

HOUSE BILL REPORT

ESSB 6204

As Reported By House Committee On:

Law & Justice

Title: An act relating to penalties for driving without a driver's license and negligent driving.

Brief Description: Redefining negligent driving.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Haugen, Smith, Winsley, Hale and Schow).

Brief History:

Committee Activity:

Law & Justice: 2/21/96, 2/23/96 [DPA].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended. Signed by 15 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Smith; Sterk and Veloria.

Staff: Bill Perry (786-7123).

Background:

Negligent Driving:

Negligent driving is a misdemeanor punishable by a maximum fine of \$250. No jail sentence may be imposed, and conviction does not result in loss of driving privileges. Negligent driving is defined as operating a motor vehicle in a manner that endangers or is likely to endanger a person or property. A person charged with negligent driving is entitled to a jury trial because it is a crime. However, because negligent driving is not punishable by jail, an indigent defendant is not entitled to a public defender. Under court rules, local courts may allow bail forfeiture to constitute final disposition of a negligent driving charge. However, court rules prohibit issuance of a bench warrant for the arrest of a person who fails to appear on a negligent driving charge because the offense does not involve the possibility of jail time.

Negligent driving is a lesser-included offense to the crime of reckless driving. Reckless driving consists of driving "in willful or wanton disregard for the safety of persons or property." Reckless driving is a gross misdemeanor and also carries a 30-day license suspension. A jury or court considering a charge of reckless driving may convict the defendant instead of the lesser charge of negligent driving.

No Valid Operator's License:

Under current law, driving without a valid driver's license is a misdemeanor, punishable by up to 90 days in jail and a \$1,000 fine. Under the same statute, driving without a valid driver's license is a lesser-included offense within the offense of driving while a license is suspended or revoked and within the offense of operating a motor vehicle under another license or permit while the driver's license is suspended or revoked.

The Office of the Administrator for the Courts estimates that 20 percent of all traffic misdemeanors filed in courts of limited jurisdiction are for driving without a valid license. Courts routinely allow defendants to forfeit bail and serve no jail time, and courts impose no fines, if the defendants show proof of obtaining valid driver's licenses prior to adjudication. The amount of the bail forfeited usually is around \$150.

A traffic infraction is not a criminal offense. Unless otherwise provided, the maximum monetary penalty for a traffic infraction is \$250.

Summary of Amended Bill:

Negligent Driving:

Negligent driving penalties are increased. The crime is made a misdemeanor punishable by up to 90 days in jail and a \$1,000 fine.

No Valid Operator's License:

The crime of driving without a valid license is reduced to an infraction if the driver produces acceptable identification or an expired license. The fine for this infraction is \$250, except the fine will be reduced to \$50 if the driver obtains a valid license.

Amended Bill Compared to Engrossed Substitute Bill: The amendment increases the penalties for negligent driving and removes provisions dividing the crime into two degrees, one a crime involving consumption of alcohol or drugs, and one an infraction.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Dividing negligent driving into two degrees will lower judicial and law enforcement costs and will streamline the processing of cases. The current law is an irrational mix of criminal and non-criminal provisions.

Testimony Against: None.

Testified: Senator Mary Margaret Haugen, prime sponsor; Judge Kip Stilz, Washington State District and Municipal Court Judges Association (pro); Judge Ronald Kessler, Acting Presiding Judge, Seattle Municipal Court (pro); and Steve Lindstrom, Alcohol and Substance Abuse Association and Washington Association of Outpatient Practitioners (pro).