
SUBSTITUTE SENATE BILL 5282

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Long, Hargrove, Schow, Zarelli and Winsley)

Read first time 03/05/97.

1 AN ACT Relating to hit and run involving death; amending RCW
2 46.52.020 and 46.61.520; reenacting and amending RCW 9.94A.320; and
3 prescribing penalties.

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

5 **Sec. 1.** RCW 46.52.020 and 1990 c 210 s 2 are each amended to read
6 as follows:

7 (1) A driver of any vehicle involved in an accident resulting in
8 the injury to or death of any person shall immediately stop such
9 vehicle at the scene of such accident or as close thereto as possible
10 but shall then forthwith return to, and in every event remain at, the
11 scene of such accident until he has fulfilled the requirements of
12 subsection (3) of this section; every such stop shall be made without
13 obstructing traffic more than is necessary.

14 (2) The driver of any vehicle involved in an accident resulting
15 only in damage to a vehicle which is driven or attended by any person
16 or damage to other property shall immediately stop such vehicle at the
17 scene of such accident or as close thereto as possible and shall
18 forthwith return to, and in any event shall remain at, the scene of
19 such accident until he has fulfilled the requirements of subsection (3)

1 of this section; every such stop shall be made without obstructing
2 traffic more than is necessary.

3 (3) Unless otherwise provided in subsection (7) of this section the
4 driver of any vehicle involved in an accident resulting in injury to or
5 death of any person or damage to any vehicle which is driven or
6 attended by any person or damage to other property shall give his name,
7 address, insurance company, insurance policy number, and vehicle
8 license number and shall exhibit his vehicle driver's license to any
9 person struck or injured or the driver or any occupant of, or any
10 person attending, any such vehicle collided with and shall render to
11 any person injured in such accident reasonable assistance, including
12 the carrying or the making of arrangements for the carrying of such
13 person to a physician or hospital for medical treatment if it is
14 apparent that such treatment is necessary or if such carrying is
15 requested by the injured person or on his behalf. Under no
16 circumstances shall the rendering of assistance or other compliance
17 with the provisions of this subsection be evidence of the liability of
18 any driver for such accident.

19 (4) Any driver (~~covered by the provisions of~~) under subsection
20 (1) of this section failing to stop or comply with any of the
21 requirements of subsection (3) of this section under said circumstances
22 shall be guilty of a class C felony and, upon conviction, be punished
23 pursuant to chapter 9A.20 RCW (~~9A.20.020:— PROVIDED, That this~~
24 ~~provision shall~~). This subsection does not apply to any person under
25 RCW 46.61.520(1)(d) or injured or incapacitated by such accident to the
26 extent of being physically incapable of complying herewith.

27 (5) Any driver covered by the provisions of subsection (2) of this
28 section failing to stop or to comply with any of the requirements of
29 subsection (3) of this section under said circumstances shall be guilty
30 of a gross misdemeanor: PROVIDED, That this provision shall not apply
31 to any person injured or incapacitated by such accident to the extent
32 of being physically incapable of complying herewith.

33 (6) The license or permit to drive or any nonresident privilege to
34 drive of any person convicted under this section or any local ordinance
35 consisting of substantially the same language as this section of
36 failure to stop and give information or render aid following an
37 accident with any vehicle driven or attended by any person shall be
38 revoked by the department.

1 (7) If none of the persons specified are in condition to receive
2 the information to which they otherwise would be entitled under
3 subsection (3) of this section, and no police officer is present, the
4 driver of any vehicle involved in such accident after fulfilling all
5 other requirements of subsections (1) and (3) of this section insofar
6 as possible on his part to be performed, shall forthwith report such
7 accident to the nearest office of the duly authorized police authority
8 and submit thereto the information specified in subsection (3) of this
9 section.

10 **Sec. 2.** RCW 46.61.520 and 1996 c 199 s 7 are each amended to read
11 as follows:

12 (1) When the death of any person ensues within three years as a
13 proximate result of injury proximately caused by the driving of any
14 vehicle by any person, the driver is guilty of vehicular homicide if
15 the driver was operating a motor vehicle:

16 (a) While under the influence of intoxicating liquor or any drug,
17 as defined by RCW 46.61.502; or

18 (b) In a reckless manner; or

19 (c) With disregard for the safety of others; or

20 (d) In violation of RCW 46.52.020.

21 (2) Vehicular homicide is a class A felony punishable under chapter
22 9A.20 RCW.

23 **Sec. 3.** RCW 9.94A.320 and 1996 c 302 s 6, 1996 c 205 s 3, and 1996
24 c 36 s 2 are each reenacted and amended to read as follows:

25 TABLE 2

26 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

27	XV	Aggravated Murder 1 (RCW 10.95.020)
28	XIV	Murder 1 (RCW 9A.32.030)
29		Homicide by abuse (RCW 9A.32.055)
30	XIII	Murder 2 (RCW 9A.32.050)
31	XII	Assault 1 (RCW 9A.36.011)
32		Assault of a Child 1 (RCW 9A.36.120)

1 XI Rape 1 (RCW 9A.44.040)
2 Rape of a Child 1 (RCW 9A.44.073)
3 X Kidnapping 1 (RCW 9A.40.020)
4 Rape 2 (RCW 9A.44.050)
5 Rape of a Child 2 (RCW 9A.44.076)
6 Child Molestation 1 (RCW 9A.44.083)
7 Damaging building, etc., by explosion with
8 threat to human being (RCW
9 70.74.280(1))
10 Over 18 and deliver heroin or narcotic from
11 Schedule I or II to someone under 18
12 (RCW 69.50.406)
13 Leading Organized Crime (RCW
14 9A.82.060(1)(a))
15 IX Assault of a Child 2 (RCW 9A.36.130)
16 Robbery 1 (RCW 9A.56.200)
17 Manslaughter 1 (RCW 9A.32.060)
18 Explosive devices prohibited (RCW
19 70.74.180)
20 Indecent Liberties (with forcible
21 compulsion) (RCW 9A.44.100(1)(a))
22 Endangering life and property by explosives
23 with threat to human being (RCW
24 70.74.270)
25 Over 18 and deliver narcotic from Schedule
26 III, IV, or V or a nonnarcotic from
27 Schedule I-V to someone under 18 and 3
28 years junior (RCW 69.50.406)
29 Controlled Substance Homicide (RCW
30 69.50.415)
31 Sexual Exploitation (RCW 9.68A.040)
32 Inciting Criminal Profiteering (RCW
33 9A.82.060(1)(b))
34 Vehicular Homicide, by being under the
35 influence of intoxicating liquor or
36 any drug (RCW 46.61.520)

1 VIII Arson 1 (RCW 9A.48.020)
2 Promoting Prostitution 1 (RCW 9A.88.070)
3 Selling for profit (controlled or
4 counterfeit) any controlled substance
5 (RCW 69.50.410)
6 Manufacture, deliver, or possess with
7 intent to deliver heroin or cocaine
8 (RCW 69.50.401(a)(1)(i))
9 Manufacture, deliver, or possess with
10 intent to deliver methamphetamine (RCW
11 69.50.401(a)(1)(ii))
12 Possession of ephedrine or pseudoephedrine
13 with intent to manufacture
14 methamphetamine (RCW 69.50.440)
15 Vehicular Homicide, by the operation of any
16 vehicle in a reckless manner (RCW
17 46.61.520)

18 VII Burglary 1 (RCW 9A.52.020)
19 Vehicular Homicide, by disregard for the
20 safety of others or by hit and run
21 (RCW 46.61.520(1) (c) or (d))
22 Introducing Contraband 1 (RCW 9A.76.140)
23 Indecent Liberties (without forcible
24 compulsion) (RCW 9A.44.100(1) (b) and
25 (c))
26 Child Molestation 2 (RCW 9A.44.086)
27 Dealing in depictions of minor engaged in
28 sexually explicit conduct (RCW
29 9.68A.050)
30 Sending, bringing into state depictions of
31 minor engaged in sexually explicit
32 conduct (RCW 9.68A.060)
33 Involving a minor in drug dealing (RCW
34 69.50.401(f))
35 Reckless Endangerment 1 (RCW 9A.36.045)
36 Unlawful Possession of a Firearm in the
37 first degree (RCW 9.41.040(1)(a))

1 VI Bribery (RCW 9A.68.010)
2 Manslaughter 2 (RCW 9A.32.070)
3 Rape of a Child 3 (RCW 9A.44.079)
4 Intimidating a Juror/Witness (RCW
5 9A.72.110, 9A.72.130)
6 Damaging building, etc., by explosion with
7 no threat to human being (RCW
8 70.74.280(2))
9 Endangering life and property by explosives
10 with no threat to human being (RCW
11 70.74.270)
12 Incest 1 (RCW 9A.64.020(1))
13 Manufacture, deliver, or possess with
14 intent to deliver narcotics from
15 Schedule I or II (except heroin or
16 cocaine) (RCW 69.50.401(a)(1)(i))
17 Intimidating a Judge (RCW 9A.72.160)
18 Bail Jumping with Murder 1 (RCW
19 9A.76.170(2)(a))
20 Theft of a Firearm (RCW 9A.56.300)

21 V Persistent prison misbehavior (RCW
22 9.94.070)
23 Criminal Mistreatment 1 (RCW 9A.42.020)
24 Abandonment of dependent person 1 (RCW
25 9A.42.060)
26 Rape 3 (RCW 9A.44.060)
27 Sexual Misconduct with a Minor 1 (RCW
28 9A.44.093)
29 Child Molestation 3 (RCW 9A.44.089)
30 Kidnapping 2 (RCW 9A.40.030)
31 Extortion 1 (RCW 9A.56.120)
32 Incest 2 (RCW 9A.64.020(2))
33 Perjury 1 (RCW 9A.72.020)
34 Extortionate Extension of Credit (RCW
35 9A.82.020)
36 Advancing money or property for
37 extortionate extension of credit (RCW
38 9A.82.030)

1 Extortionate Means to Collect Extensions of
2 Credit (RCW 9A.82.040)
3 Rendering Criminal Assistance 1 (RCW
4 9A.76.070)
5 Bail Jumping with class A Felony (RCW
6 9A.76.170(2)(b))
7 Sexually Violating Human Remains (RCW
8 9A.44.105)
9 Delivery of imitation controlled substance
10 by person eighteen or over to person
11 under eighteen (RCW 69.52.030(2))
12 Possession of a Stolen Firearm (RCW
13 9A.56.310)

14 IV Residential Burglary (RCW 9A.52.025)
15 Theft of Livestock 1 (RCW 9A.56.080)
16 Robbery 2 (RCW 9A.56.210)
17 Assault 2 (RCW 9A.36.021)
18 Escape 1 (RCW 9A.76.110)
19 Arson 2 (RCW 9A.48.030)
20 Commercial Bribery (RCW 9A.68.060)
21 Bribing a Witness/Bribe Received by Witness
22 (RCW 9A.72.090, 9A.72.100)
23 Malicious Harassment (RCW 9A.36.080)
24 Threats to Bomb (RCW 9.61.160)
25 Willful Failure to Return from Furlough
26 (RCW 72.66.060)
27 Hit and Run -- Injury Accident (RCW
28 46.52.020(4))
29 Hit and Run with Vessel -- Injury Accident
30 (RCW 88.12.155(3))
31 Vehicular Assault (RCW 46.61.522)
32 Manufacture, deliver, or possess with
33 intent to deliver narcotics from
34 Schedule III, IV, or V or nonnarcotics
35 from Schedule I-V (except marijuana or
36 methamphetamines) (RCW 69.50.401(a)(1)
37 (iii) through (v))
38 Influencing Outcome of Sporting Event (RCW
39 9A.82.070)

1 Use of Proceeds of Criminal Profiteering
2 (RCW 9A.82.080 (1) and (2))
3 Knowingly Trafficking in Stolen Property
4 (RCW 9A.82.050(2))
5 III Criminal Mistreatment 2 (RCW 9A.42.030)
6 Abandonment of dependent person 2 (RCW
7 9A.42.070)
8 Extortion 2 (RCW 9A.56.130)
9 Unlawful Imprisonment (RCW 9A.40.040)
10 Assault 3 (RCW 9A.36.031)
11 Assault of a Child 3 (RCW 9A.36.140)
12 Custodial Assault (RCW 9A.36.100)
13 Unlawful possession of firearm in the
14 second degree (RCW 9.41.040(1)(b))
15 Harassment (RCW 9A.46.020)
16 Promoting Prostitution 2 (RCW 9A.88.080)
17 Willful Failure to Return from Work Release
18 (RCW 72.65.070)
19 Burglary 2 (RCW 9A.52.030)
20 Introducing Contraband 2 (RCW 9A.76.150)
21 Communication with a Minor for Immoral
22 Purposes (RCW 9.68A.090)
23 Patronizing a Juvenile Prostitute (RCW
24 9.68A.100)
25 Escape 2 (RCW 9A.76.120)
26 Perjury 2 (RCW 9A.72.030)
27 Bail Jumping with class B or C Felony (RCW
28 9A.76.170(2)(c))
29 Intimidating a Public Servant (RCW
30 9A.76.180)
31 Tampering with a Witness (RCW 9A.72.120)
32 Manufacture, deliver, or possess with
33 intent to deliver marijuana (RCW
34 69.50.401(a)(1)(iii))
35 Delivery of a material in lieu of a
36 controlled substance (RCW
37 69.50.401(c))
38 Manufacture, distribute, or possess with
39 intent to distribute an imitation

1 controlled substance (RCW
2 69.52.030(1))
3 Recklessly Trafficking in Stolen Property
4 (RCW 9A.82.050(1))
5 Theft of livestock 2 (RCW 9A.56.080)
6 Securities Act violation (RCW 21.20.400)

7 II Unlawful Practice of Law (RCW 2.48.180)
8 Malicious Mischief 1 (RCW 9A.48.070)
9 Possession of Stolen Property 1 (RCW
10 9A.56.150)
11 Theft 1 (RCW 9A.56.030)
12 Trafficking in Insurance Claims (RCW
13 48.30A.015)
14 Unlicensed Practice of a Profession or
15 Business (RCW 18.130.190(7))
16 Health Care False Claims (RCW 48.80.030)
17 Possession of controlled substance that is
18 either heroin or narcotics from
19 Schedule I or II (RCW 69.50.401(d))
20 Possession of phencyclidine (PCP) (RCW
21 69.50.401(d))
22 Create, deliver, or possess a counterfeit
23 controlled substance (RCW
24 69.50.401(b))
25 Computer Trespass 1 (RCW 9A.52.110)
26 Escape from Community Custody (RCW
27 72.09.310)

28 I Theft 2 (RCW 9A.56.040)
29 Possession of Stolen Property 2 (RCW
30 9A.56.160)
31 Forgery (RCW 9A.60.020)
32 Taking Motor Vehicle Without Permission
33 (RCW 9A.56.070)
34 Vehicle Prowl 1 (RCW 9A.52.095)
35 Attempting to Elude a Pursuing Police
36 Vehicle (RCW 46.61.024)
37 Malicious Mischief 2 (RCW 9A.48.080)
38 Reckless Burning 1 (RCW 9A.48.040)

1 Unlawful Issuance of Checks or Drafts (RCW
2 9A.56.060)
3 Unlawful Use of Food Stamps (RCW 9.91.140
4 (2) and (3))
5 False Verification for Welfare (RCW
6 74.08.055)
7 Forged Prescription (RCW 69.41.020)
8 Forged Prescription for a Controlled
9 Substance (RCW 69.50.403)
10 Possess Controlled Substance that is a
11 Narcotic from Schedule III, IV, or V
12 or Non-narcotic from Schedule I-V
13 (except phencyclidine) (RCW
14 69.50.401(d))

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