

# SENATE BILL REPORT

## SB 6293

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As Reported By Senate Committee On:  
Law & Justice, January 22, 1998  
Transportation, February 10, 1998

**Title:** An act relating to drunk driving.

**Brief Description:** Permanently revoking drivers' licenses upon a drunk driving violation.

**Sponsors:** Senators Benton, Roach, T. Sheldon, Rossi, McDonald and Oke.

**Brief History:**

**Committee Activity:** Law & Justice: 1/13/98, 1/22/98 [DPS].  
Transportation: 2/9/98, 2/10/98 [DP2S].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 6293 be substituted therefor, and the substitute bill do pass.

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

**Staff:** Lidia Mori (786-7755)

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Second Substitute Senate Bill No. 6293 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Jacobsen, Morton, Oke, Patterson, Prentice, Rasmussen and Sellar.

**Staff:** Paul Neal (786-7315)

**Background:** When sentencing a person convicted of driving under the influence of alcohol or drugs (DUI), the court considers whether the person has had any prior DUIs within the past five years. If a person convicted of DUI with an alcohol concentration of less than .15 has had no prior convictions for DUI within the past five years, the punishment includes one day of imprisonment and a fine of not less than \$350. The sentence of a person convicted of DUI with no prior DUIs within five years and an alcohol concentration level of .15 or more includes two days of imprisonment and not less than \$500. The sentence of a person convicted of DUI with a blood alcohol level of less than .15, but who has a prior DUI within the past five years, includes a fine of not less than \$500 and revocation of the driver's license for two years. If a person is convicted of DUI with an alcohol concentration of .15 or more and the person has a prior DUI within five years, he or she will receive a fine of not less than \$700 and revocation of the driver's license for 900 days.

**Summary of Second Substitute Bill:** The penalties for drunk driving convictions are increased by providing for varying lengths of electronic home monitoring. The court may also require the electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time of electronic home monitoring. For purposes of this bill, electronic home monitoring is not considered confinement.

Minimum fines are increased. If the offender has two or more convictions, his or her license is permanently revoked. Person may petition for reinstatement of license after seven years. The person must show good cause— which is defined as sufficient evidence of permanent rehabilitation. It is a gross misdemeanor to drive while one’s license is permanently revoked. A second violation is a class C felony.

The specific penalties provided for in the bill are:

None	less than .15	1 day - 1 year	\$350 - \$5000	90 days	30 days
1 w/in 7* years	less than .15	30 days - 1 year	\$1000- \$5000	2 years	60 days
2 or more	N/A	90 days - 1 year	\$2000 - \$5000	perman-ent**	120 days

\* Prior law: 5 years.

\*\* Period of license suspension is unchanged by bill except where offender has two or more convictions.

**Second Substitute Bill Compared to Substitute Bill:** The appropriation of \$250,000 from the general fund to be used by the Washington Traffic Safety Commission for electronic media advertising is deleted and replaced with a clause making the public media campaign null and void if funding is not provided. The authorization for the electronic media campaign is effective immediately. The increased penalties take effect November 1, 1998.

**Substitute Bill Compared to Original Bill:** Conviction of driving under the influence of alcohol results in the same lengths of confinement as in current law; however, varying lengths of electronic home monitoring are to be imposed by the court. The length of electronic home monitoring imposed is based on whether the DUI is the offender’s first, second, or subsequent DUI conviction and also on whether the blood alcohol concentration was below .15 or at least .15 or greater. The driver’s license of a person with two or more DUIs within the past seven years who is convicted of a subsequent DUI is permanently

revoked. A method is created for restoration of the driving privileges after permanent revocation is imposed. An appropriation of \$250,000 from the general fund is to be used by the Washington Traffic Safety Commission for electronic media advertising of the contents of the bill rather than the Department of Licensing as in the original bill.

**Appropriation:** None.

**Fiscal Note:** Requested.

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

**Testimony For (Law & Justice):** We need stricter DUI laws and this bill sends a clear message.

**Testimony Against (Law & Justice):** This bill is going to fiscally impact local government. It is better to get DUI offenders into treatment rather than into prison. When drivers' licenses are permanently revoked, it impacts those in rural areas where there is no public transit.

**Testified (Law & Justice):** PRO: Senator Don Benson, prime sponsor; Brandon Knobel; Bill Hanson, Washington State Patrol; Tim Schellberg, Washington Association of Sheriffs and Police Chiefs; John Moffat, Washington Traffic Safety Commission; Dick Ducharme, Washington Beer and Wine Wholesalers Association.; CON: Sherry Appleton, Washington Association of Criminal Defense Lawyers, Washington Defenders Association; Mike Shaw, Association of Counties (with concerns).

**Testimony For (Transportation):** The electronic home monitoring provisions are an effective punishment for drunk driving convictions. The punishment is much less expensive than additional jail time and keeps drunk drivers off the road.

**Testimony Against (Transportation):** Concerns were raised regarding responsibility of local governments to pay home monitoring costs for indigent persons.

**Testified (Transportation):** PRO: Senator Benton, prime sponsor; Tim Schellberg, Sheriffs & Police Chiefs; Steve Linds, Traffic Safety Commission; Kathy Gerke, Association of Cities (concerns); Debbie Schmidt, DOL.