
Judiciary Committee

HB 1339

Title: An act relating to negligent driving resulting in substantial bodily harm, great bodily harm, or death of a vulnerable user of a public way.

Brief Description: Concerning negligent driving resulting in substantial bodily harm, great bodily harm, or death of a vulnerable user of a public way.

Sponsors: Representatives Fitzgibbon, Hope, Rolfes, Appleton, Billig, Liias, Frockt, Haigh, Cody, Goodman, Moeller, Pedersen and Kenney.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Creates a new traffic infraction, which is committed when a person proximately causes the death, great bodily harm, or substantial bodily harm of a vulnerable user of the public way while operating a motor vehicle under circumstances that constitute negligent driving in the second degree.

Hearing Date: 2/3/11

Staff: Kelly Pfundheller (786-7289).

Background:

Negligent Driving in the Second Degree.

A person is guilty of negligent driving in the second degree if that person operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property. Negligent driving in the second degree is an infraction and is subject to a fine of \$250.

Proximate Cause.

The term "proximate cause" is a legal term referring to the causal connection between an individual's conduct and the harm done to another when the individual's conduct is a substantial

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factor in bringing about the harm. The conduct must usually produce a particular foreseeable result in a natural unbroken sequence, without which the harm would not have occurred.

Great Bodily Harm and Substantial Bodily Harm.

"Great bodily harm" is defined in the criminal code as a bodily injury which creates a probability of death, a significant serious permanent disfigurement, or a significant permanent loss or impairment of the function of any bodily part or organ.

"Substantial bodily harm" is defined in the criminal code as a bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part

Summary of Bill:

New Infraction.

A new traffic infraction is created. A person commits the infraction if, while operating a motor vehicle under circumstances that constitute negligent driving in the second degree, the person proximately causes the death, great bodily harm, or substantial bodily harm of a vulnerable user of the public way.

A vulnerable user of the public way is defined as a pedestrian; person riding an animal; or a person operating a farm tractor, skateboard, roller skates or in-line skates, a scooter, a bicycle or tricycle, an electric assist bicycle, an electric personal assistive mobility device, a wheelchair, or other person personal mobility device.

Hearing and Penalties.

Notice of the infraction must state that a hearing will be scheduled by the court to determine the penalties. The person is required to appear at the hearing regardless of whether or not the person contests the infraction. Failure to appear at the hearing will result in the suspension of the person's driver's license for a minimum of 90 days and continue until the person satisfies any penalties imposed by the court.

A person who has committed the infraction must either:

- pay a penalty of \$250; complete a traffic safety course; and perform up to one hundred hours of community service related to driver improvement and providing education on traffic safety; or
- pay a fine determined by the court of at least \$1,000 but not exceeding \$5,000; and have his or her driver's license suspended for a minimum of 90 days.

If the lesser fine, safety course and community service requirements are imposed and the person fails to fulfill the requirements within one year of the violation, the court must assess a fine in an amount of at least \$1,000 but not exceeding \$5,000 and suspend the person's driver's license for 90 days. The court may extend the period of time in which the person must complete the requirements beyond one year upon a showing of good cause.

If found operating a motor vehicle during the suspension of a license under this infraction, a person is guilty of driving while license suspended in the second degree.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2012.