

HOUSE BILL REPORT

HB 1319

As Reported by House Committee On:
Transportation

Title: An act relating to collision reporting criteria triggering driver's license reexamination.

Brief Description: Addressing collision reporting criteria triggering driver's license reexamination.

Sponsors: Representatives Reed, Cortes, Berry, Ramel, Cheney, Waters and Kloba.

Brief History:

Committee Activity:

Transportation: 2/2/23, 2/9/23 [DP].

Brief Summary of Bill

- Modifies when a law enforcement officer must report a driver to the Department of Licensing (DOL) following a traffic collision that results in injury, broadening when a driver is reported to the DOL and must take a driver examination.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 29 members: Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry, Bronoske, Chapman, Cortes, Dent, Doglio, Duerr, Entenman, Goehner, Griffey, Hackney, Klicker, Mena, Orcutt, Ramel, Ramos, Schmidt, Taylor, Volz, Walsh and Wylie.

Staff: Jennifer Harris (786-7143).

Background:

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.

Law Enforcement Reporting of Traffic Collisions.

A law enforcement officer present at the scene of a traffic collision or in possession of facts concerning a traffic collision is required to make a report of the collision. A law enforcement officer must report to the Department of Licensing (DOL), on a form prescribed by the DOL, the identity of the operator of a vehicle involved in a collision when the collision results in a fatality and the officer has reasonable grounds to believe the operator of the vehicle caused the collision.

A law enforcement officer must also report to the DOL, on a form prescribed by the DOL, the identity of the operator of a vehicle involved in a collision when the collision results in a serious injury and the officer has reasonable grounds to believe that the operator who caused the serious injury may not be competent to operate a motor vehicle.

Driver Reexamination.

The DOL must require a driver reported by a law enforcement officer following a traffic collision to submit to a driver examination. The driver examination must be completed within 120 days after the DOL receives the law enforcement officer's report, unless the DOL grants an operator-requested extension. The DOL may also require a person reported to obtain documentation of his or her condition signed by a licensed physician or other authority designated by the DOL. The DOL may suspend or revoke the driver's license of a person who does not complete the required driver examination.

Vehicular Assault.

In 2001 the elements that must be met for a person to be guilty of vehicular assault were broadened. Prior to 2001 a person was guilty of vehicular assault if he or she operated or drove a vehicle:

- in a reckless manner, and this conduct was the proximate cause of "serious bodily injury" to another; or
- while under the influence of intoxicating liquor or certain drugs specified in state law, and this conduct was the proximate cause of "serious bodily injury" to another.

"Serious bodily injury" was defined as bodily injury that involves a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body.

In 2001 legislation modified the above elements that had to be met to be guilty of vehicular assault by substituting the requirement that the conduct be the proximate cause of "serious bodily injury" to another person with the requirement that the operation of the vehicle cause "substantial bodily harm" to another person. A person is also guilty of vehicular assault if he or she operates or drives a vehicle with disregard for the safety of others and causes "substantial bodily harm" to another person.

"Substantial bodily harm" is defined as bodily injury that involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of

the function of any bodily part or organ, or which causes a fracture of any bodily part.

Summary of Bill:

A law enforcement officer must report to the DOL the identity of the operator of a vehicle involved in a collision when the collision results in "substantial bodily harm" and the officer has reasonable grounds to believe that the operator who caused the substantial bodily harm may not be competent to operate a motor vehicle, broadening when a driver is reported to the DOL and must take a driver examination.

"Substantial bodily harm" is defined using the same definition that applies to the use of the phrase in the current elements of vehicular assault.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This is a simple, common sense bill to make it easier for law enforcement officers to understand how to apply existing law. The bill contains harmonizing language and would apply to any driver involved in a fatal crash involving serious injury or bodily harm by making a technical fix.

The bill makes a change to fulfill the original intent of the Cooper Jones Act, which was named after Cooper Jones, who was killed riding a bicycle. The intent of the Cooper Jones Act was to make sure that someone who causes serious harm to anyone else in a collision will have their condition reassessed. The existing statute makes clear that if a driver causes serious injury, including to a pedestrian or bicyclist, testing is required.

(Opposed) An oversight, review, and appeals process for this testing requirement should be considered. Some police officers do have bias, and if a person is a victim of abuse and bias by a police officer, there is no process to fight it. This requirement for retesting is triggered through an open-ended and lax process.

Persons Testifying: (In support) Representative Julia Reed, prime sponsor; David Jones; Vicky Clarke, Washington Bikes; and Mark McKechnie, Washington Traffic Safety Commission.

(Opposed) Jeff Pack.

Persons Signed In To Testify But Not Testifying: Amy Freedheim, King County
Prosecuting Attorney's Office-Felony Traffic.