
SENATE BILL 5439

State of Washington

52nd Legislature

1991 Regular Session

By Senators Nelson, Erwin, McMullen, Owen, Oke, A. Smith, Stratton and Thorsness.

Read first time January 31, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to driving violations; amending RCW 46.61.525;
2 adding a new section to chapter 46.61 RCW; and prescribing penalties.

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

4 **Sec. 1.** RCW 46.61.525 and 1979 ex.s. c 136 s 86 are each amended
5 to read as follows:

6 It (~~shall be~~) is unlawful for any person to operate a motor
7 vehicle in this state in a negligent manner. For the purpose of this
8 section to "operate in a negligent manner" (~~shall be construed to~~)
9 means the operation of a vehicle in such a manner as to endanger or be
10 likely to endanger any persons or property: PROVIDED HOWEVER, That any
11 person operating a motor vehicle on private property with the consent
12 of the owner in a manner consistent with the owner's consent (~~shall~~)
13 is not (~~be~~) guilty of negligent driving.

14 The offense of operating a vehicle in a negligent manner (~~shall~~
15 ~~be~~) is considered to be a lesser offense than, but included in, the

1 offense of operating a vehicle in a reckless manner, and any person
2 charged with operating a vehicle in a reckless manner may be convicted
3 of the lesser offense of operating a vehicle in a negligent manner.
4 Any person violating the provisions of this section (~~(will be)~~) is
5 guilty of a misdemeanor(~~(:—PROVIDED, That)~~). The director may not
6 revoke any license under this section, and such offense is ((not))
7 punishable by imprisonment ((or)) not exceeding ninety days and by a
8 fine not exceeding ((two hundred fifty)) one thousand dollars.

9 NEW SECTION. Sec. 2. A new section is added to chapter 46.61 RCW
10 to read as follows:

11 It is a traffic infraction for a person to operate a motor vehicle
12 in an inattentive manner. For the purposes of this section to "operate
13 a motor vehicle in an inattentive manner" means the operation of a
14 motor vehicle in a manner that evidences a lack of (1) that degree of
15 attentiveness required to safely operate the vehicle under the
16 prevailing conditions, including but not limited to the nature and
17 condition of the roadway, presence of pedestrians, presence of other
18 traffic, and weather conditions; or (2) that degree of attentiveness as
19 will allow the driver of a motor vehicle to observe anything resting on
20 or traveling on the roadway in time to take appropriate action as
21 circumstances require.