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

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**HB 2196**

**Brief Description:** Concerning alcohol concentration.

**Sponsors:** Representatives Donaghy, Berry, Ormsby and Davis.

**Brief Summary of Bill**

- Reduces the breath or blood alcohol concentration limit for operating a motor vehicle from 0.08 percent to 0.05 percent.
- Reduces the breath or blood alcohol concentration limit for physical control of a motor vehicle from 0.08 percent to 0.05 percent.

**Hearing Date:** 1/25/24

**Staff:** Michelle Rusk (786-7153).

**Background:**

Impaired Driving.

A person commits the crime of Driving While Under the Influence (DUI) of intoxicating liquor, cannabis, or any drug if the person drives a motor vehicle:

- with a breath or blood alcohol concentration of 0.08 percent or higher;
- with a tetrahydrocannabinol (THC) concentration of five or higher in their blood; or
- under the influence or a combined influence of intoxicating liquor, cannabis, and any drug.

Physical Control of a Vehicle While Under the Influence.

A person commits the crime of Physical Control of a Motor Vehicle While Under the Influence (PC) of intoxicating liquor or any drug if the person drives a motor vehicle:

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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.*

- with a breath or blood alcohol concentration of 0.08 percent or higher;
- with a THC concentration of five or higher in their blood; or
- under the influence or a combined influence of intoxicating liquor, cannabis, and any drug.

State law prescribes when and how the Department of Licensing may suspend, revoke, or deny a person's driver's license based on the foregoing offenses.

A DUI or PC offense is punishable as a gross misdemeanor, except that such offense is elevated to a class B felony if the defendant has three or more convictions for qualifying prior offenses within ten years, or has previously been convicted of Vehicular Homicide or Vehicular Assault while under the influence.

### **Summary of Bill:**

#### Impaired Driving.

The breath or blood alcohol concentration limit of 0.08 percent or higher is reduced to 0.05 percent or higher for the offenses of:

- driving while under the influence of intoxicating liquor, cannabis, or any drug; or
- being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug.

#### Public Information Campaign.

The Washington Traffic Safety Commission (WTSC) must develop and implement a public information campaign related to the act. In developing and implementing the public information campaign, WTSC must:

- ensure television, radio, and online advertisements are provided in all areas of the state;
- include multiple print advertisements in the largest newspapers in each county;
- provide content of the public information campaign in the top nine most significant non-English-speaking languages spoken in the state;
- consider equity outcomes on overburdened communities as defined in RCW 70A.02.010; and
- ensure that at least 10 percent of the advertisements are developed in conjunction with in-state hospitality stakeholders and educate drivers about safe alternatives to driving while patronizing hospitality businesses.

#### Civil Liability.

Legislative findings are added to the Alcoholic Beverage Control Title, including that:

- current civil law relating to civil liability provides that a licensed commercial vendor, or quasi-commercial vendor, owes a duty to third persons not to sell, serve, or furnish alcohol to someone who is apparently under the influence of alcohol, or obviously intoxicated;
- current civil law is both statutory and also developed in case law;
- civil liability to third persons under civil law does not depend upon a finding of the blood or breath alcohol concentration; and
- nothing in this act may be construed to change current civil law for civil liability of a

licensed commercial vendor or quasi-commercial vendor.

Evaluation of the Act.

The Washington State Institute for Public Policy must conduct an evaluation of the impacts of this act during the first two years of implementation. By October 1, 2027, the institute must submit a report to the Legislature detailing the results of its evaluation. The evaluation must include, but is not limited to, the impact of the act on:

- the number of serious and fatal traffic accidents;
- driving under the influence arrests and adjudications for driving under the influence offenses;
- equity outcomes on overburdened communities;
- sales and other business effects on the hospitality industry in the state; and
- sales and other business effects on breweries, wineries, and distilleries in the state.

**Appropriation:** None.

**Fiscal Note:** Requested on January 16.

**Effective Date:** The bill takes effect on July 1, 2025.