

SENATE BILL REPORT

SHB 1339

As of March 16, 2011

Title: An act relating to negligent driving resulting in substantial bodily harm, great bodily harm, or death of a vulnerable user of a public way.

Brief Description: Concerning negligent driving resulting in substantial bodily harm, great bodily harm, or death of a vulnerable user of a public way.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Fitzgibbon, Hope, Rolfes, Appleton, Billig, Liias, Frockt, Haigh, Cody, Goodman, Moeller, Pedersen and Kenney).

Brief History: Passed House: 3/03/11, 59-39.

Committee Activity: Judiciary: 3/15/11.

SENATE COMMITTEE ON JUDICIARY

Staff: Kim Johnson (786-7472)

Background: Under current law, a person is guilty of negligent driving in the second degree if that person operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property. Negligent driving in the second degree is a traffic infraction and is subject to a fine of \$250.

For purposes of this infraction, negligent is defined as the failure to exercise ordinary care and (1) is the doing of some act that a reasonably careful person would not do under the same or similar circumstances, or (2) the failure to do something that a reasonably careful person would do under the same or similar circumstances.

Summary of Bill: Vulnerable user of the public way is defined as a pedestrian, person riding an animal; or a person operating a farm tractor, a bicycle, an electric assisted bicycle, an electric personal assistive mobility device, a moped, a motor-driven cycle; or a motorized foot scooter.

A new traffic infraction is created. A person commits the traffic infraction if, while operating a vehicle under circumstances that constitute negligent driving in the second degree, the person proximately causes the death, great bodily harm, or substantial bodily harm of a vulnerable user of the public way. The law enforcement officer or prosecuting authority

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

issuing the notice of infraction must state on the notice that the offense was a proximate cause of death, great bodily harm, or substantial bodily harm of a vulnerable user of a public way.

In addition to paying the fine levied for negligent driving in the second degree, a person who has committed this infraction must pay a fine fixed by the court in an amount of at least \$1,000 but not to exceed \$5,000; and have his or her driving privileges suspended for 90 days.

However, a person who requests and personally appears for a hearing may elect to instead pay a penalty of \$250; complete a traffic safety course approved by the court; perform up to 100 hours of community service related to driver improvement and providing public education on traffic safety, as approved by the court; and submit certification to the court that the person has completed the requirements. If a person fails to complete the required traffic safety and community service requirements within one year of the date of the violation, a court must assess a fine in an amount between \$1,000 and \$5,000 and suspend the driving privileges for 90 days. The court has discretion to extend the period of time in which the person must complete the requirements. The court may also assess costs as the court deems appropriate for administrative processing under this penalty option.

A person whose license is suspended as a result of a violation of this infraction and who is found operating a motor vehicle during the suspension is guilty of driving while license suspended in the second degree. The infraction created under this act may not be deferred.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2012.

Staff Summary of Public Testimony: PRO: You've heard compelling testimony and know the bill well and we'd just ask for your support. We support the House version of the bill as they have addressed the courts' concerns about administrative costs associated with the additional work for the court to monitor a person's completion of the traffic school and community service requirements.

Persons Testifying: PRO: Randi Abrams-Caras, Cascade Bicycle Club; Melanie Stewart, District and Municipal Court Judges Association.