: Don Arlow | Phone: (360) 902-3736 | Date: 02/13/2023 |
| Agency Approval: Gerrit Eades | Phone: (360)902-3863  | Date: 02/13/2023 |
| OFM Review: Kyle Siefering    | Phone: (360) 995-3825 | Date: 02/13/2023 |

## 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.

### 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: 2SSB 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: Bryce Andersen | Phone: (564) 999-0536 | Date: 2/13/2023 |
| Agency Preparation: Don Arlow       | Phone: (360) 902-3736 | Date: 2/13/2023 |
| Agency Approval: Gerrit Eades       | Phone: (360) 902-3931 | Date:           |

|           |           |
|-----------|-----------|
| Request # | 1         |
| Bill #    | 5002 2SSB |

## **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.

**2SSB 5002 compared to SB 5002:** 2SSB 5002 includes a revised effective date of July 1, 2024. 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 11 is an emergency clause that establishes an effective date of July 1, 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 and hearings 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.

**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.