

HOUSE BILL REPORT

SHB 1128

As Amended by the Senate

Title: An act relating to fees to fund blood and breath alcohol content testing.

Brief Description: Funding blood and breath alcohol testing programs.

Sponsors: By House Committee on Revenue (originally sponsored by Representatives G. Fisher, Holm, Silver, Vance, Edmondson, Heavey, Foreman, Ballard, Brough, Long, Miller and Brumsickle; by request of Washington State Patrol.)

Brief History:

Reported by House Committee on:
Revenue, March 5, 1993, DPS;
Passed House, March 16, 1993, 97-0;
Amended by Senate.

HOUSE COMMITTEE ON REVENUE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; and Van Luven.

Staff: Rick Peterson (786-7150).

Background: Persons convicted of driving a motor vehicle while intoxicated are subject to imprisonment of between 24 hours and one year and fines from \$250 to \$1,000. Repeat offenders are subject to larger fines and longer imprisonment. Fines may be suspended for indigent persons.

The state toxicology laboratory preforms blood tests if a traffic accident involves a fatality.

State Department of Health and local registrars charge fees for certified birth, death, and other records. From each of these fees, \$3 is deposited in the death investigations account. The State Toxicology Laboratory receives funding from the death investigations account.

Summary of Bill: Starting July 1, 1993, and ending June 30, 1995, an additional \$125 fine is assessed against each person convicted of driving while intoxicated. The fine may be reduced if the person does not have the ability to pay. The court retains \$5 to defray costs. Twenty-five dollars is deposited into the highway safety account to be used by the Department of Licensing for administration. If the case involves a blood test then the remaining \$95 is deposited in the death investigations account to be used for funding the State Toxicology Laboratory. Otherwise, the remaining \$95 is deposited in the state patrol highway account for funding the Washington State Patrol Breath Test Program. The Washington State Patrol and the Traffic Safety Commission will study methods for increasing the conviction rate for persons driving while intoxicated.

EFFECT OF SENATE AMENDMENT(S): Instead of general language applying the fine to all DWI offenses, the Senate amendment specifically applies the fine to adults and juveniles convicted of violating RCW 46.61.502, 46.61.504, 46.61.520 or 46.61.522, receiving a deferred prosecution for those crimes, or being convicted of a lesser offense. Distribution of the revenue is changed so that 40 percent of the fine is split between the county and state; the other 60 percent goes to either the State Toxicology Laboratory or the Washington State Patrol breath test program.

Fiscal Note: Available. New fiscal note requested March 7, 1993.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill would help to pay for the Washington State Patrol's expensive breath testing equipment, as well as provide additional funding for the highway safety account and the State Toxicology Lab.

Testimony Against: None.

Witnesses: Tim Erickson, Washington State Patrol (in favor).

VOTE ON FINAL PASSAGE:

Yeas 97; Excused 1

Excused: Representative Thomas