

SSB 6014 - H COMM AMD
By Committee on Public Safety

ADOPTED 03/07/2014

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

3 "Sec. 1. RCW 79A.60.040 and 2013 c 278 s 1 are each amended to
4 read as follows:

5 (1) It is unlawful for any person to operate a vessel in a reckless
6 manner.

7 (2) It is unlawful for a person to operate a vessel while under the
8 influence of intoxicating liquor, marijuana, or any drug. A person is
9 considered to be under the influence of intoxicating liquor, marijuana,
10 or any drug if, within two hours of operating a vessel:

11 (a) The person has an alcohol concentration of 0.08 or higher as
12 shown by analysis of the person's breath or blood made under RCW
13 46.61.506; or

14 (b) The person has a THC concentration of 5.00 or higher as shown
15 by analysis of the person's blood made under RCW 46.61.506; or

16 (c) The person is under the influence of or affected by
17 intoxicating liquor, marijuana, or any drug; or

18 (d) The person is under the combined influence of or affected by
19 intoxicating liquor, marijuana, and any drug.

20 (3) The fact that any person charged with a violation of this
21 section is or has been entitled to use such drug under the laws of this
22 state shall not constitute a defense against any charge of violating
23 this section.

24 (4)(a) Any person who operates a vessel within this state is deemed
25 to have given consent, subject to the provisions of RCW 46.61.506, to
26 a test or tests of the person's breath (~~(or blood)~~) for the purpose of
27 determining the alcohol concentration(~~(, THC concentration, or presence~~
28 ~~of any drug)~~) in the person's breath (~~(or blood)~~) if arrested for any
29 offense where, at the time of the arrest, the arresting officer has

1 reasonable grounds to believe the person was operating a vessel while
2 under the influence of intoxicating liquor(~~(, marijuana,)~~) or a
3 combination of intoxicating liquor and any other drug.

4 (b) When an arrest results from an accident in which there has been
5 serious bodily injury to another person or death or the arresting
6 officer has reasonable grounds to believe the person was operating a
7 vessel while under the influence of THC or any other drug, a blood test
8 may be administered with the consent of the arrested person and a valid
9 waiver of the warrant requirement or without the consent of the person
10 so arrested pursuant to a search warrant or when exigent circumstances
11 exist.

12 (c) Neither consent nor this section precludes a police officer
13 from obtaining a search warrant for a person's breath or blood.

14 (d) An arresting officer may administer field sobriety tests when
15 circumstances permit.

16 (5) The test or tests of breath must be administered pursuant to
17 RCW 46.20.308. (~~(Where the officer has reasonable grounds to believe~~
18 ~~that the person is under the influence of a drug, or where the person~~
19 ~~is incapable due to physical injury, physical incapacity, or other~~
20 ~~physical limitation, of providing a breath sample, or where the person~~
21 ~~is being treated in a hospital, clinic, doctor's office, emergency~~
22 ~~medical vehicle, ambulance, or other similar facility, a blood test~~
23 ~~must be administered by a qualified person as provided in RCW~~
24 ~~46.61.506(5).)) The officer shall warn the person that if the person
25 refuses to take the test, the person will be issued a class 1 civil
26 infraction under RCW 7.80.120.~~

27 (6) A violation of subsection (1) of this section is a misdemeanor.
28 A violation of subsection (2) of this section is a gross misdemeanor.
29 In addition to the statutory penalties imposed, the court may order the
30 defendant to pay restitution for any damages or injuries resulting from
31 the offense.

32 **Sec. 2.** RCW 79A.60.700 and 2013 c 278 s 2 are each amended to read
33 as follows:

34 (1) The refusal of a person to submit to a test of the alcohol
35 concentration, THC concentration, or presence of any drug in the
36 person's blood or breath is not admissible into evidence at a
37 subsequent criminal trial.

1 (2) A person's refusal to submit to a test or tests pursuant to RCW
2 79A.60.040(4)(a) constitutes a class 1 civil infraction under RCW
3 7.80.120."

4 Correct the title.

EFFECT: Allows for a blood test to be administered when an arrest results from an accident in which there has been serious bodily injury to another person or death, provided that the arrested person has given consent, a search warrant has been issued, or exigent circumstances exist.

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