

Multiple Agency Fiscal Note Summary

Bill Number: 5067 SB	Title: Impaired driving
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Estimated Cash Receipts

NONE

Agency Name	2025-27		2027-29		2029-31	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	Fiscal note not available					
Loc School dist-SPI						
Local Gov. Other						
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2025-27				2027-29				2029-31			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	Fiscal note not available											
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Patrol	.0	0	0	122,116	.0	0	0	0	.0	0	0	0
Traffic Safety Commission	Fiscal note not available											
Department of Licensing	Fiscal note not available											
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	.1	36,153	36,153	36,153	.4	117,570	117,570	117,570	.0	0	0	0
Total \$	0.1	36,153	36,153	158,269	0.4	117,570	117,570	117,570	0.0	0	0	0

Agency Name	2025-27			2027-29			2029-31		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other			335,770						
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			335,770						

Estimated Capital Budget Expenditures

Agency Name	2025-27			2027-29			2029-31		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	Fiscal note not available								
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	Fiscal note not available								
Department of Licensing	Fiscal note not available								
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	2025-27			2027-29			2029-31		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
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 1/13/2025
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Individual State Agency Fiscal Note

Bill Number: 5067 SB	Title: Impaired driving	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: Joe McKittrick	Phone: 3607867287	Date: 01/08/2025
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 01/10/2025
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 01/10/2025
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/12/2025

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.

SB 5067
CONCERNING IMPAIRED DRIVING
101 – Caseload Forecast Council
January 8, 2025

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 of a vehicle 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 .080 to .045 to .055.

Section 10 Amends RCW 79A.60.040 by reducing the BAC level for the misdemeanor and gross misdemeanor offense of operating a vessel while under the influence, from 0.08 to 0.05.

Section 13 Adds a new section to chapter 66.08 RCW, requiring the Washington State Institute for Public Policy to conduct an evaluation of the act during the first two years of implementation.

Section 14 States the act takes effect July 1, 2026.

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 (CFC) has no information concerning how the numerous amendments reducing the BAC level will increase the number of incidents of driving under the influence, operating a vessel under the influence, and actual physical control. As such, the CFC cannot reliably predict bed impacts resulting from the bill.

Impact on prison and jail beds.

As gross misdemeanor offenses, driving under the influence (DUI), operating a vessel under the influence, and actual physical control (APC) 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 DUI and felony APC are punishable by standard range terms of confinement of between 3-9 months in jail and 63-84 months in prison (felony APC 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.

Impacts on DOC Supervision Population.

The offenses of felony DUI and APC are defined as Crimes Against a Person offenses. As such, an individual assessed as high risk to reoffend in the community is required to be supervised by the Department of Corrections (DOC) upon release. For high-risk individuals releasing from prison, one year of community custody is required; and, for high-risk individuals releasing from jail, up to one year of community custody is allowed at the discretion of the court.

Given the above, any additional convictions for the offenses based under the provisions of this bill by an individual assessed as high risk to reoffend may increase of the DOC's Community Custody caseload.

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, operating a vessel under the influence, and actual physical control are punishable by a standard range term of Local Sanctions (0-30 days in local juvenile detention).

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

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

Individual State Agency Fiscal Note

Bill Number: 5067 SB	Title: Impaired driving	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 2026	FY 2027	2025-27	2027-29	2029-31
Account					
State Patrol Highway Account-State 081-1	122,116	0	122,116	0	0
Total \$	122,116	0	122,116	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: Joe McKittrick	Phone: 3607867287	Date: 01/08/2025
Agency Preparation: Michael Maher	Phone: 360-596-4083	Date: 01/13/2025
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 01/13/2025
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 01/13/2025

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 verify the accuracy of 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, 2026.

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.

All 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 2026 supplemental budget.

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

We base our estimate for agency indirect costs on the approved federal indirect cost rate of 31.34 percent. We apply this indirect cost rate percentage to all categories of expenditure with only two exceptions: capital equipment and expenditures after \$25,000 of each projected contract. Indirect costs include, but are not limited to, computer and telecommunications support, payroll processing, vendor payments, general accounting, procurement administration, inventory control, and human resource management.

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

The costs associated with legislative rule making are dependent upon the individuals working on the effort and how much time is required of each but 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 will be approximately \$3,910.

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 2026	FY 2027	2025-27	2027-29	2029-31
081-1	State Patrol Highway Account	State	122,116	0	122,116	0	0
Total \$			122,116	0	122,116	0	0

III. B - Expenditures by Object Or Purpose

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years					
A-Salaries and Wages	2,322		2,322		
B-Employee Benefits	655		655		
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-Indirect Costs	29,139		29,139		
Total \$	122,116	0	122,116	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: 5067 SB	Title: Impaired driving	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: Joe McKittrick	Phone: 3607867287	Date: 01/08/2025
Agency Preparation: Joseph Cushman	Phone: 3607906422	Date: 01/13/2025
Agency Approval: Crystal Lester	Phone: 360-628-3960	Date: 01/13/2025
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/13/2025

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 proposes to reduce the legal blood alcohol level from .08 to .05.

Section 2(a) replaces the 0.08 alcohol concentration limit with a 0.05 limit as shown by a person's breath or blood within two hours after driving.

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.

No fiscal impact. This bill may increase the number of convictions of driving under the influence of drugs or alcohol, but as there have been no convictions for the felony level offenses, it will have little to no impact on Juvenile Rehabilitation (JR) caseload.

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: 5067 SB	Title: Impaired driving	Agency: 376-The Evergreen State College
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	0.0	0.2	0.1	0.4	0.0
Account					
General Fund-State 001-1	0	36,153	36,153	117,570	0
Total \$	0	36,153	36,153	117,570	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: Joe McKittrick	Phone: 3607867287	Date: 01/08/2025
Agency Preparation: Catherine Nicolai	Phone: (360) 664-9087	Date: 01/09/2025
Agency Approval: Lisa Dawn-Fisher	Phone: 564-233-1577	Date: 01/09/2025
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 01/10/2025

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. 13 of SB 5067 directs the Washington State Institute for Public Policy (WSIPP) to "conduct an evaluation of the impacts of this act during the first two years of implementation. By March 1, 2028, the institute must submit a report to the appropriate committees of the legislature detailing the results of its evaluation. The evaluation must include, but is not limited to, the impact of this act on:

- (a) The number of serious and fatal traffic crashes;
- (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."

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. 13 of SB 5067, WSIPP would assign the following resources:

FY27

- 0.16 FTE Researcher to scope the study and submit the Washington State Institute Review Board (WSIRB) application
- 0.06 FTE Methods Review to develop a study plan.
- Assumes \$750 in WSIRB fees.

FY28

- 0.69 FTE Researcher to request, process, and analyze the data and write the report.
- 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 2026	FY 2027	2025-27	2027-29	2029-31
001-1	General Fund	State	0	36,153	36,153	117,570	0
Total \$			0	36,153	36,153	117,570	0

III. B - Expenditures by Object Or Purpose

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years		0.2	0.1	0.4	
A-Salaries and Wages		24,748	24,748	81,374	
B-Employee Benefits		6,862	6,862	23,599	
C-Professional Service Contracts					
E-Goods and Other Services		3,793	3,793	12,597	
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	750		
Total \$	0	36,153	36,153	117,570	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 2026	FY 2027	2025-27	2027-29	2029-31
Editing/Publication					0.0	
Methods Review	125,796		0.1	0.0		
Researcher	100,088		0.2	0.1	0.4	
Total FTEs			0.2	0.1	0.4	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

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: 5067 SB

Title: Impaired driving

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

Legislation Impacts:

Cities: Approximately \$252,075 for local law enforcement training on modified alcohol-related offenses; indeterminate increased law enforcement, jail expenditures as a result of modified alcohol-related offenses

Counties: Approximately \$83,695 for local law enforcement training on modified alcohol-related offenses; indeterminate increased law enforcement, prosecution, public defense, jail, juvenile detention expenditures as a result of modified alcohol-related offenses

Special Districts:

Specific jurisdictions only:

Variance occurs due to:

Part II: Estimates

No fiscal impacts.

Expenditures represent one-time costs: Approximately \$335,770 for local law enforcement training on modified alcohol-related offenses

Legislation provides local option:

Key variables cannot be estimated with certainty at this time: Number of additional incidents of modified alcohol-related offenses that may occur

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Jurisdiction	FY 2026	FY 2027	2025-27	2027-29	2029-31
City	252,075		252,075		
County	83,695		83,695		
TOTAL \$	335,770		335,770		
GRAND TOTAL \$					335,770

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: 01/13/2025
Leg. Committee Contact: Joe McKittrick	Phone: 3607867287	Date: 01/08/2025
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/13/2025
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/13/2025

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), actual physical control of a vehicle while under the influence (APC) and operating a vessel under the influence 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 10 would amend RCW 79A.60.040, regarding operating a vessel while under the influence of intoxicating liquor, cannabis or any drug, replacing mentions of an alcohol concentration of 0.08 with 0.05 throughout.

Section 14 states that the bill would take effect on July 1, 2026.

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 \$252,075 for cities and \$83,695 for counties, for a total one-time cost to local governments of \$335,770.

The 2023 Crime in Washington Report conducted by WASPC states that there are 6,722 commissioned officers in police departments and 2,293 commissioned officers in sheriff's departments, for a total of 9,015 commissioned law enforcement employees that would require training. The 2025 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 \$75, and the same figure for an officer employed by a county to be \$73. If every officer in Washington had to complete approximately 30 minutes of training, the cost to local governments would be:

Cities:

6,722 officers X 0.5 hours X \$75 = \$252,075

Counties:

2,293 officers X 0.5 hours X \$73 = \$83,695

Total:
\$252,075 + \$83,695 = \$335,770

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), actual physical control of a vehicle while under the influence (APC) and operating a vessel under the influence from 0.08 to 0.05 could result in an increased number of incidents of these offenses at both the gross misdemeanor, and for DUI and APC, the 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, APC and operating a vessel under the influence. According to the 2025 Local Government Fiscal Note Program Criminal Justice Cost Model, the combined law enforcement, prosecution and public defense costs to process an incident of DUI at the gross misdemeanor, and class B and C felony levels are approximately \$8,411. It is unknown how many more incidents of the impacted 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, APC and operating a vessel under the influence at 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, DUI and APC are punishable by a term of confinement of between 3-9 months in jail, and 63-84 months in prison, depending on a person's criminal history. According to the 2025 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 incidents of DUI, APC and operating a vessel under the influence 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 these offenses is indeterminate.

According to the CFC fiscal note for this bill, lowering the alcohol concentration for DUI, APC and operating a vessel under the influence from 0.08 to 0.05 could also result in increased juvenile incidents of these offenses at the gross misdemeanor level, punishable by between 0-30 days in local juvenile detention. 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, APC and operating a vessel under the influence 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 these offenses 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, 2023
Local government fiscal note for HB 2196, 2024
Local government fiscal note for 2SSB 5002, 2023
Local Government Fiscal Note Program Criminal Justice Cost Model, 2025
Washington Association of Sheriffs and Police Chiefs
Washington State Caseload Forecast Council