

5872-S

Sponsor(s): Senate Committee on Judiciary (originally sponsored by Senators Heavey, Eide and Oke)

Brief Title: Making it a traffic infraction to drive with a blood alcohol concentration of between .02 and .08.

**SB 5872-S - DIGEST**

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that it is a traffic infraction for a person to drive or be in physical control of a motor vehicle after consuming alcohol if the person operates or is in physical control of a motor vehicle within this state and the person: (1) Is age twenty-one or over; and

(2) has, within two hours after operating or being in physical control of the motor vehicle, an alcohol concentration of at least 0.02 but less than the concentration specified in RCW 46.61.502, as shown by analysis of the person's breath or blood made under RCW 46.61.506.

Provides that, before a law enforcement officer may administer a test or tests of breath or blood, the officer must have reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug.

Directs the department to suspend for thirty days the license or permit to drive, or the nonresident driving privilege, of a person found to have committed a violation of this act.

Requests that the supreme court, as provided by RCW 46.63.110, set the penalty for a violation of this act at five hundred dollars.