

SENATE BILL REPORT

SHB 2466

As Reported by Senate Committee On:
Judiciary, February 19, 2010

Title: An act relating to the regulation of ignition interlock devices.

Brief Description: Concerning the regulation of ignition interlock devices by the Washington state patrol.

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

Brief History: Passed House: 1/28/10, 97-0.

Committee Activity: Judiciary: 2/17/10, 2/19/10 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell, Gordon, Hargrove, Kohl-Welles and Roach.

Staff: Lidia Mori (786-7755)

Background: The Washington State Patrol (WSP), by rule, provides standards for the certification, installation, repair, and removal of ignition interlock devices. Under the WSP rules, the device must meet or exceed minimum test standards of the model specifications for ignition interlock devices published under federal law. The device must also allow for re-testing, and it must record each time the vehicle is started, what the test results are, and the length of time the vehicle was operated.

The rules require service providers of ignition interlock devices to meet certain criteria and procedures. A service provider must download client data and report it, if required, to the court, the Department of Licensing, or the WSP. A service provider must maintain records of calibrations and other services performed on the devices and keep client data for at least two years from the date the device is removed from a client's 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.

In 2008 the Legislature enacted the ignition interlock license law which included a pilot project requiring the WSP to monitor compliance of ignition interlock device users, manufacturers, vendors, and installers in two counties.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Amendments): The WSP may inspect the records and equipment of manufacturers and vendors of ignition interlock devices for compliance with the statutes and rules. The state patrol may only inspect ignition interlock devices in the vehicles of customers when installation is occurring at the vendors' place of business.

The WSP may suspend or revoke certification of a device, and may suspend or revoke the installation privileges of an authorized service provider or installer of ignition interlock devices for any noncompliance. During any period of suspension or revocation, the provider or installer is responsible for notifying its customers of any changes to their service agreements. A provider or installer whose certification has been suspended or revoked may seek an administrative hearing upon written request received by the WSP within 20 days after the receipt of the notice of suspension or revocation.

An ignition interlock device must employ fuel cell technology, meet or exceed minimum test standards set in rules adopted by the WSP, and be maintained in accordance with the rules and standards adopted by the WSP. Companies not currently using devices that employ fuel cell technology have five years from the effective date of the act to begin using devices with fuel cell technology.

Appropriation: None.

Fiscal Note: Available .

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Fuel cell technology cannot be easily fooled by a driver. There will be technology developed in the future that will be even better; but for now, it's good to specify the better technology that should be in use. The pilot project conducted by the WSP revealed numerous violations of the standards that should be followed by ignition interlock providers. For example, some devices were not calibrated correctly, which means a driver could potentially drive while intoxicated. Some installers were not sending the required paperwork to the Department of Licensing as mandated. There has been no direct oversight of the ignition interlock industry for over 20 years. The older technology called T-cell isn't even being manufactured anymore. Everyone around the country is using fuel cell technology. There are six certified ignition interlock providers in Washington and three more providers have applied. All but one of the six use fuel cell technology.

Persons Testifying: PRO: Representative Goodman, prime sponsor; Rob Reichert, Steve Luce, WSP.