

# HOUSE BILL REPORT

## HB 1872

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### As Passed Legislature

**Title:** An act relating to ignition interlock devices.

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

**Sponsors:** By Representatives Ericks, O'Brien, Kretz, P. Sullivan, Buri, Sells and Simpson.

#### Brief History:

##### Committee Activity:

Judiciary: 2/23/05, 2/25/05 [DP].

##### Floor Activity:

Passed House: 3/8/05, 97-0.

Passed Senate: 4/15/05, 44-0.

Passed Legislature.

#### Brief Summary of Bill

- Makes it a gross misdemeanor for a person who is required to use an ignition interlock to tamper with the device or to request or direct another person to tamper with the device.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 10 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell, Kirby, Serben, Springer and Wood.

**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 a period of suspension or revocation of a driver's license. Those instances are cases in which a person has

been convicted of or given a deferred prosecution for drunk driving. Use of a device is required for specified periods of time following the restoration of the person's driver's license. For first, second, and third required uses, the periods are respectively one year, five years, and ten years. An interlock is also required as a condition of receiving a temporary or occupational license during a drunk driving-related suspension.

It is a misdemeanor crime for a person who is required to use an interlock to drive without one. It is also a gross misdemeanor crime for a third party to knowingly assist such a restricted person to drive without an interlock. The law does not, however, explicitly make it a crime for a restricted person to disable a device or to ask someone else to disable a device.

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**Summary of Bill:**

If a person is restricted to driving only with an interlock device, it is a gross misdemeanor for that person to tamper with the device, or to request a third party to tamper with the device, in order to circumvent the device.

The definition of "ignition interlock device" is amended to clarify that any biological or technical device that is to be required under the ignition interlock law must be certified by the state patrol.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Ignition interlocks are an important tool in the fight against drunk driving. This bill fills a hole in the enforcement of the drunk driving laws. It only makes sense that the person required to use an interlock should not be able to tamper with the device or request someone else to do so.

**Testimony Against:** None.

**Persons Testifying:** Representative Ericks, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.