

SENATE BILL REPORT

SB 6204

As Reported By Senate Committee On:
Law & Justice, January 29, 1996

Title: An act relating to penalties for driving without a driver's license and negligent driving.

Brief Description: Decriminalizing certain traffic offenses.

Sponsors: Senators Haugen, Smith, Winsley, Hale and Schow.

Brief History:

Committee Activity: Law & Justice: 1/22/96, 1/29/96 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6204 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Roach.

Staff: Martin Lovinger (786-7443)

Background: Negligent driving is a misdemeanor punishable by a maximum fine of \$250. This maximum fine applies even if the person who has driven negligently has also been drinking or using drugs, if there is insufficient evidence to charge the driver with driving under the influence. Negligent driving is defined as operating a motor vehicle in a manner so as to endanger or be likely to endanger any persons or property. A person charged with negligent driving is entitled to a jury trial, because it is a crime. However, because negligent driving is not punishable by jail, an indigent defendant is not entitled to a public defender, nor may courts issue bench warrants when a defendant fails to appear in court on this charge.

Summary of Substitute Bill: The crime of negligent driving in the first degree is created. It is defined as operating a motor vehicle in a negligent manner and exhibiting the effects of having consumed liquor or illegal drugs. It is a misdemeanor punishable by up to 90 days in jail and a \$1,000 fine. Exhibiting the effects is defined to show recent consumption. An affirmative defense is created for anyone who has a valid prescription for the drugs consumed, if the charge is based on consumption of illegal drugs.

The current crime of negligent driving is renamed negligent driving in the second degree and is made a traffic infraction. Driving on private property with the permission of the owner is made an affirmative defense to this charge. Negligent driving is no longer a lesser included crime of reckless driving.

Substitute Bill Compared to Original Bill: Driving without a valid license is not addressed in the substitute.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The time and money spent on providing jury trials for current negligent driving law could be better spent elsewhere. The new crime of negligent driving and alcohol or drugs will allow courts to more appropriately deal with driving that does not constitute DUI but is more serious than the current maximum fine of \$250 implies. With jail as a possible sanction, courts will be able to order treatment. The current state of law for negligent driving is the worst of all worlds since the right to a jury trial is absurd when negligent driving is only punishable by a fine, but the current maximum \$250 fine is insufficient if alcohol or drugs are involved. (Testimony for the proposed changes to the driving without a valid license statute has been omitted.)

Testimony Against: The current law makes negligent driving a lesser included of reckless driving and that is an important tool if a charge of reckless driving needs to be reduced. (Testimony against the proposed changes to the driving without a valid license statute has been omitted.)

Testified: John McCarthy, WA State District and Municipal Court Judges Assn. (pro); Robert McBeth, King County District Court (pro); Mark Sidran, Seattle City Attorney (pro); Bill Hayden, Seattle (pro); Tom McBride, WA Assn. of Prosecuting Attorneys (pro); Paul Beighle, Seattle Municipal Court (pro); Pat Brock, Tumwater City Attorney (con); Jim Mattheis, WA State Council of Police Officers; Roger Lawrence, Tacoma Police Union.