

# SENATE BILL REPORT

## SB 5648

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As of February 8, 2017

**Title:** An act relating to vehicular homicide, barring use of the defense of driving while under fatigue, drowsiness, or sleep, and increasing the time period for license suspension.

**Brief Description:** Concerning vehicular homicide.

**Sponsors:** Senator Rolfes.

**Brief History:**

**Committee Activity:** Law & Justice: 2/08/17.

### Brief Summary of Bill

- Clarifies that vehicular homicide for driving with disregard for the safety of others includes the operation of a motor vehicle when the driver's ability to operate the motor vehicle was impaired by fatigue, drowsiness, or sleep.
- Requires the Department of Licensing to revoke the driver's license of any driver convicted of vehicular homicide for a period of five years.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Shani Bauer (786-7468)

**Background:** There are a variety of crimes for driving a motor vehicle in some manner that puts another person at harm or has the potential to put another person at harm. The penalties for those crimes escalate depending on the degree of behavior and harm caused. A person may be guilty of:

- negligent driving in the second degree if the person operates a motor vehicle in a manner that is negligent and endangers any person or property—traffic infraction;
- negligent driving in the first degree if the person operates a motor vehicle in a manner that is negligent, endangers the lives of any person or property, and the person exhibits the effects of having consumed liquor or marijuana or any drug—misdemeanor;

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*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.*

- driving while under the influence of intoxicating liquor, marijuana, or any drug if the person drives a vehicle within this state with a specified level of drugs or alcohol in their system—1st offense: gross misdemeanor; and
- vehicular assault if the person operates a motor vehicle—Class B felony:
  - in a reckless manner and causes substantial bodily harm to another;
  - while under the influence of drugs or alcohol and causes substantial bodily harm to another; or
  - with disregard for the safety of others and causes substantial bodily harm to another.

A person is guilty of vehicular homicide when the death of a person is proximately caused by a driver operating a motor vehicle:

- while under the influence of drugs or alcohol—seriousness Level XI;
- in a reckless manner—seriousness Level XI; or
- with disregard for the safety of others—seriousness Level V.

Vehicular homicide is a Class A felony. The Department of Licensing (DOL) must revoke the driver's license of any driver convicted of vehicular homicide for a period of two years.

According to the National Highway Traffic Safety Administration, drowsy driving is implicated in 100,000 car crashes each year, which leaves 71,000 people injured and 1500 dead.

**Summary of Bill:** Vehicular homicide for driving with disregard for the safety of others includes the operation of a motor vehicle when the driver's ability to operate the motor vehicle was impaired by fatigue, drowsiness, or sleep. DOL must revoke the driver's license of any driver convicted of vehicular homicide for a period of five years.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** *Testimony from 2017 Regular Session.* PRO: In a recent case, a young woman was driving when her vehicle left the road and crashed into a group of teenagers. One of those teenagers was killed. This person had been in several vehicle related incidents and had her license revoked for driving while on medication. On this occasion she claimed that she was excused because she was not under the influence of any medication, but was simply tired. As a society, we have come to recognize that driving under the influence is not okay. Fatigued driving is a huge problem, yet isn't given nearly the attention it deserves. Unlike driving under the influence, a person has the ability to make a decision when driving while tired. The person can recognize they are fatigued and has the ability to get out of car, have a cup of coffee, or stop and take a nap. Those that take the life of another person while driving should not be excused because they fell asleep.

**Persons Testifying:** PRO: Senator Christine Rolfes, Prime Sponsor; Tina Robinson, Kitsap County Prosecutor's Office.

**Persons Signed In To Testify But Not Testifying:** No one.