King County District Court
West Division
In and for the State of Washington

STATE OF WASHINGTON, **Plaintiff**	**Case No: C 00627826**
vs.	**COURT'S RULING AND ORDER ON STATE'S MOTION TO RECONSIDER SUPPRESSION OF DEFENDANT'S REFUSAL**
LOWLEY, WILLIAM HARRIS **Defendant**	**RE: MISLEADING LANGUAGE OF RCW 46.20.308 (ICW's)**

THIS MATTER HAVING COME ON FOR HEARING before the above-captioned court and the court having heard oral argument and having considered the briefs of counsel THE COURT HEREIN MAKES THE FOLLOWING RULING:

SUMMARY OF FACTS PRESENTED

Mr. Lowley was arrested for driving while under the influence on July 22, 2006. Mr. Lowley's date of birth is 7/24/1983 and at the time of his arrest he was over 21 years of age. Mr. Lowley was read the implied consent warnings for breath as follows:

> "You are now being asked to submit to a test of your breath which consists of two separate samples of your breath, taken independently, to determine alcohol concentration. You are now advised that you have the right to refuse this breath test; and that if you refuse: (A) your driver's license, permit, or privilege to drive will be revoked or denied by the Department of Licensing for at least one year; and (B) your refusal to submit to this test may be used in a criminal trial. You are further advised that if you submit to this breath test, and the test is administered, your driver's license, permit, or privilege to drive will be suspended, revoked, or denied by the Department of Licensing for at least ninety days (A) if you are age twenty-one or over and the test indicates the alcohol concentration of your breath is 0.08 or more; or (B) if you are under age twenty-one and the test indicates that the alcohol concentration of your breath is 0.02 or more; or (C) if you are under age twenty-one and you are in violation of RCW 46.61.502, Driving Under the Influence, or RCW 46.61.504, Physical Control of Vehicle Under the Influence." Washington State DUI Arrest Report Form 3000-110-196 (Rev. 12/05)