

SENATE BILL REPORT

SB 5067

AS PASSED SENATE, JANUARY 31, 1992

Brief Description: Changing the alcohol standards for intoxication.

SPONSORS: Senators Nelson, Talmadge, Oke, Rasmussen, Bailey, Craswell, Roach, Thorsness, McCaslin, Johnson, Anderson and Conner.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

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

Staff: Lidia Mori (786-7755)

Hearing Dates: January 22, 1991; January 28, 1991

BACKGROUND:

A person may be convicted of driving or being in physical control of a motor vehicle, while under the influence of intoxicating liquor, if their breath or blood alcohol concentration level is above 0.10. The breath level is determined by the grams of alcohol per 210 liters of breath and the blood level is determined by the percent of alcohol in the blood by weight. Under our law it is illegal per se to drive or be in physical control of a motor vehicle with an alcohol concentration above the stated levels.

Research has shown that a person's ability to drive a motor vehicle is substantially impaired at an alcohol concentration level lower than the allowed 0.10. The United States Surgeon General, the National Highway Traffic Safety Administration, and MADD, among others, have recommended that all states adopt illegal per se alcohol concentrations levels below 0.10 (0.05, 0.08 and 0.08 respectively).

An illegal per se alcohol level of 0.08 has been adopted in the following states: Oregon, California, Maine, Utah and Vermont. Additionally seven other states, plus the District of Columbia, have adopted presumptive levels of intoxication at or below the 0.081 level: Colorado .051, Connecticut 0.071, Idaho 0.081, Maryland 0.071, Michigan 0.071, New York 0.071, Oklahoma 0.051, District of Columbia 0.051.

SUMMARY:

The illegal per se level of breath and blood alcohol concentration is lowered from 0.10 to 0.08 for DWI offenses.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Lowering the blood alcohol concentration level to .08 will help reduce traffic deaths and injuries within our state.

TESTIMONY AGAINST:

A lower blood alcohol concentration level does not discourage the problem drinker from driving. This change will have a substantial negative fiscal impact on restaurants.

TESTIFIED: Tim Erickson, WSP (pro); Mike Redman, WAPA (pro); Washington Advocates for Highway and Auto Safety (pro); Susan Tracy, WSMA (pro); Dr. Burgman, WSMA (pro); Basil Badley, American Insurance Association (pro); Jean Leonard, State Farm and Washington Insurers (pro); Maribeth O'Conner, Group Health (pro); Mel Sorensen, National Association of Independent Insurers (pro); Linda Grant, Association of Alcohol and Treatment Providers (pro); Bob Seeber, Washington Restaurant Association (con)