

SENATE BILL REPORT

SB 5291

As Passed Senate, February 9, 2000

Title: An act relating to road rage.

Brief Description: Creating the crime of aggressive driving to combat road rage.

Sponsors: Senators Franklin, Winsley, Fairley, Prentice, Kohl-Welles, Patterson, Roach, Hargrove, Goings, Heavey and Gardner.

Brief History:

Committee Activity: Judiciary: 2/5/99, 2/22/99 [DP-TRAN].

Transportation: 3/5/99 [DP].

Passed Senate, 3/12/99, 32-17; 2/9/00, 30-17.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass and be referred to Committee on Transportation.

Signed by Senators Heavey, Chair; Kline, Vice Chair; McCaslin, Costa, Goings, Haugen and Thibaudeau.

Staff: Lidia Mori (786-7755)

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Jacobsen, Patterson, Prentice, Sheahan and Shin.

Minority Report: Do not pass.

Signed by Senators Johnson, Sellar and Swecker.

Staff: Paul Johnson (786-7839)

Background: Road rage has been declared by the federal administrator of the National Highway Traffic Safety Administration to be the number one traffic problem. In a poll from Washington, D.C. reported in the New York Times, 42 percent of the residents rate aggressive drivers as the biggest threat on the road followed by drunk drivers at 35 percent. Statistics from the AAA Foundation for Traffic Safety show the average number of violent incidents reported between drivers in the U.S. has increased 51 percent since 1990 and in 1996, 2,000 violent incidents were formally reported by police nationwide. This is considered to be the small tip of a very large iceberg.

Arizona has passed an aggressive driving law and several other states have introduced aggressive driving legislation.

Summary of Bill: A person is guilty of the crime of aggressive driving if the person commits two or more acts of aggressive driving within five consecutive miles in a manner which intimidates or threatens another person. The first violation is punished by imprisonment for not less than one day and a fine of not less than \$350. A second violation within a five-year period is punished by imprisonment for not less than two days and a fine of not less than \$500.

Twenty-six traffic infractions which constitute acts of aggressive driving are enumerated. These infractions include overtaking a vehicle to the left, following too closely, improper use of signals for turning or moving left or right, and maximum and minimum speed regulations.

The list of aggravating circumstances which a court may consider in deciding to impose an exceptional sentence is expanded to include whether the offender's conduct during or leading to the offense included an act of aggressive driving. In addition, the Department of Licensing is instructed to suspend the license, permit to drive or nonresident driving privilege of a person convicted of aggressive driving for 60 days.

Before entering a disposition in juvenile court, the judge may consider whether or not any aggravating factors exist including whether the juvenile's conduct during or leading to the offense included an act of aggressive driving.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For (Judiciary): Arizona is the only state that currently has this crime on their books. The reckless driver statute is working. Rather than just paying the fine, the offender should have to pay the full cost of his or her jail time.

Testimony Against (Judiciary): None.

Testified (Judiciary): Senator Rosa Franklin (pro); Captain Eric Robertson, Washington State Patrol (pro w/concerns); Duane Kaiser (pro).

Testimony For (Transportation): Motorists are facing growing threats from aggressive highway drivers. The State Patrol aggressive driver apprehension team has been successful over the past year. Arizona has a new law, but it is still early to know the impact.

Testimony Against (Transportation): None.

Testified (Transportation): Senator Franklin, prime sponsor (pro); Capt. Eric Robertson, WSP (pro w/concerns).