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**Community Safety, Justice, & Reentry  
Committee**

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**HB 1112**

**Brief Description:** Imposing criminal penalties for negligent driving involving the death of a vulnerable user victim.

**Sponsors:** Representatives Harris, Santos, Ramel, Fitzgibbon, Kloba and Donaghy.

**Brief Summary of Bill**

- Establishes the new offense of Negligent Driving with a Vulnerable User Victim in the first degree, which a person commits if the person operates a vehicle in a manner that is negligent and endangers or is likely to endanger any person or property, and proximately causes the death of a vulnerable user of a public way.

**Hearing Date:** 1/16/23

**Staff:** Corey Patton (786-7388).

**Background:**

Under state law, a person who causes or risks harm while operating a motor vehicle may be charged with a number of different offenses, depending on the specific circumstances. For example, a person commits Negligent Driving in the first degree, a misdemeanor, if the person operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property, and exhibits the effects of having consumed, inhaled, or ingested certain substances. A person commits Negligent Driving in the second degree, a traffic infraction punishable by a \$250 penalty, if the person operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property under circumstances not constituting Negligent Driving in the first degree.

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

A person commits Negligent Driving in the second degree with a Vulnerable User Victim, a traffic infraction punishable by a \$5,000 penalty and a 90-day driver's license suspension, if the person operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property, and proximately causes the death, great bodily harm, or substantial bodily harm of a vulnerable user of a public way, which includes: a pedestrian; a person riding an animal; or a person operating or riding a number of specified items on a public way. However, in lieu of the standard penalties, a person who requests and personally appears for a hearing may instead (1) pay a \$250 penalty; (2) attend traffic school for a number of days determined by the court; (3) perform community service related to driver improvement and providing public education on traffic safety for a number of hours determined by the court, not to exceed 100 hours; and (4) submit certification to the court that these requirements have been met within one year of the hearing.

"Negligence" means 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 of Bill:**

The new offense of Negligent Driving with a Vulnerable User Victim in the first degree is established as a gross misdemeanor. A person commits the offense if the person operates a vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property, and proximately causes the death of a vulnerable user of a public way. The offense is punishable by up to 364 days of imprisonment; a \$5,000 fine, which may not be reduced below \$1,000; and suspension of driving privileges for 90 days.

The offense of Negligent Driving in the second degree with a Vulnerable User Victim is renamed to Negligent Driving with a Vulnerable User Victim in the second degree, and the scope of the offense is modified. A person commits the offense if the person operates a vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property, and proximately causes great bodily harm or substantial bodily harm of a vulnerable user of a public way.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on January 1, 2024.