

FINAL BILL REPORT

ESSB 6204

C 307 L 96

Synopsis as Enacted

Brief Description: Redefining negligent driving.

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

Senate Committee on Law & Justice

House Committee on Law & Justice

Background: Negligent driving is a misdemeanor punishable by a maximum fine of \$250. This maximum fine applies even if the person who has driven negligently has also been drinking or using drugs, if there is insufficient evidence to charge the driver with driving under the influence. Negligent driving is defined as operating a motor vehicle in a manner so as to endanger or be likely to endanger any persons 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, nor may courts issue bench warrants when a defendant fails to appear in court on this charge. Negligent driving is a lesser included crime of reckless driving.

Driving without a valid license is a misdemeanor punishable by up to 90 days in jail and a \$1,000 fine. A person charged with this crime is entitled to a jury trial, if he or she requests one, and to a public defender, if indigent. The Office of the Administrator for the Courts has estimated that 20 percent of all misdemeanors filed in limited jurisdiction courts are for violations of this statute. Courts routinely allow defendants to forfeit bail and serve no jail time.

Summary: The crime of negligent driving in the first degree is created. It is defined as operating a motor vehicle in a negligent manner and exhibiting the effects of having consumed liquor or illegal drugs. It is a misdemeanor punishable by up to 90 days in jail and a \$1,000 fine. "Exhibiting the effects" is defined to show recent consumption. An affirmative defense is created for anyone who has a valid prescription for the drugs consumed, if the charge is based on consumption of illegal drugs.

The current crime of negligent driving is renamed negligent driving in the second degree and is made a traffic infraction with a fine of \$250. Driving on private property with the permission of the owner is made an affirmative defense to this charge. Negligent driving is no longer a lesser included crime of reckless driving.

The Office of the Administrator for the Courts is to report to the Legislature in two years on the number of charges and reduced charges under the new negligent driving law.

A conviction, or deferred prosecution for first degree negligent driving is a "prior" for purposes of driving under the influence (DUI) sentencing, but only if it is the result of a plea down from a DUI, vehicular homicide, or vehicular assault.

The abstract provided to the insurance company must include all convictions for negligent driving, but must report them only as negligent driving without reference to whether they are for first or second degree negligent driving.

The crime of driving without a valid license is reduced to an infraction if the driver produces acceptable identification or an expired license at the time of arrest and if the driver is not in violation of the suspended or revoked license laws. The fine for this infraction is \$250, except the fine is reduced to \$50 if the driver obtains a valid license.

Notes on Final Passage:

Senate	47	0	
House	94	0	(House amended)
Senate			(Senate refused to concur)
House	95	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: June 6, 1996