

VETO MESSAGE ON HB 1940

April 26, 1997

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3, 4, 5, 6, 7, and 12, Engrossed House Bill No. 1940 entitled:

"AN ACT Relating to driving while under the influence of liquor or drugs;"

Engrossed House Bill No. 1940 expands the use of ignition interlock devices and increases the periods of license suspension or revocation and other penalties for people convicted of driving under the influence of alcohol or drugs (DUI). A number of jurisdictions, including Kitsap County, have found that ignition interlock devices allow DUI offenders to be closely monitored while granted limited driving privileges so that they may keep their jobs.

I strongly support stiff sentences for drunk drivers and increasing the utilization of technology in this way. However, due to an oversight in the drafting of the bill, drivers who refuse to take a blood alcohol concentration test and lose their licenses could apply to get a "temporary restricted" license after only 90 days of suspension. This may encourage drunk drivers to refuse the tests as a way to avoid a DUI conviction, and to also get their driving privileges restored quickly. In order to avoid this problem, I have vetoed sections 3 through 7 of the bill.

I agree with broadening the statutory definition of an "occupational" license to include driving necessary to obtain health care, counseling, education and community service. Unfortunately, this change in definition could not be retained while vetoing the sections noted above. I would support this expanded definition in subsequent legislation.

Section 12 of the bill provides that chemical dependency diagnostic reports must include a recommendation on whether installation of an ignition interlock would be appropriate for a particular person. This could create liability for the agencies writing the reports, and is a matter more appropriately addressed by the courts.

For these reasons, I have vetoed sections 3 through 7 and section 12 of Engrossed House Bill No. 1940.

With the exception of sections 3, 4, 5, 6, 7, and 12, Engrossed House Bill No. 1940 is approved.

Respectfully submitted,
Gary Locke
Governor