

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5558**

57th Legislature  
2001 Regular Session

Passed by the Senate April 17, 2001  
YEAS 49 NAYS 0

---

**President of the Senate**

Passed by the House April 12, 2001  
YEAS 95 NAYS 1

---

**Speaker of the  
House of Representatives**

---

**Speaker of the  
House of Representatives**

Approved

---

**Governor of the State of Washington**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5558** as passed by the Senate and the House of Representatives on the dates hereon set forth.

---

**Secretary**

FILED

**Secretary of State  
State of Washington**

---

**SUBSTITUTE SENATE BILL 5558**

---

AS AMENDED BY THE HOUSE

Passed Legislature - 2001 Regular Session

**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Rossi, Kline, Finkbeiner, Roach, Morton, Oke, Johnson, Long, Swecker, Stevens and Sheahan)

READ FIRST TIME 03/05/01.

1       AN ACT Relating to penalties for alcohol violators; and amending  
2 RCW 46.20.720.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4       **Sec. 1.** RCW 46.20.720 and 1999 c 331 s 3 are each amended to read  
5 as follows:

6       (1) The court may order that after a period of suspension,  
7 revocation, or denial of driving privileges, and for up to as long as  
8 the court has jurisdiction, any person convicted of any offense  
9 involving the use, consumption, or possession of alcohol while  
10 operating a motor vehicle may drive only a motor vehicle equipped with  
11 a functioning ignition interlock or other biological or technical  
12 device.

13       (2) If a person is convicted of a violation of RCW 46.61.502 or  
14 46.61.504 or an equivalent local ordinance and it is: (a) The person's  
15 first conviction or a deferred prosecution under chapter 10.05 RCW and  
16 his or her alcohol concentration was at least 0.15, or by reason of the  
17 person's refusal to take a test offered pursuant to RCW 46.20.308 there  
18 is no test result indicating the person's alcohol concentration; or (b)  
19 the person's second or subsequent conviction; or (c) the person's first

1 conviction and the person has a previous deferred prosecution under  
2 chapter 10.05 RCW or it is a deferred prosecution under chapter 10.05  
3 RCW and the person has a previous conviction, the court shall order  
4 that after any applicable period of suspension, revocation, or denial  
5 of driving privileges, the person may drive only a motor vehicle  
6 equipped with a functioning ignition interlock or other biological or  
7 technical device. The requirement to drive only a motor vehicle  
8 equipped with a functioning ignition interlock or other biological or  
9 technical device may not be suspended. The court may waive the  
10 requirement for the use of such a device if the court makes a specific  
11 finding in writing that such devices are not reasonably available in  
12 the local area. Nothing in this section may be interpreted as  
13 entitling a person to more than one deferred prosecution.

14 (3) The court shall establish a specific calibration setting at  
15 which the ignition interlock or other biological or technical device  
16 will prevent the motor vehicle from being started and the period of  
17 time that the person shall be subject to the restriction. In the case  
18 of a person under subsection (2) of this section, the period of time of  
19 the restriction will be as follows:

20 (a) For a person (i) who is subject to RCW 46.61.5055 (1)(b), (2),  
21 or (3), or who is subject to a deferred prosecution program under  
22 chapter 10.05 RCW, and (ii) who has not previously been restricted  
23 under this section, a period of not less than one year;

24 (b) For a person who has previously been restricted under (a) of  
25 this subsection, a period of not less than five years;

26 (c) For a person who has previously been restricted under (b) of  
27 this subsection, a period of not less than ten years.

28 For purposes of this section, "convicted" means being found guilty  
29 of an offense or being placed on a deferred prosecution program under  
30 chapter 10.05 RCW.

--- END ---