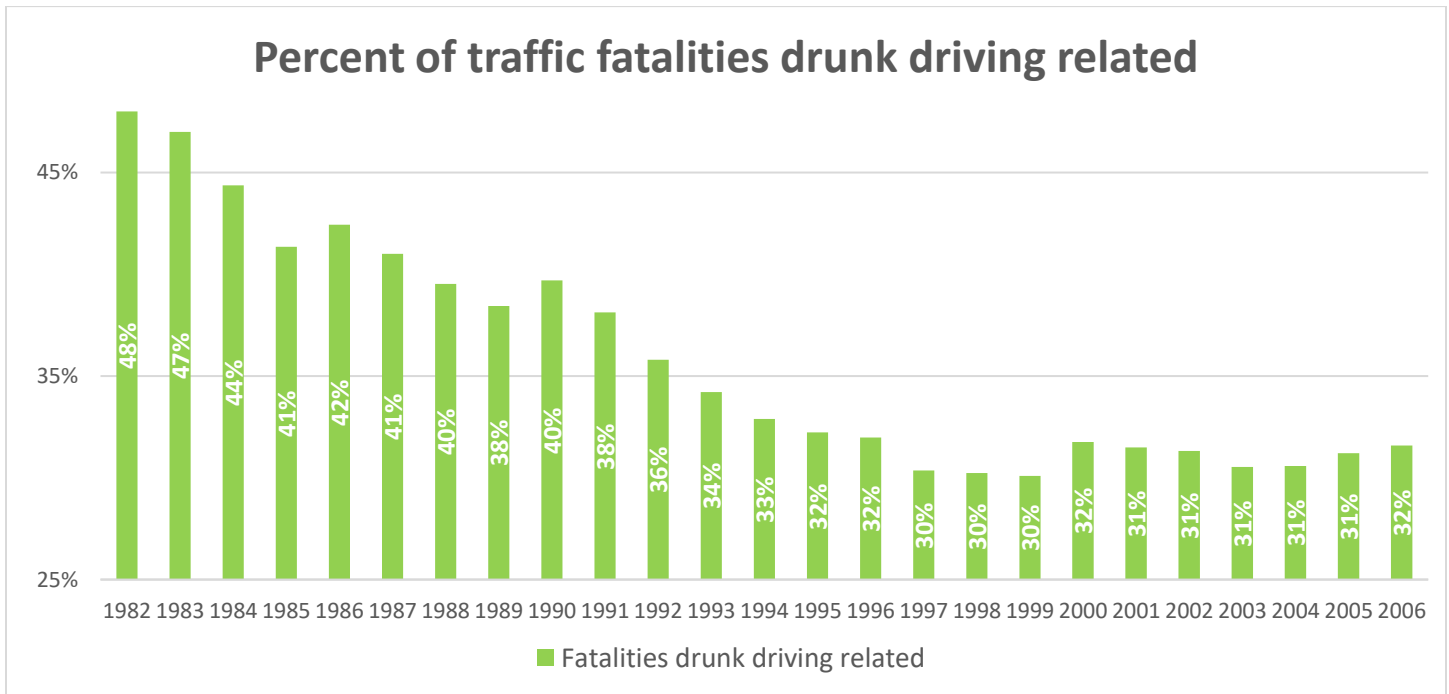




Frank Harris
Director of State Government Affairs
Mothers Against Drunk Driving
Testimony in Support of HB 749
House Judiciary Committee
February 24, 2021

- Thank you Mr. Chairman and Members of the Committee for allowing me to testify in support of HB 749. My name is Frank Harris, Director of State Government Affairs, with Mothers Against Drunk Driving.
- Mothers Against Drunk Driving thanks Vice-Chairwoman Atterbeary for authoring this lifesaving legislation, which advances MADD’s goal to stop drunk driving.
- In November 2006, MADD made a sea change in how we approach drunk driving. Instead of focusing on license suspension, punishment and incarceration and a list of other penalties for non-injury related drunk driving offenses, we took a step back to recalibrate how we focus our advocacy efforts.
- We took a step back, because what MADD was pushing for in state legislatures was not making a significant enough of a difference to stop drunk driving. We know this, because since 1994, progress stalled against drunk driving as every year around 1 of every 3 traffic deaths were drunk driving related.

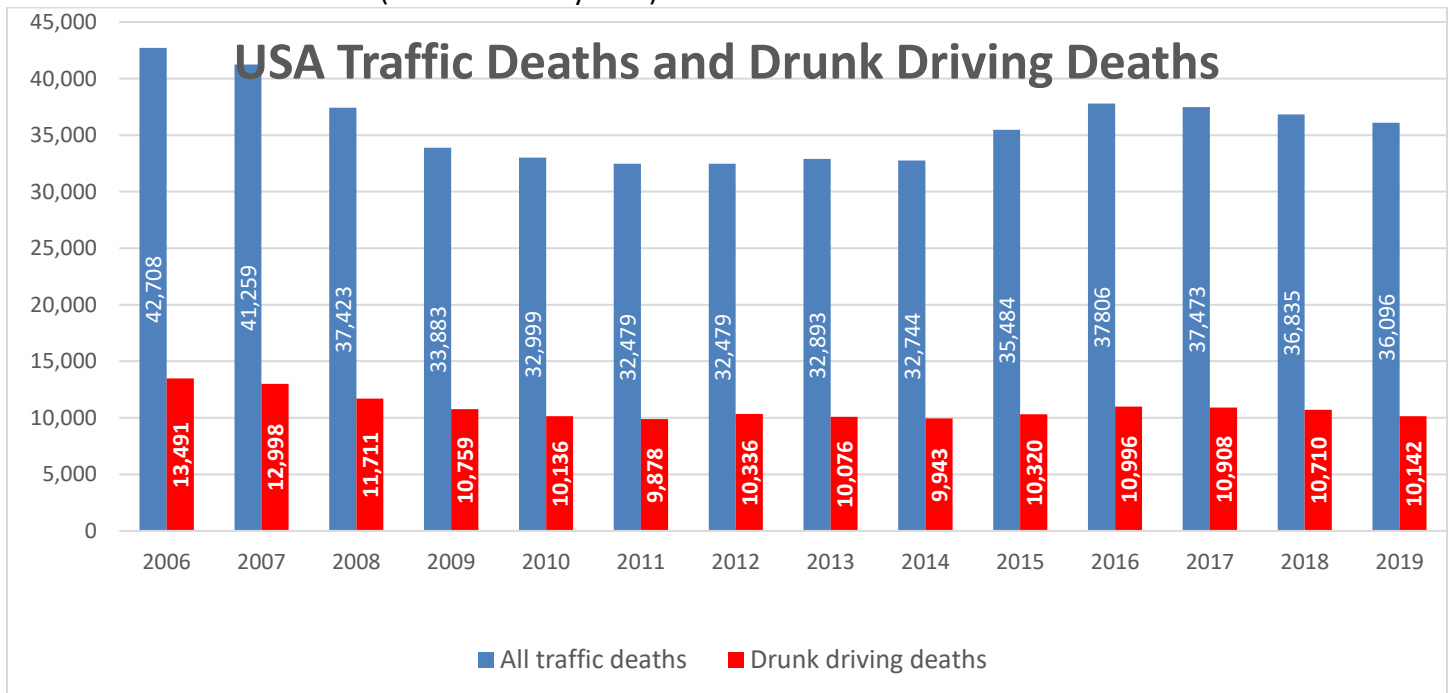


- In 2006, MADD launched the Campaign to Eliminate Drunk Driving. As it relates to our efforts in states, our focus centers around pushing legislation that increases the use of ignition interlocks for drunk drivers. Specifically, our top priority is enacting an all-offender ignition interlock law.
- When MADD launched the Campaign, only one state, New Mexico had an all-offender ignition interlock law in place. Today, 34 states plus DC, including Maryland, have these laws in place.

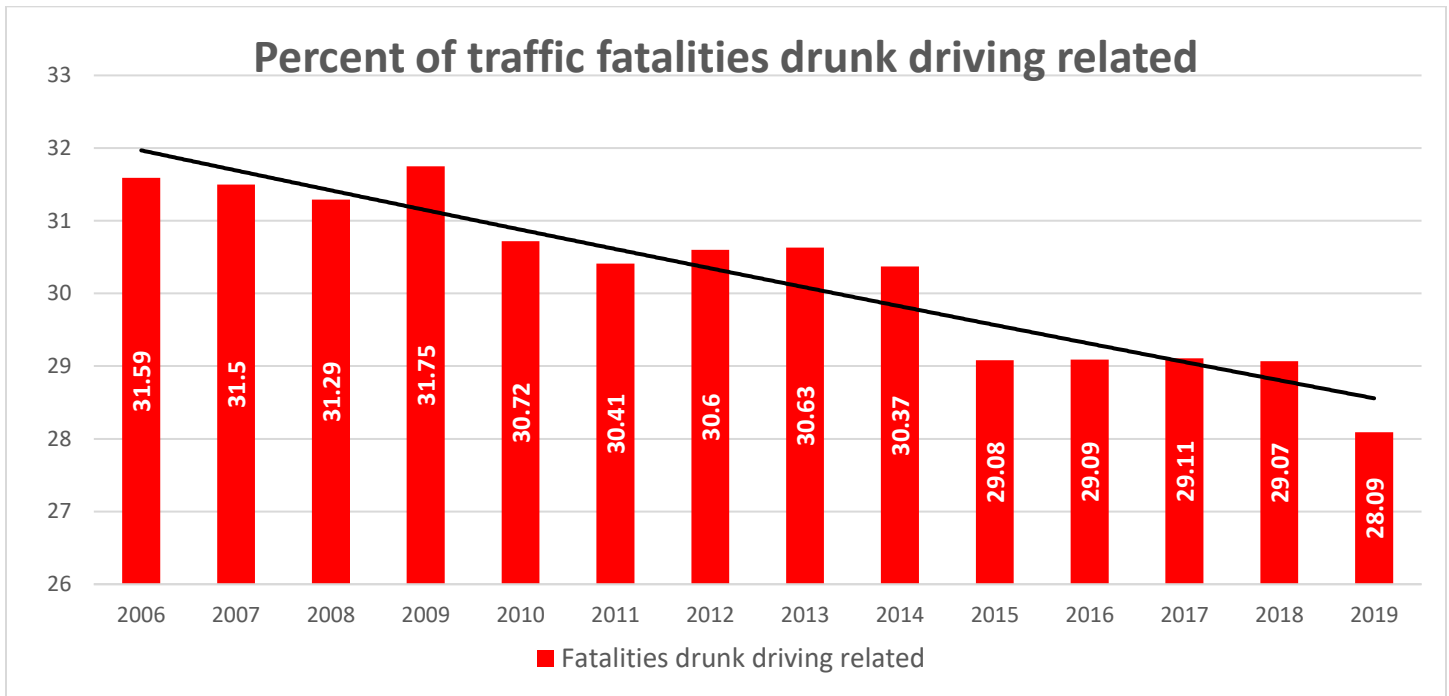
- What we mean by all-offender is that the only way a person can drive during a court or DMV administered license suspension is via an ignition interlock or the person can not drive at all.
- MADD decided to put our faith in interlocks for every drunk driver as this is the only tool that can physically separate drinking from driving while teaching sober driving. We found out that license suspension alone is a hope for the best approach as studies point that people will continue to drive on a DUI suspended license. Hope alone cannot stop drunk driving. According to the Centers for Disease Control and Prevention (CDC), ignition interlocks are 67 percent more effective in reducing repeat offenses compared to license suspension alone.
- Noah’s Law enacted in 2016 made Maryland one of 34 states with an all-offender law. However, like many states with interlock laws, there are loopholes which allow for drunk drivers to fall through the cracks. Some loopholes we experience in the country is the lack of a mechanism which allows indigent users to obtain an interlock at a reduced rate. Maryland currently has in place an indigent program for interlock users unable to afford the device. However, Maryland’s biggest loopholes in their entire impaired driving law is that an ignition interlock is not required for PBJ.

What happened with MADD’s Campaign to Eliminate Drunk Driving?

- So, it has been 15 years, what has happened with MADD’s Campaign to Eliminate Drunk Driving and ignition interlocks?
- Mandatary ignition interlock laws have been well-studied. According to the Insurance Institute for Highway Safety, mandatory interlock laws reduce drunk driving deaths by 16 percent.
- Interlocks prevent drunk driving. In 2006, there were only 101,000 devices in use in the USA. As of 2018, there were nearly 349,000 devices in use.
- From 2006 to 2019, these devices stopped over 26 million attempts to drink and drive and over 3.4 million attempts to legally drive drunk. Yes, 26 million attempts by interlock users to drink and drive were prevented, including over 3.4 million attempts to drive drunk with a BAC of .08 or greater. This shows the power of the device to stop drinking and driving.
- With interlock use increasing since 2006 and millions of attempts to drive drunk stopped, it is no surprise that drunk driving deaths have dropped 25 percent in the USA during this time even though vehicle miles traveled increased. This reduction in drunk driving deaths outpaces the reduction of overall traffic deaths (which was only 15%).



- Earlier in my testimony, I mentioned that prior to 2006, one of every three traffic deaths were caused by drunk drivers. Since MADD launched the Campaign to Eliminate Drunk Driving, the percentage of drunk driving deaths has dropped below 30% and has remained below 30% since 2015.



- MADD firmly believes that increase use of ignition interlocks and the 26 million attempts to drink and drive prevented by these devices played a significant role in reducing drunk driving deaths throughout the United States.
- This is a big deal in the fight against drunk driving, it shows that lawmakers should ensure that no loopholes exist which allow drunk drivers to avoid these lifesaving ignition interlock devices.
- PBJ allows for drunk drivers for a second chance. It allows drunk drivers a chance for redemption. BUT, the current PBJ scheme in Maryland sets participants up to fail and become repeat offenders. The goal of HB 749 is to remedy this failure.
- One drunk driving death is one too many. We still have a long way to go to eliminate drunk driving, but by enacting HB 749, Maryland can continue to make significant progress to stop drunk driving.
- Mr. Chairman and members of the Committee, please pass this legislation to give PBJ drunk drivers a true second chance. Enclosed in my written testimony is more information on ignition interlocks.
- Thank you.

Note: The drunk driving fatality data is from the National Highway Traffic Safety Administration.

Drinking and Driving Attempts Stopped by an Ignition Interlock in 2019

| | Total | .08 BAC and over stops | .02 to .79 BAC Stops |
|----------------|------------------|------------------------|----------------------|
| Alabama | 15,934 | 1,847 | 14,087 |
| Alaska | 25,823 | 2,551 | 23,272 |
| Arizona | 142,911 | 12,332 | 130,579 |
| Arkansas | 131,154 | 14,699 | 116,455 |
| California | 264,717 | 25,072 | 239,645 |
| Colorado | 139,020 | 10,506 | 128,514 |
| Connecticut | 102,693 | 14,173 | 88,520 |
| Delaware | 7,184 | 918 | 6,266 |
| D.C. | 2,659 | 175 | 2,484 |
| Florida | 53,062 | 8,931 | 44,131 |
| Georgia | 42,142 | 4,610 | 37,532 |
| Hawaii | 16,526 | 1,061 | 15,465 |
| Idaho | 9,576 | 1,104 | 8,472 |
| Illinois | 72,036 | 6,944 | 65,092 |
| Indiana | 16,872 | 1,758 | 15,114 |
| Iowa | 207,763 | 26,681 | 181,082 |
| Kansas | 101,751 | 9,873 | 91,878 |
| Kentucky | 13,795 | 1,734 | 12,061 |
| Louisiana | 103,194 | 15,522 | 87,672 |
| Maine | 8,319 | 1,302 | 7,017 |
| Maryland | 118,226 | 9,575 | 108,651 |
| Massachusetts | 36,664 | 3,806 | 32,858 |
| Michigan | 22,436 | 2,258 | 20,178 |
| Minnesota | 76,071 | 7,496 | 68,575 |
| Mississippi | 10,617 | 1,188 | 9,429 |
| Missouri | 86,021 | 11,194 | 74,827 |
| Montana | 3,091 | 314 | 2,777 |
| Nebraska | 44,036 | 4,178 | 39,858 |
| Nevada | 31,808 | 3,914 | 27,894 |
| New Hampshire | 8,827 | 1,175 | 7,652 |
| New Jersey | 73,649 | 15,759 | 57,890 |
| New Mexico | 46,414 | 3,862 | 42,552 |
| New York | 44,927 | 5,589 | 39,338 |
| North Carolina | 24,944 | 2,689 | 22,255 |
| North Dakota | 238 | 79 | 159 |
| Ohio | 25,321 | 3,001 | 22,320 |
| Oklahoma | 100,645 | 11,080 | 89,565 |
| Oregon | 63,740 | 5,639 | 58,101 |
| Pennsylvania | 59,564 | 6,820 | 52,744 |
| Rhode Island | 10,741 | 1,139 | 9,602 |
| South Carolina | 17,009 | 1,879 | 15,130 |
| South Dakota | 892 | 64 | 828 |
| Tennessee | 97,289 | 9,055 | 88,234 |
| Texas | 248,116 | 29,649 | 218,467 |
| Utah | 28,780 | 3,843 | 24,937 |
| Vermont | 14,193 | 1,267 | 12,926 |
| Virginia | 28,937 | 2,709 | 26,228 |
| Washington | 154,883 | 14,225 | 140,658 |
| West Virginia | 15,463 | 1,642 | 13,821 |
| Wisconsin | 250,743 | 29,795 | 220,948 |
| Wyoming | 14,331 | 3,222 | 11,109 |
| Total | 3,235,747 | 359,898 | 2,875,849 |

Data collected from interlock vendors. The time period is from January 1, 2019 to December 31, 2019

Drinking and Driving Attempts Stopped by an Ignition Interlock from 2006 to 2019

| | Total | .08 BAC and over stops | .02 to .79 BAC Stops |
|----------------|-------------------|------------------------|----------------------|
| Alabama | 49,498 | 6,038 | 43,460 |
| Alaska | 220,894 | 16,942 | 203,952 |
| Arizona | 1,249,701 | 110,166 | 1,139,535 |
| Arkansas | 802,352 | 95,604 | 706,748 |
| California | 2,265,139 | 271,114 | 1,994,025 |
| Colorado | 1,205,273 | 121,289 | 1,083,984 |
| Connecticut | 638,022 | 82,109 | 555,913 |
| Delaware | 73,643 | 6,907 | 66,736 |
| D.C. | 19,669 | 280 | 19,389 |
| Florida | 1,011,932 | 98,016 | 913,916 |
| Georgia | 299,811 | 40,106 | 259,705 |
| Hawaii | 166,636 | 10,886 | 155,750 |
| Idaho | 65,288 | 8,076 | 57,212 |
| Illinois | 618,329 | 121,168 | 497,161 |
| Indiana | 121,371 | 12,372 | 108,999 |
| Iowa | 1,202,806 | 157,793 | 1,045,013 |
| Kansas | 1,026,396 | 116,480 | 909,916 |
| Kentucky | 69,140 | 6,951 | 62,189 |
| Louisiana | 833,008 | 118,559 | 714,449 |
| Maine | 67,300 | 15,896 | 51,404 |
| Maryland | 687,807 | 67,197 | 620,610 |
| Massachusetts | 296,385 | 43,288 | 253,097 |
| Michigan | 273,764 | 30,396 | 243,368 |
| Minnesota | 551,068 | 81,625 | 469,443 |
| Mississippi | 75,384 | 8,085 | 67,299 |
| Missouri | 932,526 | 117,703 | 814,823 |
| Montana | 34,592 | 6,258 | 28,334 |
| Nebraska | 387,785 | 38,684 | 349,101 |
| Nevada | 85,399 | 12,529 | 72,870 |
| New Hampshire | 66,297 | 12,794 | 53,503 |
| New Jersey | 534,800 | 103,684 | 431,116 |
| New Mexico | 487,570 | 83,139 | 404,431 |
| New York | 498,635 | 103,376 | 395,259 |
| North Carolina | 242,153 | 25,535 | 216,618 |
| North Dakota | 1,033 | 401 | 632 |
| Ohio | 210,489 | 30,679 | 179,810 |
| Oklahoma | 718,993 | 92,135 | 626,858 |
| Oregon | 375,376 | 53,723 | 321,653 |
| Pennsylvania | 419,804 | 84,087 | 335,717 |
| Rhode Island | 57,252 | 6,126 | 51,126 |
| South Carolina | 87,068 | 10,604 | 76,464 |
| South Dakota | 10,839 | 1,843 | 8,996 |
| Tennessee | 513,512 | 69,047 | 444,465 |
| Texas | 2,390,284 | 339,246 | 2,051,038 |
| Utah | 182,175 | 23,226 | 158,949 |
| Vermont | 83,578 | 10,361 | 73,217 |
| Virginia | 221,018 | 25,304 | 195,714 |
| Washington | 1,062,974 | 134,384 | 928,590 |
| West Virginia | 363,151 | 29,671 | 333,480 |
| Wisconsin | 2,069,523 | 331,976 | 1,737,547 |
| Wyoming | 104,668 | 20,115 | 84,553 |
| Total | 26,032,110 | 3,413,973 | 22,618,137 |

Data collected from interlock vendors. The time period is from December 1, 2006 to December 31, 2019



States that Require Ignition Interlocks for Diversion or PBJ Participants

Drunk driving conviction rate varies to as low as 30 percent

In 2017, MADD released a Court Monitoring Report on data we collected on adjudication of drunk driving cases. We looked at 5,691 cases in 12 states and found the average conviction rate was 67 percent. Some states had conviction rates at just over 30 percent.

States that require ignition interlock use for diversion programs

- | | | |
|---------------|------------|--------------|
| ✓ Alabama | ✓ Oregon | ✓ Idaho |
| ✓ Connecticut | ✓ Texas | ✓ Washington |
| ✓ Mississippi | ✓ Oklahoma | |

What is an ignition interlock? Ignition interlocks are effective in reducing repeat drunk driving offenses by 67 percent compared to license suspension alone. Ignition interlock is a device about the size of a cell phone that is wired into the ignition system of a vehicle. If an interlock user is drunk, the vehicle will not start or operate. Thirty-four states require the use of ignition interlock devices for all drunk drivers, including first offenders.

Over the past 13 years, interlocks have prevented 3.4 million attempts to drive drunk in USA. Imagine how many more attempts to drive drunk will be stopped by implementing a first-time offender diversion program?

Key components to include in a diversion program

- Six months continuous use of an ignition interlock
- Indigent program: A person who cannot afford the device, should have it at a reduced rate with interlock vendors paying for the device.
- With successful completion, plea of guilty to reckless driving, DUI charge is partially sealed. A subsequent DUI offense would count as a second offense.
- Fines, court costs, supervision fees.
- Victim Impact Panel
- Defendants causing injury, damage or with children in vehicle, or having prior similar offense, no driver's license, prior prison sentences, or accompanying felony or drug charges are ineligible to participate.
- The court, prosecutor or other oversight agency has the authority to not allow a person to enter into a diversion agreement.

For more information, please contact MADD Director of State Government Affairs Frank Harris at frank.harris@madd.org or 202.688.1194.



Ignition Interlocks Save Lives

Ignition interlocks are effective in reducing repeat drunk driving offenses by 67 percent while the device is installed compared to license suspension alone. (CDC)

Interlocks help reduce repeat offenses even after the device is removed by 39 percent compared to offenders who never installed an interlock. (Marques, 2010)

First-time offenders are serious offenders. Research from the CDC indicates that first time offenders have driven drunk at least 80 times before they are arrested.



All-offender ignition interlock laws stop drunk drivers with a blood alcohol concentration (BAC) .08 or greater from reoffending.

The FACTS

- An interlock is more effective than license suspension alone, as 50 to 75 percent of convicted drunk drivers continue to drive on a suspended license.
- All-offender interlock laws are widespread. Thirty-four states plus DC have laws requiring ignition interlocks for all first-time convicted drunk drivers.
- As of December 2017, there are approximately 349,030 interlocks in use in the United States.

Ignition interlock laws saves lives. Due in part to laws requiring interlocks for all convicted drunk drivers, drunk driving deaths have declined dramatically and at a better pace compared to the national average decline:

- | | | |
|------------------------------------|------------------------------|----------------------------------|
| ✓ West Virginia: 60 percent | ✓ Vermont: 40 percent | ✓ Oklahoma: 29 percent |
| ✓ Louisiana: 41 percent | ✓ Arizona: 34 percent | ✓ Arkansas: 25 percent |
| ✓ Delaware: 40 percent | ✓ Kansas: 32 percent | ✓ Mississippi: 19 percent |

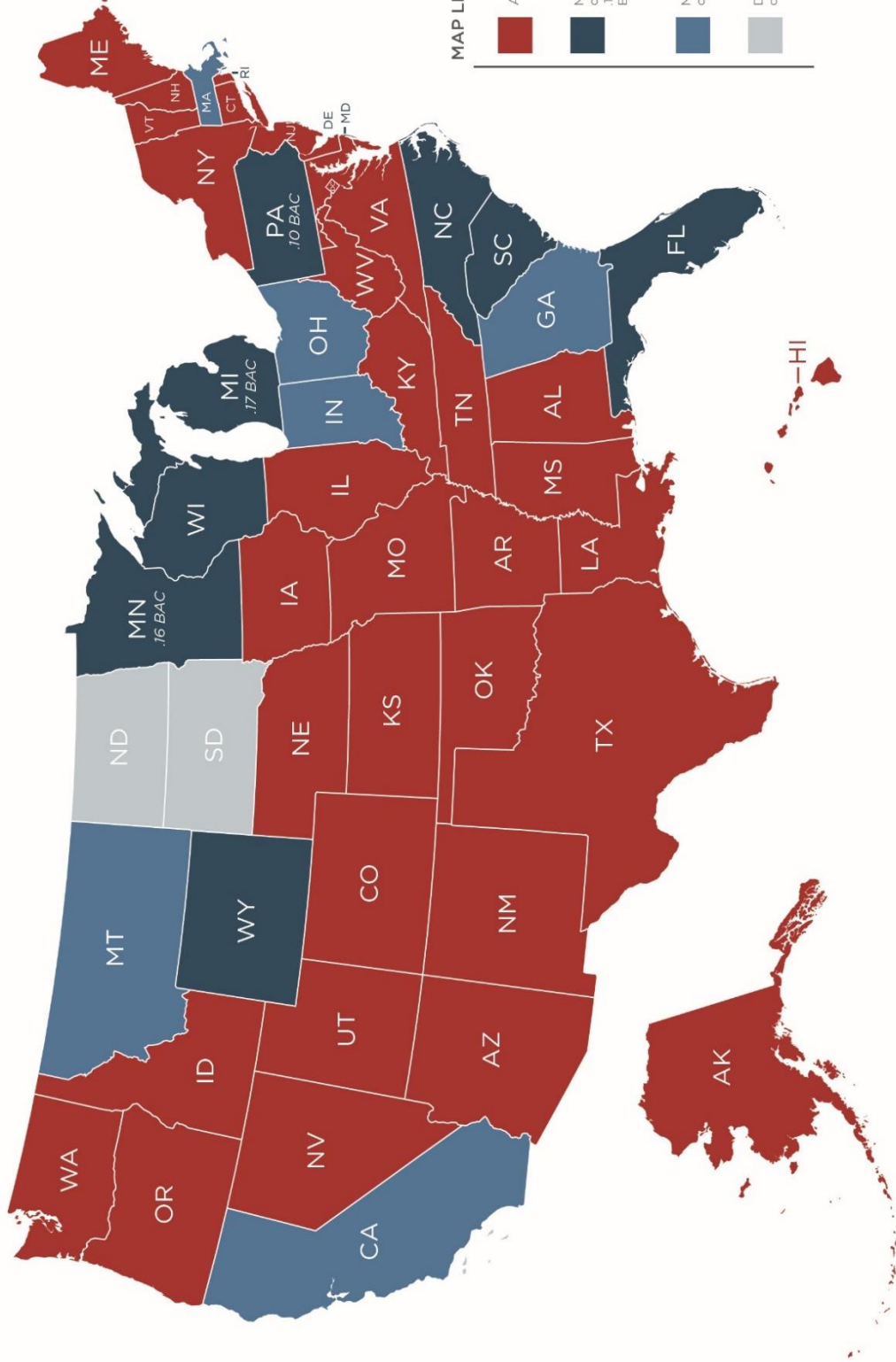
Public supports Interlocks for all convicted drunk drivers. Three surveys indicate strong public support of ignition interlocks for all convicted drunk drivers.

- 88 percent (Center for Excellence in Rural Safety, 2010)
- 84 percent (Insurance Institute for Highway Safety, 2009)
- 76 percent (American Automobile Association, 2012)

In addition to MADD, other traffic safety groups support ignition interlocks for all convicted drunk drivers, including all first offenders with an illegal blood alcohol concentration (BAC) of .08 or greater.

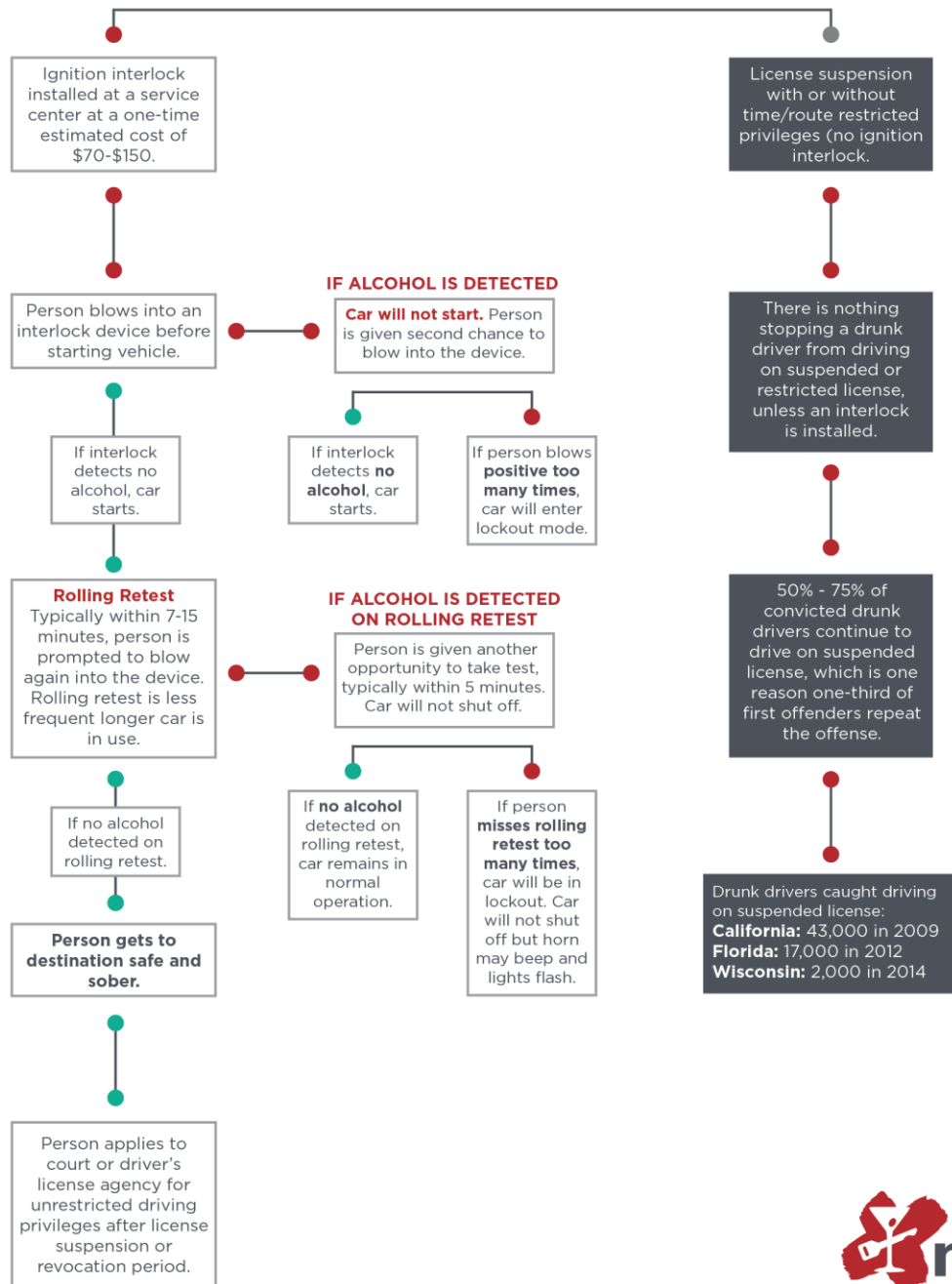
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|----------------------------------------------------|--------------------------------------------------------|
| ○ Advocates for Auto and Highway Safety | ○ Insurance Institute for Highway Safety (IIHS) |
| ○ American Automobile Association (AAA) | ○ International Association of Chiefs of Police (IACP) |
| ○ Auto Alliance | ○ National Safety Council |
| ○ Centers for Disease Control and Prevention (CDC) | ○ National Transportation Safety Board (NTSB) |

Status of Ignition Interlock Laws



Revised March, 2019

Ignition Interlock vs. License Suspension After DUI



People who use an interlock are less likely to reoffend. Compared to license suspension alone, interlocks reduce repeat offenses by 67% while the device is installed and 39% after the device is removed. Compliance Based Removal could help decrease repeat offenses even more.

MADD supports ignition interlocks for ALL apprehended drunk drivers. Interlocks accomplish what license suspension and other monitoring technologies do not — separate drinking from driving.

- **Interlock Service Center:** Person must get interlock serviced every 30 days.
- **Lockout Mode:** If person blows positive for alcohol too many times or misses a rolling test, device may need to be taken to get serviced sooner than 30 days.
- **Extra time on interlock possible.** The interlock service center may report any violations, too many positive blows or missed rolling retests to a monitoring agency which may result in extra time on interlock if the state has a **Compliance Based Removal** aspect to the interlock law. Many states require offenders to show proof of installation and/or compliance with the interlock order to the court/driver's license agency in order to have device removed.



Studies on the Effectiveness of Ignition Interlocks

Teoh et al, Insurance Institute for Highway Safety, “State Ignition Interlock Laws and Fatal Crashes,” March 2018.

- The number of impaired driving crashes falls 16 percent when states enact all-offender ignition interlock laws.
- If all states mandated interlocks for all DUI offenders, more than 500 of those deaths would have been avoided.

McGinty, Emma E. American Journal of Preventative Medicine, “Ignition Interlock Laws: Effects on Fatal Motor Vehicle Crashes, 1982–2013,” January, 2017

- Ignition interlock laws reduce alcohol-involved fatal crashes. Increasing the spread of interlock laws that are mandatory for all offenders would have significant public health benefit.
- Laws requiring interlocks for all drunk driving offenders with a blood alcohol concentration (BAC) of .08 or greater were associated with a seven percent decrease in the rate of drunk driving fatal crashes.
- Laws requiring interlocks for first-time offenders with a BAC of .15 or greater were associated with an eight percent decrease in the rate of drunk driving fatal crashes.
- Laws requiring interlocks for segments of high-risk drunk driving offenders, such as repeat offenders, may reduce alcohol-involved fatal crashes after 2 years of implementation.

California DMV Study of Four-County Ignition Interlock Pilot Program, June 2016

- Ignition interlocks are **74% more effective in reducing DUI recidivism** than license suspension alone for first offenders during first 182 days after conviction.
- **Interlocks are 45% more effective** in preventing a repeat DUI incidence when compared to license suspension alone during days 183 to 365 after conviction. (Many first-time offenders have the device removed after 182 days of use.)
- Ignition interlocks are **70% more effective than license suspension** alone in preventing repeat offenses for second-time offenders, compared to license suspension alone, for the first 364 days of use.
- Interlocks are **58% more effective in preventing a repeat DUI incidence during days 365 to 730** days of use for second-time offenders.
- **Third-time offenders who only had a suspended license were 3.4 times more likely to have a fourth DUI** conviction or incidence compared to the interlocked offender group.
- Because interlocked offenders are able to be part of society and provide for their family by driving to work, grocery stores, restaurants and anywhere else, their crash risk is most likely similar to the general driving population in California, but higher than offenders whose licenses were suspended or revoked and not permitted to drive.

Kaufman, University of Pennsylvania, “Impact of State Ignition Interlock Laws on Alcohol-Involved Crash Deaths in the United States,” March 2016

- DUI **deaths decreased by 15%** in states that enacted all-offender interlock laws.
- States with mandatory interlock laws saw a **0.8 decrease in deaths for every 100,000 people** each year – which is comparable to lives shown to have been saved from mandatory airbag laws (0.9 lives saved per 100,000 people).