

FINAL BILL REPORT

SSB 5326

C 372 L 11
Synopsis as Enacted

Brief Description: Concerning negligent driving resulting in substantial bodily harm, great bodily harm, or death of a vulnerable user of a public way.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kline, Zarelli, Kohl-Welles, Nelson, Rockefeller and White).

Senate Committee on Judiciary
House Committee on Judiciary

Background: Under current law, a person is guilty of negligent driving in the second degree if that person operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property. Negligent driving in the second degree is an infraction and is subject to a fine of \$250.

For purposes of this infraction, negligent is defined as the failure to exercise ordinary care, and is the doing of some act that a reasonably careful person would not do under the same or similar circumstances or the failure to do something that a reasonably careful person would do under the same or similar circumstances.

Summary: Vulnerable user of the public way is defined as a pedestrian, person riding an animal; or a person operating a farm tractor, a bicycle, an electric assisted bicycle, an electric personal assistive mobility device, a moped, a motor-driven cycle; a motorcycle; or a motorized foot scooter.

A new traffic infraction is created. A person commits the traffic infraction if, while operating a vehicle under circumstances that constitute negligent driving in the second degree, the person proximately causes the death, great bodily harm, or substantial bodily harm of a vulnerable user of the public way. The law enforcement officer or prosecuting authority issuing the notice of infraction must state on the notice that the offense was a proximate cause of death, great bodily harm, or substantial bodily harm of a vulnerable user of a public way.

In addition to paying the fine levied for negligent driving in the second degree, a person who has committed this infraction must pay a fine fixed by the court in an amount of at least \$1,000 but not to exceed \$5,000 and have his or her driving privileges suspended for 90 days.

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.

However, a person who requests and personally appears for a hearing may request to instead pay a penalty of \$250; attend traffic school for a number of days to be determined by the court; perform up to 100 hours of community service related to driver improvement and providing public education on traffic safety, as determined by the court; and submit certification to the court that the person has completed the requirements. If a person fails to complete the required traffic safety and community service requirements within one year of the date of the violation, a court must assess a fine in an amount between \$1,000 and \$5,000 and suspend the person's driving privileges for 90 days. The court has discretion to extend the period of time in which the person must complete the requirements.

A person whose license is suspended as a result of a violation of this infraction and who is found operating a motor vehicle during the suspension is guilty of driving while license suspended in the second degree.

The infraction created under this act may not be deferred.

Votes on Final Passage:

Senate	43	5	
House	61	32	(House amended)
Senate	44	2	(Senate concurred)

Effective: July 1, 2012.