
HOUSE BILL 2268

State of Washington

65th Legislature

2018 Regular Session

By Representatives DeBolt, Young, and Harris

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1 AN ACT Relating to ignition interlock device lockout conditions;
2 amending RCW 43.43.395 and 46.20.750; adding a new section to chapter
3 46.20 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.20
6 RCW to read as follows:

7 If an ignition interlock device lockout condition occurs, the
8 ignition interlock device vendor may authorize and provide a
9 temporary bypass mechanism that allows the restricted person or
10 another person to remove the lockout condition for up to seventy-two
11 hours in order for the vehicle equipped with the ignition interlock
12 device to be transported for service of the device.

13 **Sec. 2.** RCW 43.43.395 and 2015 2nd sp.s. c 3 s 11 are each
14 amended 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
18 under RCW 46.04.215, and equipment as outlined under this section,
19 and may inspect the records and equipment of manufacturers and
20 vendors during regular business hours for compliance with statutes

1 and rules and may suspend or revoke certification for any
2 noncompliance.

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

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

20 (3)(a) An ignition interlock device must employ:

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

29 (ii) Technology capable of taking a photo identification of the
30 user giving the breath sample and recording on the photo the time the
31 breath sample was given; (~~and~~)

32 (iii) Technology capable of providing the global positioning
33 coordinates at the time of each test sequence. Such coordinates must
34 be displayed within the data log that is downloaded by the
35 manufacturer and must be made available to the state patrol to be
36 used for circumvention and tampering investigations; and

37 (iv) Technology capable of allowing a device lockout condition to
38 be bypassed by a restricted person or other person for up to seventy-
39 two hours upon authorization of the device vendor.

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

1 (i) Meet or exceed the minimum test standards according to rules
2 adopted by the state patrol. Only a notarized statement from a
3 laboratory that is accredited and certified under the current edition
4 of ISO (the international organization of standardization) 17025
5 standard for testing and calibration laboratories and is capable of
6 performing the tests specified will be accepted as proof of meeting
7 or exceeding the standards. The notarized statement must include the
8 name and signature of the person in charge of the tests under the
9 certification statement. The state patrol must adopt by rule the
10 required language of the certification statement that must, at a
11 minimum, outline that the testing meets or exceeds all specifications
12 listed in the federal register adopted in rule by the state patrol;
13 and

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

16 **Sec. 3.** RCW 46.20.750 and 2015 2nd sp.s. c 3 s 6 are each
17 amended to read as follows:

18 (1) A person who is restricted to the use of a vehicle equipped
19 with an ignition interlock device is guilty of a gross misdemeanor if
20 the restricted driver:

21 (a) Tampers with the device by modifying, detaching,
22 disconnecting, or otherwise disabling it to allow the restricted
23 driver to operate the vehicle;

24 (b) Uses or requests another person to use a filter or other
25 device to circumvent the ignition interlock or to start or operate
26 the vehicle to allow the restricted driver to operate the vehicle;

27 (c) Has, directs, authorizes, or requests another person to
28 tamper with the device by modifying, detaching, disconnecting, or
29 otherwise disabling it to allow the restricted driver to operate the
30 vehicle; or

31 (d) Has, allows, directs, authorizes, or requests another person
32 to blow or otherwise exhale into the device in order to circumvent
33 the device to allow the restricted driver to operate the vehicle.

34 (2) A person who knowingly assists another person who is
35 restricted to the use of a vehicle equipped with an ignition
36 interlock device to circumvent the device or to start and operate
37 that vehicle is guilty of a gross misdemeanor. The provisions of this
38 subsection do not apply if the starting of a motor vehicle, or the
39 request to start a motor vehicle, equipped with an ignition interlock

1 device is done for the purpose of safety or mechanical repair of the
2 device or the vehicle and the person subject to the court order does
3 not operate the vehicle.

4 (3) This section does not apply if the conduct is authorized
5 under section 1 of this act.

6 (4) Any sentence imposed for a violation of subsection (1) of
7 this section shall be served consecutively with any sentence imposed
8 under RCW 46.20.740, 46.61.502, 46.61.504, 46.61.5055,
9 46.61.520(1)(a), or 46.61.522(1)(b).

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