



Frank Harris
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Mothers Against Drunk Driving
Testimony in Support of HB 451
House Judiciary Committee
February 8, 2023

- Thank you Mr. Chairman and Members of the Committee for allowing me to testify in support of HB 451. My name is Frank Harris, Director of State Government Affairs, with Mothers Against Drunk Driving.
- Mothers Against Drunk Driving thanks Chairwoman Atterbeary for authoring this lifesaving legislation.
- Mr. Chairman and Members of the Committee, the battle against drunk driving is not over. According to the National Highway Traffic Safety Administration (NHTSA), 183 people were killed in drunk driving crashes in Maryland in 2020. This is an increase of 10% from 2019, when 167 people died in drunk driving crashes. Increasing the use of interlocks, as prescribed in this measure, is proven to reduce 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 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.
- What we mean by all-offender is that the only way a person can drive during a court or MVA administered license suspension is via an ignition interlock or the person cannot drive at all.
- When MADD launched the Campaign, only one state, New Mexico had an all-offender ignition interlock law in place. Today, 34 states plus DC have these laws in place.
- Ignition interlocks is the only tool that can physically separate drinking from driving while teaching sober driving. License suspension alone is a hope for the best approach. Hope alone cannot stop drunk driving.

- 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 in state laws 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 loophole in their entire impaired driving law is that an ignition interlock is not required for PBJ. This loophole allows nearly all first-time offenders to avoid an interlock thereby undermining the law.
- According to the Maryland Department of Transportation, a majority of first-time offenders drunk driving cases results in the person receiving PBJ. In 2021, of the 9,291 closed case dispositions for 21-902(a) and (b), more than half (4,734 or 50.95%) of DUI/DWI offenders in Maryland received PBJs and are not required to use an ignition interlocks.

Interlocks work to stop drunk driving

- 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. HB 451 will ensure Noah's Law will save more lives.
- From 2006 to 2020, these devices stopped over 3.7 million attempts to legally drive drunk with a blood alcohol concentration of .08 or greater. Yes, 3.7 million attempts by interlock users drive drunk prevented by technology. This shows the power of the device to stop drunk driving.
- In Maryland during fourteen years, interlocks stopped over 73,000 attempts to drive drunk, including over 7,042 in 2020 alone. Imagine how many more attempts to drive drunk will be prevented if HB 451 becomes law?
- This is a big deal in the fight against drunk driving. It shows that lawmakers should ensure 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 451 is to remedy this failure. And more importantly to MADD, ensure that first-time offenders do not drive drunk again and kill or injure people on Maryland roadways.
- Mr. Chairman and members of the Committee, please advance this legislation to give PBJ drunk drivers a true second chance. Thank you.

Table 5. Impaired Driving Arrests (21-902) Presented by Most Serious Disposition, CY 2017-2021

Violation		2017	2018	2019	2020	2021
§21-902(a) Driving Under the Influence of Alcohol (DUI)	Total Cases	10,839	9,994	9,660	7,056	8,590
	Open Cases	382	379	612	973	3,340
	Closed Cases	10,457	9,615	9,048	6,083	5,250
	Guilty	2,090	1,805	1,693	1,063	903
	PBJ	4,208	3,974	3,570	2,124	2,106
	Other Disposition*	4,159	3,836	3,785	2,896	2,241
§21-902(b) Driving While Intoxicated (DWI)	Total Cases	7,425	7,477	7,216	4,824	4,342
	Open Cases	25	31	47	87	301
	Closed Cases	7,400	7,446	7,169	4,737	4,041
	Guilty	2,303	2,301	2,109	1,328	1,113
	PBJ	4,504	4,518	4,568	3,038	2,628
	Other Disposition*	593	627	492	371	300
§21-902(c) Driving While Impaired by Drugs or Drugs and Alcohol	Total Cases	1,118	1,314	1,421	1,412	1,290
	Open Cases	35	34	59	154	329
	Closed Cases	1,083	1,280	1,362	1,258	961
	Guilty	265	283	372	291	234
	PBJ	307	372	382	372	300
	Other Disposition*	511	625	608	595	427

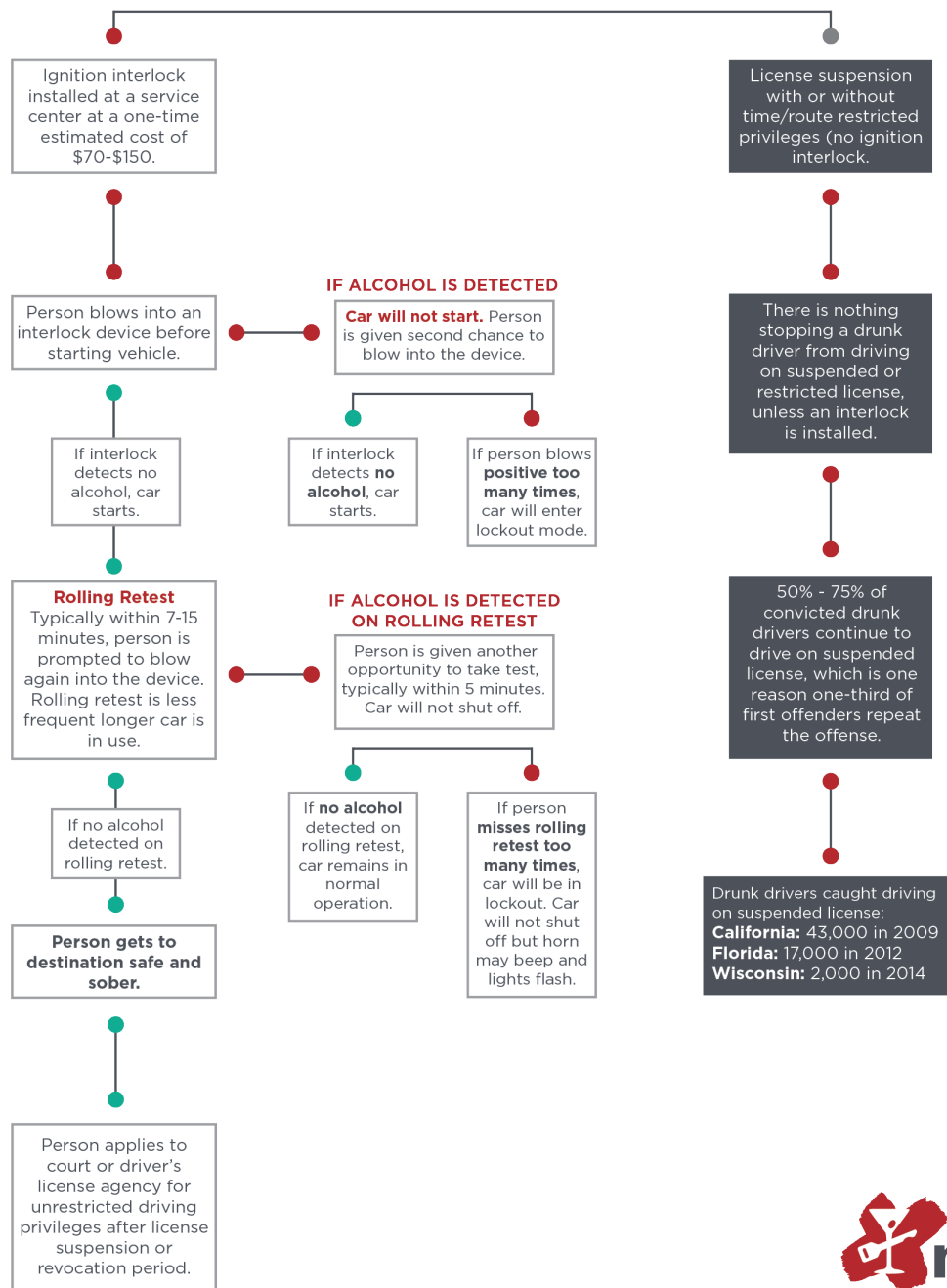
Source: Maryland’s Ignition Interlock Program Status Report, FY 2022

Drunk Driving (.08 BAC or Greater) Stops by an Ignition Interlock

	2006 to 2020	2020	2019	2018	2006 to 2017
Alabama	8,404	2,447	1,847	969	3,141
Alaska	18,036	1,146	2,551	1,512	12,827
Arizona	120,782	11,005	12,332	9,713	87,732
Arkansas	112,531	17,835	14,699	14,727	65,270
California	298,401	28,078	25,072	24,459	220,792
Colorado	135,963	15,365	10,506	10,938	99,154
Connecticut	93,164	11,754	14,173	9,817	57,420
Delaware	7,870	995	918	946	5,011
D.C.	299	20	175	9	95
Florida	109,127	11,809	8,931	10,225	78,162
Georgia	44,313	4,368	4,610	4,339	30,996
Hawaii	11,595	811	1,061	1,117	8,606
Idaho	10,596	2,545	1,104	718	6,229
Illinois	129,893	9,141	6,944	6,192	107,616
Indiana	15,079	2,811	1,758	1,683	8,827
Iowa	184,148	26,989	26,681	14,961	115,517
Kansas	123,647	7,852	9,873	12,121	93,801
Kentucky	8,980	2,096	1,734	1,365	3,785
Louisiana	135,090	17,462	15,522	14,117	87,989
Maine	17,503	1,692	1,302	1,235	13,274
Maryland	73,978	7,042	9,575	7,907	49,454
Massachusetts	47,435	4,358	3,806	3,764	35,507
Michigan	32,223	1,945	2,258	1,743	26,277
Minnesota	88,050	6,881	7,496	7,802	65,871
Mississippi	9,485	1,507	1,188	1,281	5,509
Missouri	128,196	11,100	11,194	11,293	94,609
Montana	7,054	828	314	374	5,538
Nebraska	43,241	4,726	4,178	3,837	30,500
Nevada	16,503	4,059	3,914	1,269	7,261
New Hampshire	14,529	1,791	1,175	1,104	10,459
New Jersey	119,122	16,105	15,759	13,518	73,740
New Mexico	89,658	6,958	3,862	7,728	71,110
New York	111,043	8,157	5,589	6,118	91,179
North Carolina	30,306	5,045	2,689	3,172	19,400
North Dakota	715	314	79	8	314
Ohio	34,927	4,438	3,001	3,327	24,161
Oklahoma	104,009	12,650	11,080	14,431	65,848
Oregon	57,645	4,150	5,639	3,373	44,483
Pennsylvania	93,037	9,336	6,820	6,133	70,748
Rhode Island	7,848	1,839	1,139	1,360	3,510
South Carolina	12,655	2,072	1,879	1,743	6,961
South Dakota	2,040	197	64	132	1,647
Tennessee	79,530	10,989	9,055	7,238	52,248
Texas	371,345	34,367	29,649	32,850	274,479
Utah	26,472	3,417	3,843	2,727	16,485
Vermont	11,700	1,422	1,267	1,556	7,455
Virginia	28,952	3,815	2,709	2,668	19,760
Washington	147,435	14,089	14,225	14,492	104,629
West Virginia	31,052	1,478	1,642	1,364	26,568
Wisconsin	357,946	28,281	29,795	41,148	258,722
Wyoming	20,831	768	3,222	844	15,997
Total	3,784,383	390,345	359,898	347,467	2,686,673

Data collected from interlock vendors. The time period is from December 1, 2006 to December 31, 2020.

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.



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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 two 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 the 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 a part of society and provide for their family by driving to work, grocery stores, restaurants and any 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).