

5819-S

Sponsor(s): Senate Committee on Judiciary (originally sponsored by Senators Finkbeiner and Kline)

Brief Description: Expanding implied consent to operation of a vehicle, railroad, street car, vessel, or aircraft involved in a fatality. Revised for 1st Substitute: Expanding implied consent to other conveyances, in addition to vehicles, involved in accidents. (REVISED FOR ENGROSSED: Concerning the collection of evidence of blood alcohol content from drivers involved in fatal vehicle accidents.)

**SB 5819-S.E - DIGEST**

(AS OF SENATE 2ND READING 3/18/03)

Finds and declares that: (1) The state has a compelling interest in preventing fatal vehicle accidents in this state;

(2) In order to prevent fatal vehicle accidents, it is necessary to analyze and understand the causes of such accidents, including the role played by alcohol;

(3) The state's compelling interest in preventing fatal vehicle accidents therefore creates a special need beyond normal law enforcement for the collection of evidence of blood alcohol content from drivers involved in fatal vehicle accidents; and

(4) Because evidence of blood alcohol content diminishes over time, requiring a warrant before that evidence can be collected would be impracticable and would frustrate the state's interest in collecting the information.

Provides that a person who operates a vehicle within this state is deemed to have given consent, subject to RCW 46.61.506, to a test of his or her breath for the purpose of determining the alcohol concentration in his or her breath if the person is involved in a vehicle accident in which there has been a fatality.

Provides that the test of breath must be administered at the direction of a law enforcement officer on the scene of a fatal vehicle accident. The officer shall inform the person of his or her right to refuse the breath test. The officer shall warn the operator that he or she will be guilty of a class 3 civil infraction if he or she refuses to submit to the test.

Directs every hospital to on or before the tenth day of each month, report in writing to the chief of the Washington state patrol any toxicology report taken during the preceding calendar month from a person hospitalized as a result of an accident in which there has been a fatality that shows that the person may have been under the influence of intoxicating liquor at the time of the accident.