

# SENATE BILL REPORT

## HB 1872

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As Reported By Senate Committee On:  
Judiciary, March 31, 2005

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

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

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

**Brief History:** Passed House: 3/08/05, 97-0.

**Committee Activity:** Judiciary: 3/24/05, 3/31/05 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

**Staff:** Lidia Mori (786-7755)

**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.

**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.

**Appropriation:** None.

**Fiscal Note:** Requested on March 23, 2005.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** There is a gap in the law regarding people who physically disable the ignition interlock that is required to be in their car or ask someone else to do so. Such a situation is not covered in the law. This is a good bill because it makes the law comprehensive as it applies to people who violate the requirement to drive only a motor vehicle equipped with a functioning interlock device.

**Testimony Against:** None.

**Who Testified:** PRO: Representative Ericks, prime sponsor; James McMahan, Washington State Patrol.