

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 5. Sections 1 and 2 of this act shall expire December 1, 1991.

Passed the Senate March 6, 1990.

Passed the House March 6, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

CHAPTER 291

[Second Substitute Senate Bill No. 5882]

RECKLESS DRIVING

AN ACT Relating to reckless, negligent, and inattentive driving; amending RCW 46.61-.500, 46.61.525, and 46.61.005; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 59, chapter 155, Laws of 1965 ex. sess. as last amended by section 85, chapter 136, Laws of 1979 ex. sess. and RCW 46.61.500 are each amended to read as follows:

(1) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Violation of the provisions of this section is a gross misdemeanor punishable by imprisonment of not more than one year and by a fine of not more than five thousand dollars.

(2) The license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days.

**Sec. 2. Section 46.56.030, chapter 12, Laws of 1961 as last amended by section 86, chapter 136, Laws of 1979 ex. sess. and RCW 46.61.525 are each amended to read as follows:*

*It ~~((shall-be))~~ is unlawful for any person to operate a motor vehicle in this state in a negligent manner. For the purpose of this section to "operate in a negligent manner" ~~((shall-be construed to))~~ means the operation of a vehicle in such a manner as to endanger or be likely to endanger any persons or property: **PROVIDED HOWEVER,** That any person operating a motor vehicle on private property with the consent of the owner in a manner consistent with the owner's consent ~~((shall))~~ is not ~~((be))~~ guilty of negligent driving.*

The offense of operating a vehicle in a negligent manner ~~((shall-be))~~ is considered to be a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a

vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner. Any person violating the provisions of this section (~~will be~~) is guilty of a misdemeanor(~~-PROVIDED, That~~). The director may not revoke any license under this section, and such offense is (~~not~~) punishable by imprisonment (~~or~~) not exceeding ninety days and by a fine not exceeding (~~two hundred fifty~~) one thousand dollars.

*Sec. 2 was vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 3. A new section is added to chapter 46.61 RCW to read as follows:

It is a traffic infraction for a person to operate a motor vehicle in an inattentive manner. For the purposes of this section to "operate a motor vehicle in an inattentive manner" means the operation of a motor vehicle in a manner that evidences a lack of (1) that degree of attentiveness required to safely operate the vehicle under the prevailing conditions, including but not limited to the nature and condition of the roadway, presence of pedestrians, presence of other traffic, and weather conditions; or (2) that degree of attentiveness as will allow the driver of a motor vehicle to observe anything resting on or traveling on the roadway in time to take appropriate action as circumstances require.

*Sec. 3 was vetoed, see message at end of chapter.

Sec. 4. Section 1, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.005 are each amended to read as follows:

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

- (1) Where a different place is specifically referred to in a given section.
- (2) The provisions of RCW 46.52.010 through 46.52.090 and 46.61.500 through (~~46.61.520~~) 46.61.525 shall apply upon highways and elsewhere throughout the state.

Passed the Senate February 13, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 29, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 29, 1990.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 2 and 3, Engrossed Second Substitute Senate Bill No. 5882 entitled:

"AN ACT Relating to reckless, negligent, and inattentive driving."

Section 1 of this bill makes the crime of reckless driving a gross misdemeanor punishable by imprisonment of up to one year and by a fine of up to five thousand dollars. Increased penalties for this serious traffic offense should be a useful tool to prosecutors, police and judges.

Section 2 provides a 90-day maximum jail sentence for the less serious traffic offense of negligent driving. Currently, negligent driving is not punishable by imprisonment. While the overall intent of this bill is to provide judges with more options through increased penalties, this particular change fails to accomplish the intended

result. It is counterproductive to increase the penalty for negligent driving while at the same time trying to reduce the number of cases that are plea-bargained from DWI and reckless driving to negligent driving. Of additional concern is the drain on resources associated with this change. Emphasis must be placed on providing the jail space and law enforcement personnel to assure convictions and stiff sentences for our most serious criminal and traffic offenders. I encourage the Legislature, working together with local officials, to pursue comprehensive solutions for our criminal justice system.

Section 3 creates a new traffic infraction of inattentive driving. The definition of this new infraction potentially punishes behavior where no erratic driving is present and thus creates enforcement problems for the police. Existing specific violations are adequate and this infraction is unnecessary.

For the reasons stated, I have vetoed sections 2 and 3.

With the exception of sections 2 and 3, Engrossed Second Substitute Senate Bill No. 5882 is approved.*

CHAPTER 292

[Second Substitute Senate Bill No. 6832]

JUVENILE REHABILITATION SYSTEM STUDY

AN ACT Relating to the study of the juvenile rehabilitation system; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that states treat juvenile offenders in a variety of organizational settings that reflect differing approaches toward juvenile crimes. Some serve juvenile offenders solely through state-operated programs and others, like Washington, use a combination of state and county services. Juvenile rehabilitation programs can be located with adult corrections agencies, within human service agencies, or stand alone cabinet level agencies. A consensus does not exist in Washington state regarding location of juvenile rehabilitation services and no in-depth review of these services has been undertaken since January 1983. The legislature intends for an independent party to review the current juvenile rehabilitation system in Washington state and to recommend an organizational structure necessary to protect public safety and to provide effective rehabilitation services to juvenile offenders.

NEW SECTION. Sec. 2. The office of financial management shall conduct a juvenile rehabilitation study which shall:

- (1) Review the mission and goals of the juvenile rehabilitation system in Washington state;
- (2) Make recommendations regarding the roles of the division of juvenile rehabilitation and various juvenile justice agencies in meeting the mission of the juvenile system;
- (3) Review the division of juvenile rehabilitation's comprehensive program and facilities plan and make recommendations regarding its implementation; and