

Judicial Impact Fiscal Note

Bill Number: 6328 S SB	Title: Vapor products	Agency: 055-Admin Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

This bill was identified as a proposal governed by the requirements of RCW 43.135.031 (Initiative 960). A fiscal analysis was prepared to show the projected ten-year cost to tax or fee payers of the proposed taxes or fees. The ten-year projection can be viewed at <http://www.ofm.wa.gov/tax/default.asp>

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 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.

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OFM Review:	Phone:	Date:

Request # 6328 SSB-1

Part II: Narrative Explanation

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

This version of the bill changes the section numbers for the portions with judicial impact. Section 4 becomes Section 5. Section 7 becomes Section 9. Section 9 becomes Section 12. Section 12 becomes Section 15. Section 14 becomes Section 17.

This bill would add a new chapter to RCW 70. Section 4 would require a retailer in this state to have a valid license issued. (1)(b) A violation of this subsection is punishable as a class C felony. (2) would make it a penalty to hinder inspection of their premises or provide an invoice for any of the vapor products that bears an untrue date or falsely states the nature or quantity of the goods invoiced. A violation of this subsection is a gross misdemeanor.

Section 7 (7) would allow a retailer to appeal their revocation to the superior court of Thurston county if the board refuses to reinstate a license or licenses after revocation.

Section 9 states that a person under the age of eighteen who purchases or attempts to purchase, possesses or obtains or attempts to obtain vapor products commits a class 3 civil infraction under RCW 7.80 and is subject to a fine as set out in chapter RCW 7.80 or participation in up to four hours of community restitution or both. Municipal and district courts have jurisdiction for enforcement of this section.

Section 12 would require liquid nicotine containers have child-resistant packaging. Any person in violation of this section is guilty of a gross misdemeanor.

Section 14 (7) would allow the board to initiate legal action to collect civil penalties imposed under this chapter if they have not been paid within thirty days after imposition of such penalties.

II. B - Cash Receipts Impact

The new felony and gross misdemeanors for the retailers would result in some amount of fine revenues. However, there is no judicial data available to estimate the total amount of fines that would be collected.

For the purposes of this fiscal note, data related to amounts ordered and paid for minors in possession of tobacco products was used. During the past three years, there has been an average of \$13,633 ordered. During the same time period, \$6,262 was paid. Any amount collected for fines would be small.

II. C - Expenditures

There is no data available to estimate how many new cases would be filed with the courts for the new felony and gross misdemeanors to retailers that would be created by this bill. However, it is assumed there would be some case filings if this bill passes.

There is no data available to estimate how many superior court appeals would result from section 8 (7). However, it is assumed that there would be appeals each year if the bill is passed.

For the purposes of this fiscal note, data related to filings and convictions for minors in possession of tobacco products was used. During the past three years, there has been an average of 123 filings and an average of 104 convictions. The total costs to the courts would be approximately \$4,942 and require .05 FTE.

Part III: Expenditure Detail

Part IV: Capital Budget Impact



Ten-Year Analysis

Bill Number 6328 S SB	Title Vapor products	Agency 055 Admin Office of the Courts
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

Estimates

No Cash Receipts

 Partially Indeterminate Cash Receipts

 Indeterminate Cash Receipts

Estimated Cash Receipts

Name of Tax or Fee	Acct Code											
Total												

Biennial Totals

Narrative Explanation (Required for Indeterminate Cash Receipts)

The new felony and gross misdemeanors for the retailers would result in some amount of fine revenues. However, there is no judicial data available to estimate the total amount of fines that would be collected.

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