

HOUSE BILL REPORT

SB 6685

As Reported by House Committee On:
Judiciary

Title: An act relating to drivers convicted of alcohol offenses.

Brief Description: Changing provisions relating to ignition interlock devices.

Sponsors: Senators Rossi, Kline, Roach and Sheahan.

Brief History:

Committee Activity:

Judiciary: 2/28/02 [DPA].

Brief Summary of Bill
(As Amended by House Committee)

- Gives the Department of Licensing (DOL), rather than the courts, the authority and responsibility for requiring the use of ignition interlocks on vehicles driven by persons whose driver's licenses are being restored following a period of suspension or revocation for convictions of alcohol-related driving offenses.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 9 members: Representatives Lantz, Chair; Hurst, Vice Chair; Carrell, Ranking Minority Member; Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Staff: Bill Perry (786-7123).

Background:

Ignition interlocks are devices that prevent a person from starting or continuing to drive a vehicle if the person has more than a predetermined limit of alcohol in his or her system. Courts have discretion to order the use of an interlock after a conviction for an alcohol-related driving offense.

In the case of some DUI convictions and deferred prosecutions, use of an interlock is mandatory. All DUI convictions except a first conviction with an alcohol concentration

(BAC) of less than 0.15, and all deferred prosecutions except a first one with no prior DUI convictions or deferred prosecutions, require the use of an interlock.

In cases where interlocks are mandatory, the required use must be for periods of time not less than specified minimums. The specified minimum periods of required use escalate with successive impositions of the interlock requirement. The first time a person is required to use an interlock it must be for not less than one year. The second time a person is required to use an interlock the minimum period is five years, and the third time it is 10 years. The court may waive the otherwise mandatory use of an interlock if it makes a finding that the devices are not reasonably available in the local area.

In imposing an ignition interlock requirement on a driver, the court may determine the BAC limit above which the driver will be unable to start or continue to operate the vehicle.

After a person's driver's license has been suspended or revoked for DUI, the DOL is to determine eligibility for re-licensing based upon, among other things, reports provided by an alcoholism agency or probation department showing enrollment and participation in an approved program.

Summary of Amended Bill:

The DOL, rather than the courts, is given the responsibility for imposing ignition interlock requirements in those cases where use of the devices has been mandatory. Courts continue to have discretion to order the use of interlocks in alcohol-related cases.

The periods of mandatory use of interlocks are set at specific periods, rather than mandatory minimum periods. For a first required use, the period is one year; for a second required use it is five years; and for a third it is 10 years.

The DOL is required to have interlocks calibrated to prevent use of a vehicle when the driver has a BAC of 0.025 or more.

When a person's driver's license has been suspended or revoked due to a DUI conviction, and the person is required to use an interlock, the DOL may not reinstate the person's license without written verification of installment of the required device.

Amended Bill Compared to Original Bill:

The amendment removes references to the Implied Consent Law that may have implied that the act was intended to apply to administrative license suspensions or revocations, instead of just to criminal convictions for DUI.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The reason the bill is necessary is that the courts are simply not implementing the requirements of the law. The DOL records indicate more than 20,000 persons should be required to use interlocks, when in fact less than one-fourth that number have been ordered by the courts to do so. Studies have shown the effectiveness of interlock use. The incidents of violations is small. Recommendations are now being made that interlock use is more effective than long periods of license suspension.

Testimony Against: The cost of having to use an interlock is \$70 per month and is significant for a person who is already facing greatly increased insurance premiums. The devices often malfunction and can actually be dangerous to use since they will require a person periodically to blow into the device while driving. The devices also may not even fit on some cars.

Testified: (In support) Pete Youngers, Mothers Against Drunk Driving; and Judy Groezinger, Department of Licensing.

(Opposed) Sherry Appleton, Washington Defender Association and Washington Association of Criminal Defense Lawyers.