

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2466

Chapter 268, Laws of 2010

61st Legislature
2010 Regular Session

IGNITION INTERLOCK DEVICES--STANDARDS

EFFECTIVE DATE: 06/10/10

Passed by the House March 6, 2010
Yeas 95 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 1, 2010
Yeas 46 Nays 0

BRAD OWEN

President of the Senate

Approved March 31, 2010, 4:08 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2466** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 1, 2010

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2466

AS AMENDED BY THE SENATE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

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

READ FIRST TIME 01/25/10.

1 AN ACT Relating to the regulation of ignition interlock devices;
2 amending RCW 46.04.215; and adding new sections to chapter 43.43 RCW.

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

4 **Sec. 1.** RCW 46.04.215 and 2005 c 200 s 1 are each amended to read
5 as follows:

6 "Ignition interlock device" means breath alcohol analyzing ignition
7 equipment or other biological or technical device certified in
8 conformance with section 2 of this act and rules adopted by the state
9 patrol and designed to prevent a motor vehicle from being operated by
10 a person who has consumed an alcoholic beverage. (~~The state patrol~~
11 ~~shall by rule provide standards for the certification, installation,~~
12 ~~repair, and removal of the devices.~~)

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.43 RCW
14 to read as follows:

15 (1) The state patrol shall by rule provide standards for the
16 certification, installation, repair, maintenance, monitoring,
17 inspection, and removal of ignition interlock devices, as defined under
18 RCW 46.04.215, and equipment as outlined under this section, and may

1 inspect the records and equipment of manufacturers and vendors during
2 regular business hours for compliance with statutes and rules and may
3 suspend or revoke certification for any noncompliance. The state
4 patrol may only inspect ignition interlock devices in the vehicles of
5 customers for proper installation and functioning when installation is
6 being done at the vendors' place of business.

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

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

24 (3)(a) An ignition interlock device must employ fuel cell
25 technology. For the purposes of this subsection, "fuel cell
26 technology" consists of the following electrochemical method: An
27 electrolyte designed to oxidize the alcohol and release electrons to be
28 collected by an active electrode; a current flow is generated within
29 the electrode proportional to the amount of alcohol oxidized on the
30 fuel cell surface; and the electrical current is measured and reported
31 as breath alcohol concentration. Fuel cell technology is highly
32 specific for alcohols.

33 (b) To be certified, an ignition interlock device must:

34 (i) Meet or exceed the minimum test standards according to rules
35 adopted by the state patrol. Only a notarized statement from a
36 laboratory that is certified by the international organization of
37 standardization and is capable of performing the tests specified will

1 be accepted as proof of meeting or exceeding the standards. The
2 notarized statement must include the name and signature of the person
3 in charge of the tests under the following statement:

4 "Two samples of (model name), manufactured by (manufacturer)
5 were tested by (laboratory) certified by the Internal Organization of
6 Standardization. They do meet or exceed all specifications listed in
7 the Federal Register, Volume 71, Number 31 (57 FR 11772), Breath
8 Alcohol Ignition Interlock Devices (BAIID), NHTSA 2005-23470."; and

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

11 NEW SECTION. Sec. 3. A new section is added to chapter 43.43 RCW
12 to read as follows:

13 For the purposes of section 2 of this act, companies not using
14 ignition interlock devices that employ fuel cell technology as of the
15 effective date of this act shall have five years from the effective
16 date of this act to begin using ignition interlock devices that employ
17 fuel cell technology.

Passed by the House March 6, 2010.

Passed by the Senate March 1, 2010.

Approved by the Governor March 31, 2010.

Filed in Office of Secretary of State April 1, 2010.