

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 2481 HB	Title: Driving with Suspended License	Agency: 055 – Administrative Office of the Courts (AOC)
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Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
Total:					

Estimated Expenditures from:

STATE	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE – Staff Years					
Account					
General Fund – State (001-1)					
State Subtotal					
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
City FTE Staff Years					
Account					
Local – Cities					
Cities Subtotal					
Local Subtotal					
Total Estimated Expenditures:					

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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Part II: Narrative Explanation

This bill would amend RCW 46.20.342 to decriminalize Driving While License Suspended 3 (DWLS3) from a misdemeanor to a traffic infraction.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

Section 1(1)(c) – Would amend RCW 46.20.342 to reclassify DWLS3 from a misdemeanor to a traffic infraction. If a person appears in person before the court or submits by mail written proof that he or she has reinstated his or her license after being cited, a court shall reduce the penalty from \$250 to \$50.

The bill would change the language of the “Relicensing Diversion Programs” to “Relicensing Program”, and make participation in the program at the discretion of the courts. The bill would amend other statutes to clarify the distinction in statute between misdemeanors and the new infraction.

II.B - Cash Receipt Impact

Based on information from the judicial information system, in 2016 there were the following number of convictions for DWLS3 by court:

Superior: 103 – Cases filed in superior court include other felonies so for purposes of this analysis, only district and municipal court will be analyzed.

District: 11,771

Municipal: 6,517

Based on information from the judicial information system, in 2017 there were the following number of convictions for DWLS3 by court:

Superior: 113 – Cases filed in superior court include other felonies so for purposes of this analysis, only district and municipal court will be analyzed.

District: 11,329

Municipal: 6,672

The amount assessed, paid and collection rate for DWLS3 by district and municipal court for 2016-2017:

District:

Assessed: \$12,824,645

Paid: \$2,177,463

State: \$ 971,148

Local: \$1,206,315

Collection Rate: 17.01%

Municipal:
Assessed: \$7,380,002
Paid: \$1,355,753
State: \$604,666
Local: \$751,087
Collection Rate: 18.9%

The number of filings that include the misdemeanor violation for RCW 46.20.342.1C (DWLS3) in 2016 and 2017 by court level is the potential number of infraction filings. This number will be used to estimate the potential fiscal impact.

District (2016): 34,221
Municipal (2016): 22,057

District (2017): 34,308
Municipal (2017): 20,849

Average District: 34,265
Average Municipal: 21,453

The base penalty for the infraction would be \$250 which becomes \$550 after statutory assessments are included per RCW 46.20.015. An average of the filings for 2016 and 2017 will be used to estimate the potential fiscal impact.

For estimating the potential revenue impact based upon RCW 46.20.015 (\$550) the two-year average number of filings (34,978 & 21,997) and the DWLS3 conviction collection rate (17.63% & 16.89%) will be used.

District: 34,265 filings X \$550
Maximum that could be assessed: \$18,845,750
Infraction Collection Rate: 17.63%
Potential Revenue: \$3,322,506
State General Fund: \$1,481,838
Local: \$1,840,668

Municipal: 21,453 filings X \$550
Maximum that could be assessed: \$11,799,150
Infraction Collection Rate: 16.89%
Potential Revenue: \$1,992,874
State General Fund: \$888,822
Local: \$1,104,052

The bill would also allow the person to appear in court or submit by mail written proof that he or she has reinstated his or her license after being cited, to have the penalty reduced to \$50. There is no data available to estimate how many persons may appear

in person or submit written proof that their license has been reinstated, reducing the current fine from \$250 to \$50.

	State	Local	Total
Misdemeanor/District	\$971,148	\$1,206,315	\$2,177,463
Misdemeanor/Municipal	\$604,666	\$751,087	\$1,355,753
Total Misdemeanor	\$1,575,814	\$1,957,402	\$3,533,216
Infraction/District	\$1,481,838	\$1,840,668	\$3,322,506
Infraction/Municipal	\$888,822	\$1,104,052	\$1,992,874
Total Infraction	\$2,370,660	\$2,944,720	\$5,315,380
Total Infraction	\$2,370,660	\$2,944,720	\$5,315,380
Total Misdemeanor	\$1,575,814	\$1,957,402	\$3,533,216
Additional Revenue	\$794,846	\$987,318	\$1,782,164

However, the actual amount of any change to revenue is indeterminate. This is because the estimates for the potential revenue for infractions could be less because the entire amount is sometimes not ordered. In addition, the number of people who might get the penalty reduced to \$50 could cause the revenue to be less.

II.C – Expenditures

The law tables would need to be updated. Court education would be required. This would be managed within existing resources.