

# HOUSE BILL REPORT

## SSB 5120

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### As Passed House - Amended:

April 9, 2003

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

**Brief Description:** Changing provisions relating to ignition interlock devices.

**Sponsors:** By Senate Committee on Judiciary (originally sponsored by Senators Rossi, Kline, Oke, Roach, Esser, Swecker, Deccio, Stevens, Benton, Hale, Hewitt, Mulliken, Honeyford, Johnson, Schmidt, Sheahan and Horn).

### Brief History:

#### Committee Activity:

Judiciary: 4/1/03, 4/3/03 [DPA].

#### Floor Activity:

Passed House - Amended: 4/9/03, 91-0.

### Brief Summary of Substitute Bill (As Amended by House)

- Requires the Department of Licensing (DOL), rather than the courts, to supervise the mandatory installation of ignition interlock devices in drunk driving cases.
- Requires the DOL to get verification from an interlock company that a device has been installed before the DOL reinstates an offender's driving privileges.

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## HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass as amended. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

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

### Background:

Under legislation enacted in 1994, courts are given explicit authority to order that ignition interlocks or other devices be installed on the cars of certain drivers. Ignition interlocks

are alcohol analyzing devices designed to prevent a person with alcohol in his or her system from starting a car. Other "biological or technical" devices may be installed for the same purpose. If a court orders the installation of one of these devices, the Department of Licensing (DOL) is to mark the person's driver's license indicating that the person is allowed to operate a car only if it is equipped with such a device.

In some instances, the installation and use of interlocks are required following any period of driver's license suspension or revocation. Mandatory installation applies in certain cases in which a person has been convicted of, or given a deferred prosecution for, driving while under the influence (DUI). Persons convicted of DUI who also have prior DUI offenses (including prior deferred prosecutions), or who also have blood or breath alcohol concentrations (BACs) of 0.15 or more, or who also refused to take a BAC test, are all subject to the mandatory interlock provision. First-time DUI offenders with a BAC below 0.15, and persons granted a deferred prosecution who have no prior DUI conviction, are not subject to this mandatory provision.

A court may also waive the requirement for installation of an ignition device if the court finds that devices are not reasonably available in the local area.

Three different minimum periods of use of ignition devices are prescribed depending on a driver's history. These periods are "not less than" one, five, and 10 years.

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**Summary of Amended Bill:**

The DOL, rather than the court, is responsible for ordering the installation of ignition interlock devices in those DUI cases in which the installation is mandatory. The ignition device is to be calibrated to prevent operation of the vehicle if the driver has a BAC of 0.025 or more.

The DOL is allowed to waive the required use of a device if the department concludes that the devices are not reasonably available in the local area.

The periods of required use of ignition devices are changed to exact periods of one, five and 10 years, rather than "not less than" those lengths of time.

Before the DOL can restore a person's driving privileges in a case where the use of an ignition device is required, the department must receive written verification from a company doing installations in this state that a device has been installed.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** The compliance rate with the required use of interlocks under the current law is less than 30 percent. This bill is patterned after a Virginia law which has resulted in a 90 percent compliance rate. No system can be foolproof, but the bill will help get drunk drivers off the road. It will also result in more revenue to the state because of the sales tax that will be paid on the installation of the devices.

(In support, with concerns) The bill does not go far enough. It should cover all DUIs, deferrals, and administrative per se violations regardless of BAC levels or number of prior offenses. Over 200 people are killed by drunk drivers in this state every year.

**Testimony Against:** None.

**Testified:** (In support) Pete Youngers and Karen Minahan, Mothers Against Drunk Driving.

(In support, with concerns) Gene David Hart.