

HOUSE BILL ANALYSIS

HB 2355

Title: An act relating to the definition of the term "drugs" as used in the motor vehicle laws.

Brief Description: Providing a definition of the term "drugs" as used in the motor vehicle laws.

Sponsors: Representatives McDonald, Lantz, Mielke, Sullivan and Dunn.

Brief Summary of Bill

- For DUI offenses, expands the definition of drugs– under the influence of which it is illegal to drive.

HOUSE COMMITTEE ON JUDICIARY

Staff: Mark Friendshuh (786-7291).

Background:

Current statutes prohibit driving under the influence of alcohol or drugs. There are three ways a person can be found to be driving under the influence, or DUI. The first is to have an alcohol concentration of .08 or higher as shown by a breath or blood test. The second is to be under the influence of, or affected by, alcohol or any drug. The third is to be under the influence of, or affected by, a combination of alcohol and drugs.

A person with a greater than .08 BAC is in violation of the statute, regardless of his or her ability to operate a vehicle. Conversely, a person with a less than .08 BAC may still be found guilty of DUI under the second or third provision of the statute if other evidence such as erratic driving indicates he or she is affected by alcohol and/or drugs.

RCW 46.61.540 indicates drugs– shall include but not be limited to those drugs and substances– in the Uniform Controlled Substances Act (RCW 69.50, illegal drugs such as cocaine and marijuana) and in the Legend Drugs-Prescription Drugs statute (RCW 69.41). Although there are no published opinions interpreting this definition, rules for statutory construction might allow this definition to be read as not including certain non-controlled substances which might affect driving ability. A person

affected by paint or glue fumes, for example, might not be considered to be under the influence of drugs.

Summary of Bill:

RCW 46.61.540 is repealed, and a broader definition of drugs is enacted. In addition to drugs and substances regulated by RCW 69.41 and 69.50, drugs are defined to include any substance that impairs a person's ability to operate a motor vehicle.

Fiscal Note: Requested January 19, 2000.

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

Office of Program Research