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HOUSE BILL 1708

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Lantz, Huff, McDonald, Dickerson, Lovick, Kastama, O'Brien, Lambert, Rockefeller and Edmonds

Read first time 02/03/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to investigating the causes of fatal motor vehicle  
2 accidents; amending RCW 46.52.060; adding new sections to chapter 46.52  
3 RCW; creating a new section; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds and declares that:

6 (a) The state has a compelling interest in preventing fatal motor  
7 vehicle accidents on the roads of this state;

8 (b) In order to prevent fatal motor vehicle accidents, it is  
9 necessary to analyze and understand the causes of such accidents,  
10 including the role played by alcohol;

11 (c) The state's compelling interest in preventing fatal motor  
12 vehicle accidents therefore creates a special need beyond normal law  
13 enforcement for the collection of evidence of blood alcohol content  
14 from drivers involved in fatal motor vehicle accidents; and

15 (d) Because evidence of blood alcohol content diminishes over time,  
16 requiring a warrant before that evidence can be collected would be  
17 impracticable and would frustrate the state's interest in collecting  
18 the information.

1 (2) In order to foster the prevention of fatal motor vehicle  
2 accidents, it is the intent of the legislature to:

3 (a) Allow law enforcement officers to collect evidence of blood  
4 alcohol content from drivers who are at fault in fatal motor vehicle  
5 accidents; and

6 (b) Require hospitals to disclose evidence of blood alcohol content  
7 that they have collected from drivers involved in fatal motor vehicle  
8 accidents to law enforcement.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.52 RCW  
10 to read as follows:

11 (1) A person who operates a motor vehicle within this state is  
12 deemed to have given consent, subject to RCW 46.61.506, to a test of  
13 his or her breath for the purpose of determining the alcohol  
14 concentration in his or her breath if:

15 (a) The person is involved in a motor vehicle accident in which  
16 there has been a fatality; and

17 (b) An officer on the scene believes that the person violated  
18 chapter 46.61 RCW and the violation caused the motor vehicle accident.

19 (2) The test of breath must be administered at the direction of a  
20 law enforcement officer on the scene of a fatal motor vehicle accident  
21 who believes that the person violated chapter 46.61 RCW and the  
22 violation caused the motor vehicle accident. The officer shall inform  
23 the person of his or her right to refuse the breath test. The officer  
24 shall warn the driver that he or she will be guilty of a class 3 civil  
25 infraction if he or she refuses to submit to the test.

26 (3) The law enforcement officer shall forward the results of the  
27 test to the chief of the Washington state patrol.

28 (4) If a person is dead, unconscious, or otherwise in a condition  
29 rendering him or her incapable of submitting to a breath test, no test  
30 may be given.

31 (5) If, after receiving the warnings under subsection (2) of this  
32 section, the person arrested refuses the request of a law enforcement  
33 officer to submit to a test of his or her breath, no test may be given.

34 (6) A person refusing to submit to a test under subsection (5) of  
35 this section commits a class 3 civil infraction under chapter 7.80 RCW.

36 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.52 RCW  
37 to read as follows:

1 (1) Every hospital shall on or before the tenth day of each month,  
2 report in writing to the chief of the Washington state patrol any  
3 toxicology report taken during the preceding calendar month from a  
4 person hospitalized as a result of an accident in which there has been  
5 a fatality that shows that the person may have been under the influence  
6 of intoxicating liquor at the time of the accident.

7 (2) As used in this section, "hospital" has the same meaning as in  
8 RCW 70.41.020.

9 **Sec. 4.** RCW 46.52.060 and 1998 c 169 s 1 are each amended to read  
10 as follows:

11 (~~It shall be the duty of~~) The chief of the Washington state  
12 patrol (~~to~~) shall file, tabulate, and analyze all accident reports,  
13 all breath test results collected under section 2 of this act, and all  
14 toxicology reports collected under section 3 of this act and (~~to~~)  
15 publish annually, immediately following the close of each fiscal year,  
16 and monthly during the course of the year, statistical information  
17 based thereon showing the number of accidents, the location, the  
18 frequency and circumstances thereof and other statistical information  
19 which may prove of assistance in determining the cause of vehicular  
20 accidents.

21 Such accident reports, breath test results, toxicology reports, and  
22 analysis or reports thereof shall be available to the director of  
23 licensing, the department of transportation, the utilities and  
24 transportation commission, the traffic safety commission, and other  
25 public entities authorized by the chief of the Washington state patrol,  
26 or their duly authorized representatives, for further tabulation and  
27 analysis for pertinent data relating to the regulation of highway  
28 traffic, highway construction, vehicle operators and all other  
29 purposes, and to publish information so derived as may be deemed of  
30 publication value.

31 NEW SECTION. **Sec. 5.** If any provision of this act or its  
32 application to any person or circumstance is held invalid, the  
33 remainder of the act or the application of the provision to other  
34 persons or circumstances is not affected.

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