

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1112 HB PL	<b>Title:</b> Negligent driving
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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.								
<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						
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	76,026	.0	0	0	0	.0	0	0	0
Traffic Safety Commission	.1	0	0	523,770	.1	0	0	423,770	.1	0	0	423,770
Department of Licensing	.0	0	0	282,000	.0	0	0	0	.0	0	0	0
<b>Total \$</b>	0.1	0	0	881,796	0.1	0	0	423,770	0.1	0	0	423,770

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			577,260						
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			577,260						

## 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
Traffic Safety Commission	.0	0	0	.0	0	0	.0	0	0
Department of Licensing	.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	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Cynthia Hollimon, OFM	<b>Phone:</b> (360) 810-1979	<b>Date Published:</b> Final 5/ 8/2023
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 1112 HB PL	<b>Title:</b> Negligent driving	<b>Agency:</b> 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: 04/20/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 04/21/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 04/21/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 04/24/2023

188,002.00

Request # 288-1

Form FN (Rev 1/00)

1

Bill # 1112 HB PL

Part II: Narrative Explanation

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

The proposed legislation creates a new gross misdemeanor under RCW 46.61 for negligent driving involving a vulnerable user victim in the 1st degree. Additionally, the bill removes “death” causation from 2nd degree charges and incorporates it under a 1st degree charge.

II. B - Cash Receipts Impact

None

II. C - Expenditures

No fiscal impact is expected to the Administrative Office of the Courts or the courts. The amendments create a new gross misdemeanor which would not require any caseload, court form, judicial resource, or case management system impacts. Under current law criminal penalties are imposed for negligent driving involving a vulnerable user victim. The bill would change the criminal penalties.

Because the courts of limited jurisdiction forms use a fill-in format for charges and the judicial resources do not specifically mention this misdemeanor by name, there are no updates to be made to court forms.

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

188,002.00

Form FN (Rev 1/00)

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1112 HB PL	<b>Title:</b> Negligent driving	<b>Agency:</b> 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: 04/20/2023
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 04/20/2023
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 04/20/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 04/21/2023

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 1112 PL**

## **IMPOSING CRIMINAL PENALTIES FOR NEGLIGENT DRIVING INVOLVING THE DEATH OF A VULNERABLE USER VICTIM**

**101 – Caseload Forecast Council**

**April 20, 2023**

### **SUMMARY**

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

- Section 1 Establishes a new section to chapter 46.61 RCW that creates the gross misdemeanor offense of Negligent Driving with a Vulnerable User Victim in the First Degree for operating a vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property, and he or she proximately causes the death of a vulnerable use of a public way.
- Section 1 Additionally includes a definition for “Vulnerable User of a Public Way” that was previously in RCW 46.61.526 and a definition for “Negligent”.
- Section 2 Amends RCW 46.61.526 (Negligent driving—Second degree—Vulnerable user victim—Penalties—Definitions) by removing the proximate cause of death of a vulnerable user of a public way from the traffic infraction of Negligent Driving in the Second Degree with a Vulnerable User Victim.
- Section 2 Additionally removes the definition of Vulnerable User of Public Way and references the definition for the term used in Section 1.
- Section 3 Amends RCW 45.20.342, the gross misdemeanor offense of Driving while License Suspended or Revoked in the Second Degree by including Negligent Driving with a Vulnerable User Victim in the First Degree to the list of offenses that make the person ineligible for reinstatement of his or her driver’s license or driving privileges through an ignition interlock driver’s license.
- Section 4 Amends RCW 46.61.110, to include a change of the reference for the definition of Vulnerable User of a Public Way to the definition in Section 1, rather than RCW 46.61.526.
- Section 5 Amends RCW 46.61.145, to include a change of the reference for the definition of Vulnerable User of a Public Way to the definition in Section 1, rather than RCW 46.61.526.
- Section 6 Amends RCW 46.61.180, to include a change of the reference for the definition of Vulnerable User of a Public Way to the definition in Section 1, rather than RCW 46.61.526.
- Section 7 Amends RCW 46.61.185, to include a change of the reference for the definition of Vulnerable User of a Public Way to the definition in Section 1, rather than RCW 46.61.526.
- Section 8 Amends RCW 46.61.190, to include a change of the reference for the definition of Vulnerable User of a Public Way to the definition in Section 1, rather than RCW 46.61.526.



- Section 9 Amends RCW 46.61.205, to include a change of the reference for the definition of Vulnerable User of a Public Way to the definition in Section 1, rather than RCW 46.61.526.
- Section 10 Amends RCW 46.63.020 to include the new crime of Negligent Driving with a Vulnerable User Victim in the First Degree in the list of crimes in the motor vehicle provisions of the RCW.
- Section 11 Requires the Washington Traffic Safety Commission to produce and disseminate information regarding the penalties of negligent driving with a vulnerable user victim in the first degree, subject to appropriations.
- Section 12 States the act takes effect January 1, 2025.

## **EXPENDITURES**

### **Assumptions.**

None.

### **Impact on the Caseload Forecast Council.**

None.

### **Impacts on prison/local beds and supervision**

This bill:

- Establishes a new gross misdemeanor offense.

The Caseload Forecast Council has no information concerning how many incidents of the newly established gross misdemeanor may occur, nor any information concerning how such offenses would be sentenced. As such, the Caseload Forecast Council cannot reliably estimate bed impacts resulting from these provisions of the bill.

However, as a gross misdemeanor offense, the newly established offense would be punishable by a term of confinement of 0-364 days in jail. Therefore, any impact would be on jail beds only.

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

The establishment of a new gross misdemeanor offense would be ranked as Category D on the juvenile grid and is punishable by Local Sanctions (0-30 days in local juvenile detention). Therefore, incidences of this offense would likely impact only local juvenile detention beds.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1112 HB PL	<b>Title:</b> Negligent driving	<b>Agency:</b> 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
<b>Account</b>					
State Patrol Highway Account-State 081-1	76,026	0	76,026	0	0
<b>Total \$</b>	76,026	0	76,026	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: 04/20/2023
Agency Preparation: Thomas Bohon	Phone: (360) 596-4044	Date: 04/28/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 04/28/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 04/28/2023

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 legislation as amended by the Senate does not change the fiscal impact to the Washington State Patrol (WSP).

The proposed legislation splits negligent driving with a vulnerable user victim into first degree and second degree offenses. Negligent driving with a vulnerable user victim in the first degree is operating a vehicle in a manner both negligent and endangering any person or property, and proximately causes the death of a vulnerable user of a public way. Negligent driving with a vulnerable user victim in the second degree would be proximately causing great bodily harm or substantial bodily harm to a vulnerable user of a public way.

The newly added section 11 charges the Washington Traffic Safety Commission to produce and disseminate educational materials.

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 negligent driving with a vulnerable user victim. We estimate that it would take 120 hours to research, develop, and review new training and policies. We also estimate that it would take five academy staff about 50 total hours to deliver the training to all commissioned officers, and cadets. Each person receiving the training would need an estimated half an hour 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 563 hours. The total estimated cost to research, develop, review, give, and receive the training required from this proposed legislation is \$76,026.

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.

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	76,026	0	76,026	0	0
Total \$			76,026	0	76,026	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	43,148		43,148		
B-Employee Benefits	14,500		14,500		
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	18,378		18,378		
<b>Total \$</b>	76,026	0	76,026	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

<b>Bill Number:</b> 1112 HB PL	<b>Title:</b> Negligent driving	<b>Agency:</b> 228-Traffic Safety Commission
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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
FTE Staff Years	0.1	0.1	0.1	0.1	0.1
<b>Account</b>					
Highway Safety Account-State 106 -1	311,885	211,885	523,770	423,770	423,770
<b>Total \$</b>	311,885	211,885	523,770	423,770	423,770

### 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: 04/20/2023
Agency Preparation: Mark McKechnie	Phone: 3607259889	Date: 04/20/2023
Agency Approval: Mark McKechnie	Phone: 3607259889	Date: 04/20/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 04/28/2023

## 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 Washington traffic safety commission is directed in Section 11 to produce and disseminate educational materials explaining the penalties of the crime of negligent driving with a vulnerable user victim in the first degree. The cost for creating materials and disseminating them through electronic media will be \$300,000 during fiscal year 2023-2024. Dissemination in future years through radio, social and digital media will cost approximately \$200,000 each year in future fiscal years. Staffing costs are added at 0.1 FTE for a communications consultant to work with stakeholders and to help manage the project to ensure that messaging accurately and effectively educates intended audiences about the law. On-going work would include engagement and coordination with the contractor on an annual basis for the media buy to reach target audiences and to ensure that materials are up to date.

AN ACT Relating to imposing criminal penalties for negligent driving involving the death of a vulnerable user victim; amending RCW 46.61.526, 46.20.342, 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, 46.61.205, and 46.63.020; adding a new section to chapter 46.61 RCW; adding a new section to chapter 43.59 RCW; prescribing penalties; and providing an effective date.

Sec. 1 New section added to chapter 46.61 RCW: offense of negligent driving with a vulnerable user victim in the first degree when negligent driving was the proximate cause of the vulnerable road user's death. Outlines penalties, including jail term, fines, and license suspension. Includes definition of VRU.

Sec. 2 Amends 46.61.526 to create negligent driving in the second degree when the proximate cause of serious bodily harm of a vulnerable road user is driver negligence.

Sec 3 Amends 46.20.342 to add the offense of negligent driving in the first degree to the list of offenses for which driving with a suspended license is unlawful

Sec 4 Amends 46.61.110, regarding unsafe passing of another road user to add vulnerable road user definition from Section 1

Sec 5 Amends 46.61.145, regarding violation of following too closely to add vulnerable road user definition from Section 1

Sec 6 Amends 46.61.180, regarding right of way for two road users who approach an intersection at the same time to add vulnerable road user definition from Section 1

Sec 7 Amends 46.61.185, regarding left turns when a vulnerable road user is approaching from the opposite direction

Sec 8 Amends 46.61.190, regarding vehicles at a stop sign yielding the right of way; increased penalties for failure to yield to a vulnerable road user as defined in Section 1

Sec 9 Amends 46.61.205, regarding a driver entering or crossing a highway; penalties for failure to yield to vulnerable road users as defined in Section 1

Sec 10 Amends 46.63.020, Adds negligent driving with a vulnerable user victim in the first degree to the list of traffic violations that can be classified as a criminal offense.

Sec 11 Subject to funds appropriated for this purpose, directs Washington Traffic Safety Commission to produce and disseminate educational materials explaining the penalties of the crime of negligent driving with a vulnerable user victim in the first degree.

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.

The cost for creating materials and disseminating them through electronic media will be \$300,000 during fiscal year 2024. Dissemination in future years through radio, social and digital media will cost approximately \$200,000 per year in future fiscal years. This messaging would be more technical so staff time would be needed to consult with other stakeholders, including WSP and DOL, develop accurate and effective messaging in multiple languages, and then work with the contractor on an annual basis for the media buy and materials.

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	311,885	211,885	523,770	423,770	423,770
Total \$			311,885	211,885	523,770	423,770	423,770

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.1	0.1	0.1	0.1
A-Salaries and Wages	8,929	8,929	17,858	17,858	17,858
B-Employee Benefits	2,956	2,956	5,912	5,912	5,912
C-Professional Service Contracts	300,000	200,000	500,000	400,000	400,000
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-					
Total \$	311,885	211,885	523,770	423,770	423,770

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

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Communication Consultant 5		0.1	0.1	0.1	0.1	0.1
Total FTEs		0.1	0.1	0.1	0.1	0.1

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

No impact

## 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> 1112 HB PL	<b>Title:</b> Negligent driving	<b>Agency:</b> 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.
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### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
Highway Safety Account-State 106 -1	282,000	0	282,000	0	0
<b>Total \$</b>	282,000	0	282,000	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: 04/20/2023
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 04/21/2023
Agency Approval: Gerrit Eades	Phone: (360)902-3863	Date: 04/21/2023
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 04/21/2023

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.

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	282,000	0	282,000	0	0
Total \$			282,000	0	282,000	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	282,000		282,000		
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 \$	282,000	0	282,000	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: 1112 HB.PL

Bill Title: Negligent driving

## 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	282,000	-	282,000	-	-
Account Totals		282,000	-	282,000	-	-

*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) 701-6459	Date: 4/20/2023
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 4/20/2023
Agency Approval: Gerrit Eades	Phone: (360) 902-3931	Date:

Request #	1
Bill #	1112 HB.PL

## **Part 2 – Explanation**

This bill adds negligent driving with a vulnerable user victim in the first degree as a gross misdemeanor punished by suspension of driving privileges for 90 days, up to 364 days of imprisonment, and a fine of \$5,000 which may not be reduced to an amount less than \$1,000.

**1112 HB.PL compared to HB 1112:** The version of the bill as passed by the Legislature moves the effective date to January 1, 2025. This change does not impact the department's fiscal note.

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

Section 1 is a new section added to Chapter 46.61 RCW, to add negligent driving with a vulnerable user victim in the first degree as a gross misdemeanor if a person operates a vehicle, as defined in RCW 46.04.670, in a manner that is both negligent and endangers, or is likely to endanger, any person or property, and proximately causes the death of a vulnerable user of a public way.

A violation of this section is punishable by:

- Up to 364 days of imprisonment
- A fine of \$5,000, which may not be reduced to less than \$1,000
- Suspension of driving privileges for 90 days

This section requires the court to notify the Department of Licensing (DOL) of a violation and the department must suspend the person's driving privileges. This section provides definitions.

Section 2 amends RCW 46.61.526 to clarify when negligent driving with a vulnerable user victim in the second degree would be used and to remove death from the second-degree definition.

Section 3 amends RCW 46.20.342 and 2021 c 240 s 9 to add negligent driving with a vulnerable user victim in the first degree to the reasons someone would be guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor.

Section 12 establishes an effective date of January 1, 2025.

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

Cash receipts impact is indeterminate but expected to be minor. The bill requires the court notify DOL of a violation and stipulates that DOL suspend the person's driving privilege. There would be an increase in revenue associated with the \$75 driver's license reissue fees collected by DOL and distributed to the Highway Safety Account following the suspension period. However, the revenue impact for DOL is indeterminate because there are no data available with which to predict the number of offenses that may occur under the provisions of the bill. The annual number of offenses is expected to be low, therefore any cash receipts impacts would be minor.

### **2.C – Expenditures**

Instances of arrest and conviction for the offense established in this bill are not expected to be significant. Workload associated with persons suspended under the provisions of the bill can get managed within existing resources. The department will update driver's guides, website information,

and training materials as necessary. If offense volumes increase significantly the department will reassess capacity and address any emerging resource requirements in a future budget cycle.

#### 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	70,100	-	-	-	-	-	70,100
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	14,900	-	-	-	-	-	14,900
PROJECT MANAGER	Manage schedule and contracts	\$ 28,710	20,100	-	-	-	-	-	20,100
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	8,300	-	-	-	-	-	8,300
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	122,900	-	-	-	-	-	122,900
Trainer	Trains business partners and employees in new system processes and capabilities.	\$ 22,620	20,400	-	-	-	-	-	20,400
Project Contingency	Office of the Chief Information Officer designated rate of 10%	\$ 25,474	25,700	-	-	-	-	-	25,700
<b>Totals</b>			<b>282,400</b>	-	-	-	-	-	<b>282,400</b>

#### What IS Will Implement:

1. Modify logic to take action for negligent driving with a vulnerable user victim for the new disqualification.
2. Modify the system to place a 90-day license suspension on a drivers record and updates to the system violation codes.
3. Modify/verify online system used by courts that it can accept/process the new violation codes for the 90-day suspension.
4. Modify the suspension letter with new language for the 90-day license suspension.

### 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	282,000	-	282,000	-	-
<b>Account Totals</b>		<b>282,000</b>	-	<b>282,000</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		282,000	-	282,000	-	-
Total By Object Type		282,000	-	282,000	-	-

### **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: 1112 HB PL

Title: Negligent driving

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

### Legislation Impacts:

☒ Cities: Approximately \$442,860 to train law enforcement officers on new criminal offense; indeterminate expenditure impact on local law enforcement due to processing incidents of new gross misdemeanor offense; indeterminate expenditure impact due to increased demand for jail beds

☒ Counties: Approximately \$134,400 to train law enforcement officers on new criminal offense; indeterminate expenditure impact on enforcement, prosecutors and public defenders as a result of processing incidents of new gross misdemeanor offense; indeterminate expenditure impact due to increased demand for jail, juvenile detention beds

☐ Special Districts:

☐ Specific jurisdictions only:

☐ Variance occurs due to:

## Part II: Estimates

☐ No fiscal impacts.

☒ Expenditures represent one-time costs: Approximately \$577,260 to provide training to local law enforcement officers on new criminal offense

☐ Legislation provides local option:

☒ Key variables cannot be estimated with certainty at this time: Number of incidents of new gross misdemeanor offense that may occur

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City	442,860		442,860		
County	134,400		134,400		
<b>TOTAL \$</b>	577,260		577,260		
<b>GRAND TOTAL \$</b>	577,260				

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: 04/20/2023
Leg. Committee Contact:	Phone:	Date: 04/20/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 04/20/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 04/21/2023



## Part IV: Analysis

### A. SUMMARY OF BILL

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

This fiscal note analyzes the impact of HB.PL 1112, comparing it to the impact of HB 1112.

#### CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The bill as passed the Legislature would add a new section to chapter 43.59 RCW, requiring the Washington Traffic Safety Commission to produce and distribute informational and educational materials explaining the penalties of the crime of negligent driving with a vulnerable user victim in the first degree.

In addition, the current bill version would take effect January 1, 2025, while the original bill version would have taken effect January 1, 2024.

These changes would not change the local government expenditure or revenue impacts described below.

#### SUMMARY OF CURRENT BILL:

The proposed legislation would create a new gross misdemeanor offense.

Section 1 would add a new section to chapter 46.61 RCW establishing the new gross misdemeanor offense of negligent driving with a vulnerable user victim in the first degree. A person would be guilty of this offense if they operate a vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property, and they proximately cause the death of a vulnerable user of a public way. This section would also include a definition of vulnerable user of a public way that is currently in RCW 46.61.526

Sections 4 through 9 would amend various sections of chapter 46.61 RCW, related to rules of the road, changing the reference for the definition of vulnerable user of a public way.

Section 10 would amend RCW 46.63.020, adding negligent driving with a vulnerable user victim in the first degree to the list of motor vehicle offenses considered to be criminal.

Section 11 would add a new section to chapter 43.59 RCW, requiring the Washington Traffic Safety Commission to produce and distribute informational and educational materials explaining the penalties of the crime of negligent driving with a vulnerable user victim in the first degree.

Section 12 specifies 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.*

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

According to the Washington Association of Sheriffs and Police Chiefs (WASPC), all local law enforcement officers would need to go through training regarding the new offense this bill would create. WASPC estimates that approximately one hour of training would be required per law enforcement officer. This training would require a one-time cost of \$442,860 for cities and \$134,400 for counties, for a total one-time cost to local governments of \$577,260.

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 one hour of training, the cost to local governments would be:

Cities:

6,710 officers X 1 hours X \$66 = \$442,860

Counties:

2,240 officers X 1 hours X \$60 = \$134,400

Total:

\$442,860 + \$134,400 = \$577,260

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

According to the Washington State Caseload Forecast Council's fiscal note on this bill, any bed impacts from the new offense would affect jails only, as a gross misdemeanor is punishable by a term of confinement of 0-364 days. However, given that it is unknown how many incidents of the new offense may occur, the expenditure impact due to increased demand for jail beds 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.

Law enforcement, prosecutors and public defenders could incur additional costs from processing incidents of the new gross misdemeanor offense this bill would create, as compared to the traffic infraction this offense is currently charged as. It is unknown, however, how many incidents of this offense may occur, so those expenditure impacts are indeterminate. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average combined law enforcement, prosecution and public defense costs of processing a gross misdemeanor offense are \$5,660.

According to the CFC fiscal note for this bill, the creation of a new gross misdemeanor offense, ranked at category D on the juvenile sentencing grid, and punishable by a standard range term of between 0-30 days in local juvenile detention, 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 new gross misdemeanor offense of negligent driving with a vulnerable user victim in the first degree may occur as a result of this bill's provisions, so the total increase in county juvenile detention expenditures that could result from this bill 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 no impact on local government revenues.

SOURCES:

Crime in Washington Report, 2021

Local government fiscal note for SHB 1972, 2022

Local Government Fiscal Note Program Criminal Justice Cost Model, 2023

Washington Association of Sheriffs and Police Chiefs

Washington State Caseload Forecast Council