

SSB 5819 - S AMD 219

By Senators Finkbeiner, Kline

ADOPTED 03/18/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds and declares
4 that:

5 (a) The state has a compelling interest in preventing fatal vehicle
6 accidents in this state;

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

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

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

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

20 (a) Allow law enforcement officers to collect evidence of blood
21 alcohol content from operators in fatal vehicle accidents; and

22 (b) Require hospitals to disclose evidence of blood alcohol content
23 that they have collected from operators involved in fatal vehicle
24 accidents to law enforcement.

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

27 (1) A person who operates a vehicle within this state is deemed to
28 have given consent, subject to RCW 46.61.506, to a test of his or her

1 breath for the purpose of determining the alcohol concentration in his
2 or her breath if the person is involved in a vehicle accident in which
3 there has been a fatality.

4 (2) For the purposes of this section, "vehicle" includes a vehicle
5 as defined in RCW 46.04.670, a street car as defined in RCW 46.04.570,
6 a rail fixed guideway system as defined in RCW 81.104.015, a vessel as
7 defined in RCW 88.02.010, an aircraft as defined in RCW 14.16.010 that
8 is not regulated by the Federal Aviation Administration, or other
9 vehicles not regulated by the Federal Railroad Administration.

10 (3) The test of breath must be administered at the direction of a
11 law enforcement officer on the scene of a fatal vehicle accident. The
12 officer shall inform the person of his or her right to refuse the
13 breath test. The officer shall warn the operator that he or she will
14 be guilty of a class 3 civil infraction if he or she refuses to submit
15 to the test.

16 (4) The law enforcement officer shall forward the results of the
17 test to the chief of the Washington state patrol.

18 (5) If a person is dead, unconscious, or otherwise in a condition
19 rendering him or her incapable of submitting to a breath test, then a
20 blood test must be given, unless it would interfere with medical
21 treatment.

22 (6) If, after receiving the warnings under subsection (3) of this
23 section, the person refuses the request of a law enforcement officer to
24 submit to a test of his or her breath, no test may be given.

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

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

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

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

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

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

13 Such accident reports, breath test results, toxicology reports, and
14 analysis or reports thereof shall be available to the director of
15 licensing, the department of transportation, the utilities and
16 transportation commission, the traffic safety commission, and other
17 public entities authorized by the chief of the Washington state patrol,
18 or their duly authorized representatives, for further tabulation and
19 analysis for pertinent data relating to the regulation of highway
20 traffic, highway construction, vehicle operators and all other
21 purposes, and to publish information so derived as may be deemed of
22 publication value.

23 NEW SECTION. **Sec. 5.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected."

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27 In line 3 of the title, after "accident;" strike the remainder of
28 the title and insert "amending RCW 46.52.060; adding new sections to
29 chapter 46.52 RCW; creating a new section; and prescribing penalties."

EFFECT: Requires an officer at the scene of a fatal vehicle accident to conduct a breath test on any operator of a vehicle involved and to forward the results of the test to the Washington State Patrol. Also, requires a hospital to forward to the WSP any toxicology report taken from a person involved in a fatal vehicle accident that shows the person may have been intoxicated at the time of the accident.

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