

# SENATE BILL REPORT

## SB 6739

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As of February 5, 2010

**Title:** An act relating to hit and run provisions.

**Brief Description:** Modifying hit and run provisions.

**Sponsors:** Senator Hobbs.

**Brief History:**

**Committee Activity:** Judiciary: 2/05/10.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Lidia Mori (786-7755)

**Background:** A driver commits vehicular homicide when the driver is operating a vehicle and the death of a person occurs within three years as a proximate result of injury proximately caused by the driving of the vehicle and the driver was (1) under the influence of alcohol; (2) driving in a reckless manner; or (3) driving with disregard for the safety of others. It is a Class A felony. Vehicular homicide by being under the influence of alcohol or any drug is ranked at seriousness level IX. Vehicular homicide by operation of a vehicle in a reckless manner is ranked at seriousness level VIII. Vehicular homicide when committed by disregard for the safety of others is ranked at seriousness level VII.

The term proximate cause means a cause which, in a direct sequence, produces the death or harm, and without which death or harm would not have happened. In 2005 the Washington Supreme Court definitively held that driving in a reckless manner means driving in a rash or heedless manner, indifferent to the consequences. Disregard for the safety of others means an aggravated kind of negligence or carelessness, falling short of recklessness but constituting a more serious dereliction than ordinary negligence. Ordinary negligence is the failure to exercise ordinary care.

Vehicular assault is committed when a person operates a vehicle: (1) in a reckless manner and causes substantial bodily harm to another, or (2) while under the influence of alcohol or any drug and causes substantial bodily harm to another, or (3) with disregard for the safety of others and causes substantial bodily harm. It is a Class B felony. Vehicular assault by being under the influence of alcohol or any drug or by driving a vehicle in a reckless manner is

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ranked at seriousness level IV. Vehicular assault by operation of a vehicle with disregard for the safety of others is ranked at seriousness level III.

Substantial bodily harm means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Substitute):** Vehicular assault in the second degree is committed when a person operates or drives a vehicle in a negligent manner and causes substantial bodily harm to another. It is a Class C felony ranked at seriousness level II.

When the death of any person ensues within three years as a proximate result of injury proximately caused by the driving of any vehicle by any person, the driver is guilty of vehicular homicide in the second degree if the driver was operating the vehicle in a negligent manner. Vehicular homicide in the second degree is a Class B felony and ranked at seriousness level VI.

A title amendment is proposed.

**Appropriation:** None.

**Fiscal Note:** Requested on January 25, 2010.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.