
SUBSTITUTE SENATE BILL 6204

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Haugen, Smith, Winsley, Hale and Schow)

Read first time 01/30/96.

1 AN ACT Relating to negligent driving; amending RCW 46.61.525;
2 reenacting and amending RCW 46.63.020; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.61.525 and 1979 ex.s. c 136 s 86 are each amended
5 to read as follows:

6 ~~((It shall be unlawful for any person to operate a motor vehicle in
7 a negligent manner. For the purpose of this section to "operate in a
8 negligent manner" shall be construed to mean the operation of a vehicle
9 in such a manner as to endanger or be likely to endanger any persons or
10 property: PROVIDED HOWEVER, That any person operating a motor vehicle
11 on private property with the consent of the owner in a manner
12 consistent with the owner's consent shall not be guilty of negligent
13 driving.~~

14 ~~The offense of operating a vehicle in a negligent manner shall be
15 considered to be a lesser offense than, but included in, the offense of
16 operating a vehicle in a reckless manner, and any person charged with
17 operating a vehicle in a reckless manner may be convicted of the lesser
18 offense of operating a vehicle in a negligent manner. Any person
19 violating the provisions of this section will be guilty of a~~

1 ~~misdemeanor: PROVIDED, That the director may not revoke any license~~
2 ~~under this section, and such offense is not punishable by imprisonment~~
3 ~~or by a fine exceeding two hundred fifty dollars.))~~ (1)(a) A person is
4 guilty of negligent driving in the first degree if he or she operates
5 a motor vehicle in a manner that is both negligent and endangers or is
6 likely to endanger any person or property, and exhibits the effects of
7 having consumed liquor or an illegal drug.

8 (b) It is an affirmative defense to negligent driving in the first
9 degree by means of exhibiting the effects of having consumed an illegal
10 drug that must be proved by the defendant by a preponderance of the
11 evidence, that the driver has a valid prescription for the drug
12 consumed, and has been consuming it according to the prescription
13 directions and warnings.

14 (c) Negligent driving in the first degree is a misdemeanor.

15 (2)(a) A person is guilty of negligent driving in the second degree
16 if, under circumstances not constituting negligent driving in the first
17 degree, he or she operates a motor vehicle in a manner that is both
18 negligent and endangers or is likely to endanger any person or
19 property.

20 (b) It is an affirmative defense to negligent driving in the second
21 degree that must be proved by the defendant by a preponderance of the
22 evidence, that the driver was operating the motor vehicle on private
23 property with the consent of the owner in a manner consistent with the
24 owner's consent.

25 (c) Negligent driving in the second degree is a traffic infraction
26 and is subject to penalties as set by the supreme court under RCW
27 46.63.110 or community service.

28 (3) For the purposes of this section:

29 (a) "Negligent" means the failure to exercise ordinary care, and is
30 the doing of some act that a reasonably careful person would not do
31 under the same or similar circumstances or the failure to do something
32 that a reasonably careful person would do under the same or similar
33 circumstances.

34 (b) "Exhibiting the effects of having consumed liquor" means that
35 a person has the odor of liquor on his or her breath and either:

36 (i) Is in possession of or in close proximity to a container that
37 has or recently had liquor in it; or

38 (ii) Is shown by other evidence to have recently consumed liquor.

1 (c) "Exhibiting the effects of having consumed an illegal drug"
2 means that a person by speech, manner, appearance, behavior, lack of
3 coordination, or otherwise exhibits that he or she has consumed an
4 illegal drug and either:

5 (i) Is in possession of an illegal drug; or

6 (ii) Is shown by other evidence to have recently consumed an
7 illegal drug.

8 (d) "Illegal drug" means a controlled substance under chapter 69.50
9 RCW for which the driver does not have a valid prescription or that is
10 not being consumed in accordance with the prescription directions and
11 warnings, or a legend drug under chapter 69.41 RCW for which the driver
12 does not have a valid prescription or that is not being consumed in
13 accordance with the prescription directions and warnings.

14 (4) Any act prohibited by this section that also constitutes a
15 crime under any other law of this state may be the basis of prosecution
16 under such other law notwithstanding that it may also be the basis for
17 prosecution under this section.

18 **Sec. 2.** RCW 46.63.020 and 1995 1st sp.s. c 16 s 1, 1995 c 332 s
19 16, and 1995 c 256 s 25 are each reenacted and amended to read as
20 follows:

21 Failure to perform any act required or the performance of any act
22 prohibited by this title or an equivalent administrative regulation or
23 local law, ordinance, regulation, or resolution relating to traffic
24 including parking, standing, stopping, and pedestrian offenses, is
25 designated as a traffic infraction and may not be classified as a
26 criminal offense, except for an offense contained in the following
27 provisions of this title or a violation of an equivalent administrative
28 regulation or local law, ordinance, regulation, or resolution:

29 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
30 vehicle while under the influence of intoxicating liquor or a
31 controlled substance;

32 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

33 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
34 while under the influence of intoxicating liquor or narcotics or
35 habit-forming drugs or in a manner endangering the person of another;

36 (4) RCW 46.10.130 relating to the operation of snowmobiles;

1 (5) Chapter 46.12 RCW relating to certificates of ownership and
2 registration and markings indicating that a vehicle has been destroyed
3 or declared a total loss;
4 (6) RCW 46.16.010 relating to initial registration of motor
5 vehicles;
6 (7) RCW 46.16.011 relating to permitting unauthorized persons to
7 drive;
8 (8) RCW 46.16.160 relating to vehicle trip permits;
9 (9) RCW 46.16.381 (6) or (9) relating to unauthorized use or
10 acquisition of a special placard or license plate for disabled persons'
11 parking;
12 (10) RCW 46.20.021 relating to driving without a valid driver's
13 license;
14 (11) RCW 46.20.336 relating to the unlawful possession and use of
15 a driver's license;
16 (12) RCW 46.20.342 relating to driving with a suspended or revoked
17 license or status;
18 (13) RCW 46.20.410 relating to the violation of restrictions of an
19 occupational driver's license;
20 (14) RCW 46.20.420 relating to the operation of a motor vehicle
21 with a suspended or revoked license;
22 (15) RCW 46.20.750 relating to assisting another person to start a
23 vehicle equipped with an ignition interlock device;
24 (16) RCW 46.25.170 relating to commercial driver's licenses;
25 (17) Chapter 46.29 RCW relating to financial responsibility;
26 (18) RCW 46.30.040 relating to providing false evidence of
27 financial responsibility;
28 (19) RCW 46.37.435 relating to wrongful installation of
29 sunscreening material;
30 (20) RCW 46.44.180 relating to operation of mobile home pilot
31 vehicles;
32 (21) RCW 46.48.175 relating to the transportation of dangerous
33 articles;
34 (22) RCW 46.52.010 relating to duty on striking an unattended car
35 or other property;
36 (23) RCW 46.52.020 relating to duty in case of injury to or death
37 of a person or damage to an attended vehicle;
38 (24) RCW 46.52.090 relating to reports by repairmen, storagemen,
39 and appraisers;

1 (25) RCW 46.52.100 relating to driving under the influence of
2 liquor or drugs;

3 (26) RCW 46.52.130 relating to confidentiality of the driving
4 record to be furnished to an insurance company, an employer, and an
5 alcohol/drug assessment or treatment agency;

6 (27) RCW 46.55.020 relating to engaging in the activities of a
7 registered tow truck operator without a registration certificate;

8 (28) RCW 46.55.035 relating to prohibited practices by tow truck
9 operators;

10 (29) RCW 46.61.015 relating to obedience to police officers,
11 flagmen, or fire fighters;

12 (30) RCW 46.61.020 relating to refusal to give information to or
13 cooperate with an officer;

14 (31) RCW 46.61.022 relating to failure to stop and give
15 identification to an officer;

16 (32) RCW 46.61.024 relating to attempting to elude pursuing police
17 vehicles;

18 (33) RCW 46.61.500 relating to reckless driving;

19 (34) RCW 46.61.502 and 46.61.504 relating to persons under the
20 influence of intoxicating liquor or drugs;

21 (35) RCW (~~46.61.5055 (section 5, chapter 332 (Substitute Senate~~
22 ~~Bill No. 5141), Laws of 1995~~)) 46.61.503 relating to a person under
23 age twenty-one driving a motor vehicle after consuming alcohol;

24 (36) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

25 (37) RCW 46.61.522 relating to vehicular assault;

26 (38) RCW 46.61.525(1) relating to first degree negligent driving;

27 (39) RCW 46.61.527(4) relating to reckless endangerment of roadway
28 workers;

29 (40) RCW 46.61.530 relating to racing of vehicles on highways;

30 (41) RCW 46.61.685 relating to leaving children in an unattended
31 vehicle with the motor running;

32 (42) RCW 46.64.010 relating to unlawful cancellation of or attempt
33 to cancel a traffic citation;

34 (43) RCW 46.64.048 relating to attempting, aiding, abetting,
35 coercing, and committing crimes;

36 (44) Chapter 46.65 RCW relating to habitual traffic offenders;

37 (45) Chapter 46.70 RCW relating to unfair motor vehicle business
38 practices, except where that chapter provides for the assessment of
39 monetary penalties of a civil nature;

- 1 (46) Chapter 46.72 RCW relating to the transportation of passengers
2 in for hire vehicles;
- 3 (47) Chapter 46.80 RCW relating to motor vehicle wreckers;
- 4 (48) Chapter 46.82 RCW relating to driver's training schools;
- 5 (49) RCW 46.87.260 relating to alteration or forgery of a cab card,
6 letter of authority, or other temporary authority issued under chapter
7 46.87 RCW;
- 8 (50) RCW 46.87.290 relating to operation of an unregistered or
9 unlicensed vehicle under chapter 46.87 RCW.

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