

SENATE BILL REPORT

ESB 6257

As Passed Senate, February 13, 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: 1/13/98; 1/15/98 [DP].
Passed Senate, 2/13/98, 48-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

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

Staff: Lidia Mori (786-7755)

Background: A person is guilty of driving under the influence of intoxicating liquor if the person drives a vehicle and has a blood alcohol concentration of .10 or higher.

There is research which indicates the vast majority of drivers are impaired at a blood alcohol concentration level of .08 in critical driving tasks. There is concern that the risk of being involved in a crash rises rapidly after a driver reaches or exceeds a .08 blood alcohol concentration.

At least 15 states, including Oregon, California, Utah, and Maine have reduced their illegal per se blood alcohol concentration limits to .08.

Summary of Bill: The illegal per se breath and blood alcohol concentration standard is .08.

The offense of a driver under 21 consuming alcohol is limited to those persons under 21 years of age who have an alcohol concentration of at least .02 but less than the illegal per se blood alcohol level for the offense of driving under the influence of alcohol.

Local governments are authorized to submit claims for reimbursement by the Legislature if this bill causes additional costs.

If implementation of this act results in increased costs to any local government, that local government is not required to comply with this act.

Appropriation: None.

Fiscal Note: Requested on December 31, 1997.

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

Testimony For: It seems that the workload that prosecutors used to fear from lowering the illegal per se breath and blood alcohol standard won't appear. This bill will save lives. Studies show that people are impaired at the .08 level.

Testimony Against: It is very hard for a server in a restaurant or bar to identify a person as having had too much— when the person is at the .08 level yet servers are prohibited from serving an apparently intoxicated person.

Testified: Rick Jensen, Washington State Troopers Association and MADD (pro); Don Lennon, MADD (pro); Abraham Bergman, Washington State Medical Association (pro); Ron Krause, Washington State Licensed Beverage Association (con); Dick Ducharme, Washington Beer and Wine Wholesalers Association (con); Russ Hauge, WAPA (pro); Richard Cole, Redmond City Council (pro); Mark Sidran, Seattle City Attorney's Office (pro); Richard Aanderud, R.I.D. (pro); Judge Stephen Dyer, Washington Municipal and District Court Judges Association (concerns).

House Amendment(s): The section authorizing local governments to submit claims for the cost of implementing this bill is removed. A null and void clause is added.

The offense of driving after consuming alcohol which applies to persons under the age of 21 years is clarified to limit its application to those who have a blood alcohol concentration of at least .02 but less than the DUI per se BAC limit of .08.

The effective date of the act is January 1, 1999.