

# FINAL BILL REPORT

## SSB 5120

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Synopsis as Enacted

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

**Sponsors:** 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).

**Senate Committee on Judiciary**  
**House Committee on Judiciary**

**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 driving under the influence of alcohol or drugs (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:** In the same situations in which a court is required to impose a requirement that a person drive only a motor vehicle equipped with an ignition interlock device, the Department of Licensing must impose the restriction instead of the courts. The situations when the restriction must be imposed are: (1) if it is the person's first DUI conviction or an alcohol-related deferred prosecution and, in each case, the blood alcohol concentration involved was at least .15 or the person refused to take a breathalyzer test; (2) a second or subsequent conviction of DUI; or (3) a first DUI conviction but the person has a previous alcohol-related deferred prosecution or it is an alcohol-related deferred prosecution but the person has a previous DUI conviction. It is required that the ignition interlock device be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of .025 or more.

When a person's driver's license has been suspended or revoked due to a DUI conviction, 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 on a vehicle owned and/or operated by the person seeking

reinstatement is provided by an ignition interlock company doing business in the state of Washington.

**Votes on Final Passage:**

Senate	49	0	
House	91	0	(House amended)
Senate	49	0	(Senate concurred)

**Effective:** July 27, 2003