

SENATE BILL REPORT

SB 6685

As Passed Senate, February 15, 2002

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: 2/6/02, 2/7/02 [DP].

Passed Senate: 2/15/02, 47-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Poulsen, Roach, Thibaudeau and Zarelli.

Staff: Lidia Mori (786-7755)

Background: Current law gives discretion to courts to order a person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle to drive only a motor vehicle that is equipped with an ignition interlock or other biological or technical device. Courts are required to order this restriction for a first DUI conviction or alcohol related deferred prosecution involving a blood alcohol concentration of at least .15 or if a person refused to take a breathalyzer test. The court is also required to impose the ignition interlock restriction for a second or subsequent DUI conviction or when it is a person's first DUI conviction but he or she has had a previous alcohol related deferred prosecution or it is a deferred prosecution and the person has had a previous DUI conviction.

In situations where a person's driver's license was suspended or revoked due to DUI, the Department of Licensing determines the person's eligibility for licensing based, among other things, upon reports provided by an alcoholism agency or probation department showing enrollment and participation in an approved program.

Summary of Bill: In the same situations in which courts are required to impose an ignition interlock restriction on a person, the Department of Licensing, rather than the court, must impose such a restriction. The department must also order the restriction when a person is administratively restricted to driving with an ignition interlock under the implied consent provisions, specifically, when the person refuses to take a breathalyzer after being arrested for DUI. The department may waive the restriction if it concludes that such devices are not reasonably available in the local area.

When a person's driver's license has been suspended or revoked due to a DUI conviction or administrative action for refusal to take a breathalyzer under the implied consent law and the

person is restricted to driving only a vehicle with an ignition interlock, the Department of Licensing may not reinstate the person's license unless written verification of installment of the required device is provided.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Many judges are not ordering the ignition interlock restriction even though it is required by law. This bill will hopefully cause more uniformity of application. In Sweden and Canada, they have learned that long suspensions don't work; it's better to give the license back after 90 days but require use of the ignition interlock device. This will also help reduce the burden on courts because there will be fewer people driving without a license. Research has shown the ignition interlock device helps with recidivism in DUI cases.

Testimony Against: None.

Testified: Pete Youngers, Mother's Against Drunk Driving; Wayne Smith, Mother's Against Drunk Driving; Steve Lind, Washington Traffic Safety Commission.