

# HOUSE BILL REPORT

## HB 2466

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### As Reported by House Committee On: Judiciary

**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:** Representatives Goodman, Rodne, Kelley, Roberts, Johnson, Ericks, Hudgins and Hurst; by request of Washington State Patrol.

#### **Brief History:**

##### **Committee Activity:**

Judiciary: 1/14/10, 1/21/10 [DPS].

#### **Brief Summary of Substitute Bill**

- Authorizes the Washington State Patrol (WSP) to inspect the records and equipment of ignition interlock manufacturers, vendors, and customers.
- Authorizes the WSP to suspend or revoke the certification of an ignition interlock device and the installation privileges of a provider or installer for noncompliance.
- Requires ignition interlock devices to employ fuel cell technology.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan, Kelley, Kirby, Ormsby, Roberts and Ross.

**Staff:** Trudes Tango (786-7384).

#### **Background:**

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*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.*

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 ignition interlock device must meet certain specifications. For example, 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, record each time the vehicle is started, record the results of the test, and record how long the vehicle was operated.

The rules require service providers of ignition interlock devices to meet certain criteria and follow certain procedures. For example, a service provider must download client data and report the data, 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 must keep client data for at least two years from the date the device is removed from a client's vehicle.

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.

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**Summary of Substitute Bill:**

The WSP may inspect the records and equipment of manufacturers, vendors, and customers for compliance with the statutes and rules. 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 provided in the federal model specifications, 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.

**Substitute Bill Compared to Original Bill:**

The substitute provides a five-year grace period for companies not currently using devices with fuel cell technology.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The older ignition interlock technology is over 25 years old and is not as reliable as fuel cell technology. T-cell technology is more easily circumvented than fuel cell technology. Fuel cell technology is supported by numerous studies and research articles. The WSP's inspection of records is necessary because the WSP has found in its pilot project that some installers are not adhering to the standards, such as the requirement that installers keep records for at least two years.

(Opposed) This bill limits the use of other valid technologies. The one-year grace period in the amendment is not enough. Business owners invest thousands of dollars in buying ignition interlock devices using T-cell technology, and this bill will shut down those businesses. Shutting down those businesses will make it more difficult for clients to get these devices installed. T-cell technology is approved by the federal government. They function properly when they are calibrated correctly.

**Persons Testifying:** (In support) Representative Goodman, prime sponsor; and Rob Reichert, Washington State Patrol.

(Opposed) Kelly Baker and Marty Baker, Blow First; and Ron Whisler, Best Interlock.

**Persons Signed In To Testify But Not Testifying:** None.