

# HOUSE BILL REPORT

## ESB 6257

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### As Passed House - Amended:

March 5, 1998

**Title:** An act relating to blood and breath alcohol standards for intoxication.

**Brief Description:** Lowering statutory levels for legal alcohol intoxication.

**Sponsors:** Senators Strannigan, Roach, Goings, Anderson, Long, Oke, Swecker, Benton, Wood, Stevens, Rasmussen and Patterson.

### Brief History:

#### Committee Activity:

Law & Justice: 2/24/98, 2/26/98 [DPA];

Appropriations: 2/28/98 [DPA(LJ/APP)s].

#### Floor Activity:

Passed House - Amended: 3/5/98, 95-2.

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass as amended. Signed by 10 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz and Robertson.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Constantine, Assistant Ranking Minority Member; Mulliken and Sherstad.

**Staff:** Bill Perry (786-7123).

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended by Committee on Law & Justice as such amendment is amended by Committee on Appropriations. Signed by 31 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Dyer; Grant; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

**Staff:** Dave Johnson (786-7154).

**Background:** One of the ways a person is guilty of driving under the influence of intoxicating liquor (DUI) is by driving with a breath or blood alcohol concentration (BAC) of 0.10 or higher. Driving with a BAC that is too high is a "per se" violation of the DUI law. A per se violation requires only the presence of the required BAC level. It does not require proof that the driver's ability was impaired.

The current BAC level for a per se violation of the DUI law is 0.10. This number is the measurement of a person's alcohol concentration either in terms of grams of alcohol per 210 liters of the person's breath, or in terms of percent by weight of alcohol in the person's blood. The numbers produced by blood or breath testing using these scales are taken as equivalent of each other in measuring a person's alcohol concentration.

This same BAC standard of 0.10 also applies to "administrative per se" suspension or revocation of a driver's license. This administrative action is taken by the Department of Licensing independently of any criminal charges that may be brought out of the same incident. This administrative loss of license occurs on a driver's second or subsequent registering of a BAC of 0.10 or higher.

At least 15 states have reduced their per se BAC limits to 0.08.

A provision outside of the DUI law makes it illegal for a minor to drive with a BAC of 0.02 or more.

**Summary of Bill:** The DUI per se BAC standard is lowered to 0.08.

The offense of being a minor and driving after consuming alcohol is clarified to limit its application to minors who have a BAC of at least 0.02, but less than the DUI per se BAC limit of 0.08.

The act is null and void if funding is not provided in the budget.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect on January 1, 1998. However, the bill is null and void unless funded in the budget.

**Testimony For:** (Law & Justice) The scientific evidence is overwhelming that people should not drive with a BAC as high as 0.08.

(Appropriations) The Governor supports the provisions of this bill. They will help address the problem of drinking and driving.

**Testimony Against:** (Law & Justice) None.

(Appropriations) Local governments, while not opposed to the policy direction of the bill, are concerned that the state provide adequate resources to implement the bill. The impact shown in the fiscal note is dependant on both lowering the blood alcohol level and instituting administrative license suspension for first time offenders. Standing by itself, this bill would probably costs two or three times the estimate shown on the fiscal note.

**Testified:** (Law & Justice) Senator Strannigan, prime sponsor; Senator Roach (pro); Karolyn Nunnallee, President, Mothers Against Drunk Drivers (pro); Don Lennon, President, Mothers Against Drunk Drivers, Washington Chapter (pro); Bill Hanson, Washington State Patrol Troopers Association (pro); Annette Sandberg, Chief, Washington State Patrol (pro); Tim Schellberg, Washington Association of Sheriffs and Police Chiefs (pro); Steve Lind, Washington Traffic Safety Commission (pro); Russ Hauge, Washington Association of Prosecuting Attorneys (pro); and Kathy Gerke, Association of Washington Cities (pro, with concerns re fiscal impact); Mark Sidron, Seattle City Attorney (pro); Evan Simpson, Harborview Injury Prevention Center (pro); Pamela Simpson, citizen (pro); and Cheryl Fox, citizen (pro).

(Appropriations) Dick VanWagenen, Governor's Policy Office (pro); Kathy Gerke, Association of Cities (concerns); and Mike Shaw, Association of Counties (concerns).