

Multiple Agency Fiscal Note Summary

Bill Number: 5695 SB	Title: HOV lane penalties
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Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Department of Transportation	.0	0	45,000	.0	0	0	.0	0	0
Total \$	0.0	0	45,000	0.0	0	0	0.0	0	0

Local Gov. Courts *									
Loc School dist-SPI									
Local Gov. Other **	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Department of Transportation	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

Prepared by: Erik Hansen, OFM	Phone: 360-902-0423	Date Published: Final 2/ 4/2019
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID: 55214

Judicial Impact Fiscal Note

Bill Number: 5695 SB	Title: HOV lane penalties	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2020	FY 2021	2019-21	2021-23	2023-25
Counties					
Cities					
Total \$					

Estimated Expenditures from:

COUNTY	FY 2020	FY 2021	2019-21	2021-23	2023-25
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2020	FY 2021	2019-21	2021-23	2023-25
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.

Legislative Contact: Kimberly Johnson	Phone: (360) 786-7472	Date: 01/28/2019
Agency Preparation: Sam Knutson	Phone: 360-704-5528	Date: 01/30/2019
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 01/30/2019
OFM Review: Ramona Nabors	Phone: (360) 902-0547	Date: 02/04/2019

Request # 5695 SB-1

Part II: Narrative Explanation

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

Please see attached Judicial Impact Note (JIN).

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

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

<u>State</u>	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years					
Total \$					

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

<u>County</u>	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years					
Total \$					

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

<u>City</u>	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years					
Total \$					

Part IV: Capital Budget Impact

Part II: Narrative Explanation

This bill would specify monetary base penalties for violation of a high-occupancy vehicle (HOV) lane as follows:

- 1) One hundred dollars, plus statutory assessments, for a first offense;
- 2) Two hundred fifty dollars, plus statutory assessments, for a second offense;
- 3) Three hundred fifty dollars, plus statutory assessments, for each violation thereafter.

Currently, HOV lane violations are defined as traffic infractions and subject to the existing base penalties as prescribed by IRLJ 6.2.

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

Section 1(4) would establish specific monetary base penalties for HOV lane violations, as follows:

- 1) One hundred dollars, plus statutory assessments, for a first offense;
- 2) Two hundred fifty dollars, plus statutory assessments, for a second offense;
- 3) Three hundred fifty dollars, plus statutory assessments, for each violation thereafter.

II.B - Cash Receipt Impact

Indeterminate. It is unknown how many people would be cited for these infractions. Further, the maximum fine is not always ordered, not all fines are collected in full and fines sometimes take years to collect.

Judicial Information System (JIS) data was reviewed for HOV lane violation charges during the period 2014 through 2018. The average annual number of HOV lane violation charges during this period were 11,561. It is unknown how many of these infractions were a first, second, third or subsequent infraction.

For illustrative purposes, the following revenue impact can be estimated, assuming the average annual number of HOV lane violation charges represent first infractions (i.e., 11,561 x base infraction amount).

	\$48 Base	\$100 Base	Difference
Base Infraction Revenue	554,947	1,156,140	601,193
PSEA1 Assessment (70% x base penalty)	388,463	809,298	420,835
PSEA2 Assessment (35% x base penalty)	194,232	404,649	210,417
Total	1,137,642	2,370,087	1,232,445

For illustrative purposes, the following information is included to display the effect of a base infraction penalty (using the increases proposed in this bill), including statutory distributions.

Table I – Normal (Current) Traffic Infraction \$48 Base Penalty

Distribution	\$48 Base Penalty	Calculation
PSEA 1 (GFS)	\$33.60	70% x Base Penalty
PSEA 2 (GFS)	\$16.80	35% x Base Penalty
Base plus PSEA1 and PSEA2	\$99.00	Sub-total, rounded up
Trauma Care	\$5.00	Statutory Assessment

Auto Theft Prevention	\$10.00	Statutory Assessment
Legislative Assessment	\$20.00	Statutory Assessment
Traumatic Brain Injury	\$2.00	Statutory Assessment
Total Penalty Amount	\$136.00	

Table II - \$100 First HOV Infraction Base Penalty

Distribution	\$100 Base Penalty	Calculation
PSEA 1 (GFS)	\$70.00	70% x Base Penalty
PSEA 2 (GFS)	\$35.00	35% x Base Penalty
Base plus PSEA1 and PSEA2	\$205.00	Sub-total, rounded up
Trauma Care	\$5.00	Statutory Assessment
Auto Theft Prevention	\$10.00	Statutory Assessment
Legislative Assessment	\$20.00	Statutory Assessment
Traumatic Brain Injury	\$2.00	Statutory Assessment
Total Penalty Amount	\$242.00	

Table III - \$250 Second HOV Infraction Base Penalty

Distribution	\$250 Base Penalty	Calculation
PSEA 1 (GFS)	\$175.00	70% x Base Penalty
PSEA 2 (GFS)	\$87.50	35% x Base Penalty
Base plus PSEA1 and PSEA2	\$513.00	Sub-total, rounded up
Trauma Care	\$5.00	Statutory Assessment
Auto Theft Prevention	\$10.00	Statutory Assessment
Legislative Assessment	\$20.00	Statutory Assessment
Traumatic Brain Injury	\$2.00	Statutory Assessment
Total Penalty Amount	\$550.00	

Table IV - \$350 Third (and subsequent) HOV Infraction Base Penalty

Distribution	\$350 Base Penalty	Calculation
PSEA 1 (GFS)	\$245.00	70% x Base Penalty
PSEA 2 (GFS)	\$122.50	35% x Base Penalty
Base plus PSEA1 and PSEA2	\$718.00	Sub-total, rounded up
Trauma Care	\$5.00	Statutory Assessment
Auto Theft Prevention	\$10.00	Statutory Assessment
Legislative Assessment	\$20.00	Statutory Assessment
Traumatic Brain Injury	\$2.00	Statutory Assessment
Total Penalty Amount	\$755.00	

II.C – Expenditures

Indeterminate, but expected to be less than \$50,000.

This bill would likely increase hearings, as the increase in the base penalty results in a substantially increased total fine (including statutory assessments). It is unknown how many people would request hearings.

While it is expected that more people cited for HOV lane violations would request hearings because of the higher penalty amount, this increase could be mitigated by the deterrent effect of higher penalties for violation.

The Law Tables would need to be updated, and new coding required for information technology systems. This could be managed within existing resources.

Individual State Agency Fiscal Note

Bill Number: 5695 SB	Title: HOV lane penalties	Agency: 225-Washington State Patrol
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Part I: Estimates

No Fiscal Impact

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: Kimberly Johnson	Phone: (360) 786-7472	Date: 01/28/2019
Agency Preparation: Kendra Sanford	Phone: 360-596-4080	Date: 01/29/2019
Agency Approval: Walter Hamilton	Phone: 360-596-4046	Date: 01/29/2019
OFM Review: Erik Hansen	Phone: 360-902-0423	Date: 01/29/2019

Part II: Narrative Explanation

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

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

There is no fiscal impact to the Washington State Patrol (WSP).

This legislation changes high occupancy vehicle lane penalties to a graduated structure depending on the number of traffic infraction offenses.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

None.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

The WSP does not anticipate any additional expenditures upon passage of this legislation.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

None.

Individual State Agency Fiscal Note

Bill Number: 5695 SB	Title: HOV lane penalties	Agency: 405-Department of Transportation
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
Account					
Motor Vehicle Account-State 108-1	45,000	0	45,000	0	0
Total \$	45,000	0	45,000	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: Kimberly Johnson	Phone: (360) 786-7472	Date: 01/28/2019
Agency Preparation: Rob Kirkwood	Phone: 360-705-7403	Date: 01/30/2019
Agency Approval: John Nisbet	Phone: 360-705-7281	Date: 01/30/2019
OFM Review: Erik Hansen	Phone: 360-902-0423	Date: 01/30/2019

Part II: Narrative Explanation

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

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

This bill increases the High Occupancy Vehicle (HOV) lane penalties to a graduated structure depending on the number of violations. The current amount is \$48 per violation (with statutory assessments added it is \$136). The new HOV penalties begin at \$100 for the first offense, \$225 for the second offense and \$350 for each violation thereafter (plus statutory assessments added on top).

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

No impact; any additional cash receipts from the increased HOV penalties will be reported on the Washington State Patrol fiscal note.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

The Traffic Operations program may post new signage with the updated penalty amounts. Such signage would be placed along HOV corridors and is estimated to cost \$1,500 per sign. A maximum of thirty such signs would cost \$45,000. In addition, variable message signs will also be used at no additional cost.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2020	FY 2021	2019-21	2021-23	2023-25
108-1	Motor Vehicle Account	State	45,000	0	45,000	0	0
Total \$			45,000	0	45,000	0	0

III. B - Expenditures by Object Or Purpose

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services	45,000		45,000		
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 \$	45,000	0	45,000	0	0

III. D - Expenditures By Program (optional)

Program	FY 2020	FY 2021	2019-21	2021-23	2023-25
Traffic Operations (Q)	45,000		45,000		
Total \$	45,000		45,000		

Part IV: Capital Budget Impact

No impact.

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

N/A

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5695 SB	Title: HOV lane penalties
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities: Please see the Administrative Office of the Courts fiscal note for a discussion of court impacts
- Counties: Same as above
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: Number of violations per year

Estimated revenue impacts to:

Indeterminate Impact

Estimated expenditure impacts to:

Indeterminate Impact

Part III: Preparation and Approval

Fiscal Note Analyst: Nicole Carmichael	Phone: 360-725-5036	Date: 02/04/2019
Leg. Committee Contact: Kimberly Johnson	Phone: (360) 786-7472	Date: 01/28/2019
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/04/2019
OFM Review: Erik Hansen	Phone: 360-902-0423	Date: 02/04/2019

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

This bill would specify monetary base penalties for violation of a high-occupancy vehicle (HOV) lane as follows:

- 1) One hundred dollars, plus statutory assessments, for a first offense,
- 2) Two hundred fifty dollars, plus statutory assessments, for a second offense,
- 3) Three hundred fifty dollars, plus statutory assessments, for each violation thereafter.

Currently, HOV lane violations are defined as traffic infractions and subject to the existing base penalties as prescribed by IRLJ 6.2.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

This legislation has indeterminate expenditure impacts, but impacts are expected to be minimal.

All resulting expenditures are directed to courts. Court impacts, including judicial costs, clerk costs, and court fees are described in fiscal notes prepared by the Administrative Office of the Courts (AOC). Local government fiscal notes include city and county expenditures for law enforcement investigations and arrests, indigent defenders, prosecutors, and jail costs. Please see the AOC fiscal note for a discussion of court impacts.

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

This legislation results in indeterminate revenue impacts for local governments.

It is unknown how many violations will ensue. The average number of HOV lane violation charges during the period of 2014-2018 was 11,561. It is unknown how many of these infractions were a first, second, third or subsequent infraction. The Administrative Office of the Courts assumes, for illustrative purposes, that these were all first infractions. In that case, they estimate an increase of \$1,232,445 in revenue.

All new revenue generated by this bill is directed to courts. Court impacts, including judicial costs, clerk costs, and court fees are described in fiscal notes prepared by the Administrative Office of the Courts (AOC). Local government fiscal notes include city and county expenditures for law enforcement investigations and arrests, indigent defenders, prosecutors, and jail costs. Please see the AOC fiscal note for a discussion of court impacts.

SOURCES

Administrative Office of the Courts Fiscal Note

Washington State Patrol

Washington Association of Sheriffs and Police Chiefs