
Public Safety Committee

HB 2268

Brief Description: Concerning ignition interlock device lockout conditions.

Sponsors: Representatives DeBolt, Young and Harris.

Brief Summary of Bill

- Permits ignition interlock vendors to authorize and provide a temporary bypass mechanism allowing a person to remove an ignition interlock lockout condition for up to 72 hours in order for the vehicle to be delivered to a service location.
- Requires state-approved ignition interlock devices to be capable of temporarily allowing bypass of a lockout condition upon authorization of the vendor.
- Creates an exception to the crime of circumventing an ignition interlock device for instances in which the ignition interlock vendor has authorized a temporary bypass of the lockout condition.

Hearing Date: 1/22/18

Staff: Omeara Harrington (786-7136).

Background:

The Department of Licensing (DOL) must require that a person only drive a vehicle equipped with a functioning ignition interlock device in certain circumstances, including:

- when required by court order as a condition of pretrial release;
- while the person has an ignition interlock driver's license;
- when a person is participating in a deferred prosecution for specified impaired driving offenses;
- during any applicable period of suspension, revocation, or denial of driving privileges due to a conviction for specified impaired driving offenses; and
- upon order of a court restricting a person who is charged with or convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle.

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.

The DOL will not remove an ignition interlock restriction associated with a deferred prosecution or conviction until it receives a declaration from the ignition interlock vendor certifying that the 180 days leading up to the removal have been free of certain specified incidents including:

- any attempt to start the vehicle with a blood alcohol concentration (BAC) of 0.04 or more;
- failure to take any random test;
- failure to pass any random retest with a BAC of 0.025 or lower; or
- failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device.

The Washington State Patrol (WSP) is required to provide standards in rule for the certification, installation, repair, maintenance, monitoring, inspection, and removal of ignition interlock devices. According to rule, an ignition interlock will enter into a "violation reset" under specific circumstances, including: a random test failure or failure to submit to a random test, disconnection of the device, or failure to have the device serviced within a specified time period. If a violation reset occurs and the vehicle is not serviced within five days, a lockout will occur and the vehicle will be inoperable. The use of vendor-provided remote bypass codes that allow a restricted driver to temporarily override a lockout condition is prohibited in rule.

A person who is restricted to the use of a vehicle equipped with an ignition interlock device is guilty of a gross misdemeanor if he or she takes certain action to circumvent the ignition interlock device, including, but not limited to, tampering with the device by modifying, detaching, disconnecting, or otherwise disabling it to allow the restricted driver to operate the vehicle.

Summary of Bill:

If an ignition interlock device lockout condition occurs, the ignition interlock device vendor may authorize and provide a temporary bypass mechanism that allows the restricted person or another person to remove the lockout condition for up to 72 hours in order for the vehicle equipped with the ignition interlock device to be transported for service of the device. State-approved ignition interlock devices must be capable of temporarily allowing bypass of a lockout condition upon authorization of the vendor.

The criminal offense of circumventing an ignition interlock device does not apply if the conduct is authorized pursuant to a lockout bypass mechanism authorized and provided by an ignition interlock vendor.

Appropriation: None.

Fiscal Note: Requested on January 19, 2018.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.