
SUBSTITUTE HOUSE BILL 2466

State of Washington 61st Legislature 2010 Regular Session

By House Judiciary (originally sponsored by Representatives Goodman, Rodne, Kelley, Roberts, Johnson, Ericks, Hudgins, and Hurst; by request of Washington State Patrol)

READ FIRST TIME 01/25/10.

1 AN ACT Relating to the regulation of ignition interlock devices;
2 amending RCW 46.04.215; and adding new sections to chapter 43.43 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

15 (1) The state patrol shall by rule provide standards for the
16 certification, installation, repair, maintenance, monitoring,
17 inspection, and removal of ignition interlock devices, as defined under
18 RCW 46.04.215, and equipment as outlined under this section, and may

1 inspect the records and equipment of manufacturers, vendors, and
2 customers during regular business hours for compliance with statutes
3 and rules and may suspend or revoke certification for any
4 noncompliance.

5 (2)(a) When an authorized service provider or individual installer
6 of ignition interlock devices is found to be out of compliance, the
7 installation privileges of that authorized service provider or
8 individual installer may be suspended or revoked until the authorized
9 service provider or individual installer comes into compliance. During
10 any suspension or revocation period, the authorized service provider or
11 individual installer is responsible for notifying affected customers of
12 any changes in their service agreement.

13 (b) An authorized service provider or individual installer whose
14 certification is suspended or revoked for noncompliance has a right to
15 an administrative hearing under chapter 34.05 RCW to contest the
16 suspension or revocation, or both. For the administrative hearing, the
17 procedure and rules of evidence are as specified in chapter 34.05 RCW,
18 except as otherwise provided in this chapter. Any request for an
19 administrative hearing must be made in writing and must be received by
20 the state patrol within twenty days after the receipt of the notice of
21 suspension or revocation.

22 (3)(a) An ignition interlock device must employ fuel cell
23 technology. For the purposes of this subsection, "fuel cell
24 technology" consists of the following electrochemical method: An
25 electrolyte designed to oxidize the alcohol and release electrons to be
26 collected by an active electrode; a current flow is generated within
27 the electrode proportional to the amount of alcohol oxidized on the
28 fuel cell surface; and the electrical current is measured and reported
29 as breath alcohol concentration. Fuel cell technology is highly
30 specific for alcohols.

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

32 (i) Meet or exceed the minimum test standards in sections one and
33 two of the model specifications for breath alcohol ignition interlock
34 devices, as published in the federal register, volume 71, number 31 (57
35 FR 11772), or as rules are adopted. Only a notarized statement from a
36 laboratory that is certified by the international organization of
37 standardization and is capable of performing the tests specified will

1 be accepted as proof of meeting or exceeding the standards. The
2 notarized statement must include the name and signature of the person
3 in charge of the tests under the following statement:

4 "Two samples of (model name), manufactured by (manufacturer) were tested
5 of Standardization. They do meet or exceed all specifications listed
6 in the Federal Register, Volume 71, Number 31 (57 FR 11772), Breath
7 Alcohol Ignition Interlock Devices (BAIID), NHTSA 2005-23470."; and

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

10 NEW SECTION. Sec. 3. A new section is added to chapter 43.43 RCW
11 to read as follows:

12 For the purposes of section 2 of this act, companies not using
13 ignition interlock devices that employ fuel cell technology as of the
14 effective date of this act shall have five years from the effective
15 date of this act to begin using ignition interlock devices that employ
16 fuel cell technology.

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