

SENATE BILL REPORT

SB 6185

AS PASSED SENATE, FEBRUARY 14, 1994

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

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Staff: Lidia Mori (786-7755)

Hearing Dates: January 19, 1994; January 25, 1994

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Senate Bill No. 6815 be referred to Committee on Transportation.

Signed by Senators Rinehart, Chairman; Quigley, Vice Chairman; Bluechel, Cantu, Hargrove, Hochstatter, Ludwig, McDonald, Moyer, Owen, Pelz, Snyder, Spanel, Sutherland, Talmadge and Williams.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Morton, Nelson, Oke, Prentice, Prince, M. Rasmussen, Schow, Sheldon and Winsley.

Staff: Brad Lovaas (786-7307)

Hearings Dates: February 7, 1994

BACKGROUND:

Approximately 6.5 percent of the total driver's licenses issued are for individuals under 21 years of age. This population accounts for at least 13 percent of alcohol related crashes which is considered to be a large percentage in view of the fact that it is illegal for minors under the age of 21 to consume liquor except in some limited circumstances.

Several states have passed similar laws which have shown good success in lowering alcohol related traffic accidents. The state of Maryland has a similar law and alcohol related traffic fatalities for those under the age of 21 have decreased by 50 percent.

SUMMARY:

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 .02 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 .02 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 .02 or more may apply for a new license after the revocation period has passed. The reissue fee is \$50.

Appropriation: none

Revenue: undetermined

Fiscal Note: requested

TESTIMONY FOR (Law & Justice):

Washington Traffic Safety Commission is strongly in support of SB 6185 and it will save lives.

TESTIMONY AGAINST (Law & Justice): None

TESTIFIED (Law & Justice): Dick Nuse, WA Traffic Safety Commission

TESTIMONY FOR (Transportation):

This bill is intended to pay for itself after the first year.

TESTIMONY AGAINST (Transportation): None

TESTIFIED (Transportation): PRO: Senator Adam Smith, prime sponsor; Tim Hoard, WA Advocates for Highway and Auto Safety; Steve Lind, WA Traffic Safety Commission; Kathy Williams, Department of Health