

SENATE BILL REPORT

HB 1151

AS REPORTED BY COMMITTEE ON WAYS & MEANS, APRIL 8, 1991

Brief Description: Changing blood and breath alcohol content standards for intoxication for those persons under the age of twenty-one.

SPONSORS: Representatives Ferguson, Appelwick, Winsley, Rasmussen, Tate, Fuhrman, Broback, Moyer, Holland, Dorn, Phillips, Pruitt, H. Sommers, Brumsickle, D. Sommers, Ogden, Ballard, Forner, Grant, Roland, Vance, Morris, Spanel, Paris, Haugen, May, Rayburn, Zellinsky, Silver, Betrozoff, Nealey, Sprenkle and Orr.

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass and be referred to Committee on Ways & Means.

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

Staff: Richard Rodger (786-7461)

Hearing Dates: April 1, 1991; April 2, 1991

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Murray, Newhouse, Niemi, Owen, Saling, Talmadge, West, Williams, and Wojahn.

Staff: Cindi Holmstrom (786-7715)

Hearing Dates: April 5, 1991; April 8, 1991

BACKGROUND:

Under current law, a person is guilty of driving while under the influence of intoxicating liquor (DWI) if the alcohol concentration is .10 grams of alcohol per 210 liters of breath; or .10 percent or more by weight of alcohol in the person's blood.

There is evidence that many drivers are affected to some degree at considerably lower levels. However, the lack of a lower standard does not necessarily mean that persons cannot be convicted of DWI if their tested alcohol levels are below the 0.10 standard. A person also commits DWI if he or she

drives while "under the influence of or affected by intoxicating liquor or any drug."

It is against the law for persons under the age of 21 to possess or consume alcohol. However, drivers under the age of 21 are over-represented in DWI related accidents. There is also evidence that younger drivers may be impaired at lower alcohol consumption levels than are older drivers.

SUMMARY:

The alcohol concentration standard for DWI is lowered for drivers under the age of 21. That is, a person under the age of 21 commits the crime of DWI if he or she drives with 0.04 grams or more of alcohol per 210 liters of breath, or 0.04 percent or more by weight of alcohol in the blood. The standard for a DWI violation by a driver age 21 or over remains unchanged.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR (Law & Justice):

Persons under 21 are prohibited from drinking and should have a lower alcohol standard for DWIs.

TESTIMONY AGAINST (Law & Justice): None

TESTIFIED (Law & Justice): Representative Roy Ferguson, prime sponsor; Steve Lind, WTSC (pro); Pete Youngers, Washington State Council on Alcoholism (pro)

TESTIMONY FOR (Ways & Means):

Drivers under the age of 21 are overrepresented in alcohol related accidents. Also, it is illegal for individuals under the age of 21 to possess or consume alcohol; therefore, they should have a lower standard than adults.

TESTIMONY AGAINST (Ways & Means): None

TESTIFIED (Ways & Means): Representative Roy Ferguson, prime sponsor; Mel Sorensen, National Association of Independent Insurers (pro); Maribeth O'Connor, Group Health (pro); Tim Erickson, Washington State Patrol (pro); Susie Tracey, Washington State Medical Association (pro)