

HOUSE BILL REPORT

SB 6185

As Reported By House Committee On:
Judiciary

Title: An act relating to persons under the age of twenty-one driving with alcohol in their systems.

Brief Description: Requiring license revocation for a person under twenty-one years of age who drives while having any alcohol in his or her system.

Sponsors: Senators A. Smith, Erwin, Nelson, Quigley, Oke, Bauer, M. Rasmussen, Winsley and Roach; by request of Washington Traffic Safety Commission.

Brief History:

Reported by House Committee on:
Judiciary, February 25, 1994, DP.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 15 members: Representatives Appelwick, Chair; Johanson, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; J. Kohl; Long; Morris; Riley; Schmidt; Scott; Tate and Wineberry.

Minority Report: Do not pass. Signed by 2 members: Representatives Eide and H. Myers.

Staff: Bill Perry (786-7123).

Background: A disproportionate number of minors are involved in alcohol related vehicle crashes. Under state law, minors are prohibited from consuming alcohol. Research evidence indicates that younger persons are generally much more likely to be impaired by a given amount of alcohol than are adults.

Summary of Bill: Minors are prohibited from driving with an alcohol concentration of 0.02 percent or more.

A person under the age of 21 who drives a motor vehicle is deemed to have given consent to having his or her alcohol concentration determined through tests administered at the direction of a law enforcement officer. The officer must

have reasonable grounds to believe the driver was driving while having alcohol in his or her system and must warn the driver that refusal to submit to a test will result in the revocation of his or her driver's license. If the results of the test indicate an alcohol concentration of 0.02 percent or more or the person refuses to submit to the test, the officer will provide written notice of the intention of the Department of Licensing (DOL) to suspend, revoke, or deny the person's license. The notice will also inform the person of the procedures required to obtain a hearing. The officer will confiscate the person's driver's license and issue a temporary license which is valid for 30 days or until a hearing takes place, whichever is sooner. The officer will notify DOL of the traffic stop and transmit a sworn report along with the confiscated license. Upon receipt of the report, DOL will suspend or revoke the person's driver's license beginning 30 days from the date of the traffic stop or the date of the hearing, if the suspension or revocation is sustained.

If a person refused to submit to an alcohol concentration test and it is the first refusal in five years, the revocation will be for one year. Revocation will be for two years if it is the second or subsequent refusal within five years. If the person submitted to the test and the result was 0.02 percent or more and it is the first incident within five years, the driver's license will be suspended for 90 days. For a second or subsequent incident within five years, revocation will be for one year or until the person attains the age of 21, whichever occurs first.

A person under the age of 21 who has had his or her license revoked due to refusal to submit to a test to determine alcohol concentration or due to the result of the test being 0.02 percent or more may apply for a new license after the revocation period has passed. The reissue fee is \$50.

Fiscal Note: Available.

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

Testimony For: Administrative license suspension provides quick and certain punishment for minors. Minors are particularly eager not to lose their licenses. These kinds of laws have worked well elsewhere.

Testimony Against: None.

Witnesses: Gene Andre, Chairman, Mothers Against Drunk Drivers, Washington Chapter (pro); Tim Erickson, Washington State Patrol (pro); Steve Lind, Washington Traffic Safety

Commission (pro); and Tim Hoard, Washington Advocates for Highway and Auto Safety.