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

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

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

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 seventy-two hours in order for the vehicle equipped with the ignition interlock device to be transported for service of the device.

Sec. 2. RCW 43.43.395 and 2015 2nd sp.s. c 3 s 11 are each amended to read as follows:

(1) The state patrol shall by rule provide standards for the certification, installation, repair, maintenance, monitoring, inspection, and removal of ignition interlock devices, as defined under RCW 46.04.215, and equipment as outlined under this section, and may inspect the records and equipment of manufacturers and vendors during regular business hours for compliance with statutes.
and rules and may suspend or revoke certification for any
noncompliance.

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

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

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

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

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

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

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

(b) To be certified, an ignition interlock device must:
(i) Meet or exceed the minimum test standards according to rules adopted by the state patrol. Only a notarized statement from a laboratory that is accredited and certified under the current edition of ISO (the international organization of standardization) 17025 standard for testing and calibration laboratories and is capable of performing the tests specified will be accepted as proof of meeting or exceeding the standards. The notarized statement must include the name and signature of the person in charge of the tests under the certification statement. The state patrol must adopt by rule the required language of the certification statement that must, at a minimum, outline that the testing meets or exceeds all specifications listed in the federal register adopted in rule by the state patrol; and

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

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

(1) A person who is restricted to the use of a vehicle equipped with an ignition interlock device is guilty of a gross misdemeanor if the restricted driver:
   (a) Tampers with the device by modifying, detaching, disconnecting, or otherwise disabling it to allow the restricted driver to operate the vehicle;
   (b) Uses or requests another person to use a filter or other device to circumvent the ignition interlock or to start or operate the vehicle to allow the restricted driver to operate the vehicle;
   (c) Has, directs, authorizes, or requests another person to tamper with the device by modifying, detaching, disconnecting, or otherwise disabling it to allow the restricted driver to operate the vehicle; or
   (d) Has, allows, directs, authorizes, or requests another person to blow or otherwise exhale into the device in order to circumvent the device to allow the restricted driver to operate the vehicle.

(2) A person who knowingly assists another person who is restricted to the use of a vehicle equipped with an ignition interlock device to circumvent the device or to start and operate that vehicle is guilty of a gross misdemeanor. The provisions of this subsection do not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an ignition interlock
device is done for the purpose of safety or mechanical repair of the
device or the vehicle and the person subject to the court order does
not operate the vehicle.

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

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

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