

# HOUSE BILL REPORT

## HB 1183

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*As Reported By House Committee on:  
Judiciary*

**Title:** An act relating to driving violations.

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

**Sponsor(s):** Representatives Ludwig, Wynne, Orr and Rasmussen.

**Brief History:**

Reported by House Committee on:  
Judiciary, February 20, 1991, DPS.

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**HOUSE COMMITTEE ON  
JUDICIARY**

**Majority Report:** *That Substitute House Bill No. 1183 be substituted therefor, and the substitute bill do pass.* Signed by 16 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Broback; Forner; Inslee; Locke; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

**Minority Report:** *Do not pass.* Signed by 3 members: Representatives Belcher; Hargrove; and R. Meyers.

**Staff:** Bill Perry (786-7123).

**Background:** The crime of negligent driving involves "operation of a vehicle in such a manner as to endanger or be likely to endanger any persons or property." The only penalty prescribed for negligent driving is a fine of not more than \$250.

**Summary of Substitute Bill:** 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 attend alcohol information school and must undergo an alcoholism diagnostic evaluation. Based on the

evaluation, the court may require the person to complete a 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.

A conviction for first-degree negligent driving counts as a prior conviction for purposes of enhancing penalties for a subsequent DWI conviction.

***Substitute Bill Compared to Original Bill:*** The original bill does not create first-degree negligent driving. It raises the penalties for negligent driving to 90 days in jail and a fine of up to \$1,000.

The original bill creates the traffic infraction of "inattentive driving." The infraction consists of operating a vehicle without the attentiveness required for safe operation under the prevailing conditions, or required to observe "anything resting on or traveling on the roadway in time to take appropriate action."

***Fiscal Note:*** Not requested.

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

***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.

***Testimony Against:*** The State should not allow DWI to be disguised as a lesser offense.

***Witnesses:*** Judge Robert McBeth, Renton County District Court (in favor of original bill); Gary Riesen, Chelan County Prosecuting Attorney (opposes original bill); Tim Erickson, Washington State Patrol (opposes original bill); and Kurt Sharar, Washington State Association of Counties (opposes original bill).