



**State:**

Washington

**Statute/Law:**

RCW 46.61.502/504/5249. *Driving under the influence.*

**Per Se Law?:**

No

**Statute/Law Language:**

(1) A person is guilty of driving while under the influence of intoxicating liquor, marijuana, or any drug if the person drives a vehicle within this state:

(a) And the person has, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has, within two hours after driving, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor, marijuana, or any drug; or

(d) While the person is under the combined influence of or affected by intoxicating liquor, marijuana, and any drug."

**Penalties Following Conviction:**

Not more than 1 year imprisonment and/or not more than \$5000 fine for any DUID offense (gross misdemeanor); not more than 90 days in jail and/or not more than \$1000 fine for any negligent driving offense. The above sanctions are found in the Penal Code of the state as the penalty for a gross misdemeanor where specific penalties are not otherwise set forth in other statutes.

**Discretionary Court-Ordered Penalties:**

The court may order community service, restitution directly to a victim, and must require Defendant to pay an assessment used to support the victim's compensation fund and fees to fund the State's toxicology lab, to pay for costs of incarceration, and any emergency response involved in the DUI. The court may order house arrest in lieu of jail. Sentence and fines do not apply to a person who has already participated in a court-ordered treatment program two or more times.





**For more information:**

<http://apps.leg.wa.gov/rcw/default.aspx?cite=46.61.502>

*Current as of August 2016*

