

SENATE BILL REPORT

SHB 1676

AS OF FEBRUARY 18, 1992

Brief Description: Establishing punitive liability for injury or wrongful death from driving while intoxicated.

SPONSORS: House Committee on Judiciary (originally sponsored by Representatives Inslee, Winsley, R. Meyers, Dorn, Dellwo, Zellinsky, Jacobsen, Rasmussen and Sheldon).

HOUSE JUDICIARY COMMITTEE

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Lidia Mori (786-7755)

Hearing Dates: March 26, 1991; February 19, 1992

BACKGROUND:

Generally, in tort actions for personal injuries or wrongful death, a victim may recover actual damages for the injury or death, but not punitive damages. In cases involving a drunk driver, the driver's insurance company may pay all the victim's damages, while the drunk driver may not have any out-of-pocket expenses to pay the victim's damages.

In many contingency fee cases, clients and their attorneys agree that the attorney will be paid a percentage of the damages awarded to the victim.

SUMMARY:

Punitive damages may be imposed against a driver who injures or kills another in an accident that is proximately caused by the driver while under the influence of alcohol or drugs. Each person the defendant injures or kills may recover double the actual damages up to \$5,000. Insurance companies may not pay the punitive damages, nor may any liability be imputed to anyone other than the driver. An attorney may not take any portion of the punitive damages awarded to the victim.

Appropriation: none

Revenue: none

Fiscal Note: none requested