

HOUSE BILL ANALYSIS

ESB 6142

Title: An act relating to administrative license suspension for first-time violators of laws against driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug.

Brief Description: Imposing administrative license suspensions on first-time DUI offenders.

Sponsors: Senators Kline, Roach, Patterson, Fairley, Swecker, T. Sheldon, Goings, Rasmussen, Oke and Benton.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Bill Perry (786-7123).

Background: There are three ways in which a person who is arrested for driving while under the influence (DUI) may ultimately receive the sanction of loss of driving privileges.

First, a person arrested for DUI who refuses to submit to a breath alcohol concentration (BAC) test violates the implied consent law, for which the sanction is loss of driving privileges for one year. Sanctions under the implied consent law are done administratively by the Department of Licensing (DOL), and are independent of a criminal charge, conviction, or acquittal arising out of the same arrest.

Second, a person arrested for DUI may be charged with a crime, whether or not he or she has submitted to a BAC test. Conviction for DUI also results in loss of driving privileges.

Third, a person arrested for DUI who submits to a BAC test and registers above the "per se" limit (currently 0.10 for adults and 0.02 for minors) is subject to administrative action by the DOL. Again, this administrative action is independent of any criminal action arising out of the same incident. A person who is subject to this administrative per se action for the first time will have his or her driver's license placed in a "probationary status" for five years. A driver in probationary status is issued a probationary license that allows a police officer who looks at the license to determine that the person is in probationary status. Second or subsequent violations of the administrative per se provision results in loss of driving privileges for two years.

A person who is convicted of DUI may be eligible for an occupational license 30 days after his or her license has been suspended. The person must demonstrate, among other things, that he or she is engaged in an occupation or trade that makes it essential that he or she drives a motor vehicle.

Summary of Bill: A person who violates the administrative per se law for the first time will lose his or her driver's license for 90 days. The probationary status provision is eliminated.

A person who violates the administrative per se law for the first time is eligible to apply for an occupational license 30 days after his or her license has been administratively suspended.

Fiscal Note: Available. New fiscal note requested on engrossed bill February 19, 1998.

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