

Multiple Agency Fiscal Note Summary

Bill Number: 1631 HB	Title: Illegal racing
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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.								
Total \$	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						
Loc School dist-SPI						
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.					
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	981	981	32,380	.0	0	0	0	.0	0	0	0
Department of Licensing	.0	0	0	23,000	.0	0	0	0	.0	0	0	0
Total \$	0.0	981	981	55,380	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									
Loc School dist-SPI									
Local Gov. Other			144,315						
Local Gov. Other	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Local Gov. Total			144,315						

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
Department of Licensing	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	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									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Kyle Siefering, OFM	Phone: (360) 995-3825	Date Published: Final 2/21/2023
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Judicial Impact Fiscal Note

Bill Number: 1631 HB	Title: Illegal racing	Agency: 055-Administrative Office of the Courts
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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: 02/15/2023
Agency Preparation: Jackie Bailey-Johnson	Phone: 360-704-5545	Date: 02/16/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/16/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/16/2023

183,870.00

Form FN (Rev 1/00)

Request # 192-1

Bill # 1631 HB

Part II: Narrative Explanation

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

The bill would amend RCW 46 related to deterring illegal racing, prescribing penalties and providing an effective date.

Section 1 amends RCW 46.04, defining "off-street facility."

Section 2 amends RCW 46.04, defining "drifting."

Section 3 amends RCW 46.61, prescribing the creation of a street racing education campaign by Law Enforcement (LE), if funding is available.

Section 4 amends RCW 46.61.503, making racing or drifting a traffic crime; making aiding and abetting racing or drifting a traffic crime; subsection (3) states the offense can be committed even if the person isn't physically present at the time and location of the completed infraction.

Section 5 (NEW SECTION) amends RCW 46.61, prescribing penalties for racing or drifting, including impounding the car or forfeiture, if the person has a previous charge or conviction for racing or drifting; also prescribes requirements for seizure without process.

Section 6 amends RCW 46.55.113, prescribing when LE may take custody of a vehicle, at their discretion, adding when the driver is arrested for illegal racing.

Section 7 amends RCW 46.55.360, prescribing wait times owners must adhere to before they can have their vehicles returned after an arrest for illegal racing; if the registered owner is not the driver charged with illegal racing, then they do not have to wait to have their vehicle returned; if there is more than one registered owner who was not the driver charged, then LE must notify the owner/s from where they can pick up their car

Effective date: Jan. 1, 2024

II. B - Cash Receipts Impact

None

II. C - Expenditures

No fiscal impact expected to the Administrative Office of the Courts.
Indeterminate for the courts, it is likely court filings will increase.

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

183,870.00

Form FN (Rev 1/00)

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

Individual State Agency Fiscal Note

Bill Number: 1631 HB	Title: Illegal racing	Agency: 101-Caseload Forecast Council
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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: 02/15/2023
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 02/15/2023
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 02/15/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/15/2023

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.

HB 1631

ILLEGAL RACING

101 – Caseload Forecast Council

February 15, 2023

SUMMARY

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

- Section 1 Adds a new section to chapter 46.04 RCW by establishing a definition for “Off-street Facility.”
- Section 2 Adds a new section to chapter 46.04 RCW by establishing a definition for “Drifting.”
- Section 3 Adds a new section to chapter 46.04 RCW stating law enforcement agencies are encouraged to undertake a public education campaign to inform the public of the unlawful nature of illegal racing, subject to appropriations.
- Section 4 Amends RCW 46.61.530 by expanding the definition of illegal motor vehicle racing which is punishable as Reckless Driving.
- Section 4 Additionally requires any person who knowingly aids and abets may be charged and prosecuted as an accomplice under RCW 46.64.048.
- Section 9 States the act takes effect January 1, 2024.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impact Summary

This bill:

- Expands an existing gross misdemeanor offense.

Impact on prison and jail beds.

This bill expands the definition of a gross misdemeanor offense, Reckless Driving. The Caseload Forecast Council does not collect data on misdemeanor and gross misdemeanor offenses, and, therefore, cannot reliably estimate bed impacts resulting from the bill.

However, as a gross misdemeanor offense is punishable by a term of confinement of 0-364 days in jail, any impact should manifest itself as an increased need for jail beds only.

Impact on local detention and Juvenile Rehabilitation beds.

The expansion of a gross misdemeanor offense, ranked as Category D on the juvenile grid, is punishable by Local Sanctions (0-30 days in local juvenile detention) for juveniles adjudicated for the offense. Therefore, any increased incidences of this offense would likely impact only local juvenile detention beds.

Individual State Agency Fiscal Note

Bill Number: 1631 HB	Title: Illegal racing	Agency: 225-Washington State Patrol
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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
Account					
General Fund-State 001-1	981	0	981	0	0
State Patrol Highway Account-Federal 081-2	31,399	0	31,399	0	0
Total \$	32,380	0	32,380	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: 02/15/2023
Agency Preparation: Thomas Bohon	Phone: (360) 596-4044	Date: 02/15/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 02/15/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 02/15/2023

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.

There is a fiscal impact to the Washington State Patrol (WSP).

Section 3 states subject to funds appropriated, law enforcement agencies (LEAs) are encouraged to undertake a public education campaign to inform the public of the unlawful nature of illegal racing, the dangers of illegal racing events, and the penalties of participating in said events.

Subsection 4(1) makes racing motor vehicles on public highways unlawful and clarifies the willful demonstration, exhibition, or comparison of speed maneuverability, or power of one or more vehicles constitutes reckless driving.

Subsection 4(2) states any person who knowingly aids and abets racing may be charged and prosecuted as an accomplice.

Section 5 adds impoundment, seizure, and forfeiture provisions for vehicles used to commit the crime of racing.

Subsection 6(2)(l) allows for a police officer to take custody of a vehicle at their discretion and provide for its prompt removal to a place of safety when the driver is arrested for illegal racing conduct.

Subsection 7(2) states a vehicle that is impounded under RCW 46.55.113(2)(1), with the driver being the registered owner and arrested for racing, may not be redeemed for a period of 72 hours. A registered or legal owner who is not the driver may redeem the impounded vehicle after it arrives at the registered tow truck operator's storage facility. The police officer directing the impound must notify the driver of the holding period.

Subsection 7(3)(f) requires the registered tow truck operator to notify the agency that ordered the impoundment of a vehicle, so any mandatory hold period can be tracked based on the time entered in the registered tow truck operator's log.

Section 9 provides an effective date of January 1, 2024

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 proposed legislation would require training to be developed and given to our commissioned officers and cadets, as well as policy updates regarding illegal racing. We estimate that it would take 30 hours to research, develop, and review new training and policies. We also estimate that it would take five academy staff about 57 total hours to deliver the training to all commissioned officers, and cadets. Each person receiving the training would need an estimated 0.25 hours to complete it. We are authorized 1,125 employees who would need the training, bringing the total amount of hours needed to receive the training to 338 hours. The total estimated cost to research, develop, review, give, and receive the training required from this proposed legislation is \$32,380.

Section 7 adds an additional hold to vehicles impounded under certain circumstances. There is a small training factor for our communications officers as well as a small workload impact to create a data field in our computer aided dispatch (CAD) system. Since we already have procedures in place for existing vehicle holds, we expect the impact to be minimal enough to

fall under normal duties of our employees.

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.

The funding allocation for this estimate is based on the results of the Joint Legislative Audit and Review Committee cost allocation model approved by both the Transportation and the Omnibus Budget Committees in the 2022 Supplemental Budget. The model analyzes costs and relevant activities (hours, transactions, type of enforcement, etc.) of Washington State Patrol (WSP) organizations funded by two or more sources to ensure a consistent and fair use of state resources.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	981	0	981	0	0
081-2	State Patrol Highway Account	Federal	31,399	0	31,399	0	0
Total \$			32,380	0	32,380	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	18,318		18,318		
B-Employee Benefits	6,235		6,235		
C-Professional Service Contracts					
E-Goods and Other Services					
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-Indirect Costs	7,827		7,827		
Total \$	32,380	0	32,380	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.

Individual State Agency Fiscal Note

Bill Number: 1631 HB	Title: Illegal racing	Agency: 240-Department of Licensing
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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
Account						
Highway Safety Account-State 106		23,000	0	23,000	0	0
-1						
Total \$		23,000	0	23,000	0	0

Estimated Capital Budget Impact:

NONE

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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: 02/15/2023
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 02/15/2023
Agency Approval: Gerrit Eades	Phone: (360)902-3863	Date: 02/15/2023
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 02/15/2023

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 the 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.

Please 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	23,000	0	23,000	0	0
Total \$			23,000	0	23,000	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	23,000		23,000		
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-					
Total \$	23,000	0	23,000	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.

Individual State Agency Fiscal Note

Agency 240 – Department of Licensing

Bill Number: HB 1631

Bill Title: Illegal racing

Part 1: Estimates

No Fiscal Impact

Estimated Cash Receipts:

INDETERMINATE; PLEASE SEE NARRATIVE

Estimated Expenditures:

	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	23,000	-	23,000	-	-
Account Totals		23,000	-	23,000	-	-

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: Steven Puvogel	Phone: (360) 786-7285	Date: 2/15/2023
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 2/15/2023
Agency Approval: Gerrit Eades	Phone: (360) 902-3931	Date:

Request #	1
Bill #	1631 HB

Part 2 – Explanation

The bill amends statute to expand the crime of racing. The bill provides definitions and establishes procedures for the impoundment, redemption, and forfeiture of vehicles used in the crime of racing.

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

Section 1 adds a new section to Chapter 46.04 RCW to define "Off-street facility" as a location typically held open for use by the public for parking vehicles, ingress and egress, or used for commercial purposes.

Section 2 adds a new section to Chapter 46.04 RCW to define "Drifting" as a driver intentionally oversteers a vehicle, causing loss of traction, while maneuvering a vehicle in a turning direction.

Section 4 amends RCW 46.61.530 to make it unlawful to race upon any highway as defined in RCW 46.04.197, or upon any off-street facility as defined in section 1 of this act. This section also makes a person "drifting" guilty of racing, which constitutes reckless driving under RCW 46.61.500.

Section 5 adds a new section to Chapter 46.61 RCW to make a vehicle used to commit the crime of racing subject to impoundment as provided for in chapter 46.55 RCW.

Section 6 amends RCW 46.55.113 to allow a police officer to take custody of a vehicle whenever the driver of a vehicle is arrested for illegal racing conduct in violation of RCW 46.61.500 or 46.61.530 or a comparable municipal ordinance.

Section 7 amends RCW 46.55.360 to include that a vehicle must be impounded and retained under the process outlined in this section when a driver or vehicle is arrested for illegal racing conduct under RCW 38 46.61.500 or 46.61.530 or a comparable municipal ordinance. This section also:

- Adds that when a vehicle is impounded under RCW 46.55.113(2)(I), the driver is arrested for racing, and the driver is a registered owner of the vehicle, the impounded vehicle may not be redeemed for a period of 72 hours from the time the impounded vehicle arrives at the registered tow truck operator's storage facility as noted in the registered tow truck operator's master log, unless there are two or more registered owners of the vehicle or there is a legal owner of the vehicle that is not the driver of the vehicle.
- Adds that when a vehicle is impounded under RCW 46.55.113(2)(I) and the arrested driver is not a registered owner of the vehicle, the impounded vehicle may be redeemed by a registered owner or legal owner, who is not the driver of the vehicle, after the impounded vehicle arrives at the registered tow truck operator's storage facility as noted in the registered tow truck operator's master log.
- Adds that the registered tow truck operator must notify the agency that ordered that the vehicle be impounded when the vehicle arrives at the registered tow truck operator's storage facility and has been entered into the master log starting any mandatory hold period provided for in this section.

Section 9 establishes an effective date of January 1, 2024.

2.B - Cash receipts Impact

Persons convicted under the provisions of this bill will be subject to driver’s license suspension. To restore the driving privilege a person would have to pay the \$75 reissue fee, collected by the department. It is not known how many persons might have their driver’s license suspended and then pay the reissue fee, therefore cash receipts impacts are indeterminate but not expected to be significant.

2.C – Expenditures

Persons convicted of the crime of racing are subject to a driver’s license suspension. The suspension is then subject to an administrative review by department Paralegal 2 staff. One Paralegal 2 position can manage about 1,400 administrative reviews per year. The department does not expect that level of activity under the bill but will monitor conviction data and may request additional resources in a future budget cycle if necessary. No operational resources are requested at this time.

Information Services:

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
BUSINESS ANALYST	Determine business requirements; translate requirements into what changes are needed to various systems including account codes, inventory codes, testing considerations, etc.	\$ 16,530	1,700	-	-	-	-	-	1,700
PROJECT MANAGER	Manage schedule and contracts	\$ 28,710	2,900	-	-	-	-	-	2,900
SECURITY AND ARCHITECT SERVICES	Create the conceptual model that defines the structure, behavior and framework of a computerized system including a breakdown of the system into components, the component interactions and interfaces (including with the environment, especially the user), and the technologies and resources to be used in the design.	\$ 16,530	1,700	-	-	-	-	-	1,700
CONTRACTED FAST DEVELOPER / TESTER	Updates to the DRIVES system will require additional vendor hours outside of the contracted maintenance to make system updates to implement this bill.	\$ 37,236	7,400	-	-	-	-	-	7,400
Trainer	Trains business partners and employees in new system processes and capabilities.	\$ 22,620	2,300	-	-	-	-	-	2,300
Project Contingency	Office of the Chief Information Officer designated rate of 10%	\$ 25,474	2,100	-	-	-	-	-	2,100
Totals			22,600	-	-	-	-	-	22,600

What DOL will implement:

1. Modify law tables to add new sections.
2. Modify letter.

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	23,000	-	23,000	-	-
Account Totals		23,000	-	23,000	-	-

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	23,000	-	23,000	-	-
Total By Object Type	23,000	-	23,000	-	-

3.C – FTE Detail

None.

Part 4 – Capital Budget Impact

None.

Part 5 – New Rule Making Required

None.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1631 HB	Title: Illegal racing
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities:** Approximately \$110,715 to provide training to law enforcement officers on expanded criminal offense; indeterminate expenditure impact on law enforcement as a result of processing additional incidents of expanded gross misdemeanor offense; indeterminate expenditure impact due to increased demand for jail beds; indeterminate revenue impact as a result of vehicle forfeitures
- Counties:** Approximately \$33,600 to provide training to law enforcement officers on expanded criminal offense; indeterminate expenditure impact on law enforcement, prosecutors, and public defenders as a result of processing additional incidents of expanded gross misdemeanor offense; indeterminate expenditure impact due to increased demand for jail, juvenile detention beds; indeterminate revenue impact as a result of vehicle forfeitures
- Special Districts:**
- Specific jurisdictions only:**
- Variance occurs due to:**

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:** Approximately \$144,315 to provide training to local law enforcement officers on expanded criminal offense
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time:** Number of additional incidents of expanded gross misdemeanor offense; number and value of vehicles that may be forfeited and sold under section 5 of the proposed legislation

Estimated revenue impacts to:

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

Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City	110,715		110,715		
County	33,600		33,600		
TOTAL \$	144,315		144,315		
GRAND TOTAL \$					144,315

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

Part III: Preparation and Approval

Fiscal Note Analyst: James Vogl	Phone: 360-480-9429	Date: 02/21/2023
Leg. Committee Contact:	Phone:	Date: 02/15/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/21/2023
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 02/21/2023

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

The proposed legislation concerns illegal racing.

Sections 1 and 2 would add definitions of off-street facility and drifting to chapter 46.04 RCW.

Section 4 would amend RCW 46.61.530, expanding the existing definition of illegal motor vehicle racing to include racing upon any off-street facility and willfully demonstrating, exhibiting, comparing “speed, maneuverability, or the power of one or more motor vehicles, including drifting.” Illegal motor vehicle racing constitutes reckless driving, a gross misdemeanor offense.

This section would also specify that anyone who knowingly aids and abets racing “may be charged and prosecuted as an accomplice in accordance with RCW 46.64.048.”

Section 5 would add a new section to chapter 46.61 RCW, specifying that a vehicle is subject to forfeiture if its driver has previously had a vehicle impounded due to racing conduct and has been convicted of a subsequent offense originally charged as illegal motor vehicle racing, reckless driving, or a comparable municipal ordinance.

This section would describe the procedures for such forfeitures and would specify that for property forfeited under this section, after satisfying any court-ordered victim restitution, a law enforcement agency may “sell that which is not required to be destroyed by law and which is not harmful to the public.” An agency may then “use the proceeds to fund personnel, programs, services, and equipment related to the enforcement and processing of street racing violations, or to address and improve general traffic safety, within the seizing agency's jurisdiction.”

Section 6 would amend RCW 46.55.113, specifying that a police officer may take custody of a vehicle and provide for its removal to a place of safety “whenever the driver of a vehicle is arrested for illegal racing conduct in violation of RCW 46.61.500 or 46.61.530 or a comparable municipal ordinance.”

Section 9 states that the bill would take effect on January 1, 2024.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

According to the Washington Association of Sheriffs and Police Chiefs (WASPC), all local law enforcement officers would need to go through training regarding the modifications this bill would make to an existing criminal offense. WASPC estimates that approximately 15 minutes of training would be required per law enforcement officer. This training would require a one-time cost of \$110,715 for cities and \$33,600 for counties, for a total one-time cost to local governments of \$144,315.

The 2021 Crime in Washington Report conducted by WASPC states that there are 6,710 commissioned officers in police departments and 2,240 commissioned officers in sheriff's departments, for a total of 8,950 commissioned law enforcement employees that would require training. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates the average hourly salary (including benefits and overhead) for an officer employed by a city to be \$66, and the same figure for an officer employed by a county to be \$60. If every officer in Washington had to complete approximately 15 minutes of training, the cost to local governments would be:

Cities:

6,710 officers X 0.25 hours X \$66 = \$110,715

Counties:

2,240 officers X 0.25 hours X \$60 = \$33,600

Total:

\$110,715 + \$33,600 = \$144,315

Training materials and time required may differ among different departments, however.

According to the Washington State Caseload Forecast Council's (CFC) fiscal note on this bill, expanding the existing definition of illegal motor vehicle racing, punishable as the gross misdemeanor offense of reckless driving, could impact demand for jail beds. Gross misdemeanor offenses are punishable by a term of confinement of 0-364 days in jail. However, since it is unknown how many incidents of the expanded offense may occur, and CFC does not collect data on misdemeanor and gross misdemeanor offenses, it cannot predict the jail bed impacts resulting from this bill, so the associated expenditure impact on local governments is indeterminate. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average daily cost of occupying a jail bed is \$145.

According to the CFC fiscal note for this bill, expanding an existing gross misdemeanor offense, ranked at category D on the juvenile sentencing grid, and punishable by a standard range term of 0-30 days in local juvenile, could also increase demand for county juvenile detention beds. The Local Government Fiscal Note Program does not have detailed information on the costs of juvenile detention, however the average daily rate for juvenile detention beds is generally higher than the same figure for a jail bed. Additionally, it is unknown how many juvenile incidents of the expanded offense of illegal motor vehicle racing, punishable as the gross misdemeanor offense of reckless driving, may occur as a result of this bill's provisions, so any resulting increase in county juvenile detention expenditures is indeterminate.

In addition to bed impacts, expanding the definition of an existing gross misdemeanor offense could increase law enforcement, prosecution and public defense expenditures as a result of processing additional incidents of this offense. According to the 2023 Local Government Fiscal Note Program Criminal Justice Cost Model, the combined law enforcement, prosecution and public defense costs to process an incident of a gross misdemeanor offense are \$5,660.

However, given that it is unknown how many incidents of the expanded offense may occur, the magnitude of the expenditure impacts on local governments from processing additional incidents of this offense is indeterminate.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

The proposed legislation would have an indeterminate impact on local government revenues.

Section 5 would subject vehicles involved in racing or reckless driving, and where the driver has previously had a vehicle impounded for racing, to forfeiture. After satisfying any court-ordered victim restitution, a law enforcement agency may "sell that which is not required to be destroyed by law and which is not harmful to the public," with the proceeds required to be used "to fund personnel, programs, services, and equipment related to the enforcement and processing of street racing violations, or to address and improve general traffic safety, within the seizing agency's jurisdiction."

While the sale of forfeited vehicles could create additional revenue for local law enforcement agencies, it is unknown how many vehicles may be forfeited under section 5 of the proposed legislation, how many seized vehicles may be retained after the 60-day period where an owner or person with a right to possession may petition for the return of a vehicle, or what amount forfeited vehicles may be sold for. Accordingly, the local government revenue impact of subjecting vehicles involved in racing or reckless driving under certain conditions to forfeiture is indeterminate.

SOURCES:

Crime in Washington Report, 2021

Local government fiscal note for SB 5606, 2023

