

Multiple Agency Fiscal Note Summary

Bill Number: 5067 SB	Title: Impaired driving
-----------------------------	--------------------------------

Estimated Cash Receipts

Agency Name	2025-27			2027-29			2029-31		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Department of Licensing	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	0	0	0	0	0	0	0

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	.0	3,500	3,500	3,500	.0	0	0	0	.0	0	0	0
Administrative Office of the Courts	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
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	.0	0	0	1,435,000	.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	Non-zero but indeterminate cost and/or savings. Please see discussion.											
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	39,653	39,653	1,602,769	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	Non-zero but indeterminate cost and/or savings. Please see discussion.								
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	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Traffic Safety Commission	.0	0	0	.0	0	0	.0	0	0
Department of Licensing	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
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	Non-zero but indeterminate cost and/or savings. Please see discussion.								
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: Final 1/30/2025
--	---------------------------------	---

Judicial Impact Fiscal Note

Bill Number: 5067 SB	Title: Impaired driving	Agency: 055-Administrative Office of the Courts
-----------------------------	--------------------------------	--

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

STATE	FY 2026	FY 2027	2025-27	2027-29	2029-31
State FTE Staff Years					
Account					
General Fund-State 001-1	3,500		3,500		
State Subtotal \$	3,500		3,500		
COUNTY	FY 2026	FY 2027	2025-27	2027-29	2029-31
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2026	FY 2027	2025-27	2027-29	2029-31
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					

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

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: Joe McKittrick	Phone: 3607867287	Date: 01/08/2025
Agency Preparation: Devon Dieckman	Phone: 3607044020	Date: 01/29/2025
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/29/2025
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/29/2025

198,942.00

Request # 006-2

Part II: Narrative Explanation

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

Section 2 of this bill establishes stricter blood alcohol concentration (BAC) limits lowering it from .08 to .05. This stricter limit will likely increase the DUI caseloads of the courts requiring adjustments in case management.

Section 13 of this bill is likely to increase costs for training judicial officers and managing probation caseloads for adult offenders.

II. B - Cash Receipts Impact

None

II. C - Expenditures

Updating necessary law tables and DUI sentencing grid will take \$3500 in staff time.

The increase in caseloads is indeterminate. Currently the BAC is .08 and there is no data from which we can draw an estimate of case load increases from when the BAC is lowered to .05.

Part III: Expenditure Detail

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

<i>State</i>	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years					
Salaries and Wages					
Employee Benefits					
Professional Service Contracts					
Goods and Other Services	3,500		3,500		
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
Total \$	3,500		3,500		

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

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

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

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

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

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

198,942.00

Form FN (Rev 1/00)

2

Request # 006-2

Bill # 5067 SB

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: 5067 SB	Title: Impaired driving	Agency: 101-Caseload Forecast Council
-----------------------------	--------------------------------	--

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: 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
-----------------------------	--------------------------------	--

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: 228-Traffic Safety Commission
-----------------------------	--------------------------------	--

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					
Highway Safety Account-State 106-1	100,000	100,000	200,000	0	0
Highway Safety Account-Federal 106-2	820,000	415,000	1,235,000	0	0
Total \$	920,000	515,000	1,435,000	0	0

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Joe McKittrick	Phone: 3607867287	Date: 01/08/2025
Agency Preparation: Mark McKechnie	Phone: 3607259889	Date: 01/13/2025
Agency Approval: Mark McKechnie	Phone: 3607259889	Date: 01/13/2025
OFM Review: Brooke Gore	Phone: (564) 669-0703	Date: 01/14/2025

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.

SB 5067 requires Washington Traffic Safety Commission to publicize the change in law regarding DUI and the adoption of the lower BAC limit of 0.05 percent. The agency will use federal funds to develop messaging and distribute statewide. \$200,000 in state funds are requested to cover expenses that may not be allowed by federal funds.

Requested by Washington Traffic Safety Commission

Title: AN ACT Relating to impaired driving

Amending RCW 46.61.502, 46.61.504, 46.61.5055, 46.61.506, 46.20.308, 46.20.3101, 46.25.090, 38.38.760, and 79A.60.040; 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.

Sections:

1. Legislative findings -- NO IMPACT
2. Amending RCW 46.61.502: Modifies the BAC limit for driving while under the influence of intoxicating liquor within two hours from 0.08 to 0.05 percent. -- NO IMPACT
3. Amending RCW 46.61.504: Modifies the BAC limit for being in actual physical control of a motor vehicle while under the influence of intoxicating liquor within two hours from 0.08 to 0.05 percent. -- NO IMPACT
4. Amending RCW 46.61.5055: Section prescribes penalties for DUI and physical control offenses based upon BAC limits. Changes the conditions of probation in Subsection 11 so that it is a violation of probation to drive or have physical control of a vehicle while having a BAC concentration of 0.05 percent within two hours of driving. -- NO IMPACT
5. Amending RCW 46.61.506: In any civil or criminal action or proceeding where a person is alleged to drive or control a vehicle under the influence of intoxicating liquor, a BAC of less than 0.05 percent (changed from 0.08) may be considered evidence in determining whether the person was under the influence. In the subsection that states that a breath test performed by an instrument approved by the state toxicologist shall be admissible as prima facie evidence, modifies the range for the result of the test of liquid simulator solution external standard or dry gas external standard result from 0.072-0.088 to 0.045-0.055 (plus or minus 10 percent of the new 0.05 BAC standard). -- NO IMPACT
6. Amending RCW 46.20.308: States that any person who operates a motor vehicle in this state is deemed to have given consent for tests of his or her breath for determining blood alcohol concentration if the person is arrested and the officer has reasonable grounds to believe that the person had been driving or was in physical control of a vehicle while under the influence of intoxicating liquor or any drug. Specifies that a person age 21 or over will be subject to suspension of the driving license for 90 days if the BAC concentration was 0.05 or greater (modified from 0.08). Modifies BAC limit from 0.08 to 0.05 in other subsections where the current level is 0.08. -- NO IMPACT
7. Amending RCW 46.20.3101: Modifies the criteria for suspension of a person's driving license when the person has been administered a test that indicated that the person's breath or blood alcohol concentration was 0.05 percent (reduced from 0.08). -- NO IMPACT
8. Amending RCW 46.25.090: Modifies criteria for disqualifying a person with a commercial driver's license from driving a commercial motor vehicle if the person operates a noncommercial motor vehicle with a BAC of 0.05 percent (changed from 0.08). -- NO IMPACT
9. Amending RCW 38.38.760: Prohibits operation of a vehicle, aircraft, or vessel in a reckless manner, changing the BAC limit from 0.08 to 0.05 percent. -- NO IMPACT
10. Amending RCW 79A.60.040: Regarding unlawful operation of a vessel in a reckless manner, changes the BAC concentration from 0.08 to 0.05 percent. -- NO IMPACT
11. Adding a new section to chapter 43.59 RCW: Washington Traffic Safety Commission shall implement public information campaign related to this act, 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 top nine most significant non-English-speaking languages spoken in the state; consider equity outcomes; ensure at least 10 percent of advertisements are developed in conjunction with hospitality stakeholders to educate drivers about safe alternatives to driving while patronizing hospitality businesses. -- FISCAL IMPACT

12. Adding a new section to chapter 66.44 RCW: Legislative findings regarding civil liability as established in statute and case law: vendor owes duty not to sell or serve alcohol to a person who is obviously intoxicated, and civil liability does not depend upon finding of blood or breath alcohol concentration. Legislature finds that this act does not change current civil law or liability for licensed commercial or quasi-commercial vendor. -- NO IMPACT

13. Adding a new section to chapter 66.08 RCW: WSIPP must conduct evaluation of the impacts of this act during the first two years of implementation, including number of serious and fatal traffic crashes, DUI adjudications, equity outcomes, sales and other business effects on the hospitality industry. Due March 1, 2028. Section expires Nov. 1, 2028. -- NO IMPACT

14. Establishing effective date: July 1, 2026 -- NO IMPACT

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 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.

Section 11 of the bill includes the following requirement: Washington Traffic Safety Commission shall implement public information campaign related to this act, 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 top nine most significant non-English-speaking languages spoken in the state; consider equity outcomes; ensure at least 10 percent of advertisements are developed in conjunction with hospitality stakeholders to educate drivers about safe alternatives to driving while patronizing hospitality businesses.

State funds are requested to pay for expenses that may not be allowed for use of federal funds, such as newspaper advertisements in every county and communication materials developed in conjunction with hospitality stakeholders. The development of public messaging and distribution through television, radio, and online advertisements are expected to be paid for using federal funds.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2026	FY 2027	2025-27	2027-29	2029-31
106-1	Highway Safety Account	State	100,000	100,000	200,000	0	0
106-2	Highway Safety Account	Federal	820,000	415,000	1,235,000	0	0
Total \$			920,000	515,000	1,435,000	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					
B-Employee Benefits					
C-Professional Service Contracts	920,000	515,000	1,435,000		
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	920,000	515,000	1,435,000	0	0

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

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: 5067 SB	Title: Impaired driving	Agency: 240-Department of Licensing
-----------------------------	--------------------------------	--

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

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

Estimated Operating Expenditures from:

	FY 2026	FY 2027	2025-27	2027-29	2029-31
Account					
Highway Safety Account-State 106 -1	6,000	0	6,000	0	0
Total \$	6,000	0	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: Joe McKittrick	Phone: 3607867287	Date: 01/08/2025
Agency Preparation: Gerrit Eades	Phone: (360) 902-3931	Date: 01/13/2025
Agency Approval: Collin Ashley	Phone: (564) 669-9190	Date: 01/13/2025
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 01/14/2025

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.

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.

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.

Section 6 amends RCW 46.20.308 to change the BAC threshold for implied consent from 0.08 to 0.05.

Section 7 amends RCW 46.20.3101 to change the BAC threshold for implied consent from 0.08 to 0.05.

Section 8 amends 46.25.090 to lower the BAC threshold for disqualification of a CDL from 0.08 to 0.05.

Section 14 sets an effective date of 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.

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.

See attached Fiscal Note.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2026	FY 2027	2025-27	2027-29	2029-31
106-1	Highway Safety Account	State	6,000	0	6,000	0	0
Total \$			6,000	0	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 2026	FY 2027	2025-27	2027-29	2029-31
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 \$	6,000	0	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: SB 5067

Bill Title: Impaired Driving

Part 1: Estimates

No Fiscal Impact

Estimated Cash Receipts:

INDETERMINATE; PLEASE SEE NARRATIVE

Estimated Expenditures:

PARTIALLY INDETERMINATE; PLEASE SEE NARRATIVE

Operating Expenditures	Fund	FY 26	FY 27	25-27 Total	27-29 Total	29-31 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: Joe McKittrick	Phone: (360) 867-7287	Date: 1/08/2025
Agency Preparation: Gerrit Eades	Phone: (360) 902-3931	Date: 1/10/2025
Agency Approval: Collin Ashley	Phone: (360) 634-5384	Date: 1/10/2025

Request #	1
Bill #	5067 SB

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.
- Sets an effective date of January 1, 2026.

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.

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.

Section 6 amends RCW 46.20.308 to change the BAC threshold for implied consent from 0.08 to 0.05.

Section 7 amends RCW 46.20.3101 to change the BAC threshold for implied consent from 0.08 to 0.05.

Section 8 amends 46.25.090 to lower the BAC threshold for disqualification of a CDL from 0.08 to 0.05.

Section 14 sets an effective date of July 1, 2026

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

There are some differences from last session’s bill which are:

- Section 3

- 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
 - Updates period of three or more prior offenses for a conviction stemming from a violation of RCW 46.61.502 and 46.61.504 from 10 to 15 years.
 - Under conditions of probation, a new subsection (ii) is inserted which gives the court discretion not to impose a suspension when a person provides the court with proof that a violation of RCW 46.20.342 (1)(c) has been cured. The court is not required to notify DOL of the violation unless it is not cured within 30 days.
 - Updates definitions under (14) to update the definition of “within 10 years” to “within 15 years” to reflect the period for a prior offense to the current offense for purposes of a deferred prosecution.

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.

Description		Rate	2026	2027	2028	2029	2030	2031	Total Cost
	Test to verify individual components meet requirements; ensure that other business transactions have not been impacted.	\$ 27,144	5,400	-	-	-	-	-	5,400
	Office of the Chief Information Officer designated rate of 10%	\$ 29,145	500	-	-	-	-	-	500
Totals			5,900	-	-	-	-	-	5,900

Part 3 – Expenditure Detail

3.A – Operating Budget Expenditures

Operating Expenditures	Fund	FY 26	FY 27	25-27 Total	27-29 Total	29-31 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 26	FY 27	25-27 Total	27-29 Total	29-31 Total
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: 5067 SB	Title: Impaired driving	Agency: 307-Department of Children, Youth, and Families
-----------------------------	--------------------------------	--

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: 310-Department of Corrections
-----------------------------	--------------------------------	--

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

Non-zero but indeterminate cost 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: Joe McKittrick	Phone: 3607867287	Date: 01/08/2025
Agency Preparation: Melanie Rogers	Phone: (360) 725-8510	Date: 01/14/2025
Agency Approval: Wendi Gunther	Phone: 360-725-8428	Date: 01/14/2025
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/16/2025

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.

SB 5067 lowers the breath or blood alcohol concentration (BAC) limit for operating a motor vehicle from 0.08 to 0.05.

Section 2(1)(a) amends RCW 46.61.502 by reducing the BAC level for driving under the influence from 0.08 to 0.05.

Section 3(1)(a) 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(11)(a) 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 14 states the act takes effect 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.

None.

II. C - Expenditures

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

The fiscal impact of this bill is indeterminate, assumed to be less than \$50,000 per fiscal year (FY).

This bill reduces the breath or blood alcohol concentration 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.

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. The CFC cannot reliably predict the bed impacts resulting from the bill.

The offenses of felony driving under the influence and actual physical control 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 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. As such, 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 Community Custody caseload.

The DOC assumes this bill would likely result in an Average Daily Population (ADP) and Community Custody caseload increase, although the impacts cannot be reliably estimated. Therefore, the fiscal impact is indeterminate, assumed to be less than \$50,000 per FY.

ASSUMPTIONS

1. The estimated ADP impact to DOC prison facilities/institutions and/or community supervision/violator caseloads is based on projections from CFC.
2. We assume a Direct Variable Cost (DVC) of \$7,808 per incarcerated individual per FY to facilitate cost discussions during legislative session for bills. This cost estimate includes prison and health services' direct variable costs. It does not include staffing or dollars necessary for staffing needed at the facility outside of the living/housing units. The DVC is calculated by DOC and reviewed and approved with the Office of Financial Management, Senate, and House staff each legislative session.
3. For illustration purposes only, the average annual Community Supervision caseload model is \$6,072 per ADP (not including startup costs), regardless of the supervised risk level based on the workload model. If ADP impacts are applicable to this fiscal note, the calculated rate per community supervision ADP includes direct supervision and ancillary units, such as Hearings, Records, and Training, that are directly affected by supervision population changes. The estimate will vary based on the risk level of the supervised individuals, which requires different staffing levels. The population trend data used is based on the Risk Level Classification tool and provides a risk level of 42.8% high violent, 27.3% high non-violent, 21% moderate, 7.9% low, and 1.0% unclassified. (June – November 2017).
4. The DOC assumes that any increase in community supervision caseload will result in an increased need for violator beds. For illustration, the FY2024 average percentage of supervised individuals who served jail time and were billed by the local jurisdictions for violating their conditions of supervision was a rate of 2.0%. The current average daily cost for jail beds is \$123.24 per day, inclusive of all risk levels and healthcare costs. The rate is an average, and actual rates vary by local correctional facilities.
5. DOC will evaluate the fiscal impacts and may submit future budget requests to cover these costs should the legislation be enacted into session law.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

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

III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost 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

Bill Number: 5067 SB	Title: Impaired driving	Agency: 376-The Evergreen State College
-----------------------------	--------------------------------	--

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