
Public Safety Committee

HB 1874

Brief Description: Addressing the blood and breath alcohol concentration of persons operating or in physical control of a vehicle, vessel, or aircraft.

Sponsors: Representatives Lovick, Klippert, Pellicciotti, Goodman, Kilduff, Ryu, Gregerson, Senn, Kagi, Haler, Stanford, Bergquist and Farrell.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Lowers the "per se" blood and breath alcohol concentration (BAC) threshold for impaired driving offenses, and related offenses and sanctions, from 0.08 BAC to 0.05 BAC.
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Hearing Date: 2/7/17

Staff: Omeara Harrington (786-7136).

Background:

A person may be convicted of impaired driving under either the Driving Under the Influence (DUI) statute or the Physical Control of a Vehicle While Under the Influence (PC) statute. A person is guilty of DUI if he or she drives while under the influence of intoxicating liquor, marijuana, or any drug, and is guilty of PC if he or she has actual physical control of a vehicle while under the influence of intoxicating liquor, marijuana, or any drug.

To be convicted of DUI or PC, the person must either: (1) have a BAC of 0.08 or higher or a THC concentration of 5.00 or higher within two hours after driving or being in physical control of a vehicle; or (2) have been or driving or in physical control while under the influence of or affected by intoxicating liquor or any drug, or a combination of such substances. Driving or physical control of a vehicle with a BAC at or above the 0.08 threshold is a "per se" violation of the DUI and PC laws. A per se violation requires only the presence of the required BAC level to establish impairment, and does not require additional proof that the driver was impaired.

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.

Other offenses and sanctions also utilize the 0.08 BAC threshold:

- A person is guilty of the crime of operating a vessel while under the influence if he or she registers a BAC of 0.08 or higher.
- Under the Washington Code of Military Justice, a person subject to the code may be punished by court martial if he or she operates or is in physical control of a vehicle, aircraft, or vessel with a BAC of 0.08 or higher.
- In addition to other punishments for a DUI or PC conviction, it is a condition of probation that the person not drive or be in physical control of a motor vehicle with a BAC of 0.08 or higher.
- An administrative suspension of a driver's license is triggered, among other circumstances, if a person arrested for DUI or PC has a BAC of 0.08 or higher.
- A person is subject to temporary or permanent disqualification from driving a commercial motor vehicle if the person has one or more convictions for driving a noncommercial motor vehicle while the person's BAC is 0.08 or more.

Summary of Bill:

The per se BAC threshold for DUI and PC is lowered from 0.08 BAC to 0.05 BAC. The other offenses and sanctions that currently utilize the 0.08 BAC threshold are also changed to reflect the 0.05 BAC threshold.

Appropriation: None.

Fiscal Note: Requested on February 1, 2017.

Effective Date: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 4 which, because of a prior delayed effective date, takes effect January 1, 2019.