

CHAPTER 393.

[S. B. 119.]

MOTOR VEHICLES—INTOXICATING LIQUOR, DRUGS.

AN ACT relating to motor vehicles; altering procedure and penalties where defendant is charged with driving under the influence of liquor or drugs; requiring the director of licenses to furnish abstracts of driving records; enlarging jurisdiction of justices of the peace and police court judges; prescribing penalties; and amending section 65, chapter 188, Laws of 1937 and RCW 46.20.250, section 15, chapter 196, Laws of 1949 and RCW 46.52.100, and section 4, chapter 196, Laws of 1949 and RCW 46.56.010 and adding new sections.

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

SECTION 1. Section 65, chapter 188, Laws of 1937 and RCW 46.20.250 are each amended to read as follows: Amendment.

Every court in fixing the penalty shall forthwith revoke the vehicle operator's license of a person upon his conviction of any of the following crimes:

Operators license revoked upon conviction of following crimes.

- (1) Manslaughter resulting from the operation of a motor vehicle;
- (2) Perjury or the making of a false affidavit to the director under any licensing law pertaining to motor vehicles or any other law of this state requiring the registration of motor vehicles or regulating their operation on public highways;
- (3) Any crime punishable as a felony under the motor vehicle laws of this state or any other felony in the commission of which a motor vehicle is used;
- (4) Conviction or forfeiture of bail upon three charges of reckless driving all within the preceding two years;
- (5) A conviction of an operator of a motor vehicle, involved in an accident resulting in the death or injury of another person, upon a charge of failing to stop and disclose his identity at the scene of the accident;

(6) Conviction or forfeiture of bail upon three charges of operating a vehicle while under the influence of or affected by the use of intoxicating liquor or of any narcotic drug, all within the preceding five years.

Additional to other grounds for revocation.

The foregoing offenses shall be in addition to any other offenses for which revocation of a vehicle operator's license is by law provided.

Amendment.

SEC. 2. Section 15, chapter 196, Laws of 1949 and RCW 46.52.100 are each amended to read as follows:

Records of traffic charges; official action referring thereto.

Every justice of the peace, police judge and clerk of superior courts shall keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to said justice of the peace, police judge, superior court or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every said traffic complaint or citation deposited with or presented to the justice of the peace, police judge, superior court or traffic violations bureau.

Abstract of record; to director of licenses.

The Monday following the conviction or forfeiture of bail of a person upon a charge of violating any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had or bail was forfeited shall prepare and immediately forward to the director of licenses at Olympia an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director of licenses and shall include the name and address of the party charged, the number, if any, of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

Abstract form
and contents.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

Constitute
misconduct
in office.

The director shall keep all abstracts received hereunder at his office in Olympia and the same shall be open to public inspection during reasonable business hours.

Public
inspection.

Venue in all justice courts shall be before one of the two nearest justices of the peace in incorporated cities and towns nearest to the point the violation allegedly occurred: *Provided*, That in counties of class A and of the first class such cases may be tried in the county seat at the request of the defendant.

Venue.

It shall be the duty of the officer, prosecuting attorney or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any narcotic drug immediately to make request to the director of licenses for an abstract of convictions and forfeitures which the director shall furnish.

Request for
abstract.

If an operator has a record of two or more convictions or forfeitures of the offense of operating a vehicle under the influence of or affected by the use of intoxicating liquor or any narcotic drug within a

Penalty.

five year period, he shall, upon conviction, be fined not less than one hundred dollars and not more than one thousand dollars, and shall be sentenced to not less than thirty days and not more than one year in the county jail and neither fine nor sentence shall be suspended; and the court shall revoke the operator's license.

Minimum mandatory sentence and fine.

If the operator at the time of the offense charged was without an operator's license because of a previous suspension or revocation, the minimum mandatory jail sentence and fine shall be ninety days in the county jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

Amendment.

SEC. 3. Section 4, chapter 196, Laws of 1949 and RCW 46.56.010 are each amended to read as follows:

Unlawful act.

It is unlawful for any person who is under the influence of or affected by the use of intoxicating liquor or of any narcotic drug to drive or be in actual physical control of any vehicle upon the public highways.

Chemical analysis of blood gives rise to presumptions.

In any criminal prosecution for a violation of the provisions of this section relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

If there was at that time 0.05 percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;

If there was at that time in excess of 0.05 percent but less than 0.15 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;

If there was at that time 0.15 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor. Nothing herein contained shall be construed as requiring any person to submit to a chemical analysis of his blood, and the refusal to submit to such an analysis shall not be admissible in evidence in any criminal prosecution for a violation of the provisions of this section or in any civil action.

No limitation on introduction of other evidence.

Chemical analysis not requirement.

It is unlawful for any person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle upon the public highways. The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.

Unlawful act.

No defense.

Upon the first conviction for the violation of the provisions of this section the court shall impose a fine of not less than fifty dollars or more than five hundred dollars and not less than five days or more than one year in jail, and shall, in addition thereto, suspend the operator's license of such person for not less than thirty days. Upon second conviction for a violation of the provisions of this section within a period of five years, the court shall impose a fine of not less than one hundred dollars or more than one thousand dollars and not less than thirty days or more than one year in the county jail, and neither the fine nor the jail sentence so imposed shall be suspended, and shall, in addition thereto, suspend

First conviction—penalty.

Second conviction—penalty.

Subsequent conviction—penalty.

Revocation or suspension stayed.

Concurrent jurisdiction.

the operator's license of such person for not less than sixty days after the termination of such jail sentence. Upon any subsequent conviction for a violation of the provisions of this section within a period of five years, the court shall impose a fine of not less than one hundred dollars or more than one thousand dollars and not less than thirty days or more than one year in the county jail, and neither the fine nor the jail sentence so imposed shall be suspended, and shall, in addition thereto, revoke the operator's license. In any case provided for in this act where a driver's license is to be revoked or suspended, such revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case such conviction is sustained on appeal such revocation or suspension shall take effect as of the date that the conviction becomes effective for other purposes; it being the intent and purpose of this section that licenses shall remain in full force and effect during the period that any appeal is pending.

SEC. 4. Every justice of the peace and police court judge shall have concurrent jurisdiction with superior court judges of the state for all violations of the provisions of this title and may impose any punishment provided therefor.

Passed the Senate March 10, 1955.

Passed the House March 9, 1955.

NOTE: The Governor allowed this measure to become law without his approval. Excerpt of message reads as follows:

"Several agencies of the state government have advised me that this bill may result in poorer enforcement procedures as far as drunken drivers are concerned. However, there is evidence that some prosecutors and judges feel that this measure will make possible a more just administration of the law and will not adversely affect the safety of our citizenry on the highways. In view of the conflict of opinion, and the inability to come to any definite conclusions in this matter, I have decided that the law can be given a two year trial, and then perhaps constructive amendments may be enacted if enforcement weaknesses develop."