

# SENATE BILL REPORT

## SB 5981

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As of February 23, 1999

**Title:** An act relating to legal blood alcohol concentrations.

**Brief Description:** Lowering the legal blood alcohol concentration to 0.05.

**Sponsors:** Senator Heavey.

**Brief History:**

**Committee Activity:** Judiciary: 2/26/99.

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### SENATE COMMITTEE JUDICIARY

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

**Background:** One way a person is guilty of driving under the influence of intoxicating liquor (DUI) is by driving with a breath or blood alcohol concentration (BAC) of 0.08 or higher. Driving with a BAC that is too high is a "per se" violation of the DUI law. A per se violation requires only the presence of the required BAC level. It does not require proof that the driver's ability was impaired.

The current BAC level for a per se violation of the DUI law is 0.08. This number is the measurement of a person's alcohol concentration either in terms of grams of alcohol per 210 liters of the person's breath, or in terms of percent by weight of alcohol in the person's blood. The numbers produced by blood or breath testing using these scales are taken as equivalent of each other in measuring a person's alcohol concentration.

This BAC standard of 0.08 also applies to "administrative per se" suspension or revocation of a driver's license. This administrative action is taken by the Department of Licensing independently of any criminal charges that may be brought out of the same incident.

A provision outside of the DUI law makes it illegal for a minor to drive with a BAC of 0.02 or more.

Research has shown that simple tasks, some of which are most crucial to driving, such as maintaining a vehicle in its lane or keeping distance from another vehicle, became impaired below a BAC of 0.05.

**Summary of Bill:** The illegal per se breath and blood alcohol concentration standard is .05.

**Appropriation:** None.

**Fiscal Note:** Requested on February 22, 1999.

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

