

WASHINGTON STATE PATROL IGNITION INTERLOCK PROGRAM



Washington Administrative Code
Chapter 204-50

Revised Code of Washington
43.43.395-.396 and 46.20.710-.750

Ignition Interlock Program
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**Washington Administrative Code / Revised Code of Washington
Ignition Interlock Breath Alcohol Devices**

Chapter 204-50 WAC

Ignition interlock breath alcohol devices

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WAC 204-50-010

Authority.

This chapter is promulgated pursuant to RCW 43.43.395, 46.37.005 and 46.04.215.

[Statutory Authority: RCW 43.43.395, 46.37.005, and 46.04.215. WSR 10-24-074, § 204-50-010, filed 11/30/10, effective 1/1/11. Statutory Authority: RCW 46.04.215 and 46.37.005. WSR 99-01-156, § 204-50-010, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247. WSR 88-01-020 (Order 87-05-ESR), § 204-50-010, filed 12/9/87.]

WAC 204-50-020

Purpose.

The purpose of this chapter is to establish guidelines for the certification, installation, repair, maintenance, monitoring, inspection, and removal of ignition interlock devices, as required by RCW 46.04.215 and 43.43.395.

[Statutory Authority: RCW 43.43.395, 46.37.005, and 46.04.215. WSR 10-24-074, § 204-50-020, filed 11/30/10, effective 1/1/11. Statutory Authority: RCW 46.04.215 and 46.37.005. WSR 99-01-156, § 204-50-020, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247. WSR 88-01-020 (Order 87-05-ESR), § 204-50-020, filed 12/9/87.]

WAC 204-50-030

Definitions.

The following definitions will apply throughout this chapter:

- (1) Alcohol - The unique chemical compound ethyl alcohol. For the purpose of ignition interlock devices, all devices will be specific for ethyl alcohol.
- (2) Bogus sample - Any air sample that is altered, diluted, contaminated, stored, or filtered human breath, or which is obtained from an air compressor, hot air dryer, balloon, manual air pump, or other mechanical device, and is provided by an individual attempting to start or continue to operate a vehicle equipped with an ignition interlock device.
- (3) Breath alcohol concentration BrAC - Is the amount of alcohol in a person's breath determined by chemical analysis, which shall be measured by grams of alcohol per 210 liters of breath.

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- (4) Certification - The testing and approval process required by RCW 46.04.215, 43.43.395 and chapter 204-50 WAC.
- (5) Chief - The chief of the Washington state patrol or his or her designee.
- (6) Circumvention - The attempted or successful bypass of the proper functioning of an ignition interlock device including, but not limited to:
- (a) The operation of a vehicle without a properly functioning ignition interlock device;
 - (b) The push start of a vehicle with the ignition interlock device;
 - (c) The disconnection of any part of the device including the control head while the vehicle is in operation or alteration of the ignition interlock device;
 - (d) The introduction of a bogus sample other than a deep-lung sample from the driver of the vehicle;
 - (e) The introduction of an intentionally contaminated or altered breath sample;
 - (f) The intentional disruption or blocking of a digital image identification device;
 - (g) The continued operation of the interlock vehicle after the ignition interlock device detects excess breath alcohol.
- (7) Court (or originating court) - The particular Washington state court, if any, that has required the use of an ignition interlock device by a particular individual or has responsibility for the preconviction or postconviction supervision of an individual required to use or using the ignition interlock device.
- (8) DOL - The department of licensing of the state of Washington.
- (9) Fail level - The BrAC of .025 g/210L or a level set by the originating court, if lower, at which the ignition interlock device will prevent the operator from starting the vehicle, and/or once the vehicle is started, the level at which the operator must record a test below.
- (10) Fee - Nonrefundable administrative fee set by schedule paid to the patrol by the manufacturer through electronic funds transfer.
- (11) Ignition interlock device - An electronic device that is installed in a vehicle which requires submitting to a BrAC test prior to the starting of the vehicle and at periodic intervals after the engine has been started. If the ignition interlock device detects a BrAC test result below the alcohol setpoint, the ignition interlock device will allow the vehicle's ignition switch to

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start the engine. If the ignition interlock device detects a BrAC test result above the alcohol setpoint, the vehicle will be prohibited from starting.

(12) Ignition interlock technician - A person employed by the ignition interlock device manufacturer or vendor and certified by the impaired driving section to install, service, calibrate, remove and monitor certified ignition interlock devices in Washington state.

(13) Impaired driving section - The section of the Washington state patrol that has been designated by the chief of the Washington state patrol to coordinate and regulate ignition interlock devices.

(14) Initial start failure - A breath sample introduced into an ignition interlock device when a restricted operator is attempting to start a vehicle with a BrAC higher than .025 g/210L or the alcohol concentration as prescribed by the originating court.

(15) Lessee - A person who has entered into an agreement with a manufacturer, vendor, or service center to lease an ignition interlock device.

(16) Letter of certification - A letter issued by the Washington state patrol that authorizes a manufacturer's ignition interlock device to be used as an ignition interlock device under this chapter; or an ignition interlock technician to install, service, calibrate, remove and monitor certified ignition interlock devices in Washington state; or a service center location to service, install, monitor, and calibrate ignition interlock devices currently certified for use in Washington state.

(17) Lockout - A period of time where the ignition interlock device will not allow a breath sample to be delivered or a vehicle's engine to be started.

(18) Manufacturer - The person, company, or corporation who produces the ignition interlock device, and certifies to the impaired driving section that a service center, vendor, or ignition interlock technician is qualified to service, install, monitor, calibrate, remove, instruct, and provide information on the manufacturer's ignition interlock device.

(19) OAC - Office of the administrator of the court.

(20) Patrol - The Washington state patrol as defined in RCW 43.43.010.

(21) Restricted operator - A person whose driving privileges are restricted by court order or the department of licensing to operating only motor vehicles equipped with an approved, functioning ignition interlock device.

(22) Service center - A location certified by the impaired driving section to service, install, monitor, remove and calibrate certified ignition interlock devices in Washington state.

(23) Tampering - Any act or attempt to disable or circumvent the legal operation of an ignition interlock device.

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(24) Vendor - An impaired driving section approved company, business, or distributor who is contracted by a manufacturer to manage service centers and/or technicians.

(25) Violation reset - An unscheduled service of the ignition interlock device which includes the following:

(a) Calibration as outlined in WAC 204-50-080 (3)(a);

(b) Visual inspection of wiring harness;

(c) Download of the ignition interlock device's data storage system.

(26) Wet bath simulator - A device which when filled with a certified alcohol and water simulator solution, maintained at a known temperature, provides a vapor sample of a known alcohol concentration.

[Statutory Authority: RCW 43.43.395, 46.37.005, and 46.04.215. WSR 12-17-153, § 204-50-030, filed 8/22/12, effective 10/1/12; WSR 10-24-074, § 204-50-030, filed 11/30/10, effective 1/1/11. Statutory Authority: RCW 46.37.005 and 46.04.215. WSR 09-18-073, § 204-50-030, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 46.61.688(2). WSR 05-17-065, § 204-50-030, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005. WSR 99-01-156, § 204-50-030, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247. WSR 88-01-020 (Order 87-05-ESR), § 204-50-030, filed 12/9/87.]

WAC 204-50-040

Ignition interlock device certification.

(1) An application must be approved and letter of certification issued by the chief or designee before a manufacturer's ignition interlock device is authorized for installation pursuant to this chapter.

(2) Application for letter of certification for an ignition interlock device.

(a) A manufacturer must submit an application to the impaired driving section for a letter of certification for its ignition interlock device and pay all applicable fees.

(b) In order to have an ignition interlock device certified, the applicant(s) must:

(i) Complete the application form provided by the impaired driving section.

(ii) Provide written verification that the ignition interlock device complies with all applicable standards set under RCW 43.43.395 and chapter 204-50

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WAC, including written documentation from an International Organization for Standardization (ISO) certified testing laboratory that two samples of the manufacturer's ignition interlock device meets or exceeds the minimum test standards in sections one and two of the model specifications for breath alcohol ignition interlock devices (BAIID) as published in the Federal Register, Volume 57, Number 67, Tuesday, April 7, 1992, on pages 11774 - 11787, or as rules are adopted. Only a notarized statement as outlined in RCW 43.43.395 (3)(c)(i), from a laboratory that is certified by the International Organization for Standardization and is capable of performing the tests specified will be accepted as proof of meeting or exceeding the standards.

(iii) Provide two ignition interlock devices for field and laboratory testing.

(iv) Attach to the application a declaration on the form provided by the impaired driving section that:

(A) The manufacturer, and its employees will cooperate with the impaired driving section at all times, including its inspection of the manufacturer's installation, service, repair, calibration, use, removal, or performance of ignition interlock device.

(B) The manufacturer agrees to collect and pay all applicable fees, provide all downloaded ignition interlock device data, reports and information related to the ignition interlock device to the impaired driving section in an impaired driving section approved electronic format.

(C) The manufacturer, vendor, and/or ignition interlock technician agrees to provide testimony relating to any aspect of the installation, service, repair, calibration, use, removal or performance of the ignition interlock at no cost on behalf of the state of Washington or any other political subdivision.

(v) Provide the alcohol reference value and type of calibration device used to check the ignition interlock device.

(vi) Provide the Washington state software ignition interlock device configuration profile.

(vii) Provide the impaired driving section, a letter size map of the state of Washington showing the area covered by each certified fixed site and/or mobile service center, areas and the name, address, certification number and telephone number of each service center.

(3) Issuance of a letter of certification for an ignition interlock device or renewal of letter of certification for an ignition interlock device.

(a) The chief or designee will have the authority to issue a letter of certification for a device if all the requirements have been met by the applicant.

(b) Upon receipt of an application for letter of certification, the chief or designee will:

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(i) Approve an application under this section if all requirements of this section have been met; or

(ii) Deny the application if all requirements of this chapter have not been met by the applicant. If an applicant is denied, the applicant must wait ninety days before the applicant may resubmit its application for letter of certification for an ignition interlock device.

(c) The chief or designee will notify the applicant in writing if an application for a letter of certification has been denied. The notice of denial will be sent to the applicant via certified mail, return receipt requested.

(d) A letter of certification for an ignition interlock device will be effective the date stated on the letter.

(e) A letter of certification for an ignition interlock device will be valid for three years or until it is surrendered, suspended, or revoked.

(f) A letter of certification for an ignition interlock device will be subject to annual review by the impaired driving section and at its discretion during the course of the certification period.

(4) Renewal of a letter of certification for an ignition interlock device.

(a) A manufacturer must submit an application to the impaired driving section requesting a renewal of a letter of certification for an ignition interlock device and pay all applicable fees. The renewal request may be submitted ninety days prior to the expiration of a letter of certification, but a renewal request must be submitted within thirty days prior to the expiration of a letter of certification.

(b) For a manufacturer to have its letter of certification for an ignition interlock device renewed, it must submit:

(i) A written request for renewal of a letter of certification for an ignition interlock device.

(ii) Written verification that the ignition interlock device complies with all applicable standards set in RCW 43.43.395 and chapter 204-50 WAC, including a current report from an ISO certified testing laboratory that two samples of the manufacturer's ignition interlock device meets or exceeds the minimum test standards in sections one and two of the model specifications for breath alcohol ignition interlock devices (BAIID) as published in the Federal Register, Volume 57, Number 67, Tuesday, April 7, 1992, on pages 11774 - 11787, or as rules are adopted. Only a notarized statement as outlined in RCW 43.43.395 (3)(c)(i), from a laboratory that is certified by the International Organization for Standardization and is capable of performing the tests specified will be accepted as proof of meeting or exceeding the standards.

(iii) The ignition interlock device for field testing to be completed by the impaired driving section.

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(c) The chief or designee will notify the manufacturer in writing if renewal of a letter of certification has been denied. The notice of nonrenewal will be sent to the certified holder via certified mail, return receipt requested.

(5) Revocation of a letter of certification for an ignition interlock device.

(a) The chief or designee may revoke a letter of certification for an ignition interlock device for a manufacturer's, vendor's, service center's or ignition interlock technician's violation of any of the laws or regulations related to the installation, servicing, monitoring, removal and calibration of ignition interlock devices, including but not limited to, "additional requirements" listed in WAC 204-50-120.

(b) A copy of a notice of revocation for a certification for an ignition interlock device will be provided to the DOL and to the OAC for the state of Washington.

(c) Upon revocation of a letter of certification for an ignition interlock device, the manufacturer's ignition interlock device(s) will be removed from the list of certified ignition interlock devices on the patrol's web site.

(d) If a manufacturer holding a letter of certification for an ignition interlock device is no longer in business, it shall immediately send written notification to the impaired driving section informing it that the manufacturer is no longer in business, and the impaired driving section will revoke its letter of certification.

(e) If a manufacturer holding a letter of certification wishes to voluntarily relinquish its letter of certification, the manufacturer shall send written notice to the impaired driving section advising it that the manufacturer is relinquishing its letter of certification for an ignition interlock device.

(f) Upon voluntary surrender or revocation of a letter of certification for a manufacturer's ignition interlock device, the impaired driving section shall notify all vendors and/or service centers that all of a manufacturer's uncertified ignition interlock devices must be removed and replaced by a certified ignition interlock device within sixty-five days of the effective date of such surrender or revocation. The service center will notify all affected lessees of the revocation of the manufacturer's certification and requirement that a certified service center install and/or replace the ignition interlock device.

(g) The impaired driving section will maintain a file of all current, revoked, and voluntarily surrendered letters of certification for the time period required by the patrol records retention schedule.

(h) The chief or designee will notify the manufacturer in writing if a letter of certification has been revoked. The notice of revocation will be sent to the certificate holder via certified mail, return receipt requested.

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(6) All ignition interlock devices must employ fuel cell technology on or before June 10, 2015. An ignition interlock device that does not employ fuel cell technology after June 10, 2015, will not be an approved device in Washington state and will have its letter of certification denied or revoked.

[Statutory Authority: RCW 43.43.395, 46.37.005, and 46.04.215. WSR 12-17-153, § 204-50-040, filed 8/22/12, effective 10/1/12; WSR 10-24-074, § 204-50-040, filed 11/30/10, effective 1/1/11. Statutory Authority: RCW 46.37.005 and 46.04.215. WSR 09-18-073, § 204-50-040, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 46.61.688(2). WSR 05-17-065, § 204-50-040, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005. WSR 99-01-156, § 204-50-040, filed 12/23/98, effective 1/1/99. Statutory Authority: RCW 46.20.730. WSR 88-15-050 (Order 88-04-ESR), § 204-50-040, filed 7/18/88. Statutory Authority: 1987 c 247. WSR 88-01-020 (Order 87-05-ESR), § 204-50-040, filed 12/9/87.]

WAC 204-50-042

Service center certification and inspection.

(1) An application must be approved, all applicable fees paid and a letter of certification issued by the chief or designee before a fixed or mobile service center may repair, install, remove, or service a certified ignition interlock device pursuant to this chapter.

(2) Application for certification for a fixed site service center.

(a) A manufacturer must submit an application to the impaired driving section for a letter of certification for a fixed service center. A manufacturer may approve a vendor to submit an application for a fixed service center on a case-by-case basis.

(b) In order to have a fixed service center certified, the applicant(s) must:

(i) Complete the application form provided by the impaired driving section. In the application form the applicant shall disclose:

(A) The physical address of the service center;

(B) The days and hours of operation for the service center;

(C) The type of the certified ignition interlock device it will service;

(D) The type of calibration device it will use for the ignition interlock device(s) it will service.

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(ii) Submit a copy of the ignition interlock device data reader download procedures.

(iii) Submit a written statement from a manufacturer that authorizes the service center to install the manufacturer's certified ignition interlock device.

(iv) Submit a list of all fees that may be charged to the lessee to install the manufacturer's certified ignition interlock device.

(3) Renewal of certification for a fixed site service center. The impaired driving section will conduct an annual inspection of all certified fixed site service centers. Upon successful completion of the inspection and payment of all applicable fees the certification will be renewed.

(4) Application for certification for a mobile site service center.

(a) A manufacturer must submit an application to the impaired driving section for a letter of certification for a mobile service center. A manufacturer may approve a vendor to submit an application for a mobile service center on a case-by-case basis.

(b) In order to have a mobile service center certified, the applicant(s) must:

(i) Submit the information required in subsection (1)(b)(i) through (iii) of this section.

(ii) Submit a copy of liability insurance for all vehicles to be used as a mobile service center.

(iii) Submit certification number(s) of the fixed site service center(s) overseeing the mobile service center and the technician(s) that will work from the mobile service center(s).

(iv) Submit a list of all fees or rates that may be charged to a lessee to install, remove, repair, or service an ignition interlock device by a mobile service center.

(5) Inspection of fixed and/or mobile service center. A vendor or manufacturer must agree to allow access for a representative from the impaired driving section to conduct an inspection at any time during scheduled business hours to ensure compliance as required in chapter 204-50 WAC.

(6) Service center requirements. To receive and maintain a letter of certification, a fixed site service center must:

(a) Be located in a facility which properly accommodates installing, inspecting, downloading, calibrating, repairing, monitoring, maintaining, servicing, and/or removing of ignition interlock devices.

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(b) Have posted a current copy of all fees and rates a lessee may be charged to install, remove, repair or service an ignition interlock device by a fixed or mobile service center. The fees and rates must be plainly visible and capable of being read at all times by the public.

(c) Provide lessees a statement of charges clearly specifying warranty details, monthly lease amount, any additional charges anticipated for routine calibration and service checks and what items, if any, are provided without charge.

(d) Provide the lessee written notice of any changes in the statement of charges regardless of what person or agency requested the change, prior to the implementation of such changes.

(e) Comply with all municipal and/or county zoning regulations for commercial businesses and provide a corresponding business license.

(f) Have and maintain a designated waiting area that is separate from the installation area for the lessee. The designated waiting area must be shielded from the installation area so a lessee or any other unauthorized person cannot witness the installation or service of the ignition interlock device.

(g) Have an area and the electronic equipment available for restricted drivers to view training videos provided by the impaired driving section or manufacturer.

(7) Issuance of letter of certification for a fixed and/or mobile service center.

(a) The chief or designee will have the authority to issue a letter of certification to a fixed and/or mobile service center if all qualifications outlined in this chapter have been met by the applicant.

(b) A letter of certification or a service center must be posted and visible to the public.

(c) The chief or designee will notify the manufacturer in writing if a letter of certification has been denied. The notice of denial will be sent to the applicant via certified mail, return receipt requested.

[Statutory Authority: RCW [43.43.395](#), [46.37.005](#), and [46.04.215](#). WSR 12-17-153, § 204-50-042, filed 8/22/12, effective 10/1/12; WSR 10-24-074, § 204-50-042, filed 11/30/10, effective 1/1/11.]

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WAC 204-50-046

Ignition interlock technician certification.

(1) The chief or designee will have the authority to issue a letter of certification for an ignition interlock technician. An application must be approved and letter of certification issued by the impaired driving section before an ignition interlock technician may repair, install, remove, or service a certified ignition interlock device pursuant to this chapter.

(2) Application for letter of certification for an ignition interlock technician.

(a) A manufacturer must submit an application to the impaired driving section for a letter of certification for each ignition interlock technician employed at a fixed or mobile service center and pay all applicable fees to the state of Washington. A manufacturer may approve a vendor to submit an application for an ignition interlock technician on a case-by-case basis.

(b) In order to receive a letter of certification for an ignition interlock technician, the applicant shall:

(i) Complete the application form provided by the impaired driving section.

(ii) Have its employee complete the knowledge and skills examination administered by the impaired driving section. An applicant's employee must score eighty percent or higher on the knowledge and skills examination to be eligible for a letter of certification.

(iii) Submit, at the expense of the manufacturer, service center, vendor or applicant, a criminal history report conducted within the preceding thirty days of the date on the application. The criminal history report shall be attained from either the patrol's identification and criminal history section if the employee has lived in Washington for five years immediately preceding the date of the application or, a criminal background check from the agency responsible for keeping criminal history in the state or states of the previous residence of an employee who has not lived in Washington for the five years immediately preceding the date of application.

(c) The chief or designee will refuse to issue or may revoke a letter of certification for the ignition interlock technician if the ignition interlock technician:

(i) Has been convicted of:

(A) Any alcohol related traffic offense within the last three years;

(B) A DUI, as defined in chapter 46.61 RCW, two or more times within the last five years;

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(C) Any offense classified as a class B or C felony within the five years prior to the date of the applicant filing an application for certification as an ignition interlock technician;

(D) Any class A felony or any "sex offense" as defined in RCW 9.94A.030, regardless of the date of conviction; or

(E) Any gross misdemeanor within the last three years.

(ii) The chief or designee may refuse to issue or may revoke a letter of certification for the ignition interlock technician if the ignition interlock technician has been convicted of:

(A) Any misdemeanor within the last year; or

(B) Has demonstrated a willful disregard for complying with ordinances, statutes, administrative rules or court orders, whether at the local, state or federal level;

(iii) Fails to demonstrate character and general fitness sufficient to command the confidence of the impaired driving section and warrant a belief that the duties of a technician will be conducted honestly, fairly and efficiently in the conduct of ignition interlock service. In determining character and general fitness, the impaired driving section may consider:

(A) Prior contacts with law enforcement;

(B) Criminal record;

(C) Reputation in the community;

(D) Associations; and

(E) Current driver's license status and abstract driving record.

(iv) Has been granted a deferred prosecution under chapter 10.05 RCW for an alcohol related traffic offense within the last three years.

(v) Is not at least eighteen years of age.

(vi) Does not possess a valid Washington driver's license if:

(A) The ignition interlock technician is employed by a service center that provides a mobile service center; or

(B) The ignition interlock technician must operate a lessee's vehicle to provide services in accordance with this chapter.

(d) The term "conviction" as used in this section will have the same meaning as used in chapter 9.94A RCW.

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(3) Issuance of letter of certification for an ignition interlock technician.

(a) The chief or designee will have the authority to issue a letter of certification for an ignition interlock technician if an application has been approved and all qualifications set out in this chapter have been met by the applicant.

(b) A letter of certification for an ignition interlock technician will be effective the date stated in the letter and contain a certification number specific to the ignition interlock technician.

(c) A letter of certification for an ignition interlock technician will be valid for one year or until suspended, superseded, or revoked by the impaired driving section.

(d) A letter of certification for an ignition interlock technician will be subject to review by the impaired driving section at its discretion during the course of the certification period.

(e) The chief or designee will deny an application for a letter of certification for an ignition interlock technician if all qualifications are not met by the applicant, and it will notify the manufacturer and vendor, if submitted for approval by the vendor with approval of the manufacturer, within ten days of such determination.

(f) The chief or designee will notify the manufacturer in writing if an application for letter of certification has been denied. The notice of denial will be sent to the applicant via certified mail, return receipt requested.

(4) Renewal of a letter of certification for an ignition interlock technician.

(a) A letter of certification for an ignition interlock technician certification must be renewed and all applicable fees paid on an annual basis.

(b) An application to renew a letter of certification for an ignition interlock technician must be submitted to the impaired driving section at least thirty days prior to the expiration of the certification.

(c) An incomplete or untimely application may result in the expiration of a letter of certification for an ignition interlock technician. If a letter of certification for an ignition interlock technician expires, the ignition interlock technician identified in the expired letter of certification shall immediately stop working as an ignition interlock technician until a new letter of certification is issued by the chief or designee.

(d) Renewal of a letter of certification for an ignition interlock technician will be the same as the process outlined in this section, except the submission of a criminal history report may be submitted by the ignition interlock technician.

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(e) If there is pending action against an ignition interlock technician for any violation of the rules outlined in this chapter, an application for the renewal of a letter of certification will not be processed until the pending action has reached a final resolution.

(f) The chief or designee will notify the manufacturer and vendor, if submitted for approval by the vendor with approval of the manufacturer, in writing if renewal of a letter of certification has been denied. The notice of nonrenewal will be sent to the certificate holder via certified mail, return receipt requested.

(5) Surrender of a letter of certification for an ignition interlock technician.

(a) An ignition interlock technician letter of certification may be surrendered upon written request from the vendor, manufacturer, or an ignition interlock technician or if the impaired driving section receives written notification that the ignition interlock technician is no longer certified by the same manufacturer under which the current ignition interlock technician certification was issued.

(b) The original letter of certification must be returned to the impaired driving section. If the original certification is not provided with the written notification the impaired driving section will instruct an inspector to obtain the original certification.

(6) Suspension or revocation of a letter of certification for an ignition interlock technician.

(a) The chief or designee may suspend or revoke certification of an ignition interlock technician who no longer meets all of the requirements outlined under the Revised Code of Washington or this chapter.

(b) The chief or designee will notify the ignition interlock technician, manufacturer and vendor in writing if a letter of certification has been suspended or revoked. The notice of suspension or revocation will be sent to the certificate holder via certified mail, return receipt requested.

(c) During a period of suspension of a letter of certification for an ignition interlock technician, the suspended ignition interlock technician shall cease any and all activities related to the repair, installation, removal, or service of a certified ignition interlock device in the state of Washington.

(d) If a letter of certification for an ignition interlock technician is suspended or revoked the ignition interlock technician shall, on demand, surrender the certification and return it to the impaired driving section.

[Statutory Authority: RCW [43.43.395](#), [46.37.005](#), and [46.04.215](#). WSR 12-17-153, § 204-50-046, filed 8/22/12, effective 10/1/12; WSR 10-24-074, § 204-50-046, filed 11/30/10, effective 1/1/11.]

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WAC 204-50-050

Modifications to a certified ignition interlock device.

(1) A manufacturer shall immediately notify the impaired driving section, in writing, of any material modification. A material modification is any addition or reduction in features, software version changes, configuration profile changes or alteration in the components and/or the design of the certified ignition interlock device. Written notification of a material modification may be submitted to the impaired driving section in an electronic format approved by the impaired driving section.

(2) A manufacturer must resubmit evidence of compliance as required in WAC 204-50-040 to the impaired driving section within thirty days of notifying the impaired driving section of a material modification.

(3) The impaired driving section will determine if the device must be submitted for recertification.

[Statutory Authority: RCW 43.43.395, 46.37.005, and 46.04.215. WSR 12-17-153, § 204-50-050, filed 8/22/12, effective 10/1/12; WSR 10-24-074, § 204-50-050, filed 11/30/10, effective 1/1/11. Statutory Authority: RCW 46.37.005 and 46.04.215. WSR 09-18-073, § 204-50-050, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 46.61.688(2). WSR 05-17-065, § 204-50-050, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005. WSR 99-01-156, § 204-50-050, filed 12/23/98, effective 1/1/99. Statutory Authority: RCW 46.20.730. WSR 88-15-050 (Order 88-04-ESR), § 204-50-050, filed 7/18/88. Statutory Authority: 1987 c 247. WSR 88-01-020 (Order 87-05-ESR), § 204-50-050, filed 12/9/87.]

WAC 204-50-070

Variable calibration of an ignition interlock device.

To be certified, an ignition interlock device must be capable of being preset, by only the manufacturer, at any fail level from .02 through .09 g/210L BrAC (plus or minus .005 g/210L BrAC). The actual setting of each ignition interlock device, unless otherwise mandated by the originating court, must be .025 g/210L BrAC. The capability to change this setting must be made secure, by the manufacturer.

[Statutory Authority: RCW 43.43.395, 46.37.005, and 46.04.215. WSR 12-17-153, § 204-50-070, filed 8/22/12, effective 10/1/12; WSR 10-24-074, § 204-50-070, filed 11/30/10, effective 1/1/11. Statutory Authority: RCW 46.37.005 and 46.04.215. WSR 09-18-073, § 204-50-070, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 46.61.688(2). WSR 05-17-065, § 204-50-070, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005. WSR 99-01-156, § 204-50-070, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247. WSR 88-01-020 (Order 87-05-ESR), § 204-50-070, filed 12/9/87.]

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Ignition Interlock Breath Alcohol Devices**

WAC 204-50-080

Certified ignition interlock device maintenance, calibration and reports.

(1) Each restricted operator shall have the ignition interlock device installed in the restricted operator's vehicle(s) examined by the manufacturer, vendor, service center or ignition interlock technician for correct calibration and evidence of tampering at intervals not to exceed sixty-five days, or more often as may be ordered by the originating court.

(2) The restricted driver must pay a calibration fee at least once every sixty days.

(3) An ignition interlock device must be calibrated for accuracy by using a wet bath simulator or dry gas alcohol standard with an alcohol reference value between .030 and .050 g/210L.

(a) The calibration process will consist of the following procedures:

(i) Prior to introducing a reference sample into a device, a three second purge must be expelled from the wet bath simulator or dry gas standard.

(ii) An "as found" check to introduce the sample into the device without adjustment for accuracy. The test must be conducted prior to any adjustment for accuracy and the results must be recorded on the data logger.

(iii) The accuracy check will consist of two consecutive reference checks with the result of each individual check being within plus or minus ten percent of the reference value introduced into the ignition interlock device. The time period from the first accuracy check to the second consecutive accuracy check must not exceed five minutes.

(iv) Any ignition interlock device not passing calibration must be removed from service and the serial number of the device kept on record for three years. An ignition interlock device removed from service for not passing calibration may be placed back in service only if it is repaired to meet the standards as outlined in this chapter and all repairs are documented and kept in the record for three years.

(b) Wet bath simulators must:

(i) Use a mercury in glass or digital thermometer. These thermometers must read 34 plus or minus .2 degrees Centigrade during analysis and be certified annually using a National Institute of Standards and Technology (NIST) traceable digital reference thermometer.

(ii) Be found on the current National Highway Traffic Safety Administration confirming products list of calibrating units for breath alcohol testers.

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(iii) Use alcohol reference solutions prepared and tested in a laboratory such that their reference value is shown to be traceable to the National Institute of Standards and Technology. The 500 ml bottles containing simulator solution must be tamper proof and labeled with the following: Lot or batch number, value of the reference sample in g/210L, and date of preparation and/or the expiration which must not be longer than one year from the date of preparation.

(c) Dry gas alcohol standards must be certified to a known reference value and traceable to National Institute of Standards and Technology - NIST Traceable Reference Material (NIST-NTRM) ethanol standards. The reference value will be adjusted for pressure changes due to elevation to which the dry gas is being used.

(i) Dry gas alcohol standard tanks must:

(A) Be stored in an environment where the temperature range remains between 50-104 degrees Fahrenheit.

(B) Have a label which will contain the following: Components and concentration of the reference value of the gas, expiration date which must not be longer than three years from the date of preparation, and the lot or batch number.

(ii) Each service center using a dry gas alcohol standard will have:

(A) An elevation chart which will be used to determine the proper reference value for the elevation for which the gas standard is being used.

(B) The certificate of analysis from the dry gas standard manufacturer.

(4) The results of any circumvention or bypass attempt and each calibration including the reference value, "as found" check, calibration check(s), and any adjustments made for accuracy and/or elevation pressure must be recorded on the ignition interlock device data logger and/or data base.

(5) Data contained in an ignition interlock device's memory or data logger must be downloaded and the manufacturer, vendor and/or service center must make an electronic copy of the client data and the results of each examination.

(6) Data downloaded by a manufacturer, vendor and/or service center from an ignition interlock device must be:

(a) Reviewed by the manufacturer, vendor, ignition interlock technician, and/or service center. Any evidence of noncompliance, violations, or signs of tampering and/or circumvention must be reported as requested by, and in a format acceptable to the originating court, impaired driving section and/or DOL.

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(b) All information obtained as a result of each calibration or inspection must be retained by the manufacturer, vendor or service center for three years from the date the ignition interlock device is removed from the vehicle.

(7) The manufacturer, vendor and/or service center must provide, upon request, additional reports in a format acceptable to and at no cost to DOL, impaired driving section and/or the originating court.

(8) A service center must maintain records documenting all calibrations, downloads and any other services performed on an ignition interlock device, including service of a violation reset. Charges for installations, calibrations, downloads and service must be made using a numbered billing invoice. The billing invoice must contain the date of service and all fees for service must be itemized.

(9) Retention of the record of installation, calibrations, downloads, service and associated invoices must be maintained on site for a minimum of three years.

[Statutory Authority: RCW 43.43.395, 46.37.005, and 46.04.215. WSR 12-17-153, § 204-50-080, filed 8/22/12, effective 10/1/12; WSR 10-24-074, § 204-50-080, filed 11/30/10, effective 1/1/11. Statutory Authority: RCW 46.37.005 and 46.04.215. WSR 09-18-073, § 204-50-080, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 46.61.688(2). WSR 05-17-065, § 204-50-080, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005. WSR 99-01-156, § 204-50-080, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247. WSR 88-01-020 (Order 87-05-ESR), § 204-50-080, filed 12/9/87.]

WAC 204-50-090

Ignition interlock device security.

(1) A manufacturer and its vendors, service center(s), and ignition interlock technicians must take all steps necessary to prevent tampering or physical circumvention of an ignition interlock device. These steps must include:

(a) Special locks, seals, and installation procedures that prevent or record evidence of tampering and/or circumvention attempts;

(b) Installation and/or use of all anticircumvention features required under this chapter;

(c) Breath anticircumvention features such as alternating breath flow, hum tone, breath temperature and any other impaired driving section approved anticircumvention features must be activated during all start up and random breath tests;

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(d) Changes in software and ignition interlock device configuration, including anticircumvention features and the Washington state configuration profile will only be administered by the manufacturer.

(2) In addition, a service center or ignition interlock technician will affix to the ignition interlock device a label containing the following notation: "Warning - This ignition interlock device has been installed under the laws of the state of Washington. Attempts to disconnect, tamper with, or circumvent this ignition interlock device may subject you to criminal prosecution. For more information, call (insert manufacturer, vendor or service center's toll free number)."

(3) No owner or employee of a manufacturer, vendor or service center may authorize or assist with the disconnection of an ignition interlock device, or enable the use of any "emergency bypass" mechanism or any other "bypass" procedure that allows a person restricted to use the vehicle equipped with a functioning ignition interlock device, to start or operate a vehicle without providing all required breath samples. Doing so may subject the person to criminal prosecution under RCW 46.20.750 and may cause the revocation of a manufacturer's, vendor's, service center, and/or ignition interlock technician's certification under chapter 204-50 WAC.

(4) The sale or use of any type of remote code allowing a restricted driver to bypass a lockout condition or any user to not provide a breath sample on vehicle start up is prohibited.

(5) All known ignition interlock device circumventions or tampering must be reported to the impaired driving section in an impaired driving section approved electronic format within seven days of determining that an ignition interlock device was circumvented or tampered with.

[Statutory Authority: RCW 43.43.395, 46.37.005, and 46.04.215. WSR 12-17-153, § 204-50-090, filed 8/22/12, effective 10/1/12; WSR 10-24-074, § 204-50-090, filed 11/30/10, effective 1/1/11. Statutory Authority: RCW 46.37.005 and 46.04.215. WSR 09-18-073, § 204-50-090, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 46.61.688(2). WSR 05-17-065, § 204-50-090, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005. WSR 99-01-156, § 204-50-090, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247. WSR 88-01-020 (Order 87-05-ESR), § 204-50-090, filed 12/9/87.]

WAC 204-50-100

Installation of ignition interlock devices.

(1) An ignition interlock device can only be installed by a certified ignition interlock technician.

(2) The installation verification fee will be collected from the lessee by the manufacturer, vendor, service center, or ignition interlock technician at the time of installation and recorded in a log.

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(3) An ignition interlock technician shall not install an ignition interlock device on a vehicle unless the restricted operator is:

(a) Successful in completing all training provided by the impaired driving section and/or manufacturer prior to initially using the ignition interlock device;

(b) The registered owner of the vehicle or has a signed "Non-owned Installation Approval Form" approving the ignition interlock device installation; and

(c) Provided ignition interlock device training by the manufacturer, vendor, service center, and/or certified technician. If the impaired driving section and/or DOL provides educational materials to the manufacturer, vendor, service center and/or technician, those training materials will be provided to and completed by the restricted operator and/or lessee in addition to the training required under this section.

(4) An ignition interlock technician shall:

(a) Record the following information before installing an ignition interlock device:

(i) The full name, current address, phone number, driver's license number of the lessee and/or restricted operator.

(ii) The vehicle license registration number for the vehicle in which the ignition interlock device is to be installed.

(iii) The unique serial number of the ignition interlock device installed and corresponding vehicle license registration number of the single vehicle in which it was installed.

(b) Ensure that no restricted operator, lessee or other unauthorized person witnesses the installation, service or removal of an ignition interlock device.

(c) Inspect all vehicles prior to installation of an ignition interlock device to determine if parts of a vehicle affected by an ignition interlock device are in acceptable condition and an ignition interlock device shall not be installed until the vehicle is in acceptable condition.

(d) Follow the manufacturer's instructions and regulations outlined in this chapter for the installation, servicing and removal of ignition interlock devices.

(e) Install the following physical anti-tampering measures:

(i) Place all connections and associated wiring between an ignition interlock device and a vehicle in an area of the vehicle not immediately accessible or visible to the lessee or restricted operator.

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(ii) Cover with a unique and easily identifiable seal, epoxy, resin, shrink wrap, sheathing, or tamper proof tape:

(A) Any portion of an ignition interlock device that can be disconnected;

(B) Any wires used to install the ignition interlock device that are not inside a secured enclosure; and

(C) Mark points likely to be accessed when attempting to tamper with the ignition interlock device with other material unless the ignition interlock device is capable of recording such attempts to tamper with it.

(5) A service center or ignition interlock technician will:

(a) Thoroughly train a restricted operator on the proper use and functionality of an ignition interlock device;

(b) Provide a user reference, operation, and problem-solving guide in English or Spanish to the restricted operator when an ignition interlock device is installed; and

(c) Upon installation of the ignition interlock device, take a digital reference image or photograph of the restricted driver which must be accessible at the service center from a secure storage location for the duration of the installation.

(6) A service center or ignition interlock technician will be available during all posted hours of operation to answer all questions and handle any problems related to a restricted operator's ignition interlock device, including repair or replacement of an inoperable or malfunctioning ignition interlock device.

[Statutory Authority: RCW [43.43.395](#), [46.37.005](#), and [46.04.215](#). WSR 12-17-153, § 204-50-100, filed 8/22/12, effective 10/1/12; WSR 10-24-074, § 204-50-100, filed 11/30/10, effective 1/1/11.]

WAC 204-50-110

Mandatory requirements for an ignition interlock device.

(1) Notwithstanding other provisions of this chapter, a certified ignition interlock device must:

(a) Be designed to permit a "restart" within two minutes of a stall or when the ignition has been turned off, except a "restart" will not be permitted during a violation reset condition.

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(b) Automatically and completely purge residual alcohol before allowing subsequent tests.

(c) Allow a minimum of 1500 ml or 1.5 L of breath for an acceptable breath sample.

(d) Allow a minimum of three minutes and a maximum of six minutes for random breath tests to be initiated prior to an indication of a missed test and a violation reset. The device must be capable of notifying the restricted driver of this time period. Acceptable forms of notification are use of an indicator light, audible tone, voice modulation and/or countdown timer.

(e) Be installed in such a manner that it will not interfere with the normal operation of the vehicle after it has been started.

(f) Include a supply of two disposable mouth pieces upon installation, designed to minimize the introduction of saliva into an ignition interlock device, and an additional mouth piece with every sixty to sixty-five day calibration period.

(g) Have all primary components as identified by the impaired driving section uniquely serial numbered, which includes, but may not be limited to, the storage device, handset, and camera.

(h) Uniquely identify and record each time the vehicle is attempted to be started and/or started, the results of all tests, retests or failures as being a malfunction of the device or from the operator not meeting the requirements, how long the vehicle was operated, and any indication of bypassing or tampering with the ignition interlock device, or tests.

(i) On or before June 10, 2015, require a restricted operator to wait five minutes before attempting to start the vehicle a second or third time and thirty minutes prior to the fourth or subsequent attempts to initially start the vehicle when the initial start failure occurs.

(j) Require the operator of the vehicle to submit to a random retest within ten minutes of starting the vehicle. A random retest must continue at variable intervals ranging from ten to forty-five minutes after the previous retest for the duration of the travel. If a bypass is recorded at start up, the random breath testing procedure will continue for the duration of travel.

(k) Be equipped with a method of immediately notifying law enforcement officers if a violation reset occurs from a random retest or the result of the retest exceeds the lower of .025 g/210L BrAC or the alcohol concentration as prescribed by the originating court or any disconnection of the ignition interlock device control head for longer than one minute after vehicle start up. Acceptable forms of notification are repeated honking of the vehicle's horn or the use of an audible signaling device. Such notification may be disabled only by switching the engine off, or by the achievement of a

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retest at a level the lower of .025 g/210L BrAC or the maximum allowable alcohol concentration as set by the originating court.

(l) Enter into violation reset when the restricted operator has:

(i) Recorded a random test failure;

(ii) Disconnected the control head after start up;

(iii) Failed to submit to a random retest;

(iv) Failed to have the ignition interlock device serviced within the time period described in this chapter.

(m) Enter into a lockout if a violation reset occurs unless the vehicle is serviced at a mobile or fixed site service center by a certified technician where it will be calibrated, downloaded and the wiring harness physically inspected within five days of when the violation reset occurred.

(n) When reasonably available, contain a digital image identification device as prescribed in RCW 43.43.395. The digital image device will not distract or impede the driver in any manner from safe and legal operation of the vehicle and will:

(i) Encode a digital or photographic image of the vehicle driver including the time, date and BrAC level of all breath attempts. All images and data for a sixty-five day use period must be stored in the device's memory to be downloaded and stored by the manufacturer for three years.

(ii) Capture a digital image or photograph of the driver:

(A) Within five seconds after starting the vehicle.

(B) Upon initial notification that a random retest is required.

(C) When a violation reset condition is initiated.

(D) Randomly at the discretion of the manufacturer.

(iii) Produce a digital image, identifiable verification or a photograph of the restricted driver in all lighting conditions; extreme brightness, darkness and low light conditions.

(2) The digital image identification device reference in subsection (1)(n) of this section and RCW 43.43.395 is considered reasonably available in the area of Washington state. The digital image identification device must be incorporated into:

(a) Any new ignition interlock device installation and any user in violation of RCW 46.20.720(4) by January 1, 2013.

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(b) Any ignition interlock device issued to a user under a five or ten year restriction by June 10, 2013.

(c) All ignition interlock devices by June 10, 2015.

(3) The manufacturer, vendor, ignition interlock technician or service center shall notify the originating court (if any) of such violation reset conditions within five days of servicing the ignition interlock device in a format acceptable to the originating court. The manufacturer, vendor or service center must provide notification to DOL and impaired driving section in an acceptable electronic format should DOL or impaired driving section promulgate rules requiring such notification of a violation reset condition.

(4) In addition to any other information required by DOL, the impaired driving section, or by an originating court, all reports to DOL, the impaired driving section or to an originating court concerning a particular ignition interlock device must include:

(a) The full name, address, and driver's license number of the restricted operator, lessee, and registered owner;

(b) The vehicle license registration number of the single vehicle in which the ignition interlock device was installed;

(c) The unique serial number of the ignition interlock device; and

(d) The toll free telephone number, and certification number of the installing service center and ignition interlock technician who installed and prepared the report for the ignition interlock device.

[Statutory Authority: RCW 43.43.395, 46.37.005, and 46.04.215. WSR 12-17-153, § 204-50-110, filed 8/22/12, effective 10/1/12; WSR 10-24-074, § 204-50-110, filed 11/30/10, effective 1/1/11. Statutory Authority: RCW 46.37.005 and 46.04.215. WSR 09-18-073, § 204-50-110, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 46.61.688(2). WSR 05-17-065, § 204-50-110, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005. WSR 99-01-156, § 204-50-110, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247. WSR 88-01-020 (Order 87-05-ESR), § 204-50-110, filed 12/9/87.]

WAC 204-50-120

Additional requirements.

(1) Notwithstanding other provisions of this chapter, each manufacturer of a certified ignition interlock device, either on its own or through a vendor approved to do so by the manufacturer shall:

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(a) Guarantee repair or replacement of a defective ignition interlock device within the state of Washington within a maximum of forty-eight hours of receipt of a complaint or known failure of an ignition interlock device.

(b) Demonstrate to the satisfaction of impaired driving section, a service delivery plan under which any restricted operator may obtain installation and routine service of that manufacturer's ignition interlock device within a seventy-five mile radius of his or her place of residence.

(c) Receive written approval from impaired driving section and require mobile service ignition interlock technicians to sign an agreement to abide by all aspects of WAC 204-50-080 before mobile service centers may work outside of the umbrella of their overseeing fixed site service center(s) to provide service in rural counties of the state. Qualifying rural counties under the Washington state department of health guidelines include: Jefferson, Pacific, Wahkiakum, Klickitat, San Juan, Columbia, Garfield, Adams, Lincoln, Pend Oreille, Stevens, Ferry, and Okanogan counties.

(d) Provide written notification of any changes to a manufacturer's service center network to the impaired driving section within seven days of such change.

(e) Maintain a twenty-four hour, three hundred sixty-five days a year toll-free telephone number for lessees and/or restricted operators to call if they have problems with the ignition interlock device they have leased from the manufacturer, vendor or service center. Calls must either be answered by an ignition interlock technician qualified to service the manufacturer's ignition interlock devices, or the call must be returned by a qualified technician within thirty minutes of the original call.

(2) The manufacturer shall provide to the impaired driving section proof on or before the expiration date listed on the current valid insurance on file with the impaired driving section that the manufacturer has products liability insurance coverage with minimum liability limits of one million dollars per occurrence, and three million dollar aggregate. Liability covered must include, but not limited to: Defects in product design, materials, and workmanship during manufacture, calibration, installation, removal, and all completed operations. Such insurance must be provided by a company authorized to offer such coverage in the state, and such company must include the state of Washington as an additional insured, and must agree to notify the impaired driving section not less than thirty days before the expiration or termination of such coverage. Insurance coverage required in this subsection must be in addition to, and not considered a replacement for coverage required in subsection (3) of this section.

(3) A manufacturer or vendor approved by the manufacturer shall provide the impaired driving section proof on or before the expiration date listed on the current valid insurance on file with the impaired driving section that each and every service center has:

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(a) Garage keepers liability insurance coverage with minimum liability limits of fifty thousand dollars. Liability covered must include, but not be limited to, damage to lessee's vehicle and personal property while in the care and/or custody of the service center.

(b) Operations insurance coverage with minimum liability limits of one million dollars per occurrence, and two million dollars aggregate. Liability covered must include, but not be limited to, defects in materials and workmanship during installation, removal, service, calibration, and monitoring.

(c) Insurance provided by a company authorized to offer such coverage in the state, and such company must include the state of Washington as an additional insured, and must agree to notify the impaired driving section not less than thirty days before expiration or termination of such coverage.

(d) Insurance coverage required in this subsection must be in addition to and not considered a replacement for other coverage required in this section.

(4) A vendor or service center shall notify the DOL in an acceptable format and if so requested by the originating court, notify the originating court, if any, of the removal of an ignition interlock device under any circumstances other than:

(a) Immediate ignition interlock device repair needs.

(b) Removal of the ignition interlock device in order to switch it to a replacement vehicle to be operated by the restricted operator. Report of such a vehicle switch including the license of the vehicle must be transmitted to the DOL, and the originating court within two business days of such a switch, if so requested by the originating court at the time of initial installation of the ignition interlock device. Report of such a vehicle switch must be transmitted to the DOL within two business days of such a switch, if so requested by the DOL. **NOTE:** Whenever an ignition interlock device is removed for repair, and cannot be immediately reinstalled, a substitute ignition interlock device must be utilized. Under no circumstances will a manufacturer, service center or ignition interlock technician knowingly permit a restricted operator to drive a vehicle not equipped with a functioning ignition interlock device.

[Statutory Authority: RCW 43.43.395, 46.37.005, and 46.04.215. WSR 12-17-153, § 204-50-120, filed 8/22/12, effective 10/1/12; WSR 10-24-074, § 204-50-120, filed 11/30/10, effective 1/1/11. Statutory Authority: RCW 46.37.005 and 46.04.215. WSR 09-18-073, § 204-50-120, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 46.61.688(2). WSR 05-17-065, § 204-50-120, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005. WSR 99-01-156, § 204-50-120, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247. WSR 88-01-020 (Order 87-05-ESR), § 204-50-120, filed 12/9/87.]

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WAC 204-50-130

Requirements for removing an ignition interlock device.

(1) A manufacturer will determine a restricted operator's compliance of this section in accordance with RCW 46.20.720. A manufacturer may approve a vendor to determine a restricted operator's compliance of this section in accordance with RCW 46.20.720 on a case-by-case basis.

(2) The manufacturer or its service center must return the vehicle in normal operating condition after it removes an ignition interlock device.

(3) An ignition interlock technician or service center can only remove an ignition interlock device for which they have been certified to service, unless an ignition interlock technician or service center has received approval from the impaired driving section allowing it to remove an ignition interlock device that it has not been certified to service.

(4) An ignition interlock device will be removed from the vehicle in which it is installed when a restricted driver or lessee becomes sixty days past due on their account. If the restricted driver does not appear for a removal appointment and makes no attempt to contact the manufacturer, the replacement cost of the ignition interlock device may be added to the lessee's account.

(5) A manufacturer or its service center shall provide any final report requested by the originating court, impaired driving section and/or requested by DOL to the requestor once the ignition interlock device has been removed from a restricted operator's vehicle(s).

[Statutory Authority: RCW 43.43.395, 46.37.005, and 46.04.215. WSR 12-17-153, § 204-50-130, filed 8/22/12, effective 10/1/12; WSR 10-24-074, § 204-50-130, filed 11/30/10, effective 1/1/11. Statutory Authority: RCW 46.37.005 and 46.04.215. WSR 09-18-073, § 204-50-130, filed 8/31/09, effective 10/1/09. Statutory Authority: RCW 46.61.688(2). WSR 05-17-065, § 204-50-130, filed 8/11/05, effective 9/11/05. Statutory Authority: RCW 46.04.215 and 46.37.005. WSR 99-01-156, § 204-50-130, filed 12/23/98, effective 1/1/99. Statutory Authority: 1987 c 247. WSR 88-01-020 (Order 87-05-ESR), § 204-50-130, filed 12/9/87.]

WAC 204-50-135

Fees.

(1) The impaired driving section will maintain a fee schedule in accordance with section 15, chapter 183, Laws of 2012. Fees outlined in this fee schedule will be:

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(a) Collected and recorded by vendors, service centers, ignition interlock technicians and manufacturers.

(b) Submitted to the manufacturer within fifteen days of the end of the calendar month in which they were collected along with the record on a form provided by the patrol, if they are collected by vendors, service centers or ignition interlock technicians.

(c) Submitted electronically by the manufacturer to the patrol within thirty days of the end of the calendar month in which they were collected along with the record on a form provided by the patrol.

(2) Annual fees will be added to the record for the month in which the certification or renewal is due and paid to the patrol as outlined in subsection (1) of this section.

(3) The record provided to the manufacturer will include the type of fee collected, name or driver's license number of customer (if applicable), total amount paid, name and certification number of vendor, service center or ignition interlock technician who collected payment.

(4) The patrol may review financial records to ensure compliance with this chapter and may revoke or suspend a certification for nonpayment of fees and/or any financial discrepancies found.

[Statutory Authority: RCW [43.43.395](#), [46.37.005](#), and [46.04.215](#). WSR 12-17-153, § 204-50-135, filed 8/22/12, effective 10/1/12.]

WAC 204-50-140

Review of denial, suspension or revocation of certification.

(1) The chief or designee may deny, suspend, or revoke a letter of certification for an ignition interlock device, service center, or ignition interlock technician upon receiving evidence that any letter of certification holder has failed to comply or no longer complies with any requirement or provision of law or this chapter. The following process will be used:

(a) The chief or designee will give the applicant or certificate holder notice of the action and an opportunity to be heard as prescribed in chapter [34.05](#) RCW, prior to denial, suspension, or revocation of the letter of certification, except as provided in subsection (2) of this section.

(b) Upon receiving notice of the action, the applicant, or certificate holder may request an administrative hearing to contest the decision. A request for an administrative hearing must:

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(i) Be made in writing and mailed to the Washington State Patrol Impaired Driving Section, 811 East Roanoke St., Seattle, WA 98102; and

(ii) Be received by the patrol's impaired driving section within twenty business days after the date of the notice of action.

(2) The chief or designee may, without prior notification, suspend a letter of certification for a device, service center, or ignition interlock technician if the chief or designee finds that there is danger to the public health, safety, or welfare that requires immediate action. For every summary suspension of a letter of certification, an order signed by the chief or designee must be entered in accordance with the provisions of RCW 34.05.479.

(3) Failure to request a hearing or failure to appear at a hearing, a prehearing conference, or any other stage of an adjudicative proceeding may constitute default and result in the entry of a final order under RCW 34.05.440.

(4) Administrative proceedings consistent with chapter 34.05 RCW for revocation or other action will be promptly instituted and determined. The chief or designee must give notice as practicable to the letter of certification holder.

(5) Unless the chief or designee finds the immediate revocation is necessary or unless the certificate holder timely requests a hearing as provided under this section, a decision to revoke or suspend will be effective thirty days from the date of the notice of action decision unless the chief or designee finds that immediate revocations is necessary.

[Statutory Authority: RCW 43.43.395, 46.37.005, and 46.04.215. WSR 10-24-074, § 204-50-140, filed 11/30/10, effective 1/1/11.]

WAC 204-50-150

Hearing procedure.

(1) Hearings under this chapter will be pursuant to chapters 34.05 RCW and 10-08 WAC as supplemented by this section.

(2) A presiding officer will conduct a hearing and any prehearing conference(s).

(3) The burden of proof in any hearing will be on the applicant seeking the letter of certification, or on the person or agency seeking the suspension or revocation of a letter of certification or other action by the chief or designee.

(4) Oral proceedings must be recorded by the method chosen by the chief or designee and such recording will become part of the hearing record.

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(5) The following process applies to administrative hearings under this chapter:

(a) The patrol will notify the assistant attorney general of the petitioner's request for an administrative hearing.

(b) The assistant attorney general will draft an administrative complaint and send it to the petitioner and to the office of administrative hearings.

(c) The office of administrative hearings will schedule a hearing date, and will notify the petitioner, assistant attorney general, and patrol in writing of the hearing date, time, and location.

(d) The hearing will be conducted by an administrative law judge assigned by the office of administrative hearings.

(e) At the hearing, the assistant attorney general will present witnesses and other evidence on behalf of the patrol.

(f) At the hearing, the petitioner may be represented by an attorney or may choose to represent himself or herself. The petitioner or his/her attorney will be allowed to present witnesses and other evidence.

(g) Nothing in this section will prevent the parties from resolving the administrative matter by settlement agreement prior to conclusion of the administrative hearing.

(6) Initial and final order. At the conclusion of the hearing, the administrative law judge will prepare an initial order and send it to the petitioner and the assistant attorney general.

(a) Either the petitioner or the assistant attorney general, or both, may file a petition for review of the initial order with the patrol within twenty days of the date of service of the initial order. A petition for review must:

(i) Specify the portions of the initial order to which exception is taken;

(ii) Refer to the evidence of record which is relied upon to support the petition; and

(iii) Be filed with the patrol within twenty days of the date of service of the initial order.

(b) A party on whom a petition for review has been served may, within ten days of the date of service, file a reply to the petition. Copies of the reply must be mailed to all other parties or their representatives at the time the reply is filed.

(c) The administrative record, the initial order, and any exceptions filed by the parties will be submitted to the chief or his/her designee for review.

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Following this review, the chief or his/her designee will enter a final order that is appealable under the provisions of chapter 34.05 RCW.

[Statutory Authority: RCW 43.43.395, 46.37.005, and 46.04.215. WSR 10-24-074, § 204-50-150, filed 11/30/10, effective 1/1/11.]

WAC 204-50-160

Appeal.

Any person aggrieved by the decision of the chief or designee denying, suspending, or revoking a certification may appeal such decision to the superior court under the provisions of chapter 34.05 RCW.

[Statutory Authority: RCW 43.43.395, 46.37.005, and 46.04.215. WSR 10-24-074, § 204-50-160, filed 11/30/10, effective 1/1/11.]

RCW 43.43.395

Ignition interlock devices—Standards—Compliance.

(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:

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(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.

(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.

[2015 2nd sp.s. c 3 § 11; 2013 2nd sp.s. c 35 § 9; 2012 c 183 § 16; 2010 c 268 § 2.]

NOTES:

Finding—Intent—2015 2nd sp.s. c 3: See note following RCW 10.21.055.

Effective date—2012 c 183: See note following RCW 9.94A.475.

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RCW 43.43.3951

Ignition interlock devices—Limited exemption for companies not using devices employing fuel cell technology.

For the purposes of RCW 43.43.395, companies not using ignition interlock devices that employ fuel cell technology as of June 10, 2010, shall have five years from June 10, 2010, to begin using ignition interlock devices that employ fuel cell technology.

[2010 c 268 § 3.]

RCW 43.43.3952

Ignition interlock devices—Officer required to report violations—Liability.

(1) Any officer conducting field inspections of ignition interlock devices under the ignition interlock program shall report violations by program participants to the court.

(2) The Washington state patrol may not be held liable for any damages resulting from any act or omission in conducting activities under the ignition interlock program, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

[2013 2nd sp.s. c 35 § 35.]

RCW 43.43.396

Ignition interlock devices—Fee schedule and fee collection—Report—Fee deposit.

(1) As part of the state patrol's authority to provide standards for certification, installation, repair, maintenance, monitoring, inspection, and removal of ignition interlock devices, the state patrol shall by rule establish a fee schedule and collect fees from ignition interlock manufacturers, technicians, providers, and persons required under RCW 46.20.385, 46.20.720, and 46.61.5055 to install an ignition interlock device in all vehicles owned or operated by the person. At a minimum, the fees must be set at a level necessary to support effective performance of the duties identified in this section. The state patrol must report back to the transportation committees of the legislature and the office of financial management by December 1st of each year on the level of the fees that have been adopted and whether those fees are sufficient to cover the cost of performing the duties listed in this section.

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(2) Fees collected under this section must be deposited into the highway safety account to be used solely to fund the Washington state patrol impaired driving section projects.

[2012 c 183 § 15.]

NOTES:

Effective date—2012 c 183: See note following RCW 9.94A.475.

RCW 46.20.385

Ignition interlock driver's license—Application—
Eligibility—Cancellation—Costs—Rules.

(1)(a) Any person licensed under this chapter or who has a valid driver's license from another state, who is convicted of: (i) A violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance, or (ii) a violation of RCW 46.61.520(1)(a) or an equivalent local or out-of-state statute or ordinance, or (iii) a conviction for a violation of RCW 46.61.520(1) (b) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520(1)(a), or (iv) RCW 46.61.522(1)(b) or an equivalent local or out-of-state statute or ordinance, or (v) RCW 46.61.522(1) (a) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522(1)(b) committed while under the influence of intoxicating liquor or any drug, or (vi) who has had or will have his or her license suspended, revoked, or denied under RCW 46.20.3101, or who is otherwise permitted under subsection (8) of this section, may submit to the department an application for an ignition interlock driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue an ignition interlock driver's license.

(b) A person may apply for an ignition interlock driver's license anytime, including immediately after receiving the notices under RCW 46.20.308 or after his or her license is suspended, revoked, or denied.

(c) An applicant under this subsection shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on all vehicles operated by the person.

(i) The department shall require the person to maintain the device on all vehicles operated by the person and shall restrict the person to operating only vehicles equipped with the device, for the remainder of the period of suspension, revocation, or denial, unless otherwise permitted under RCW 46.20.720(6).

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(ii) Subject to any periodic renewal requirements established by the department under this section and subject to any applicable compliance requirements under this chapter or other law, an ignition interlock driver's license granted upon a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(2) An applicant for an ignition interlock driver's license who qualifies under subsection (1) of this section is eligible to receive a license only if the applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no longer has a functioning ignition interlock device installed on all vehicles operated by the driver, the director shall give written notice by first-class mail to the driver that the ignition interlock driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new ignition interlock driver's license upon submittal of evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver.

(4) A person aggrieved by the decision of the department on the application for an ignition interlock driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an ignition interlock driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose ignition interlock driver's license has been canceled under this section may reapply for a new ignition interlock driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

(6)(a) Unless costs are waived by the ignition interlock company or the person is indigent under RCW 10.101.010, the applicant shall pay the cost of installing, removing, and leasing the ignition interlock device and shall pay an additional fee of twenty dollars per month. Payments shall be made directly to the ignition interlock company. The company shall remit the additional fee to the department, except that the company may retain

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twenty-five cents per month of the additional fee to cover the expenses associated with administering the fee.

(b) The department shall deposit the proceeds of the twenty dollar fee into the ignition interlock device revolving account. Expenditures from the account may be used only to administer and operate the ignition interlock device revolving account program. The department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

(7) The department shall adopt rules to implement ignition interlock licensing. The department shall consult with the administrative office of the courts, the state patrol, the Washington association of sheriffs and police chiefs, ignition interlock companies, and any other organization or entity the department deems appropriate.

(8)(a) Any person licensed under this chapter who is convicted of a violation of RCW 46.61.500 when the charge was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, may submit to the department an application for an ignition interlock driver's license under this section.

(b) A person who does not have any driver's license under this chapter, but who would otherwise be eligible under this section to apply for an ignition interlock license, may submit to the department an application for an ignition interlock license. The department may require the person to take any driver's licensing examination under this chapter and may require the person to also apply and qualify for a temporary restricted driver's license under RCW 46.20.391.

[2017 c 336 § 4; 2016 c 203 § 13; 2015 2nd sp.s. c 3 § 3; 2013 2nd sp.s. c 35 § 20; 2012 c 183 § 8; 2011 c 293 § 1; 2010 c 269 § 1; 2008 c 282 § 9.]

NOTES:

Finding—2017 c 336: See note following RCW 9.96.060.

Finding—Intent—2015 2nd sp.s. c 3: See note following RCW 10.21.055.

Effective date—2012 c 183: See note following RCW 9.94A.475.

Effective date—2011 c 293 §§ 1-9: "Sections 1 through 9 of this act take effect September 1, 2011." [2011 c 293 § 16.]

Effective date—2010 c 269: "This act takes effect January 1, 2011." [2010 c 269 § 12.]

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RCW 46.20.391

Temporary restricted, occupational licenses—
Application—Eligibility—Restrictions—Cancellation.

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide, vehicular assault, driving while under the influence of intoxicating liquor or any drug, or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, may submit to the department an application for a temporary restricted driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue a temporary restricted driver's license and may set definite restrictions as provided in RCW 46.20.394.

(2)(a) A person licensed under this chapter whose driver's license is suspended administratively due to failure to appear or pay a traffic ticket under RCW 46.20.289; a violation of the financial responsibility laws under chapter 46.29 RCW; or for multiple violations within a specified period of time under RCW 46.20.291, may apply to the department for an occupational driver's license.

(b) An occupational driver's license issued to an applicant described in (a) of this subsection shall be valid for the period of the suspension or revocation.

(3) An applicant for an occupational or temporary restricted driver's license who qualifies under subsection (1) or (2) of this section is eligible to receive such license only if:

(a) Within seven years immediately preceding the date of the offense that gave rise to the present conviction or incident, the applicant has not committed vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522; and

(b) The applicant demonstrates that it is necessary for him or her to operate a motor vehicle because he or she:

(i) Is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle;

(ii) Is undergoing continuing health care or providing continuing care to another who is dependent upon the applicant;

(iii) Is enrolled in an educational institution and pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion;

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(iv) Is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as Alcoholics Anonymous that requires the petitioner to drive to or from the treatment or meetings;

(v) Is fulfilling court-ordered community service responsibilities;

(vi) Is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license;

(vii) Is in an apprenticeship, on-the-job training, or welfare-to-work program; or

(viii) Presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program for which a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect for no longer than fourteen days; and

(c) The applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW; and

(d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first-class mail to the driver that the occupational driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection; and

(e) The department shall not issue an occupational driver's license under (b)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (b)(iv) of this subsection.

(4) A person aggrieved by the decision of the department on the application for an occupational or temporary restricted driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an occupational or temporary restricted driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose occupational or temporary restricted driver's license has been canceled under this section may reapply

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for a new occupational or temporary restricted driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

[2012 c 82 § 2; 2010 c 269 § 2; 2008 c 282 § 6; 2004 c 95 § 7. Prior: 1999 c 274 § 4; 1999 c 272 § 1; prior: 1998 c 209 § 4; 1998 c 207 § 9; 1995 c 332 § 12; 1994 c 275 § 29; 1985 c 407 § 5; 1983 c 165 § 24; 1983 c 165 § 23; 1983 c 164 § 4; 1979 c 61 § 13; 1973 c 5 § 1.]

NOTES:

Effective date—Contingency—2012 c 82: See note following RCW 46.63.110.

Effective date—2010 c 269: See note following RCW 46.20.385.

Effective date—2008 c 282: See note following RCW 46.20.308.

Effective date—1999 c 272: "This act takes effect January 1, 2000." [1999 c 272 § 3.]

Effective date—1998 c 209: See note following RCW 46.20.308.

Effective date—1998 c 207: See note following RCW 46.61.5055.

Severability—Effective dates—1995 c 332: See notes following RCW 46.20.308.

Short title—Effective date—1994 c 275: See notes following RCW 46.04.015.

Effective dates—1985 c 407: See note following RCW 46.04.480.

Legislative finding, intent—Effective dates—Severability—1983 c 165: See notes following RCW 46.20.308.

RCW 46.20.710

Legislative finding.

The legislature finds and declares:

(1) There is a need to reduce the incidence of drivers on the highways and roads of this state who, because of their use, consumption, or possession of alcohol, pose a danger to the health and safety of other drivers;

(2) One method of dealing with the problem of drinking drivers is to discourage the use of motor vehicles by persons who possess or have consumed alcoholic beverages;

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(3) The installation of an ignition interlock breath alcohol device or other biological or technical device will provide a means of deterring the use of motor vehicles by persons who have consumed alcoholic beverages;

(4) Ignition interlock and other biological and technical devices are designed to supplement other methods of punishment that prevent drivers from using a motor vehicle after using, possessing, or consuming alcohol;

(5) It is economically and technically feasible to have an ignition interlock or other biological or technical device installed in a motor vehicle in such a manner that the vehicle will not start if the operator has recently consumed alcohol.

[1994 c 275 § 21; 1987 c 247 § 1.]

NOTES:

Short title—Effective date—1994 c 275: See notes following RCW 46.04.015.

RCW 46.20.720

Ignition interlock device restriction—For whom—
Duration—Removal requirements—Credit—Employer
exemption—Fee.

(1) **Ignition interlock restriction.** The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device:

(a) **Pretrial release.** Upon receipt of notice from a court that an ignition interlock device restriction has been imposed under RCW 10.21.055;

(b) **Ignition interlock driver's license.** As required for issuance of an ignition interlock driver's license under RCW 46.20.385;

(c) **Deferred prosecution.** Upon receipt of notice from a court that the person is participating in a deferred prosecution program under RCW 10.05.020 for a violation of:

(i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance; or

(ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person would be required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person in the event of a conviction;

(d) **Post conviction.** After any applicable period of suspension, revocation, or denial of driving privileges:

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(i) Due to a conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or

(ii) Due to a conviction of a violation of RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person; or

(e) **Court order.** Upon receipt of an order by a court having jurisdiction that a person charged or convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific calibration setting at which the ignition interlock will prevent the vehicle from being started. The court shall also establish the period of time for which ignition interlock use will be required.

(2) **Calibration.** Unless otherwise specified by the court for a restriction imposed under subsection (1)(e) of this section, the ignition interlock device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more.

(3) **Duration of restriction.** A restriction imposed under:

(a) Subsection (1)(a) of this section shall remain in effect until:

(i) The court has authorized the removal of the device under RCW 10.21.055; or

(ii) The department has imposed a restriction under subsection (1)(b), (c), or (d) of this section arising out of the same incident.

(b) Subsection (1)(b) of this section remains in effect during the validity of any ignition interlock driver's license that has been issued to the person.

(c) Subsection (1)(c)(i) or (d)(i) of this section shall be for no less than:

(i) For a person who has not previously been restricted under this subsection, a period of one year;

(ii) For a person who has previously been restricted under (c)(i) of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (c)(ii) of this subsection, a period of ten years.

The restriction of a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and who committed the offense while a passenger under the age of sixteen was in the vehicle shall be extended for an additional six-month period as required by RCW 46.61.5055(6)(a).

(d) Subsection (1)(c)(ii) or (d)(ii) of this section shall be for a period of no less than six months.

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(e) Subsection (1)(e) of this section shall remain in effect for the period of time specified by the court.

The period of restriction under (c) and (d) of this subsection based on incidents occurring on or after June 9, 2016, must be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person unless the person receives a determination from the department that the person is unable to operate an ignition interlock device due to a physical disability. The department's determination that a person is unable to operate an ignition interlock device must be reasonable and be based upon good and substantial evidence. This determination is subject to review by a court of competent jurisdiction. The department may charge a person seeking a medical exemption under this subsection a reasonable fee for the assessment.

(4) Requirements for removal. A restriction imposed under subsection (1)(c) or (d) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying that there have been none of the following incidents in the one hundred eighty consecutive days prior to the date of release:

(a) Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test;

(c) Failure to pass any random retest with a breath alcohol concentration of 0.025 or lower unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples; or

(d) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device.

(5) Day-for-day credit. (a) The time period during which a person has an ignition interlock device installed in order to meet the requirements of subsection (1)(b) of this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident.

(b) The department must also give the person a day-for-day credit for any time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates, other than those subject to the employer exemption under subsection (6) of this section.

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(c) If the day-for-day credit granted under this subsection equals or exceeds the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident, and the person has already met the requirements for removal of the device under subsection (4) of this section, the department may waive the requirement that a device be installed or that the person again meet the requirements for removal.

(6) **Employer exemption.** (a) Except as provided in (b) of this subsection, the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours.

(b) The employer exemption does not apply when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment.

(7) **Ignition interlock device revolving account.** In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of twenty dollars per month. Payments must be made directly to the ignition interlock company. The company shall remit the additional fee to the department to be deposited into the ignition interlock device revolving account, except that the company may retain twenty-five cents per month of the additional fee to cover the expenses associated with administering the fee. The department may waive the monthly fee if the person is indigent under RCW 10.101.010.

(8) **Foreign jurisdiction.** For a person restricted under this section who is residing outside of the state of Washington, the department may accept verification of installation of an ignition interlock device by an ignition interlock company authorized to do business in the jurisdiction in which the person resides, provided the device meets any applicable requirements of that jurisdiction. The department may waive the monthly fee required by subsection (7) of this section if collection of the fee would be impractical in the case of a person residing in another jurisdiction.

[2017 c 336 § 5; 2016 c 203 § 14; 2013 2nd sp.s. c 35 § 19; 2012 c 183 § 9; 2011 c 293 § 6; 2010 c 269 § 3; 2008 c 282 § 12; 2004 c 95 § 11; 2003 c 366 § 1; 2001 c 247 § 1; 1999 c 331 § 3; 1998 c 210 § 2; 1997 c 229 § 8; 1994 c 275 § 22; 1987 c 247 § 2.]

NOTES:

Finding—2017 c 336: See note following RCW 9.96.060.

Effective date—2012 c 183: See note following RCW 9.94A.475.

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Effective date—2011 c 293 §§ 1-9: See note following RCW [46.20.385](#).

Effective date—2010 c 269: See note following RCW [46.20.385](#).

Effective date—2008 c 282: See note following RCW [46.20.308](#).

Effective date—1999 c 331: See note following RCW [9.94A.525](#).

Short title—1998 c 210: "This act may be known and cited as the Mary Johnsen Act." [[1998 c 210 § 1.](#)]

Finding—Intent—1998 c 210: "The legislature finds that driving is a privilege and that the state may restrict that privilege in the interests of public safety. One such reasonable restriction is requiring certain individuals, if they choose to drive, to drive only vehicles equipped with ignition interlock devices. The legislature further finds that the costs of these devices are minimal and are affordable. It is the intent of the legislature that these devices be paid for by the drivers using them and that neither the state nor entities of local government provide any public funding for this purpose." [[1998 c 210 § 7.](#)]

Effective date—1998 c 210: "This act takes effect January 1, 1999." [[1998 c 210 § 9.](#)]

Effective date—1997 c 229: See note following RCW [10.05.090](#).

Short title—Effective date—1994 c 275: See notes following RCW [46.04.015](#).

RCW 46.20.740

Notation on driving record—Verification of
interlock—Penalty, exception.

(1) The department shall attach or imprint a notation on the driving record of any person restricted under RCW [46.20.720](#), [46.61.5055](#), or [10.05.140](#) stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device. The department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an ignition interlock required under this section is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

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(2) It is a gross misdemeanor for a person with such a notation on his or her driving record to operate a motor vehicle that is not so equipped, unless the notation resulted from a restriction imposed as a condition of release and the restriction has been released by the court prior to driving.

(3) Any sentence imposed for a violation of subsection (2) of this section shall be served consecutively with any sentence imposed under RCW 46.20.750, 46.61.502, 46.61.504, or 46.61.5055.

[2015 2nd sp.s. c 3 § 4; 2010 c 269 § 8; 2008 c 282 § 13; 2004 c 95 § 12; 2001 c 55 § 1; 1997 c 229 § 10; 1994 c 275 § 24; 1987 c 247 § 4.]

NOTES:

Finding—Intent—2015 2nd sp.s. c 3: See note following RCW 10.21.055.

Effective date—2010 c 269: See note following RCW 46.20.385.

Effective date—2008 c 282: See note following RCW 46.20.308.

Effective date—1997 c 229: See note following RCW 10.05.090.

Short title—Effective date—1994 c 275: See notes following RCW 46.04.015.

RCW 46.20.745

Ignition interlock device revolving account
program—Pilot program.

(1) The ignition interlock device revolving account program is created within the department to assist in covering the monetary costs of installing, removing, and leasing an ignition interlock device, and applicable licensing, for indigent persons who are required under RCW 46.20.385, 46.20.720, and 46.61.5055 to install an ignition interlock device in all vehicles owned or operated by the person. For purposes of this subsection, "indigent" has the same meaning as in RCW 10.101.010, as determined by the department. During the 2017-2019 fiscal biennium, the ignition interlock device revolving account program also includes ignition interlock enforcement work conducted by the Washington state patrol.

(2) A pilot program is created within the ignition interlock device revolving account program for the purpose of monitoring compliance by persons required to use ignition interlock devices and by ignition interlock companies and vendors.

(3) The department, the state patrol, and the Washington traffic safety commission shall coordinate to establish a compliance pilot program that will

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target at least one county from eastern Washington and one county from western Washington, as determined by the department, state patrol, and Washington traffic safety commission.

(4) At a minimum, the compliance pilot program shall:

(a) Review the number of ignition interlock devices that are required to be installed in the targeted county and the number of ignition interlock devices actually installed;

(b) Work to identify those persons who are not complying with ignition interlock requirements or are repeatedly violating ignition interlock requirements; and

(c) Identify ways to track compliance and reduce noncompliance.

(5) As part of monitoring compliance, the Washington traffic safety commission shall also track recidivism for violations of RCW 46.61.502 and 46.61.504 by persons required to have an ignition interlock driver's license under RCW 46.20.385 and 46.20.720.

[2017 c 313 § 704; 2013 c 306 § 712; 2012 c 183 § 10; 2008 c 282 § 10.]

NOTES:

Effective date—2017 c 313: See note following RCW 43.19.642.

Effective date—2013 c 306: See note following RCW 47.64.170.

Effective date—2012 c 183: See note following RCW 9.94A.475.

RCW 46.20.750

Circumventing ignition interlock—Penalty.

(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) Tamper 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

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(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) 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\(1\)\(b\)](#).

[\[2015 2nd sp.s. c 3 § 6; 2005 c 200 § 2; 1994 c 275 § 25; 1987 c 247 § 5.\]](#)

NOTES:

Finding—Intent—2015 2nd sp.s. c 3: See note following [RCW 10.21.055](#).

Short title—Effective date—1994 c 275: See notes following [RCW 46.04.015](#).

RCW 46.20.755

Local verification of ignition interlock device
installation—Immunity.

If a person is required, as part of the person's judgment and sentence or as a condition of release, to install an ignition interlock device on all motor vehicles operated by the person and the person is under the jurisdiction of the municipality or county probation or supervision department, the probation or supervision department must verify the installation of the ignition interlock device or devices. The municipality or county probation or supervision department satisfies the requirement to verify the installation or installations if the municipality or county probation or supervision department receives written verification by one or more companies doing business in the state that it has installed the required device on a vehicle owned or operated by the person. The municipality or county shall have no further obligation to supervise the use of the ignition interlock device or devices by the person and shall not be civilly liable for any injuries or damages caused by the person for failing to use an ignition interlock device or for driving under the

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influence of intoxicating liquor or any drug or being in actual physical control of a motor vehicle under the influence of intoxicating liquor or any drug.

[2015 2nd sp.s. c 3 § 15; 2010 c 269 § 5.]

NOTES:

Finding—Intent—2015 2nd sp.s. c 3: See note following RCW 10.21.055.

Effective date—2010 c 269: See note following RCW 46.20.385.
