

Multiple Agency Fiscal Note Summary

Bill Number: 2196 HB	Title: Alcohol concentration/DUI
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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
Traffic Safety Commission	0	0	1,175,000	0	0	0	0	0	0
Department of Licensing	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	1,175,000	0	0	0	0	0	0

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	6,300	6,300	6,300	.0	0	0	0	.0	0	0	0
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Liquor and Cannabis Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Patrol	.0	0	0	124,509	.0	0	0	0	.0	0	0	0
Criminal Justice Training Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Traffic Safety Commission	.1	0	0	1,333,770	.0	0	0	0	.0	0	0	0
Department of Licensing	.0	0	0	6,000	.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	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	Fiscal note not available											
The Evergreen State College	.0	0	0	0	.4	154,349	154,349	154,349	.2	61,836	61,836	61,836
Total \$	0.1	6,300	6,300	1,470,579	0.4	154,349	154,349	154,349	0.2	61,836	61,836	61,836

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			316,933						
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			316,933						

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
Liquor and Cannabis Board	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Criminal Justice Training Commission	.0	0	0	.0	0	0	.0	0	0
Traffic Safety Commission	.0	0	0	.0	0	0	.0	0	0
Department of Licensing	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	Fiscal note not available								
The Evergreen State College	.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: Danya Clevenger, OFM	Phone: (360) 688-6413	Date Published: Preliminary 1/24/2024
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Judicial Impact Fiscal Note

Bill Number: 2196 HB	Title: Alcohol concentration/DUI	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:

STATE	FY 2024	FY 2025	2023-25	2025-27	2027-29
State FTE Staff Years					
Account					
General Fund-State 001-1		6,300	6,300		
State Subtotal \$		6,300	6,300		
COUNTY	FY 2024	FY 2025	2023-25	2025-27	2027-29
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2024	FY 2025	2023-25	2025-27	2027-29
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					

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.

Legislative Contact: Michelle Rusk	Phone: 360-786-7153	Date: 01/16/2024
Agency Preparation: Chris Conn	Phone: 360-704-5512	Date: 01/23/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/23/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/23/2024

191,607.00

Request # 101-1

Part II: Narrative Explanation

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

This Bill seeks to lower the legal BAC from .08 to .05 with an effective date of July 1, 2025.

Sec. 5: lowers liquid simulator test values from .045 to .055 from .072 to .088.

Sec. 8 (NEW SECTION): Directs WTSC to develop and implement a public safety campaign

Sec. 9 (NEW SECTION): Reconfirms civil liability laws

Sec. 10 (NEW SECTION): Directs WA State Institute for Public Policy to conduct an evaluation of this law during the first two years, submit a report by Oct. 1, 2027.

II. B - Cash Receipts Impact

None

II. C - Expenditures

FISCAL IMPACT TO THE ADMINISTRATIVE OFFICE OF THE COURTS

For Section 5, the cost would be \$6,300 based on the following assumptions:

Legal Services Senior Analyst. Beginning July 1, 2024 through June 30, 2025, AOC would require salary, benefits, and associated standard costs for 0.03 FTE to update / revise forms.

Part III: Expenditure Detail

Part III: Expenditure Detail

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

<i>State</i>	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
Salaries and Wages		3,700	3,700		
Employee Benefits		1,100	1,100		
Professional Service Contracts					
Goods and Other Services		100	100		
Travel		100	100		
Capital Outlays		100	100		
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements		1,200	1,200		
Intra-Agency Reimbursements					
Total \$		6,300	6,300		

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

NONE

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

NONE

III. D - FTE Detail

NONE

191,607.00

Form FN (Rev 1/00)

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

None

Individual State Agency Fiscal Note

Bill Number: 2196 HB	Title: Alcohol concentration/DUI	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: Michelle Rusk	Phone: 360-786-7153	Date: 01/16/2024
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 01/18/2024
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 01/18/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/19/2024

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 2196

CONCERNING ALCOHOL CONCENTRATION

101 – Caseload Forecast Council

January 16, 2024

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 6 Amends RCW 46.20.308 by reducing the BAC level from 0.08 to 0.05.
- Section 7 Amends RCW 46.20.3101 by reducing the BAC level from 0.08 to 0.05.
- Section 8 Adds a new section to chapter 43.59 RCW requiring the Washington Traffic Safety Commission to develop and implement a public information campaign related to this act.
- Section 9 Adds a new section to chapter 66.44 RCW stating that nothing in this act shall be construed to change current civil law for civil liability of a licensed commercial vendor or quasi-commercial vendor.
- Section 10 Adds a new section to chapter 66.08 RCW requiring the Washington State Institute for Public Policy to conduct an evaluation of the impacts of the act during the first two years of implementation.
- Section 11 States the act takes effect July 1, 2025.
- .

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

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.

Individual State Agency Fiscal Note

Bill Number: 2196 HB	Title: Alcohol concentration/DUI	Agency: 195-Liquor and Cannabis Board
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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: Michelle Rusk	Phone: 360-786-7153	Date: 01/16/2024
Agency Preparation: Colin O Neill	Phone: (360) 664-4552	Date: 01/18/2024
Agency Approval: Aaron Hanson	Phone: 360-664-1701	Date: 01/18/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/18/2024

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.

- Lowers the allowable BAC from .08 to .05 effective July 1, 2025.
- Section 10 creates a new chapter in RCW 66.08:
- The Washington state institute for public policy must conduct an evaluation of the impacts of this act during the first two years of implementation. By October 1, 2027, the institute must submit a report to the appropriate committees of the legislature detailing the results of its evaluation. This section expires Nov 1, 2027.

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.

No fiscal 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

Bill Number: 2196 HB	Title: Alcohol concentration/DUI	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					
State Patrol Highway Account-State 081-1	0	124,509	124,509	0	0
Total \$	0	124,509	124,509	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: Michelle Rusk	Phone: 360-786-7153	Date: 01/16/2024
Agency Preparation: Yvonne Ellison	Phone: 360-596-4042	Date: 01/18/2024
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 01/18/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/18/2024

Part II: Narrative Explanation

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

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

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

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

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

If enacted, this legislation would become effective July 1, 2025.

II. B - Cash receipts Impact

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

NONE

II. C - Expenditures

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

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

All Draeger Alcotest 9510 breath test instruments will need software updates to be in compliance with the proposed changes. The cost for this is not currently known, but the company's minimum charge for software changes is \$5,000. If the actual costs are significantly more, we may request additional funding in the 2025 supplemental budget.

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

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

The costs associated with legislative rule making are dependent upon the individuals working on the effort and how much time is required of each, but generally include the Government and Media Relations staff (8.5 hours), Subject Matter Expert (SME – 16 hours), and various reviewers (2.5 hours). The estimated cost for such rule making would be approximately \$4,440.

Including agency indirect costs, we estimate our total one-time costs to be \$124,509.

We base our estimate for agency indirect costs on the approved federal indirect cost rate of 33.41 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.

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

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
081-1	State Patrol Highway Account	State	0	124,509	124,509	0	0
Total \$			0	124,509	124,509	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		2,575	2,575		
B-Employee Benefits		754	754		
C-Professional Service Contracts					
E-Goods and Other Services		90,000	90,000		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-Agency Indirect Costs		31,180	31,180		
Total \$	0	124,509	124,509	0	0

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

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

Individual State Agency Fiscal Note

Bill Number: 2196 HB	Title: Alcohol concentration/DUI	Agency: 227-Criminal Justice Training Commission
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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: Michelle Rusk	Phone: 360-786-7153	Date: 01/16/2024
Agency Preparation: Brian Elliott	Phone: 206-835-7337	Date: 01/18/2024
Agency Approval: Brian Elliott	Phone: 206-835-7337	Date: 01/18/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/19/2024

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 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.

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.

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

Bill Number: 2196 HB	Title: Alcohol concentration/DUI	Agency: 228-Traffic Safety Commission
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
Highway Safety Account-Federal 106-2	412,500	762,500	1,175,000		
Total \$	412,500	762,500	1,175,000		

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.1	0.1	0.0	0.0
Account					
Highway Safety Account-State 106 -1	11,885	146,885	158,770	0	0
Highway Safety Account-Federal 106-2	412,500	762,500	1,175,000	0	0
Total \$	424,385	909,385	1,333,770	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: Michelle Rusk	Phone: 360-786-7153	Date: 01/16/2024
Agency Preparation: Mark McKechnie	Phone: 3607259889	Date: 01/19/2024
Agency Approval: Mark McKechnie	Phone: 3607259889	Date: 01/19/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/22/2024

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.

WTSC reports a fiscal impact totaling \$1.334M during the state and federal fiscal years 2023-2025 resulting from the requirements of Section 8, which directs WTSC to conduct public education campaigns. Approximately 88% of costs will be paid from federal funds and 12% from state funds. The costs break down as follows:

\$250,000 contract funds to develop and test concepts with English and Spanish speaking audiences and produce 30 video PSAs and supporting materials (social media posts, radio PSAs, still photos) in English as well as the top nine most significant non-English-speaking languages spoken in the state. Work to be completed by media contractor. (Federal funds)

\$900,000 contract funds for three media campaign cycles, including two two-week statewide media buys (\$250k per flight) in December 2023 and Spring 2024, with a larger media buy (\$400k) in late Spring/early Summer 2024 within the 90 days before the law goes into effect on July 1, 2024. The buys will be managed by media contractor and will consider equity outcomes on overburdened communities. Media include broadcast TV and radio, digital and social media. (Federal funds)

\$80,000 goods and other services for multiple print advertisements in largest newspapers in each county (State Funds). Sample ad prices: Seattle Times \$5000 for ½ page ad; Yakima Herald \$2000 for ½ page ad; Daily News (Longview) \$300 for ½ page ad.

\$20,000 contract funds for feedback survey for in-state hospitality stakeholders to test concepts and develop materials (State Funds).

\$35,000 contract funds to develop print materials (rack cards, posters, etc.) for distribution by law enforcement, DOL (State Funds).

\$25,000 contract funds for press releases and earned media support throughout the year from media contractor. (Federal funds).

Salary and Benefits (0.1 FTE) for coordination with LCB and their licensees and for market research, such as a survey. (State funds).

Bill summary:

AN ACT Relating to alcohol concentration; amending RCW 46.61.502, 46.61.504, 46.61.5055, 46.61.506, 46.20.308, and 46.20.3101; adding a new section to chapter 43.59 RCW; adding a new section to chapter 66.44 RCW; adding a new section to chapter 66.08 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date.

Sec 1: findings

Sec. 2-7: Amends current criminal and administrative statutes to change the per se BAC limit for DUI offenses from 0.08 to 0.05 percent.

Sec. 8: Directs the Washington Traffic Safety Commission to develop and implement a public information campaign related to changes in DUI laws, including television, radio, and online advertisements in all areas of the state; multiple print advertisements in the largest newspapers in each county; content in the nine most common non-English languages spoken in Washington; and 10 percent or more of the advertisements are developed in conjunction with state hospitality stakeholders and educate their customers about safe transportation options.

Sec. 9: Legislative finding that change in per se BAC limit does not change the civil liability for licensed alcohol vendors.

Sec. 10: WSIPP must conduct an evaluation regarding the impact of this act, including serious and fatal traffic crashes; DUI arrests and adjudications; equity outcomes; sales and other business effects for hospitality, breweries, wineries and distilleries in Washington.

Sec. 11: Effective date July 1, 2025.

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.

These are Federal carry forward funds received from the National Highway Traffic Safety Administration (NHTSA) that are earmarked for alcohol only impaired driving prevention/intervention projects.

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.

\$250,000 contract funds to develop and test concepts with English and Spanish speaking audiences and produce 30 video PSAs and supporting materials (social media posts, radio PSAs, still photos) in English as well as the top nine most significant non-English-speaking languages spoken in the state. Work to be completed by media contractor. (Federal funds)

\$900,000 contract funds for three media campaign cycles, including two two-week statewide media buys (\$250k per flight) in December 2023 and Spring 2024, with a larger media buy (\$400k) in late Spring/early Summer 2024 within the 90 days before the law goes into effect on July 1, 2024. The buys will be managed by media contractor and will consider equity outcomes on overburdened communities. Media include broadcast TV and radio, digital and social media. (Federal funds)

\$80,000 goods and other services for multiple print advertisements in largest newspapers in each county (State Funds). Sample ad prices: Seattle Times \$5000 for ½ page ad; Yakima Herald \$2000 for ½ page ad; Daily News (Longview) \$300 for ½ page ad.

\$20,000 contract funds for feedback survey for in-state hospitality stakeholders to test concepts and develop materials (State Funds).

\$35,000 contract funds to develop print materials (rack cards, posters, etc.) for distribution by law enforcement, DOL (State Funds).

\$25,000 contract funds for press releases and earned media support throughout the year from media contractor. (Federal funds).

Salary and Benefits (0.1 FTE) for coordination with LCB and their licensees and for market research, such as a survey. (State funds).

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	11,885	146,885	158,770	0	0
106-2	Highway Safety Account	Federal	412,500	762,500	1,175,000	0	0
Total \$			424,385	909,385	1,333,770	0	0

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		
A-Salaries and Wages	8,929	8,929	17,858		
B-Employee Benefits	2,956	2,956	5,912		
C-Professional Service Contracts	412,500	817,500	1,230,000		
E-Goods and Other Services		80,000	80,000		
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 \$	424,385	909,385	1,333,770	0	0

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
Communications Consultant		0.1	0.1	0.1		
Total FTEs		0.1	0.1	0.1		0.0

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

Bill Number: 2196 HB	Title: Alcohol concentration/DUI	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 -1	0	6,000	6,000	0	0
Total \$	0	6,000	6,000	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: Michelle Rusk	Phone: 360-786-7153	Date: 01/16/2024
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 01/18/2024
Agency Approval: Collin Ashley	Phone: (564) 669-9190	Date: 01/18/2024
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 01/18/2024

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.

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 include 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 amends RCW 46.20.308 to change the BAC threshold for implied consent from 0.08 to 0.05.

Sections 7 amends RCW 46.20.3101 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, 2025

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	0	6,000	6,000	0	0
Total \$			0	6,000	6,000	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		6,000	6,000		
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 \$	0	6,000	6,000	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: HB 2196

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

Operating Expenditures	Fund	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Highway Safety	106	-	6,000	6,000	-	-
Account Totals		-	6,000	6,000	-	-

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: Michelle Rusk	Phone: (360) 786-7153	Date: 1/16/2024
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 1/18/2024
Agency Approval: Collin Ashley	Phone: (360) 634-5384	Date: 1/18/2024

Request #	1
Bill #	2196 HB

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.

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 include 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 amends RCW 46.20.308 to change the BAC threshold for implied consent from 0.08 to 0.05.

Sections 7 amends RCW 46.20.3101 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, 2025

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. DOL will track operational impacts following implementation and will request additional resources as needed.

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.

What DOL will implement:

Testing to confirm blood alcohol content of .05 is taking action for the appropriate suspension codes.

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.	\$ 27,144	-	5,400	-	-	-	-	5,400
Project Contingency	Office of the Chief Information Officer designated rate of 10%	\$ 29,824	-	500	-	-	-	-	500
Totals			-	5,900	-	-	-	-	5,900

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	-	6,000	6,000	-	-
Account Totals		-	6,000	6,000	-	-

3.B – Expenditures by Object or Purpose

Object of Expenditure	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
FTE Staff Years	0.0	0.0	0.0	0.0	0.0
Goods and Services	-	6,000	6,000	-	-
Total By Object Type	-	6,000	6,000	-	-

3.C – FTE Detail

None.

Part 4 – Capital Budget Impact

None.

Part 5 – New Rule Making Required

None.

Individual State Agency Fiscal Note

Bill Number: 2196 HB	Title: Alcohol concentration/DUI	Agency: 307-Department of Children, Youth, and Families
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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: Michelle Rusk	Phone: 360-786-7153	Date: 01/16/2024
Agency Preparation: Katherine Anderson	Phone: (360) 790-9033	Date: 01/22/2024
Agency Approval: Crystal Lester	Phone: 360-628-3960	Date: 01/22/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/23/2024

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.

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.

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

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.

This bill has no fiscal impact to Department of Children, Youth and Family (DCYF), Juvenile Rehabilitation (JR).

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.

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

Bill Number: 2196 HB	Title: Alcohol concentration/DUI	Agency: 376-The Evergreen State College
-----------------------------	---	--

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	0.0	0.0	0.0	0.4	0.2
Account					
General Fund-State 001-1	0	0	0	154,349	61,836
Total \$	0	0	0	154,349	61,836

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: Michelle Rusk	Phone: 360-786-7153	Date: 01/16/2024
Agency Preparation: Catherine Nicolai	Phone: (360) 664-9087	Date: 01/18/2024
Agency Approval: Lisa Dawn-Fisher	Phone: 512-658-0328	Date: 01/18/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 01/23/2024

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.

Sec. 10. of HB 2196 directs the Washington State Institute for Public Policy (WSIPP) to conduct an evaluation of the first two years of changes to the driving under the influence policy proposed in HB 2196.

"The evaluation must include, but is not limited to, the impact of this act on:

- (a) The number of serious and fatal traffic accidents;
- (b) Driving under the influence arrests and adjudications for driving under the influence offenses;
- (c) Equity outcomes on overburdened communities as defined in RCW 70A.02.010;
- (d) Sales and other business effects on the hospitality industry in the state; and
- (e) Sales and other business effects on breweries, wineries, and distilleries in the state."

The report is due to the legislature by October 1, 2027.

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.

In order to complete the assignment outlined in Sec. 10 of HB 2196, WSIPP would assign the following resources:

FY27

- 0.79 FTE Researcher to scope the study, submit data requests and the Washington State Institutional Review Board (WSIRB) application, and begin data processing.
- 0.02 FTE Data Management for data processing.
- 0.06 FTE Methods Review to develop a study plan.
- Assumes \$750 in WSIRB fees.

FY28

- 0.23 FTE Researcher to complete data analysis and write the report.
- 0.06 FTE Methods Review for methodological review.
- 0.06 FTE Editing/Publication for publication.

*Goods and other services include a 12% indirect rate for The Evergreen State College.

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	0	0	0	154,349	61,836
Total \$			0	0	0	154,349	61,836

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years				0.4	0.2
A-Salaries and Wages				108,057	43,600
B-Employee Benefits				29,085	11,611
C-Professional Service Contracts					
E-Goods and Other Services				16,457	6,625
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-Data/WSIRB fees				750	
Total \$	0	0	0	154,349	61,836

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
Data Management	131,556				0.0	
Editing/Publication	112,596					0.0
Methods Review	123,660				0.0	0.0
Researcher	112,596				0.4	0.1
Total FTEs					0.4	0.2

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.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 2196 HB	Title: Alcohol concentration/DUI
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities:** One-time cost of approximately \$235,969 for law enforcement training on modified criminal offenses; indeterminate increase law enforcement costs incurred from participating in processing additional incidents of gross misdemeanor and felony offenses; indeterminate increased jail costs as a result of increased incidents of gross misdemeanor and felony offenses
- Counties:** One-time cost of approximately \$80,964 for law enforcement training on modified criminal offenses; indeterminate increased local law enforcement, prosecution, and public defense costs incurred from participating in processing additional incidents of gross misdemeanor and felony offenses; indeterminate increased jail costs as a result of additional incidents of gross misdemeanor and felony offenses
- Special Districts:**
- Specific jurisdictions only:**
- Variance occurs due to:**

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:** Approximately \$316,933 to provide training to local law enforcement officers on modified criminal offenses
- Legislation provides local option:**
- Key variables cannot be estimated with certainty at this time:** Number of additional incidents of driving while under the influence and actual physical control of a vehicle while under the influence at the gross misdemeanor and felony levels

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City		235,969	235,969		
County		80,964	80,964		
TOTAL \$		316,933	316,933		
GRAND TOTAL \$					316,933

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: 01/19/2024
Leg. Committee Contact: Michelle Rusk	Phone: 360-786-7153	Date: 01/16/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/19/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/19/2024

Part IV: Analysis

A. SUMMARY OF BILL

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

The proposed legislation would amend several RCW sections concerning alcohol-related offenses, lowering the alcohol concentration above which someone would be guilty of driving under the influence (DUI) or actual physical control of a vehicle while under the influence (APC) from 0.08 to 0.05.

Section 2 would amend RCW 46.61.502, concerning DUI, replacing mentions of an alcohol concentration of 0.08 with 0.05 throughout.

Section 3 would amend RCW 46.61.504, concerning APC, replacing mentions of an alcohol concentration of 0.08 with 0.05 throughout.

Section 4 would amend RCW 46.61.5055, replacing mentions of an alcohol concentration of 0.08 with 0.05 throughout.

Section 5 would amend RCW 46.61.506, modifying the requirements for a breath test to be admissible evidence in a DUI or APC case to reflect the new proposed legal limit of an alcohol concentration of 0.05.

Section 6 would amend RCW 46.20.308, regarding implied consent, procedures for a breath test for alcohol concentration and subsequent procedures following a test, replacing mentions of an alcohol concentration of 0.08 with 0.05 throughout.

Section 7 would amend RCW 46.20.3101, regarding license sanctions, replacing mentions of an alcohol concentration of 0.08 with 0.05 throughout.

Section 8 would add a new section to chapter 43.59 RCW, requiring the Washington Traffic Safety Commission to develop and implement a public education campaign related to this bill.

Section 9 would add a new section to chapter 66.44 RCW, specifying that nothing in the bill "shall be construed to change current civil law for civil liability of a licensed commercial vendor or quasi-commercial vendor" related to those vendors' "duty to third persons not to sell, serve, or furnish alcohol to a person who is apparently under the influence of alcohol, or who is obviously intoxicated."

Section 10 would add a new section to chapter 66.08 RCW, requiring the Washington State Institute for Public Policy to evaluate the impact of this bill during the first two years of implementation and produce a report for the Legislature by October 1, 2027.

Section 11 states that the bill would take effect on July 1, 2025.

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 could result in both determinate and indeterminate increases in 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 modifications this bill would make to existing criminal offenses. WASPC estimates that approximately 30 minutes of training would be required per law enforcement officer. This training would require a one-time cost of \$235,969 for cities and \$80,964 for counties, for a total one-time cost to local governments of \$316,933.

The 2022 Crime in Washington Report conducted by WASPC states that there are 6,647 commissioned officers in police

departments and 2,249 commissioned officers in sheriff's departments, for a total of 8,896 commissioned law enforcement employees that would require training. The 2024 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 \$71, and the same figure for an officer employed by a county to be \$72. If every officer in Washington had to complete approximately 30 minutes of training, the cost to local governments would be:

Cities:

6,647 officers X 0.5 hours X \$71 = \$235,969

Counties:

2,249 officers X 0.5 hours X \$72 = \$80,964

Total:

\$235,969 + \$80,964 = \$316,933

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

According to the Washington State Caseload Forecast Council's (CFC) fiscal note for this bill, reducing the alcohol concentration threshold for driving under the influence (DUI) and actual physical control of a vehicle while under the influence (APC) from 0.08 to 0.05 could result in an increased number of incidents of these offenses at both the gross misdemeanor and felony levels. CFC cannot reliably predict how many more incidents of these offenses may occur as a result of the proposed changes in this bill, however.

Local law enforcement, prosecutors and public defenders would incur increased costs as a result of processing additional incidents of DUI and APC at both the gross misdemeanor, and class B and C felony levels, respectively. According to the 2024 Local Government Fiscal Note Program Criminal Justice Cost Model, the combined law enforcement, prosecution and public defense costs to process an incident of an alcohol-related offense at the gross misdemeanor, and class B and C felony levels are approximately \$6,649. It is unknown how many more incidents of these offenses may occur, however, so the total increase in local government expenditures as a result of processing these increased incidents is indeterminate.

City and county jails would incur increased costs as a result of increased incidents of DUI and APC at the both the gross misdemeanor and felony levels. At the gross misdemeanor level, these offenses are punishable by a term of confinement of 0-364 days in jail. At the felony level, these offenses are punishable by a term of confinement of between three and nine months in jail, and 63-84 months in prison, depending on a person's criminal history. The high end of the adult sentencing range for APC at the class C felony level is limited to the statutory maximum of 60 months in prison. According to the 2024 Local Government Fiscal Note Program Criminal Justice Cost Model, the average daily jail bed rate is approximately \$145 per day. It is unknown how many more DUI and APC incidents may occur which result in sentences that include a term of confinement in jail, however, so the total increase in local government jail expenditures as a result of increased incidents of DUI and APC is indeterminate.

According to the CFC fiscal note for this bill, lowering the alcohol concentration for DUI and APC from 0.08 to 0.05 could also result in increased juvenile incidents of these offenses at the gross misdemeanor, but not the felony level. An increase in juvenile incidents of these offenses at the gross misdemeanor level would result in an increased 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. It is unknown how many more juvenile incidents of DUI and APC may occur as a result of this bill's provisions, however, so the total increase in county juvenile detention expenditures as a result of increased juvenile incidents of DUI and APC 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, 2022

Local government fiscal note for 2SSB 5002, 2023

Local Government Fiscal Note Program Criminal Justice Cost Model, 2024

Washington Association of Sheriffs and Police Chiefs

Washington State Caseload Forecast Council