

SENATE BILL REPORT

SB 5439

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, MARCH 5, 1991

Brief Description: Changing provisions relating to negligent and inattentive driving.

SPONSORS: Senators Nelson, Erwin, McMullen, Owen, Oke, A. Smith, Stratton and Thorsness.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5439 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Staff: Richard Rodger (786-7461)

Hearing Dates: February 9, 1991; February 14, 1991; March 5, 1991

BACKGROUND:

The offense of negligent driving is committed by operating a vehicle in such a manner as to endanger or likely endanger persons or property. The offense is a misdemeanor which carries a maximum fine of \$250 and no possibility of a jail sentence.

There is no offense under current law to cover "inattentive" driving.

SUMMARY:

The negligent driving statute is amended to include the operation of a vehicle anywhere in the state, excepting permissive use on private property. The penalty remains a misdemeanor; however, the maximum penalty is increased to include imprisonment of up to 90 days in the county jail and a fine of \$1,000.

A new traffic infraction is created for the operation of a motor vehicle in an inattentive manner. The offense is committed by failing to maintain the level of attention required to: (1) safely drive the vehicle under the prevailing conditions, or (2) observe anything resting on or traveling on the roadway.

EFFECT OF PROPOSED SUBSTITUTE:

The crime of first degree negligent driving is created. The crime consists of negligent driving while having consumed alcohol or drugs, but in an amount insufficient to constitute DWI.

The penalties for first degree negligent driving include a fine of up to \$500 and a driver's license suspension of 30 days. No jail time may be imposed. Upon conviction, a person must undergo a diagnostic evaluation. Based on the evaluation, the court may require the person to complete an information school or a more intensive treatment program. The court must stay the suspension of the person's driver's license on the condition that the person successfully completes evaluation and any ordered treatment.

The offense of inattentive driving is eliminated.

Appropriation: none

Revenue: none

Fiscal Note: requested

TESTIMONY FOR:

The bill is a necessary tool for handling bargained-down DWIs. It also allows treatment of persons with drinking problems before they commit more serious offenses. Jail time is necessary to enforce any treatment requirements.

TESTIMONY AGAINST:

The courts and prosecutors have limited resources. Providing for jail time will increase the number of jury trials for this offense.

TESTIFIED: Judge Robert McBeth, District and Municipal Court Judges Assn. (pro); Judge Tom Win (pro); Ted Inkley, Seattle City Attorney's office (con); Mike Redman, WAPA (con); Kurt Sharar, AWC (con); Tim Erickson, WSP (con)