

HOUSE BILL REPORT

SHB 1183

*As Passed House
March 11, 1991*

Title: An act relating to driving violations.

Brief Description: Changing provisions relating to negligent and inattentive driving.

Sponsor(s): By House Committee on Judiciary (originally sponsored by Representatives Ludwig, Wynne, Orr and Rasmussen).

Brief History:

Reported by House Committee on:
Judiciary, February 20, 1991, DPS;
Passed House, March 11, 1991, 96-1.

**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 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.

Fiscal Note: Not requested.

Effective Date: 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).