
SENATE BILL 5302

State of Washington 55th Legislature 1997 Regular Session

By Senators Long, Anderson and Wood

Read first time 01/22/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to traffic deaths caused by falling asleep at the
2 wheel; reenacting and amending RCW 46.63.020; adding a new section to
3 chapter 46.61 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61 RCW
6 to read as follows:

7 (1) When the death of a person ensues within three years as a
8 proximate result of injury proximately caused by the driving of a
9 vehicle by a person, the driver is guilty of sleeping-driver homicide
10 if, under circumstances not constituting vehicular homicide, the
11 driver: (a) Fell asleep while operating a motor vehicle; and (b) the
12 circumstances leading up to the accident would have indicated to a
13 reasonable person that he or she was likely to fall asleep at the
14 wheel.

15 (2) Sleeping-driver homicide is a gross misdemeanor punishable
16 under chapter 9A.20 RCW.

1 **Sec. 2.** RCW 46.63.020 and 1996 c 307 s 6, 1996 c 287 s 7, 1996 c
2 93 s 3, 1996 c 87 s 21, and 1996 c 31 s 3 are each reenacted and
3 amended to read as follows:

4 Failure to perform any act required or the performance of any act
5 prohibited by this title or an equivalent administrative regulation or
6 local law, ordinance, regulation, or resolution relating to traffic
7 including parking, standing, stopping, and pedestrian offenses, is
8 designated as a traffic infraction and may not be classified as a
9 criminal offense, except for an offense contained in the following
10 provisions of this title or a violation of an equivalent administrative
11 regulation or local law, ordinance, regulation, or resolution:

12 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
13 vehicle while under the influence of intoxicating liquor or a
14 controlled substance;

15 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

16 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
17 while under the influence of intoxicating liquor or narcotics or
18 habit-forming drugs or in a manner endangering the person of another;

19 (4) RCW 46.10.130 relating to the operation of snowmobiles;

20 (5) Chapter 46.12 RCW relating to certificates of ownership and
21 registration and markings indicating that a vehicle has been destroyed
22 or declared a total loss;

23 (6) RCW 46.16.010 relating to initial registration of motor
24 vehicles;

25 (7) RCW 46.16.011 relating to permitting unauthorized persons to
26 drive;

27 (8) RCW 46.16.160 relating to vehicle trip permits;

28 (9) RCW 46.16.381 (6) or (9) relating to unauthorized use or
29 acquisition of a special placard or license plate for disabled persons'
30 parking;

31 (10) RCW 46.20.021 relating to driving without a valid driver's
32 license, unless the person cited for the violation provided the citing
33 officer with an expired driver's license or other valid identifying
34 documentation under RCW 46.20.035 at the time of the stop and was not
35 in violation of RCW 46.20.342(1) or 46.20.420, in which case the
36 violation is an infraction;

37 (11) RCW 46.20.091 relating to false statements regarding a
38 driver's license or instruction permit;

1 (12) RCW 46.20.336 relating to the unlawful possession and use of
2 a driver's license;
3 (13) RCW 46.20.342 relating to driving with a suspended or revoked
4 license or status;
5 (14) RCW 46.20.410 relating to the violation of restrictions of an
6 occupational driver's license;
7 (15) RCW 46.20.420 relating to the operation of a motor vehicle
8 with a suspended or revoked license;
9 (16) RCW 46.20.750 relating to assisting another person to start a
10 vehicle equipped with an ignition interlock device;
11 (17) RCW 46.25.170 relating to commercial driver's licenses;
12 (18) Chapter 46.29 RCW relating to financial responsibility;
13 (19) RCW 46.30.040 relating to providing false evidence of
14 financial responsibility;
15 (20) RCW 46.37.435 relating to wrongful installation of
16 sunscreening material;
17 (21) RCW 46.44.180 relating to operation of mobile home pilot
18 vehicles;
19 (22) RCW 46.48.175 relating to the transportation of dangerous
20 articles;
21 (23) RCW 46.52.010 relating to duty on striking an unattended car
22 or other property;
23 (24) RCW 46.52.020 relating to duty in case of injury to or death
24 of a person or damage to an attended vehicle;
25 (25) RCW 46.52.090 relating to reports by repairmen, storagemen,
26 and appraisers;
27 (26) RCW 46.52.100 relating to driving under the influence of
28 liquor or drugs;
29 (27) RCW 46.52.130 relating to confidentiality of the driving
30 record to be furnished to an insurance company, an employer, and an
31 alcohol/drug assessment or treatment agency;
32 (28) RCW 46.55.020 relating to engaging in the activities of a
33 registered tow truck operator without a registration certificate;
34 (29) RCW 46.55.035 relating to prohibited practices by tow truck
35 operators;
36 (30) RCW 46.61.015 relating to obedience to police officers,
37 flagmen, or fire fighters;
38 (31) RCW 46.61.020 relating to refusal to give information to or
39 cooperate with an officer;

1 (32) RCW 46.61.022 relating to failure to stop and give
2 identification to an officer;

3 (33) RCW 46.61.024 relating to attempting to elude pursuing police
4 vehicles;

5 (34) RCW 46.61.500 relating to reckless driving;

6 (35) RCW 46.61.502 and 46.61.504 relating to persons under the
7 influence of intoxicating liquor or drugs;

8 (36) RCW 46.61.503 relating to a person under age twenty-one
9 driving a motor vehicle after consuming alcohol;

10 (37) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

11 (38) RCW 46.61.--- (section 1 of this act) relating to sleeping-
12 driver homicide;

13 (39) RCW 46.61.522 relating to vehicular assault;

14 ~~((+39+))~~ (40) RCW 46.61.525(1) relating to first degree negligent
15 driving;

16 ~~((+40+))~~ (41) RCW 46.61.527(4) relating to reckless endangerment of
17 roadway workers;

18 ~~((+41+))~~ (42) RCW 46.61.530 relating to racing of vehicles on
19 highways;

20 ~~((+42+))~~ (43) RCW 46.61.685 relating to leaving children in an
21 unattended vehicle with the motor running;

22 ~~((+43+))~~ (44) RCW 46.64.010 relating to unlawful cancellation of or
23 attempt to cancel a traffic citation;

24 ~~((+44+))~~ (45) RCW 46.64.048 relating to attempting, aiding,
25 abetting, coercing, and committing crimes;

26 ~~((+45+))~~ (46) Chapter 46.65 RCW relating to habitual traffic
27 offenders;

28 ~~((+46+))~~ (47) RCW 46.68.010 relating to false statements made to
29 obtain a refund;

30 ~~((+47+))~~ (48) Chapter 46.70 RCW relating to unfair motor vehicle
31 business practices, except where that chapter provides for the
32 assessment of monetary penalties of a civil nature;

33 ~~((+48+))~~ (49) Chapter 46.72 RCW relating to the transportation of
34 passengers in for hire vehicles;

35 ~~((+49+))~~ (50) RCW 46.72A.060 relating to limousine carrier
36 insurance;

37 ~~((+50+))~~ (51) RCW 46.72A.070 relating to operation of a limousine
38 without a vehicle certificate;

1 (~~(51)~~) (52) RCW 46.72A.080 relating to false advertising by a
2 limousine carrier;
3 (~~(52)~~) (53) Chapter 46.80 RCW relating to motor vehicle wreckers;
4 (~~(53)~~) (54) Chapter 46.82 RCW relating to driver's training
5 schools;
6 (~~(54)~~) (55) RCW 46.87.260 relating to alteration or forgery of a
7 cab card, letter of authority, or other temporary authority issued
8 under chapter 46.87 RCW;
9 (~~(55)~~) (56) RCW 46.87.290 relating to operation of an
10 unregistered or unlicensed vehicle under chapter 46.87 RCW.

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