

# HOUSE BILL ANALYSIS

## ESSB 6165

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**Title:** An act relating to use of ignition interlock devices.

**Brief Description:** Directing mandatory ignition interlocks for DUI offenders.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Rossi, Roach, Rasmussen, Goings, T. Sheldon, McCaslin, Strannigan, Zarelli, Long, Deccio, Oke, Kline, Wood, Schow, Swecker, Stevens, Haugen, Johnson, Benton and Winsley).

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Staff:** Bill Perry (786-7123).

**Background:** A court may order a person convicted of an offense involving the use, consumption, or possession of alcohol while operating a motor vehicle to drive only a vehicle equipped with an ignition interlock device. The court may order the use of an interlock only after any period of driver's license suspension or revocation has passed and only for as long as the court has jurisdiction over the case. Generally, district and municipal courts have jurisdiction over criminal cases for not more than two years.

The Department of Licensing must attach or imprint a notation on the license of a person required to drive only a vehicle equipped with an ignition interlock device. It is a misdemeanor for a person with such a notation to drive any vehicle that is not equipped with the ignition interlock device.

When a person is arrested for driving while under the influence (DUI), the arresting officer may take custody of the vehicle and remove it to a place of safety.

**Summary of Bill:** The use of ignition interlock devices is made mandatory in some cases for persons convicted of DUI.

A person convicted of DUI with a blood or breath alcohol level of .15 or more who has not been previously restricted to driving only a vehicle equipped with an ignition interlock device is restricted for one year to driving only a vehicle equipped with an ignition interlock device.

A person convicted of driving under the influence of alcohol or drugs who has a prior DUI within the past five years and who has previously been restricted to driving only a vehicle equipped with an ignition interlock device for one year is restricted to driving only a vehicle equipped with an ignition interlock device for five years.

A person has two or more prior DUIs within the past five years and is convicted of another DUI and who has previously been restricted to driving only a vehicle equipped with an ignition interlock device for five years is permanently restricted to driving only a vehicle equipped with an ignition interlock device.

The impoundment of a vehicle pending trial is made mandatory if a driver arrested for DUI is also violating an interlock requirement.

Local governments may submit claims for reimbursement by the Legislature if verifiable additional costs are created by this bill.

This act may be known and cited as the Mary Johnsen Act.

**Fiscal Note:** Available. New fiscal note requested for engrossed substitute bill February 19, 1998.

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

Office of Program Research