

SENATE BILL REPORT

SB 5872

As Reported By Senate Committee On:
Judiciary, March 3, 1999

Title: An act relating to operating a motor vehicle after consuming alcohol.

Brief Description: Making it a traffic infraction to drive with a blood alcohol concentration of between .02 and .08.

Sponsors: Senators Heavey, Eide and Oke.

Brief History:

Committee Activity: Judiciary: 2/26/99, 3/3/99 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5872 be substituted therefor, and the substitute bill do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Haugen, Roach, Thibaudeau and Zarelli.

Staff: Lidia Mori (786-7755)

Background: Research has shown that the risk of being in a motor vehicle crash increases as the blood or breath alcohol concentration (BAC) rises. Researchers have concluded that driving related skills and performance deteriorate as BACs increase.

In Washington, a person is guilty of driving under the influence of intoxicating liquor (DUI) by driving with a BAC of 0.08 or higher. It is a misdemeanor for a person under the age of 21 to operate a motor vehicle after consuming alcohol as shown by a BAC of at least .02 but less than .08.

Studies have been done which revealed that simple tasks, some of which are crucial to driving, became impaired below a BAC of .05. When a task was combined with another task, impairment in some people began at levels as low as .02

Summary of Substitute Bill: It is a traffic infraction for a person age 21 or over to drive or be in physical control of a motor vehicle after consuming alcohol as shown by a BAC of at least .02 but less than .08. Before a law enforcement officer may administer a test of breath or blood, the officer must have reasonable grounds to believe the person to have been driving or in actual physical control of a vehicle while under the influence of alcohol or drugs. The Department of Licensing is directed to suspend for 30 days the license of a person found to have committed this traffic infraction. The Supreme Court is requested to set the penalty for this traffic infraction at \$500.

Substitute Bill Compared to Original Bill: The substitute clarifies that a law enforcement officer must have reasonable grounds to believe the person was driving a vehicle while under the influence of alcohol or drugs before administering any test of the person's breath or blood.

Appropriation: None.

Fiscal Note: Requested on February 23, 1999.

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

Testimony For: The hope behind this bill is that the average citizen will decide not to drink and drive. When a person is drinking and gets to a .08 blood alcohol concentration, his or her judgment is impaired and it is unlikely and more difficult to decide to quit drinking at that point. If people have the perception it is not okay to drink to just under .08 and then drive, maybe they won't drink and then drive in the first place.

Testimony Against: This bill doesn't deal with impairment. It basically says you can't drink and drive. The real problem is the chronic drinker with a high blood alcohol concentration.

Testified: Senator Mike Heavey (pro); Karen Minahan (pro); Alan Bettcher (pro); Pete Youngers, Ignition Interlock of WA (pro); Mel Sorenson, NAI; Dick Ducharme, Beer & Wine Wholesalers (con); Mark Greenberg, Anheiser Busch (con); Ron Sellar (con); Vito Chiechi, WA State Licensed Beverage Assn. (con); Tom McBride, WA Assn. of Prosecuting Attorneys (pro w/concern).