

SHB 2466 - S COMM AMD  
By Committee on Judiciary

ADOPTED 03/01/2010

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 46.04.215 and 2005 c 200 s 1 are each amended to read  
4 as follows:

5 "Ignition interlock device" means breath alcohol analyzing ignition  
6 equipment or other biological or technical device certified in  
7 conformance with section 2 of this act and rules adopted by the state  
8 patrol and designed to prevent a motor vehicle from being operated by  
9 a person who has consumed an alcoholic beverage. (~~The state patrol~~  
10 ~~shall by rule provide standards for the certification, installation,~~  
11 ~~repair, and removal of the devices.~~)

12 NEW SECTION. Sec. 2. A new section is added to chapter 43.43 RCW  
13 to read as follows:

14 (1) The state patrol shall by rule provide standards for the  
15 certification, installation, repair, maintenance, monitoring,  
16 inspection, and removal of ignition interlock devices, as defined under  
17 RCW 46.04.215, and equipment as outlined under this section, and may  
18 inspect the records and equipment of manufacturers and vendors during  
19 regular business hours for compliance with statutes and rules and may  
20 suspend or revoke certification for any noncompliance. The state  
21 patrol may only inspect ignition interlock devices in the vehicles of  
22 customers for proper installation and functioning when installation is  
23 being done at the vendors' place of business.

24 (2)(a) When a certified service provider or individual installer of  
25 ignition interlock devices is found to be out of compliance, the  
26 installation privileges of that certified service provider or  
27 individual installer may be suspended or revoked until the certified  
28 service provider or individual installer comes into compliance. During

1 any suspension or revocation period, the certified service provider or  
2 individual installer is responsible for notifying affected customers of  
3 any changes in their service agreement.

4 (b) A certified service provider or individual installer whose  
5 certification is suspended or revoked for noncompliance has a right to  
6 an administrative hearing under chapter 34.05 RCW to contest the  
7 suspension or revocation, or both. For the administrative hearing, the  
8 procedure and rules of evidence are as specified in chapter 34.05 RCW,  
9 except as otherwise provided in this chapter. Any request for an  
10 administrative hearing must be made in writing and must be received by  
11 the state patrol within twenty days after the receipt of the notice of  
12 suspension or revocation.

13 (3)(a) An ignition interlock device must employ fuel cell  
14 technology. For the purposes of this subsection, "fuel cell  
15 technology" consists of the following electrochemical method: An  
16 electrolyte designed to oxidize the alcohol and release electrons to be  
17 collected by an active electrode; a current flow is generated within  
18 the electrode proportional to the amount of alcohol oxidized on the  
19 fuel cell surface; and the electrical current is measured and reported  
20 as breath alcohol concentration. Fuel cell technology is highly  
21 specific for alcohols.

22 (b) To be certified, an ignition interlock device must:

23 (i) Meet or exceed the minimum test standards according to rules  
24 adopted by the state patrol. Only a notarized statement from a  
25 laboratory that is certified by the international organization of  
26 standardization and is capable of performing the tests specified will  
27 be accepted as proof of meeting or exceeding the standards. The  
28 notarized statement must include the name and signature of the person  
29 in charge of the tests under the following statement:

30 "Two samples of (model name), manufactured by (manufacturer)  
31 were tested by (laboratory) certified by the Internal Organization of  
32 Standardization. They do meet or exceed all specifications listed in  
33 the Federal Register, Volume 71, Number 31 (57 FR 11772), Breath  
34 Alcohol Ignition Interlock Devices (BAIID), NHTSA 2005-23470."; and

35 (ii) Be maintained in accordance with the rules and standards  
36 adopted by the state patrol.

1        NEW SECTION.   **Sec. 3.**   A new section is added to chapter 43.43 RCW  
2   to read as follows:

3        For the purposes of section 2 of this act, companies not using  
4   ignition interlock devices that employ fuel cell technology as of the  
5   effective date of this act shall have five years from the effective  
6   date of this act to begin using ignition interlock devices that employ  
7   fuel cell technology."

SHB 2466 - S COMM AMD  
By Committee on Judiciary

**ADOPTED 03/01/2010**

8        On page 1, line 1 of the title, after "devices;" strike the  
9   remainder of the title and insert "amending RCW 46.04.215; and adding  
10   new sections to chapter 43.43 RCW."

--- END ---