

# HOUSE BILL ANALYSIS

## HB 1735

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**Title:** An act relating to punitive damages for wrongful death or personal injuries caused while driving under the influence of alcohol or drugs.

**Brief Description:** Specifying punitive damages liability for driving while under the influence.

**Sponsors:** Representatives Hurst, Ballasiotes, Lovick, Constantine, Campbell, McIntire, O'Brien, Cooper, Miloscia, Santos, Lantz, Stensen, Kagi, Regala, Bush and Kenney.

### Brief Summary of Bill

- Authorizes juries to award and set the amount of punitive damages in wrongful death and injury cases brought against drunk drivers.
- Requires that one-half of any punitive damages collected must go to the crime victims' compensation program.

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### HOUSE COMMITTEE ON JUDICIARY

**Staff:** Bill Perry (786-7123).

#### Background:

A person who is injured, or the estate of a person who is killed, by a drunk driver can bring a civil tort action against the drunk driver for damages. Such damages may be awarded for the plaintiff's economic loss and also for noneconomic damages such as pain and suffering. However, Washington common law does not allow exemplary or punitive damage awards. Some statutes, for example those involving unlawful cutting of trees and those involving consumer protection, do authorize punitive damages. Often, statutory punitive damages are expressed in terms of a multiple of the actual damages awarded.

A defendant's insurance coverage may or may not completely cover a damage award.

#### Summary of Bill:

Punitive damages are authorized in a civil action for wrongful death or injury caused by a drunk driver. The amount of punitive damages is to be determined by the trier of fact in the trial.

Insurance policies may not cover the payment of these punitive damages.

One-half of any punitive damages collected will go to the public safety and education account to be appropriated for crime victims compensation. Attorney fees may not be calculated on a base amount that includes this portion of the punitive damages.

**Fiscal Note:** Not requested.

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

Office of Program Research