

Favorable With Amendments

Senator Smith  
Judicial Proceedings Committee  
2 East, Senate Office Building  
Annapolis, MD 21401

Dear Chair Smith,

My name is Vikki Porter, and I am Board Member At Large for the Maryland Association of the Deaf (MDAD). MDAD is the premiere non-profit member organization dedicated to promoting and preserving the quality of life for all Deaf/Hard of Hearing/DeafBlind (D/HH/DB) citizens from all walks of life in the great state of Maryland. I am also the Secretary of the Maryland Advisory Council on Deaf and Hard of Hearing (MACDHH). MACDHH advises the Maryland Governor's Office of the Deaf and Hard of Hearing on matters and issues affecting the D/HH/DB communities. In both of these roles, I have heard directly from the communities about various access issues such as fraudulent and unqualified sign language interpreters, open captioning, Text 911 issues, LEAD-K (language deprivation), and inaccessible products and/or services.

As for myself, I had a tangential and negative experience with inaccessible products and services that were mandated by the State of Maryland by way of the Motor Vehicle Administration (MVA). My spouse, who is considered Hard of Hearing, was convicted of several DUI charges, and was given the option to enroll in the Ignition Interlock Program (IIP). From the start of my spouse's participation, the accessibility of the program for D/HH drivers was thrown in question: from training videos not being captioned, to extremely small visual indicators on the IIP devices provided by LifeSafer, one of the authorized vendors.

These devices were designed with the assumption of the adequate hearing ability of the drivers, emitting (I was told) high pitched beeps programmed at certain intervals during the active operation of the vehicle. This was especially dangerous, because sometimes driving conditions—such as glare from the sun or bad weather, in addition to driving that already necessitated careful attention to the road—weren't favorable in seeing the tiny light going off for the driver to breathe in the devices. My spouse either scrambled to blow in the device when he casually looked over and saw the tiny flashing light, or was completely oblivious to the light and sound because his attention was focused on the road. He first brought the accessibility issues to the named contact in the letters he got for the rolling retest violations. The person did not adequately act on his concerns for about a year.

During that period of time, MVA's Driver Wellness and Safety (DWS) gave him the strongly suggested option of attending alcohol education classes, and gave him a list of authorized providers under the Behavioral Health Administration (BHA). He contacted a few of them who refused to provide communication access in the way of sign language interpreters, which is a direct violation of the Americans with Disabilities Act (ADA). To be completely sure that these vendors were actively unwilling to provide sign language interpreters, I made calls myself and had both Deaf and hearing colleagues make these calls... with the same results.

Out of frustration, I reached out to the Maryland Department of Transportation (MDOT) MACDHH representative. She made a few inquiries that did not go anywhere. My spouse and I both got runarounds for months. In the meantime, my spouse had to attend a court hearing because MVA wanted to revoke his driver's license due to the amount of alleged IIP violations. I went to the hearing with him as his advocate, and the judge heard both of our stories. The stories were convincing because she ruled in my spouse's favor. After the official part of the hearing concluded, the judge confessed she was baffled at MVA's inability to ensure accessibility for the devices and the repeated black holes that my spouse kept falling into due to his disability.

However, the rolling retest violations continued racking up. DWS issued a letter notifying my spouse that his license was going to be suspended. Exasperated with the whole matter at hand, I decided to take the enormous step in emailing the Secretary of Transportation, the Head Administrator of MVA, Governor's Office of the Deaf and Hard of Hearing (GODHH), MDAD, and other vested parties at cabinet levels about the lack of accessibility with IIP products and related services. In that email, I attached numerous PDFs of emails from him to the named contact in the letter, as well as my email in the role of MACDHH Secretary to certain MVA division heads that highlighted the inaccessibility of this particular program, products, and services under MVA's purview. As a result, MDOT and MVA representatives attended one of MACDHH's quarterly meetings and heard from the council about grave concerns about the IIP. About six months passed before they came back to one of MACDHH's recent meetings and shared updates. They identified and acknowledged gaps/loopholes and are taking steps to ensure that all of the IIP vendors are in compliance. However, they did not consult with any D/HH person or organizations, including GODHH. I reminded them of the adage, "Nothing about us without us."

While I believe in the purpose and intent of IIP, there are some serious flaws regarding accessibility. As I noted to the MDOT and MVA representatives who came to the MACDHH meeting, there should have been an independent evaluation of these vendors to ensure the accessibility of these products and devices. Even so there are some progress being made in-house, there needs to be clear and convincing language as to the nature of what fully accessible means.

All in all, my position on this bill is favorable with amendments. Until these products are fully vetted for accessibility purposes, D/HH drivers should not be penalized through no fault of their own for noncompliance due to their disability.

Thank you for your prompt consideration.

Warm regards,

Vikki Porter,  
Board Member At Large, Maryland Association of the Deaf  
Secretary, Maryland Advisory Council for the Deaf and Hard of Hearing  
518 Kerwin Road  
Silver Spring, MD 20901  
301-241-0019  
Porter.Vikki.L@gmail.com