

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5558

Chapter 247, Laws of 2001

57th Legislature
2001 Regular Session

ALCOHOL VIOLATORS--PENALTIES

EFFECTIVE DATE: 7/22/01

Passed by the Senate April 17, 2001
YEAS 49 NAYS 0

BRAD OWEN
President of the Senate

Passed by the House April 12, 2001
YEAS 95 NAYS 1

FRANK CHOPP
**Speaker of the
House of Representatives**

CLYDE BALLARD
**Speaker of the
House of Representatives**

Approved May 11, 2001

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5558** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

May 11, 2001 - 9:17 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5558

AS AMENDED BY THE HOUSE

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Rossi, Kline, Finkbeiner, Roach, Morton, Oke, Johnson, Long, Swecker, Stevens and Sheahan)

READ FIRST TIME 03/05/01.

1 AN ACT Relating to penalties for alcohol violators; and amending
2 RCW 46.20.720.

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

4 **Sec. 1.** RCW 46.20.720 and 1999 c 331 s 3 are each amended to read
5 as follows:

6 (1) The court may order that after a period of suspension,
7 revocation, or denial of driving privileges, and for up to as long as
8 the court has jurisdiction, any person convicted of any offense
9 involving the use, consumption, or possession of alcohol while
10 operating a motor vehicle may drive only a motor vehicle equipped with
11 a functioning ignition interlock or other biological or technical
12 device.

13 (2) If a person is convicted of a violation of RCW 46.61.502 or
14 46.61.504 or an equivalent local ordinance and it is: (a) The person's
15 first conviction or a deferred prosecution under chapter 10.05 RCW and
16 his or her alcohol concentration was at least 0.15, or by reason of the
17 person's refusal to take a test offered pursuant to RCW 46.20.308 there
18 is no test result indicating the person's alcohol concentration; or (b)
19 the person's second or subsequent conviction; or (c) the person's first

1 conviction and the person has a previous deferred prosecution under
2 chapter 10.05 RCW or it is a deferred prosecution under chapter 10.05
3 RCW and the person has a previous conviction, the court shall order
4 that after any applicable period of suspension, revocation, or denial
5 of driving privileges, the person may drive only a motor vehicle
6 equipped with a functioning ignition interlock or other biological or
7 technical device. The requirement to drive only a motor vehicle
8 equipped with a functioning ignition interlock or other biological or
9 technical device may not be suspended. The court may waive the
10 requirement for the use of such a device if the court makes a specific
11 finding in writing that such devices are not reasonably available in
12 the local area. Nothing in this section may be interpreted as
13 entitling a person to more than one deferred prosecution.

14 (3) The court shall establish a specific calibration setting at
15 which the ignition interlock or other biological or technical device
16 will prevent the motor vehicle from being started and the period of
17 time that the person shall be subject to the restriction. In the case
18 of a person under subsection (2) of this section, the period of time of
19 the restriction will be as follows:

20 (a) For a person (i) who is subject to RCW 46.61.5055 (1)(b), (2),
21 or (3), or who is subject to a deferred prosecution program under
22 chapter 10.05 RCW, and (ii) who has not previously been restricted
23 under this section, a period of not less than one year;

24 (b) For a person who has previously been restricted under (a) of
25 this subsection, a period of not less than five years;

26 (c) For a person who has previously been restricted under (b) of
27 this subsection, a period of not less than ten years.

28 For purposes of this section, "convicted" means being found guilty
29 of an offense or being placed on a deferred prosecution program under
30 chapter 10.05 RCW.

Passed the Senate April 17, 2001.

Passed the House April 12, 2001.

Approved by the Governor May 11, 2001.

Filed in Office of Secretary of State May 11, 2001.