

SENATE BILL 5068

State of Washington

52nd Legislature

1991 Regular Session

By Senators Nelson, Rasmussen, Bailey, Metcalf, Erwin, Oke, Craswell, McCaslin, Thorsness and Sellar.

Read first time January 17, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to vehicular offenses; amending RCW 46.61.520 and
2 46.61.522; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.61.520 and 1983 c 164 s 1 are each amended to read
5 as follows:

6 (1) When the death of any person ensues within three years as a
7 proximate result of injury proximately caused by the driving of any
8 vehicle by any person, the person is guilty of vehicular homicide if
9 the person was driving:

10 (a) While under the influence of intoxicating liquor or any drug,
11 as defined by RCW 46.61.502(~~(, or by the operation of any vehicle)~~);

12 (b) In a reckless manner; or

13 (c) With disregard for the safety of others(~~(, the person so~~
14 ~~operating such vehicle is guilty of vehicular homicide)~~).

1 (2) In any prosecution under this section, it is a defense that no
2 negligent act of the defendant was a proximate cause of the death. The
3 defendant bears the burden of proving this defense by a preponderance
4 of the evidence.

5 (3) Vehicular homicide is a class B felony punishable under chapter
6 9A.20 RCW.

7 **Sec. 2.** RCW 46.61.522 and 1983 c 164 s 2 are each amended to read
8 as follows:

9 (1) ~~((A))~~ When serious bodily injury occurs as the proximate result
10 of the driving of any vehicle by any person, the person is guilty of
11 vehicular assault if ~~((he operates or drives any vehicle))~~ the person
12 was driving:

13 (a) In a reckless manner~~((, and this conduct is the proximate cause~~
14 ~~of serious bodily injury to another))~~; or

15 (b) While under the influence of intoxicating liquor or any drug,
16 as defined by RCW 46.61.502~~((, and this conduct is the proximate cause~~
17 ~~of serious bodily injury to another))~~.

18 (2) In any prosecution under this section, it is a defense that no
19 negligent act of the defendant was a proximate cause of the injury.
20 The defendant bears the burden of proving this defense by a
21 preponderance of the evidence.

22 (3) "Serious bodily injury" means bodily injury which involves a
23 substantial risk of death, serious permanent disfigurement, or
24 protracted loss or impairment of the function of any part or organ of
25 the body.

26 ~~((3))~~ (4) Vehicular assault is a class C felony punishable under
27 chapter 9A.20 RCW.