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**Testimony in Support of Senate Bill 870**  
**February 27, 2020**

On October 29, 2018, Lion Air Flight 610 crashed killing 189 passengers and crew. On March 10, 2019, Ethiopian Airlines Flight 302 crashed killing 157 passengers and crew. Both crashes involved Boeing's 737 MAX aircraft. Within days of the second crash, the entire fleet of American 737 MAX aircraft were grounded. The number of Americans on these flights was less than 20, yet every aircraft in the country was grounded.

In America, according to the National Highway Traffic Safety Administration (NHTSA), in 2018, 10,511 people were killed by impaired drivers. To bring it closer to home, the Maryland Highway Safety Office (MHSO) reports that, in 2015, 171 people were killed as a result of impaired driving on Maryland's roadways.

For years, deaths related to impaired driving were on the decline. However, that trend is no longer true. The number of deaths nationwide has remained around 10,000 for a number of years. Some States, Maryland being one them, saw increases in the number persons killed crashes involving impaired drivers.

The Drunk Driving Act of 2016 was passed, in part, due to the death of Officer Noah A. Leotta, a Montgomery County police officer killed in the line of duty by an impaired driver while working a special enforcement detail aimed at apprehending impaired drivers. Through the effort of organizations such as Mothers Against Drunk Driving (MADD) and Noah's parents, this important legislation was passed. This was the first major change to strengthen Maryland's impaired driving laws in many years. As Mr. Rich Leotta has said many times, because of the increased, compelling use of ignition interlocks, "...Noah is still on patrol."

There were, however, provisions in Noah's Law that dulled its edge as the legislation made its way through the Maryland Senate and House of Representatives. One such provision is that a person could be compelled to install the ignition interlock on their vehicle **if** the judge or jury found that they "...knowingly refused a breath test." There are judges who have stated in open court that they will not make a finding that the violator refused a breath test. These judges have specifically stated that they are doing this to keep the violator from having to install the ignition interlock on their vehicle.

Also, there is a way that a person can avoid the interlock entirely. If a person is charged with driving under the influence, they consent to a breath test and their breath alcohol measurement is 0.14 or lower, they would most likely not be suspended nor would they be compelled to participate in the Ignition Interlock System Program.

The current law in the State of Maryland does allow for the suspension of certain drivers charged with an alcohol-related driving offense. However, not all alcohol-related offenses are covered. If a person is charged with "Driving While Impaired (DWI)," a lesser offense, they are not subject to any suspension. DWI is an offense used for those whose BrAC is 0.07 or, in the case of Baltimore County, they refuse a breath test. While the more serious offense, "Driving Under the

Influence (DUI),” is for those who take a breath test and show a BrAC 0.08 or higher. On rare occasions, when the driver shows extreme impairment, they do face the DUI charge. In any case, suspensions are restricted to Motor Vehicle Administration (MVA) sanctions imposed at an Administrative Hearing. The extent of these sanctions, when applied, is to suspend the violator’s license. That suspension ranges from 180 days to 2 years. The most extreme sanction, **revocation**, is reserved for repeat offenders whose actions resulted in a crash that killed someone or caused serious bodily injury.

Suspensions and even revocations are ignored every day. Suspended/Revoked drivers, every day, take to the roads of Maryland. They know that the chances of them being stopped are small. Further, with some suspension penalties being reduced to only fines, there are some drivers that do not even care if they are caught driving while suspended. Drivers suspended for alcohol-related driving offenses are no different. Many of them will drive. In fact, statistics put forth by NHTSA, MADD, the Noah H. Leotta Foundation and other groups show that those suspended/revoked for alcohol-related offenses, not only drove, but drove while impaired.

Strengthening Noah’s Law, by expanding the compulsory use of ignition interlocks, will reduce the number of impaired drivers on the roadways of Maryland. Further, requiring the Ignition Interlock as a mandatory condition of any probation related to impaired driving will decrease the likelihood of violators from committing the same offense during the time period that the ignition interlock is installed on the vehicle. Further, making this valuable tool a mandatory condition of any probation, will take away the ability for select judges to circumvent the provisions of Noah’s Law meant to protect drivers on Maryland’s roadways.

These common sense improvements to Noah’s Law would be yet another step in strengthening Maryland’s response DUI related offenses. Further, the passage of these enhancements would cost the State virtually nothing. All costs could be passed on to the violator.