

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 4/16/2020
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Trans 313, Breath Alcohol Ignition Interlock Devices	
4. Subject This rule modifies the regulations related to breath alcohol ignition interlock devices ("IIDs")	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected none
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input checked="" type="checkbox"/> State's Economy <input checked="" type="checkbox"/> Specific Businesses/Sectors <input checked="" type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input checked="" type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule As authorized by ss. 110.10, Stats., the purpose of this rule is to establish the process for implementing the IID program to be consistent with the provisions of ss. 343.10, 343.13(3), 343.301, 343.38(5), 347.413, 940.09(1d), and 940.25(1d) Stats.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. This rule will affect drivers who are convicted of violating any of Wisconsin's impaired driving laws or who refuse chemical tests, Wisconsin circuit and municipal courts, ignition interlock device manufacturers, ignition interlock device service provider, local law enforcement agencies, probation and parole officers, Wis. Dept. of Corrections, court-ordered alcohol and drug abuse counselors and assessment agencies, WisDOT Division of Motor Vehicles, WisDOT Division of State Patrol, Department of Health Services.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) Currently there are five breath alcohol ignition interlock devices ("BAIIDs") approved for use in the state of Wisconsin which are manufactured and marketed by 5 different companies. The department anticipates minimal effect on those businesses. First, the rule will bring the criteria Wisconsin is currently using to evaluate BAIIDs into line with the rest of the country; no devices currently approved for use in this state are expected to be disqualified for use. All of the devices currently approved in Wisconsin have the ability to meet the new standards recommended in this proposed rulemaking. Second, the practices and procedures adopted in the rulemaking are in line with current industry standards and regulations of other states. Accordingly, the department expects minimal impacts from the proposed rule changes and some efficiency benefits to the industry in maintaining compliance because Wisconsin standards will fall more in line with those of other states and national standards.	

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15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit of the rule will be to more completely define an ignition interlock program for the State of Wisconsin as required by Wis. Stat. s. 110.10. Wisconsin's existing regulations for ignition interlock devices date from the 1990s and focused primarily on the adequacy of BAIIDs to be used in this state. As required by Wis. Stat. s. 110.10, this rulemaking addresses broader overall program issues, such as communications between the department, the courts, police, and the Department of Health Services.

The rule does require new functionality from BAIID manufacturers or vendors related to providing IID data to officials for use in monitoring drivers subject to IID restrictions. Providing assessment agencies, treatment providers and courts access to that data allows them to use the data in assisting the problem driver. BAIIDs used in combination with treatment have been shown to be far more effective in reducing future recidivism than the simple use of the device.

The manufacturers of devices currently approved for use in Wisconsin all have systems they have developed for access to data produced by their devices. There would be some cost involved in adapting those systems for use in this state and in approving authorized Wisconsin state and local government officials with access to that data. Those costs should be minimal, however, in that the Department's intent is to simply make their existing systems available for use by public officials in this state without requiring significant programming or changes to those companies' current systems.

The Department plans to apply for a grant to eventually establish a single data warehouse for collecting and storing that same data. The rule is drafted in contemplation of such an eventual migration of data from multiple vendor-managed separate databases into one central storage facility. There would be some cost in setting up such a system both to state government and to IID vendors which would then report their data to the Department and could deactivate other online access to the data. There would be cost savings, however, to vendors that would no longer need to store data transmitted to the department and would no longer have to manage logon IDs for government officials in this state. Such a system would improve functionality for courts, assessment and treatment providers, and health officials who access and use that data; they would be able to obtain the data from a single source, regardless of the IID vendor used by the driver, and would not need to maintain multiple IDs and passwords for each manufacturer computer system. Central data storage would also facilitate study of the data.

16. Long Range Implications of Implementing the Rule

BAIIDs used in combination with treatment have been shown to be far more effective in reducing future recidivism than the simple use of the device. In the long-term, one of the goals of this rulemaking is to reduce future drunk driving recidivism by making Wisconsin's BAIID program more consistent with programs that have been shown to accomplish that end. A second long-range implication of implementation of this proposed rule is to facilitate study of collected data to determine whether the goal of reducing recidivism is being met.

17. Compare With Approaches Being Used by Federal Government

Approaches by the National Highway Traffic Safety Administration as well as changed federal laws related to IID programs in 23 U.S.C. § 164 & § 405 and in 23 C.F.R. § 1275 were considered in the rulemaking process. This rule proposes to adopt the latest federal standards by reference.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

This rule modification would make Wisconsin's IID program similar to our neighboring states of Illinois, Iowa, Michigan, and Minnesota.

19. Contact Name

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20. Contact Phone Number

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

The proposed rule would require BAIDs installed in Wisconsin to include features not currently required in this state, such as a camera and communications technology. Local service centers would be required to train their installers and service professionals on how to install and service these new features. The businesses would need to make modifications to their installation procedures to implement installation of devices with these new features. The department expects this would have a one-time effect on small businesses that act as service providers.

Because the proposed rule would change many of the Wisconsin program's requirements and procedures, the department expects all persons involved in the ignition interlock program including manufacturers, service providers, police, assessment and treatment agencies, courts and department personnel will need to learn about the program changes that result from implementation of any rulemaking related to ignition interlocks.

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

The department has polled companies that manufacture devices currently approved in Wisconsin to determine what modifications or costs they expect would be associated this proposed rulemaking and that would affect small businesses, such as independent service providers. The department has relied on their expertise in preparing this small business analysis.

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

Training individual employees to learn about program changes is an ongoing and expected cost for all businesses involved in providing IIDs in this state. The reporting required of IID manufacturers, vendors and service providers is used to identify convicted drunk drivers who have performed type of violation related to the use of their device. The timely investigation of such violations is an important requirement for an effective ignition interlock program. Accordingly, no exemption to the reporting requirements for small businesses is proposed.

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

The rule proposes to have data uploaded via electronic process directly to the manufacturer or department database so that the data may be shared with courts, treatment providers or law enforcement. By having the data directly uploaded by the device, it should eliminate impact of a small business service provider needing to perform that function.

5. Describe the Rule's Enforcement Provisions

Under current and proposed s. Trans 313.07(1)(e), device approval for use in the state of Wisconsin may be revoked, suspended or denied if an entity fails to transmit data or comply with some other requirement of Ch. Trans 313.

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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