

SENATE BILL REPORT

SB 5645

As Reported By Senate Committee On:
Judiciary, February 23, 2005

Title: An act relating to requirements for ignition interlock devices.

Brief Description: Changing requirements for ignition interlock devices.

Sponsors: Senators Kline, Roach, Esser, Prentice, Keiser, Haugen, Fairley, Shin, Hargrove and Rasmussen.

Brief History:

Committee Activity: Judiciary: 2/16/05, 2/23/05 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

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

Staff: Lidia Mori (786-7755)

Background: An applicant for a temporary restricted driver's license (TRL) who has had his or her driver's license suspended or revoked for an implied consent violation must provide proof to the Department of Licensing that a functioning ignition interlock device has been installed on a vehicle owned or operated by the person. The department is required to restrict the person to operating only vehicles equipped with such a device for the remainder of the period of suspension or revocation. There is concern about a certain segment of the population that have had their driver's license suspended due to an implied consent violation but do not own a personal vehicle, walk or take public transportation to work, and are required to drive an employer's vehicle during working hours. These people are not currently eligible for an TRL because they do not have an ignition interlock on a personal vehicle. For persons convicted of an alcohol offense, RCW 46.20.720 does not require an ignition interlock device to be installed on vehicles owned by a person's employer and driven as a requirement of employment during working hours.

Summary of Bill: Proof of an ignition interlock device is not necessary if an applicant for a temporary restricted license provides a declaration that he or she does not own a vehicle and is employed in a position that requires he or she to drive an employer's vehicle during working hours. The ignition interlock device is not required on vehicles owned by a person's employer and driven as a requirement of employment during working hours.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: This bill is more of a procedural fix than a substantive one. There are two ways a person can lose their driver's license; one is through a criminal conviction for driving under the influence and the other is through an implied consent administrative license suspension. If it is due to a criminal conviction, the person does not have to have an ignition interlock device on his or her employer's vehicle. As the law stands now, if the license is suspended due to an implied consent violation, the person is required to have an ignition interlock on an employer's vehicle.

Testimony Against: None.

Who Testified: PRO: Geoffrey Burg, Washington Association of Criminal Defense Lawyers.