

SENATE BILL REPORT

SB 5239

As of February 21, 1997

Title: An act relating to drunk driving.

Brief Description: Permanently revoking drivers' licenses upon a drunk driving violation.

Sponsors: Senators Benton, West and Zarelli.

Brief History:

Committee Activity: Law & Justice: 2/24/97.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Lidia Mori (786-7755)

Background: Current law provides for imprisonment, fines, and either suspension or revocation of a person's driver's license upon conviction of driving a motor vehicle while under the influence of liquor or any drug (DUI). The first conviction, if the offender's alcohol concentration was less than .15, results in driver's license suspension of 90 days. If the driver's alcohol concentration was .15 or greater, the driver's license is suspended for 120 days. A person who is convicted of DUI and has a prior DUI offense within five years faces revocation of his or her driver's license for one year if the alcohol concentration was less than .15. If the alcohol concentration was .15 or greater, the driver's license is revoked for 450 days. A person who is convicted of DUI who has had two or more prior DUI offenses within five years is subject to license revocation for two years if the alcohol concentration involved was less than .15. If the alcohol concentration was .15 or greater, his or her license is revoked for three years.

It is believed that fatal automobile accidents where alcohol was involved are often caused by repeat DUI offenders. Proponents of this bill believe to achieve a reduction in the amount of fatal accidents involving DUI, it is necessary to target repeat offenders and permanently remove their privilege to drive on the second conviction for DUI within seven years.

Summary of Bill: Punishment for a person convicted of DUI who has not had a prior DUI offense within seven years includes imprisonment for a minimum of two days and a fine of not less than \$500. Imprisonment for a minimum of three days and a fine of not less than \$750 is required when a DUI conviction involves an alcohol concentration of .15 or greater or there is no breath test result because the person refused to take the test. The minimum fine for DUI with an alcohol concentration of less than .15 and a prior DUI conviction within seven years is \$1000. The driver's license of a DUI offender is permanently revoked if he or she has had a prior DUI conviction within seven years. When a person is convicted of DUI with an alcohol concentration of .15 or greater or there is no breath test result due to refusal to take the test, and the person had a prior DUI conviction within seven years, the minimum fine is \$1500. A person who is convicted of DUI and has two prior DUI

convictions may be imprisoned for not less than one year, required to pay a minimum fine of \$2000 and the driver's license of the person is permanently revoked.

Permanent revocation is defined as revocation for the lifetime of the offender or until the privilege is restored by the Department of Licensing.

It is a gross misdemeanor for a person to drive a motor vehicle after his or her driver's license has been permanently revoked and the punishment for the offense is a maximum fine of \$5000 and imprisonment for one year. A second violation is a class C felony and is punished by a maximum fine of \$10,000 and imprisonment for seven years. The periods of imprisonment may not be suspended or deferred.

A person arrested or charged with DUI may not transfer title to the motor vehicle he or she was driving at the time of the offense and, upon conviction, the vehicle is subject to seizure and forfeiture if the person has a financial interest in the vehicle.

A person who is convicted of DUI may not apply to the Department of Licensing for an occupational driver's license. The Department of Licensing may not issue a certificate of vehicle ownership, vehicle license plates, or a certificate of license registration to a person whose driver's license is suspended, revoked, or permanently revoked. It is a gross misdemeanor for a person whose driver's license is suspended, revoked, or permanently revoked to purchase, lease, or rent a motor vehicle. It is a gross misdemeanor for an individual or dealer to knowingly sell, lease, or rent a motor vehicle to such person.

Seven years after the date of any conviction which resulted in permanent license revocation, the person may petition the Department of Licensing for restoration of his or her driving privileges. The person must show good cause— which is defined as sufficient evidence of permanent rehabilitation and must show by clear and convincing evidence that he or she has spent the previous seven years in a state of sobriety.

Appropriation: \$250,000.

Fiscal Note: Requested on February 18, 1997.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 1997.