

Fiscal Estimate - 2009 Session

Original Updated Corrected Supplemental

LRB Number 09-1420/1		Introduction Number SB-037		
Description Payment of judgments in traffic courts and municipal courts by installments and the suspension of operating privileges				
Fiscal Effect				
State:				
<input type="checkbox"/> No State Fiscal Effect				
<input checked="" type="checkbox"/> Indeterminate				
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Decrease Costs		
Local:				
<input type="checkbox"/> No Local Government Costs				
<input checked="" type="checkbox"/> Indeterminate				
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	5. Types of Local Government Units Affected		
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Towns	<input type="checkbox"/> Village	<input type="checkbox"/> Cities
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	<input type="checkbox"/> Counties	<input type="checkbox"/> Others	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> School Districts	<input type="checkbox"/> WTCS Districts	
Fund Sources Affected		Affected Ch. 20 Appropriations		
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS				
Agency/Prepared By DOT/ Julie Johnson (608) 267-3703		Authorized Signature Julie Johnson (608) 267-3703	Date 3/6/2009	

Fiscal Estimate Narratives

DOT 3/6/2009

LRB Number	09-1420/1	Introduction Number	SB-037	Estimate Type	Updated
Description Payment of judgments in traffic courts and municipal courts by installments and the suspension of operating privileges					

Assumptions Used in Arriving at Fiscal Estimate

BILL SUMMARY

Traffic violation: Requires the court, when entering a judgment to allow a payment plan in lieu of operating privilege withdrawal if the defendant is unable to pay due to poverty.

Municipal ordinance violation: Prohibits a judge from ordering a defendant's imprisonment or withdrawing their operating privilege for non-payment of a judgment if:

- the defendant has notified the court they cannot pay due to poverty and;
- the defendant has not previously failed to comply with a court-ordered installment plan or previously failed to perform community service.

Operating privilege withdrawal for failure to pay a judgment:

- A court may terminate the withdrawal and substitute a payment plan;
- If the defendant is unable to pay due to poverty, requires the court to terminate the withdrawal and substitute a payment plan, unless the defendant has previously failed comply with a payment plan.

This proposal uses poverty as defined in s. 814.29(1)(d).

ASSUMPTIONS

In Section 5 of the proposal, a court is required to "terminate" the suspension of an individual and substitute a payment plan. DMV is unsure of how "terminate" will be interpreted by the courts. If a court reports to DMV the judgment is paid, the individual will have to pay the required reinstatement fees to reinstate their operating privilege. If a court reports to DMV they are vacating or dismissing the suspension, no reinstatement fee will be required.

Assuming the courts are allowing an individual to enter in to payment plans, more forfeitures, costs, fees, and surcharges should be collected by the courts and municipalities.

CONCLUSION

The vagueness of the word "terminate" as described above could potentially impact DOT revenues through a reduced collection of reinstatement fees.

Long-Range Fiscal Implications

See above.

Fiscal Estimate Worksheet - 2009 Session

Detailed Estimate of Annual Fiscal Effect

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 Corrected
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Description Payment of judgments in traffic courts and municipal courts by installments and the suspension of operating privileges			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): Indeterminate.			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$	\$
(FTE Position Changes)			
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category		\$	\$
B. State Costs by Source of Funds			
GPR			
FED			
PRO/PRS			
SEG/SEG-S			
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
		Increased Rev	Decreased Rev
GPR Taxes		\$	\$
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
TOTAL State Revenues		\$	\$
NET ANNUALIZED FISCAL IMPACT			
		State	Local
NET CHANGE IN COSTS		\$	\$
NET CHANGE IN REVENUE		\$	\$
Agency/Prepared By		Authorized Signature	Date
DOT/ Julie Johnson (608) 267-3703		Julie Johnson (608) 267-3703	3/6/2009