



STATE OF WISCONSIN

Legislative Audit Bureau

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Joe Chrisman  
State Auditor

DATE: December 1, 2011

TO: Senator Robert Cowles and  
Representative Samantha Kerkman, Co-chairpersons  
Joint Legislative Audit Committee

FROM: Joe Chrisman  
State Auditor 

SUBJECT: Proposed Audit of Intoxicated Driver Program Funding—Background Information

At your request, we have gathered some background information the Joint Legislative Audit Committee may find useful in considering an audit of intoxicated driver program funding.

If a court imposes a fine or forfeiture on an individual who has committed an offense related to operating a vehicle while under the influence, it is statutorily required to also impose a driver improvement surcharge, which is currently \$365 per violation. Statutes stipulate that the county in which the surcharge was imposed will retain 60 percent of the surcharge amount and transfer the remaining 40 percent to the State. Funds retained by counties are to be used to administer intoxicated driver programs that provide alcohol and drug abuse services to individuals convicted of offenses related to operating a vehicle while under the influence.

Funds provided to the State are divided among several state appropriations to help fund various alcohol and drug prevention initiatives. One appropriation administered by the Department of Health Services (DHS) is used to allocate additional funds to counties to help support their intoxicated driver programs. Other state appropriations are administered by the departments of Justice, Public Instruction, and Transportation, as well as by the University of Wisconsin System. These funds are to be spent for various activities, including chemical testing and training services that are provided by the State Patrol.

Concerns have been raised about the distribution of driver improvement surcharge funds between the State and counties. The percentage of the surcharge amount that is transferred to the State has increased over time, which has resulted in counties retaining a lower percentage per surcharge imposed. Concerns have also been raised about how the State's portion of the driver improvement surcharge funds is spent, including the amounts that DHS allocates to help support counties' intoxicated driver programs.

An audit of intoxicated driver program funding could:

- determine the driver improvement surcharge amount imposed during the past 15 years, as well as the percentage of that amount that was retained by counties and the percentage that was transferred to the State;
- determine how state agencies have spent driver improvement surcharge funds in recent years and whether they complied with all statutory requirements in doing so;
- analyze the methodology DHS has used to allocate driver improvement surcharge funds to counties for their intoxicated driver programs; and
- determine how a sample of counties has spent driver improvement surcharge funds.

I hope you find this information helpful. If you have any additional questions, please contact me.

JC/DS/aj

cc: Senator Mary Lazich  
Senator Alberta Darling  
Senator Kathleen Vinehout  
Senator Julie Lassa

Representative Kevin Petersen  
Representative Robin Vos  
Representative Andy Jorgensen  
Representative Jon Richards

Tony Evers, State Superintendent  
Department of Public Instruction

Mark Gottlieb, Secretary  
Department of Transportation

J.B. Van Hollen, Attorney General  
Department of Justice

Kevin P. Reilly, President  
University of Wisconsin System

Dennis G. Smith, Secretary  
Department of Health Services