

# SENATE BILL REPORT

## SB 5060

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As Reported By Senate Committee On:  
Law & Justice, February 17, 1997

**Title:** An act relating to clarifying driving statutes.

**Brief Description:** Clarifying driving statutes.

**Sponsors:** Senators Haugen and Roach.

**Brief History:**

**Committee Activity:** Law & Justice: 2/13/97, 2/17/97 [DPS].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5060 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Kline, Long, McCaslin and Stevens.

**Staff:** Martin Lovinger (786-7443)

**Background:** In 1996 the Legislature passed SB 6204, which 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. This has occasionally resulted in confusion and unnecessary expense when a police officer has cited someone for negligent driving by the RCW section, but without distinguishing the subsection. In some cases the correct subsection is provided, but court personnel misidentify the charge due to the similarity of the numbers. In some cases people who have been charged with a traffic infraction have had public defenders appointed at local government expense.

SB 6204 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.

Providing separate RCW sections for these crimes and infractions is strictly a technical change to current law which will end the confusion for courts and police. It will also save time and money.

**Summary of Substitute Bill:** Negligent driving in the first degree is made a separate RCW section.

The misdemeanor of driving without a valid license is made a separate RCW section.

The traffic infraction of driving without a valid license is made a separate RCW section.

References to these sections elsewhere in the RCW are corrected.

**Substitute Bill Compared to Original Bill:** The substitute bill changes the language in section 1 to more accurately reflect the original language in the driving without a valid license statute.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This bill will eliminate confusion for police and courts and make last year's good legislation work much more efficiently.

**Testimony Against:** None.

**Testified:** Judge Kip Stilz, Washington Municipal and District Court Judges Association (pro).