

# SENATE BILL REPORT

## SB 5345

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As Reported By Senate Committee On:  
Judiciary, February 20, 2007

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

**Brief Description:** Changing requirements for ignition interlock devices.

**Sponsors:** Senators Kline, McCaslin, Fairley, Hobbs, Delvin, Rasmussen and Roach.

**Brief History:**

**Committee Activity:** Judiciary: 1/12/07, 2/20/07 [DPS].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 5345 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Murray, Roach and Weinstein.

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

**Background:** An applicant for a temporary restricted driver's license who has had his or her driver's license suspended or revoked for an alcohol-related offense must provide proof to the Department of Licensing (DOL) that a functioning ignition interlock device has been installed on a vehicle owned or operated by the person. DOL 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.

Concern exists about a segment of the population that has had drivers' licenses suspended due to an alcohol-related offense but who do not own a personal vehicle. Employers require some people to drive an employer's vehicle during working hours. They are not eligible for a temporary restricted license (TRL) because they do not have an ignition interlock on a vehicle that they own.

**Summary of Bill (Recommended Substitute):** An applicant for a TRL is not required to have an ignition interlock device on an employer owned commercial vehicle if a declaration from his or her employer is provided to DOL. The declaration must state: (1) that the applicant's employment requires that he or she operate a commercial motor vehicle; (2) the normal business hours during which the applicant must operate a commercial vehicle; (3) that the commercial vehicle is owned by the employer; and (4) that the applicant will operate the commercial vehicle only under supervision.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Substitute):** An applicant for a TRL whose license is suspended or revoked for an alcohol-related offense is not required to provide proof to DOL that an ignition interlock device has been installed on a vehicle owned or operated by the person. The device is not required provided that he or she does not own a vehicle and is employed in a position that requires driving an employer's vehicle during work hours. The device also is not required on vehicles owned by an employer and driven as a requirement of employment during working hours. An applicant for a TRL is not required to have an ignition interlock device on an employer owned commercial vehicle if a declaration is submitted by the employer to DOL. The declaration must state: (1) that the applicant's employment requires he or she operate the commercial vehicle; (2) the normal business hours during which the applicant must operate the commercial vehicle; (3) that the commercial vehicle is owned by the employer; and (4) that the applicant will operate the commercial vehicle only under supervision.

**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.

**Staff Summary of Public Testimony on Original Bill:** PRO: This bill is a necessary technical fix to amendments that were made to RCW 46.20.720 in 2004. It allows people to keep working who are required to drive an employer's vehicle during working hours by removing the requirement that the vehicle they are driving be equipped with an ignition interlock device.

OTHER: The people this bill affects are people who haven't made responsible decisions in the past. It's important that we make sure they only have access to the employer's vehicle during work hours and that they are under supervision.

**Persons Testifying:** PRO: Aaron Wolff, Washington Association of Criminal Defense Lawyers, Washington Defender Association.

OTHER: Don Pierce, Washington Association of Sheriffs and Police Chiefs.