

# SENATE BILL REPORT

## SB 5120

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As Reported By Senate Committee On:  
Judiciary, February 14, 2003

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

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

**Sponsors:** Senators Rossi, Kline, Oke, Roach, Esser, Swecker, Deccio, Stevens, Benton, Hale, Hewitt, Mulliken, Honeyford, Johnson, Schmidt, Sheahan and Horn.

**Brief History:**

**Committee Activity:** Judiciary: 1/31/03, 2/14/03 [DPS].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 5120 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Haugen, Johnson and Thibaudeau.

**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 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 of Substitute Bill:** 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 or through an administrative action for refusal to take a breathalyzer, 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.

**Substitute Bill Compared to Original Bill:** The original bill was not considered.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Canadian and United States' studies show a dramatic reduction in driving under the influence occurrences with use of the ignition interlock device. The restriction to drive only with an ignition interlock device should never have been part of the DUI court proceeding. It is a restriction on the driver's license. It should not be subject to a plea bargain that gets the BAC lowered.

**Testimony Against:** Concern was expressed that this bill might cause more hearings.

**Testified:** Senator Rossi, prime sponsor; Pete Youngers, MADD; Karen Minihan; David Chapman, Washington Defender Assoc., Washington Assoc. of Criminal Defense Lawyers; Steve Lind, WA Traffic Safety Commission.