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**SUBSTITUTE SENATE BILL 5890**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Muzzall, Lovick, Gildon, and Shewmake)

READ FIRST TIME 01/30/26.

1 AN ACT Relating to reckless driving in cases involving excessive  
2 speed; amending RCW 46.61.5249; and prescribing penalties.

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

4 **Sec. 1.** RCW 46.61.5249 and 2022 c 16 s 44 are each amended to  
5 read as follows:

6 (1)(a) A person is guilty of negligent driving in the first  
7 degree if he or she operates a motor vehicle in a manner that is both  
8 negligent and endangers or is likely to endanger any person or  
9 property, and (~~exhibits~~) either:

10 (i) Exhibits the effects of having consumed liquor or cannabis or  
11 any drug or exhibits the effects of having inhaled or ingested any  
12 chemical, whether or not a legal substance, for its intoxicating or  
13 hallucinatory effects; or

14 (ii) Drives a vehicle more than 30 miles per hour over the posted  
15 speed limit.

16 (b) It is an affirmative defense to negligent driving in the  
17 first degree by means of exhibiting the effects of having consumed  
18 any drug that must be proved by the defendant by a preponderance of  
19 the evidence, that the driver has a valid prescription for the drug  
20 consumed, and has been consuming it according to the prescription  
21 directions and warnings.

1           (c) (~~Negligent driving in the first degree~~) A violation of (a)  
2 of this subsection is a misdemeanor, except as provided in subsection  
3 (1)(d) of this section.

4           (d) If the defendant has one or more prior convictions under  
5 (a)(ii) of this subsection occurring after the effective date of this  
6 section, a violation of (a)(ii) of this subsection is a gross  
7 misdemeanor.

8           (2) For the purposes of this section:

9           (a) "Negligent" means the failure to exercise ordinary care, and  
10 is the doing of some act that a reasonably careful person would not  
11 do under the same or similar circumstances or the failure to do  
12 something that a reasonably careful person would do under the same or  
13 similar circumstances.

14           (b) "Exhibiting the effects of having consumed liquor, cannabis,  
15 or any drug" means that a person has the odor of liquor, cannabis, or  
16 any drug on his or her breath, or that by speech, manner, appearance,  
17 behavior, lack of coordination, or otherwise exhibits that he or she  
18 has consumed liquor, cannabis, or any drug, and either:

19           (i) Is in possession of or in close proximity to a container that  
20 has or recently had liquor, cannabis, or any drug in it; or

21           (ii) Is shown by other evidence to have recently consumed liquor,  
22 cannabis, or any drug.

23           (c) "Exhibiting the effects of having inhaled or ingested any  
24 chemical, whether or not a legal substance, for its intoxicating or  
25 hallucinatory effects" means that a person by speech, manner,  
26 appearance, behavior, or lack of coordination or otherwise exhibits  
27 that he or she has inhaled or ingested a chemical and either:

28           (i) Is in possession of the canister or container from which the  
29 chemical came; or

30           (ii) Is shown by other evidence to have recently inhaled or  
31 ingested a chemical for its intoxicating or hallucinatory effects.

32           (3) Any act prohibited by this section that also constitutes a  
33 crime under any other law of this state may be the basis of  
34 prosecution under such other law notwithstanding that it may also be  
35 the basis for prosecution under this section.

36           (4) A person convicted of negligent driving in the first degree  
37 who has one or more prior offenses as defined in RCW 46.61.5055(14)

1 within seven years shall be required, under RCW 46.20.720, to install  
2 an ignition interlock device on all vehicles operated by the person.

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