

SENATE BILL REPORT

SHB 1636

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 28, 1992

Brief Description: Providing for recovery of public agency expenses incurred in certain emergency responses.

SPONSORS: House Committee on Judiciary (originally sponsored by Representatives Scott, Padden, Wineberry, Beck, Appelwick, Tate, Riley, Belcher, Winsley, Orr, Wynne and Broback).

HOUSE JUDICIARY COMMITTEE

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, M. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Staff: Jack Brummel (786-7428)

Hearing Dates: March 26, 1991; February 20, 1992; February 28, 1992

BACKGROUND:

Washington has no provision to allow local authorities to recoup costs from intoxicated drivers causing incidents requiring an emergency response. In 1985, California passed legislation allowing local authorities to recover emergency response costs. Several local authorities in California have adopted procedures for billing persons charged with driving under the influence of alcohol or drugs. San Jose implemented such a program in 1988.

Under the San Jose program, offenders whose blood/alcohol content was above 0.1 percent or who tested positive for drugs, and who have been criminally charged, are billed for the costs of emergency responses to accidents and moving violations. Costs include the salary paid to the arresting officer for the time spent on the call, laboratory tests, and emergency vehicle costs. Failure to pay is a violation of probation. Payment is reimbursed if the charges against the defendant are subsequently dropped.

SUMMARY:

If a person has been found guilty of operating a motor vehicle, aircraft, or vessel while under the influence of alcohol or drugs, public agencies may bill the individual for up to \$1,000 of the cost for emergency responses to incidents caused by the intoxicated individual. Emergency response

costs are the expenses for a reasonable response directly related to the incident, including police, fire fighting, rescue and emergency medical services, and the salaries of the personnel responding to the incident. Insurance may not pay for the costs. Failure to pay may be a violation of probation.

Appropriation: none

Revenue: none

Fiscal Note: available

SUMMARY OF PROPOSED SENATE AMENDMENTS:

Those benefitting from deferred prosecution are also liable for expenses of an emergency response to their accident. Vehicular homicide and vehicular assault are added to the crimes which may result in liability for expenses for emergency response.

A mechanism is provided for the public agencies to divide the amount collected for emergency response expenses when the amount collected does not cover the total costs. Coroner's offices are considered a public agency which may collect for emergency response expenses.

TESTIMONY FOR:

The bill will deter people from drinking and driving by making them pay the costs. Coroners are not mentioned in the bill. A cost sharing provision needs to be included.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Representative Scott, prime sponsor; Judy Arnold, Thurston County Coroner; Jim Weed, Okanogan County Sheriff; Kurt Sharar, WA State Assoc. of Counties; Otto Jensen, WA State Fire Chiefs; Michael Weight, Everett City attorney; Jackie McFadden, Assoc. of WA Cities