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ENGROSSED SUBSTITUTE SENATE BILL 5819

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State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Finkbeiner and Kline)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to operation of a vehicle, street car, rail fixed  
2 guideway system, vessel, aircraft, or other conveyance involved in an  
3 accident; amending RCW 46.52.060; adding new sections to chapter 46.52  
4 RCW; creating a new section; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds and declares that:

7 (a) The state has a compelling interest in preventing fatal vehicle  
8 accidents in this state;

9 (b) In order to prevent fatal vehicle accidents, it is necessary to  
10 analyze and understand the causes of such accidents, including the role  
11 played by alcohol;

12 (c) The state's compelling interest in preventing fatal vehicle  
13 accidents therefore creates a special need beyond normal law  
14 enforcement for the collection of evidence of blood alcohol content  
15 from drivers involved in fatal vehicle accidents; and

16 (d) Because evidence of blood alcohol content diminishes over time,  
17 requiring a warrant before that evidence can be collected would be  
18 impracticable and would frustrate the state's interest in collecting  
19 the information.

1 (2) In order to foster the prevention of fatal vehicle accidents,  
2 it is the intent of the legislature to:

3 (a) Allow law enforcement officers to collect evidence of blood  
4 alcohol content from operators in fatal vehicle accidents; and

5 (b) Require hospitals to disclose evidence of blood alcohol content  
6 that they have collected from operators involved in fatal vehicle  
7 accidents to law enforcement.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.52 RCW  
9 to read as follows:

10 (1) A person who operates a vehicle within this state is deemed to  
11 have given consent, subject to RCW 46.61.506, to a test of his or her  
12 breath for the purpose of determining the alcohol concentration in his  
13 or her breath if the person is involved in a vehicle accident in which  
14 there has been a fatality.

15 (2) For the purposes of this section, "vehicle" includes a vehicle  
16 as defined in RCW 46.04.670, a street car as defined in RCW 46.04.570,  
17 a rail fixed guideway system as defined in RCW 81.104.015, a vessel as  
18 defined in RCW 88.02.010, an aircraft as defined in RCW 14.16.010 that  
19 is not regulated by the Federal Aviation Administration, or other  
20 vehicles not regulated by the Federal Railroad Administration.

21 (3) The test of breath must be administered at the direction of a  
22 law enforcement officer on the scene of a fatal vehicle accident. The  
23 officer shall inform the person of his or her right to refuse the  
24 breath test. The officer shall warn the operator that he or she will  
25 be guilty of a class 3 civil infraction if he or she refuses to submit  
26 to the test.

27 (4) The law enforcement officer shall forward the results of the  
28 test to the chief of the Washington state patrol.

29 (5) If a person is dead, unconscious, or otherwise in a condition  
30 rendering him or her incapable of submitting to a breath test, then a  
31 blood test must be given, unless it would interfere with medical  
32 treatment.

33 (6) If, after receiving the warnings under subsection (3) of this  
34 section, the person refuses the request of a law enforcement officer to  
35 submit to a test of his or her breath, no test may be given.

36 (7) A person refusing to submit to a test under subsection (6) of  
37 this section commits a class 3 civil infraction under chapter 7.80 RCW.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 46.52 RCW  
2 to read as follows:

3        (1) Every hospital shall on or before the tenth day of each month,  
4 report in writing to the chief of the Washington state patrol any  
5 toxicology report taken during the preceding calendar month from a  
6 person hospitalized as a result of an accident in which there has been  
7 a fatality that shows that the person may have been under the influence  
8 of intoxicating liquor at the time of the accident.

9        (2) As used in this section, "hospital" has the same meaning as in  
10 RCW 70.41.020.

11        **Sec. 4.**    RCW 46.52.060 and 1998 c 169 s 1 are each amended to read  
12 as follows:

13        (~~It shall be the duty of~~)    The chief of the Washington state  
14 patrol (~~to~~) shall file, tabulate, and analyze all accident reports,  
15 all breath test results collected under section 2 of this act, and all  
16 toxicology reports collected under section 3 of this act and (~~to~~)  
17 publish annually, immediately following the close of each fiscal year,  
18 and monthly during the course of the year, statistical information  
19 based thereon showing the number of accidents, the location, the  
20 frequency and circumstances thereof and other statistical information  
21 which may prove of assistance in determining the cause of vehicular  
22 accidents.

23        Such accident reports, breath test results, toxicology reports, and  
24 analysis or reports thereof shall be available to the director of  
25 licensing, the department of transportation, the utilities and  
26 transportation commission, the traffic safety commission, and other  
27 public entities authorized by the chief of the Washington state patrol,  
28 or their duly authorized representatives, for further tabulation and  
29 analysis for pertinent data relating to the regulation of highway  
30 traffic, highway construction, vehicle operators and all other  
31 purposes, and to publish information so derived as may be deemed of  
32 publication value.

33        NEW SECTION.    **Sec. 5.**    If any provision of this act or its  
34 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

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