

HOUSE BILL REPORT

SSB 5060

As Passed House

April 9, 1997

Title: An act relating to clarifying driving statutes.

Brief Description: Clarifying driving statutes.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Haugen and Roach).

Brief History:

Committee Activity:

Law & Justice: 3/26/97 [DP].

Floor Activity:

Passed House: 4/9/97, 97-0.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

Staff: Bill Perry (786-7123).

Background: In 1996, the Legislature created two degrees of negligent driving, one a crime and the other a traffic infraction. The two degrees are distinguished as two subsections of the same RCW section. Having both the crime and the infraction in the same RCW section has occasionally resulted in confusion in citing and charging negligent driving offenses. This confusion may result from the arresting officer's failure to cite the appropriate *subsection* of the RCW section, or from misidentification of a proper citation because of the similarity of the two citations. In some cases people who have been charged with a traffic infraction have had public defenders appointed at local government expense.

The same 1996 legislation also amended the driving without a valid license law to create two types of violations. Under some circumstances driving without a valid license is a traffic infraction, but under other circumstances it is a crime. Both of these possible charges, the crime and the traffic infraction, are under the same subsection of the same RCW section. The fact that both the criminal charge and the

traffic infraction are listed in the same subsection has created even more confusion than in the negligent driving statute in which the crime and the traffic infraction are at least provided with different subsection numbers. The same problems have arisen with regard to charges of driving without a valid license as were mentioned above in regard to negligent driving.

Summary of Bill: Statutes relating to negligent driving and driving without a license are restructured. No substantive change is made to either offense.

Negligent driving in the first and second degrees are placed in separate RCW sections.

The misdemeanor and infraction offenses of driving without a valid license are placed in separate RCW sections.

References to these sections elsewhere in the RCW are corrected.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: These changes are a real benefit to the police and to the courts. They will remove the possibility of improper charging of these offenses.

Testimony Against: None.

Testified: Judge Steve Dwyer, District and Municipal Court Judges Association.