

HOUSE BILL REPORT

HB 2791

As Reported by House Committee On:
Transportation

Title: An act relating to driving-related penalties.

Brief Description: Concerning driving-related penalties.

Sponsors: Representatives Goodman and Clibborn.

Brief History:

Committee Activity:

Transportation: 1/26/10, 2/3/10 [DPS].

Brief Summary of Substitute Bill

- Adds the terms "gore point" and "gore zone" to the current list of terms defining the spaces through which a vehicle cannot pass except when granted the ability to do so by a public authority.
- Reduces the penalty for most violations related to trip permits from a gross misdemeanor to a misdemeanor.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong, Campbell, Dickerson, Driscoll, Eddy, Ericksen, Finn, Flannigan, Herrera, Johnson, Klippert, Kristiansen, Moeller, Morris, Nealey, Rolfes, Sells, Shea, Springer, Takko, Upthegrove, Williams and Wood.

Staff: David Munnecke (786-7315).

Background:

It is a traffic infraction, punishable by a fine of \$411, to drive over, across, or within any dividing space, barrier or section, or median island, except through an opening, crossover, or intersection established by a public authority.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A "gore point" or "gore zone" is generally defined as a triangular piece of land found where roads merge or split. When two roads merge, the area is sometimes referred to as a merge nose. The term "gore" possibly originates from the dressmaker's term for a triangular piece of cloth.

Reckless driving is defined as driving a vehicle in willful or wanton disregard for the safety of persons or property. Negligent driving in the first degree is defined as operating a motor vehicle in a manner that is negligent and endangers or is likely to endanger any person or property, and exhibits the effects of having consumed liquor or an illegal drug. Negligent driving in the second degree is defined as operating a motor vehicle in a manner that is negligent and endangers or is likely to endanger any person or property, and doing so under circumstances not constituting negligent driving in the first degree.

Crimes are generally punishable by imprisonment, a fine in an amount fixed by the court, or both. The statutory maximum fine for a misdemeanor is \$1,000 and \$5,000 for a gross misdemeanor. In addition to the fine the court may impose, courts are sometimes required to impose additional assessments against a convicted defendant. For example, a superior court must impose a crime victims and witness penalty assessment of \$250 against a person convicted of a misdemeanor, and \$500 for a gross misdemeanor or felony.

Any otherwise unlicensed vehicle may operate on Washington highways under authority of a trip permit, which can be purchased for \$20. Trip permits may be used for a period of three consecutive days. Any violation of the statute related to trip permits is a gross misdemeanor, which is punishable by up to one year in jail, or a fine of up to \$5,000, or both.

Summary of Substitute Bill:

The terms "gore point" and "gore zone" are defined and added to the current list of terms defining the spaces through which a vehicle cannot pass except when granted the ability to do so by a public authority.

The penalty for violations related to trip permits is reduced from a gross misdemeanor to a misdemeanor, except when a commercial motor vehicle that has been placed out of service by the Washington State Patrol is found to be operating under a trip permit.

Substitute Bill Compared to Original Bill:

The substitute bill provides a definition for "gore point" or "gore zone."

The substitute bill eliminates the increased penalty assessments for persons convicted of reckless driving, negligent driving in the first degree, and negligent driving in the second degree.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The terms "gore point" and "gore zone" need to be added to the current statute in order to provide certainty for law enforcement in interpreting the law.

Violations of the laws related to trip permits should be reduced to a misdemeanor from a gross misdemeanor, which can be punished by up to a year in jail.

The penalty assessments created by this bill are really negligible amounts, but would help cover the costs associated with traffic accidents, such as traffic jams. These penalty assessments would help hold people accountable for any mobility problems caused by their crimes.

(Opposed) None.

Persons Testifying: Representative Goodman, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.