

HOUSE BILL ANALYSIS

ESB 6257

Title: An act relating to blood and breath alcohol standards for intoxication.

Brief Description: Lowering statutory levels for legal alcohol intoxication.

Sponsors: Senators Strannigan, Roach, Goings, Anderson, Long, Oke, Swecker, Benton, Wood, Stevens, Rasmussen and Patterson.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Bill Perry (786-7123).

Background: One of the ways a person is guilty of driving under the influence of intoxicating liquor (DUI) is by driving with a breath or blood alcohol concentration (BAC) of 0.10 or higher. Driving with a BAC that is too high is a "per se" violation of the DUI law. A per se violation requires only the presence of the required BAC level. It does not require proof that the driver's ability was impaired.

The current BAC level for a per se violation of the DUI law is 0.10. This number is the measurement of a person's alcohol concentration either in terms of grams of alcohol per 210 liters of the person's breath, or in terms of percent by weight of alcohol in the person's blood. The numbers produced by blood or breath testing using these scales are taken as equivalent of each other in measuring a person's alcohol concentration.

This same BAC standard of 0.10 also applies to "administrative per se" suspension or revocation of a driver's license. This administrative action is taken by the Department of Licensing independently of any criminal charges that may be brought out of the same incident. This administrative loss of license occurs on a driver's second or subsequent registering of a BAC of 0.10 or higher.

At least 15 states have reduced their per se BAC limits to 0.08.

A provision outside of the DUI law makes it illegal for a minor to drive with a BAC of 0.02 or more.

Summary of Bill: The DUI per se BAC standard is lowered to 0.08.

The offense of being a minor and driving after consuming alcohol is clarified to limit its application to minors who have a BAC of at least 0.02, but less than the DUI per se BAC limit of 0.08.

Local governments are authorized to submit claims for reimbursement by the Legislature if this act causes additional costs.

If implementation of this act results in increased costs to a local government, that local government is not required to comply with this act.

Fiscal Note: Available. New fiscal note requested for engrossed bill February 19, 1998.

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

Office of Program Research