
Judiciary Committee

SB 6685

Title: An act relating to drivers convicted of alcohol offenses.

Brief Description: Changing provisions relating to ignition interlock devices.

Sponsors: Senators Rossi, Kline, Roach and Sheahan.

Brief Summary of Bill

- Gives the Department of Licensing, rather than the courts, the authority and responsibility for requiring the use of ignition interlocks on vehicles driven by persons whose driver's licenses are being restored following a period of suspension or revocation for convictions of alcohol-related driving offenses.

Hearing Date: 2/28/02

Staff: Bill Perry (786-7123).

Background:

Ignition interlocks are devices that prevent a person from starting or continuing to drive a vehicle if the person has more than a predetermined limit of alcohol in his or her system. Courts have discretion to order the use of an interlock after a conviction for an alcohol-related driving offense.

In the case of some DUI convictions and deferred prosecutions, use of an interlock is mandatory. All DUI convictions except a first conviction with an alcohol concentration (BAC) of less than 0.15, and all deferred prosecutions except a first one with no prior DUI convictions or deferred prosecutions, require the use of an interlock.

In cases where interlocks are mandatory, the required use must be for periods of time not less than specified minimums. The specified minimum periods of required use escalate with successive impositions of the interlock requirement. The first time a person is required to use an interlock it must be for not less than one year. The second time a person is required to use an interlock the minimum period is five years, and the third time it is 10 years. The court may waive the otherwise mandatory use of an interlock if it makes a finding that the devices are not reasonably available in the local area.

In imposing an ignition interlock requirement on a driver, the court may determine the BAC limit above which the driver will be unable to start or continue to operate the vehicle.

After a person's driver's license has been suspended or revoked for DUI, the DOL is to determine eligibility for re-licensing based upon, among other things, reports provided by an alcoholism agency or probation department showing enrollment and participation in an approved program.

Summary of Bill:

The DOL, rather than the courts, is given the responsibility for imposing ignition interlock requirements in those cases where use of the devices has been mandatory. Courts continue to have discretion to order the use of interlocks in alcohol-related cases.

The periods of mandatory use of interlocks are set at specific periods, rather than mandatory minimum periods. For a first required use, the period is one year; for a second required use it is five years; and for a third it is 10 years.

The DOL is required to have interlocks calibrated to prevent use of a vehicle when the driver has a BAC of 0.025 or more.

When a person's driver's license has been suspended or revoked due to a DUI conviction or administrative action for refusal to take a BAC test under the Implied Consent Law, and the person is required to use an interlock, the DOL may not reinstate the person's license without written verification of installment of the required device.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.