

HOUSE BILL REPORT

HB 1183

*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.

**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).