



**Frank Harris**  
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**Before the Senate Public Safety Committee**  
**Testimony in Support of the Erin Swezey Act or Senate Bill 529**  
**24 February 2011**

Thank you Mr. Chairman and members of the committee for allowing me the opportunity to submit written testimony in support of the Erin Swezey Act or Senate Bill 529. My name is Frank Harris, State Legislative Affairs Manager, with Mothers Against Drunk Driving.

MADD's support of ignition interlocks for all convicted drunk drivers is simple—it is about saving lives. Countless studies show that ignition interlock devices for all convicted DUI offenders is the most highly effective tool available to stop drunk driving. The Centers for Disease Control (CDC) endorsed interlocks for all convicted offenders this week after reviewing various studies on ignition interlocks. The CDC found that these devices reduce repeat drunk driving offenses on average of 67 percent.

As you probably know, an ignition interlock is a breath test device linked to a vehicle's ignition system. When a convicted drunk driving offender wishes to start his or her vehicle, he or she must first blow into the device. The vehicle will not start unless the driver's BAC is below a pre-set standard. A data recorder logs the driver's BAC for each attempt to start the vehicle. Interlocks are calibrated to have "rolling retests," which require a driver to provide breath tests at regular intervals, preventing drivers from asking a sober friend to start the car, drink while driving, or leaving the car idling in a bar parking lot.

Drunk driving related crashes and deaths remain a problem in Oklahoma. According to the National Highway Traffic Safety Administration, 235 people were killed in drunk driving crashes in 2009 in Oklahoma. Since 2005, drunk driving deaths have decreased by 20 percent in the United States. In Oklahoma, there has not been a decline. Clearly, a more proactive approach must be taken to stop drunk driving in Oklahoma. The Erin Swezey Act is the right approach.

Ignition interlocks for all convicted drunk drivers will save lives. In New Mexico, drunk driving re-arrests are down statewide by 37 percent, alcohol involved crashes down by 31 percent, alcohol related injuries down by 39 percent and alcohol related fatalities down by nearly 30 percent. In Arizona, drunk driving fatalities have dropped by 46 percent since their interlock law.

In November 2006, MADD launched its national Campaign to Eliminate Drunk Driving, which includes support for all-offender ignition interlock laws. Prior to the Campaign launching in 2006, only one state, New Mexico, had a law requiring ignition interlocks for all first time convicted drunk drivers. Now, thirteen states and a pilot program in California have laws requiring or highly incentivizing interlock usage by all first time convicted DUI offenders.<sup>i</sup>

Drunk driving is a violent crime that is 100 percent preventable. Currently, 84 million Americans are protected from repeat drunk drivers thanks to states which have begun to rely on this technology. Unfortunately, Oklahoman's don't fall into this category.

By advancing the Erin Swezey Act that requires ignition interlocks for all convicted drunk drivers, the Committee can send a clear message to drunk drivers: if they violate the public's trust by driving drunk, they will receive an ignition interlock on their vehicle.

The Erin Swezey Act is also an economically sound public safety measure. Every life saved or injury prevented by the device translates to millions of taxpayer dollars no longer spent subsidizing drunk drivers. A study of New Mexico's interlock program found the cost of an interlock was \$2.25 a day for the offender, but for every dollar invested on first offender interlock laws the public saves three dollars.<sup>ii</sup>

The interlock acts as a virtual probation officer riding in the front seat. It should be noted that the convicted drunk driver pays for the device so that the taxpayer is not further burdened with subsidizing drunk drivers.

Some may argue that requiring ignition interlocks for first time offenders is too harsh. This is not the case. We know that the average first time offender has driven drunk before—the most

conservative study showed drunk drivers getting on the road an average of 87 times before the first arrest.<sup>iii</sup>

We know it is not enough to simply revoke the license of a convicted drunk driver. Studies show that 50 to 75 percent of convicted drunk drivers continue to drive even while their license is suspended. This is the reason that interlocks are so critical to protecting the public. The offender is going to drive anyway, so lets make sure that we allow them to do so in a manner that protects the public.

You will also hear talk about punishing those who are one sip over the legal limit. The illegal limit in Oklahoma is a .08 blood alcohol concentration. The National Institute on Alcohol Abuse and Alcoholism notes that to get to a .08 BAC, men must typically consume 5 or more drinks, and women must typically consume 4 or more drinks, in about 2 hours.<sup>iv</sup> This dispels the myth that someone can be arrested for DUI after a beer at a ball game or a glass of champagne at a wedding.

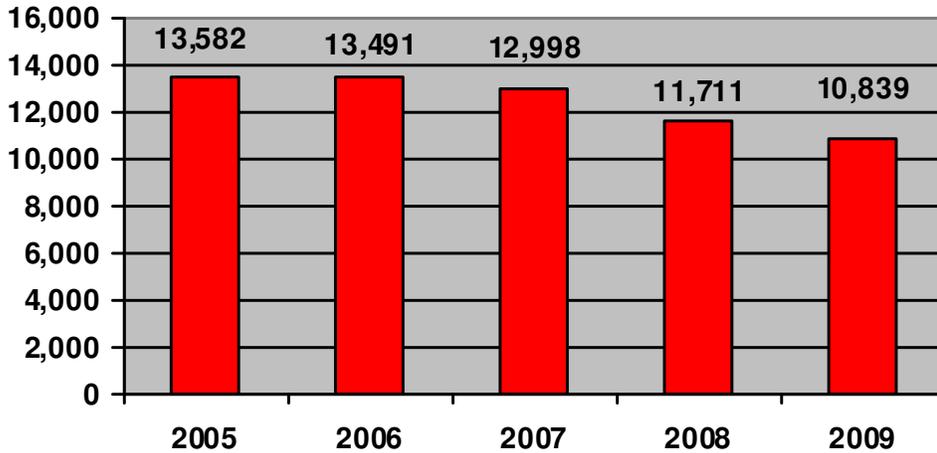
Oklahoma is well positioned to handle this new law and additional DUI offenders who would use the interlock device. The Oklahoma Board of Tests currently oversees the ignition interlock program and has one of the Nation's best monitoring system. It is imperative that this committee ensures that SB 529 will allow for continued administrative oversight of the ignition interlock program.

In conclusion, the Erin Swezey Act or SB 529 will change the status quo in Oklahoma and help to reduce drunk driving. For this reason, Mothers Against Drunk Driving urges this committee to support this legislation. By doing so, you will help end the taxpayer subsidy of the 100 percent preventable violent crime of drunk driving.

Enclosed is more information on ignition interlocks.

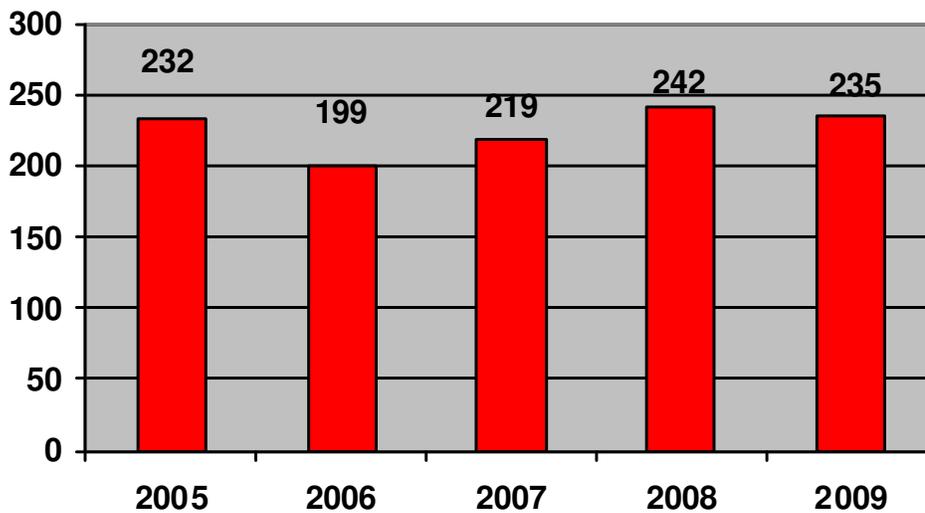
Thank you.

## Drunk Driving Fatalities in the United States



**In the United States, drunk driving fatalities decreased by 20 percent since 2005**

## Drunk Driving Fatalities in Oklahoma



**In Oklahoma, progress in reducing drunk driving fatalities have stalled**

*Source: National Highway Traffic Safety Administration (www.nhtsa.gov)*



## Alcohol Ignition Interlock Fact Sheet

### Alcohol ignition interlocks save lives

- The breath alcohol ignition interlock prevents a vehicle from being driven by a drunk driver. If used correctly, the device can substantially reduce repeat offenses.<sup>i</sup>
- If properly administered, alcohol ignition interlocks could save thousands of lives and give offenders the ability to drive while not endangering the public.<sup>ii</sup>
- The Centers for Disease Control (CDC) found that States that require ignition interlocks for everyone convicted of DWI can reduce alcohol-impaired driving crashes and save lives.<sup>iii</sup>

### Studies clearly show alcohol ignition interlocks are effective

- Multiple studies on interlocks for both first-time and repeat offenders show that interlocks reduce repeat drunk driving offenses by an average of 67 percent.<sup>iv</sup>
- Most of the failures of interlocks are legal system failures, where mandatory interlock laws are not enforced and offenders who are sentenced to receive interlocks either do not have them installed or receive little oversight. MADD's proposed model interlock law will alleviate many of these issues.<sup>v</sup>

### The public supports the implementation of alcohol ignition interlocks

- Eighty Eight percent of the public supports the mandatory installation of alcohol ignition interlocks for all convicted drunk drivers.<sup>vi</sup>

### First offenders are likely to become repeat offenders

- First-time arrestees have driven drunk an average of 87 times before they are arrested.<sup>vii</sup>
- First-time arrestees are likely to have committed the crime before and will commit the crime again unless significant intervention is taken.

### Current sanctions alone are not effective in stopping repeat offenses

- Currently, the most common sanctions for first-time offenders in the United States are fines, license suspensions and assessment and treatment for problems with alcohol.<sup>viii</sup>
- Studies estimate that 50 to 75 percent of drunk drivers whose licenses are suspended continue to drive anyway. A strong alcohol ignition interlock program will prevent the suspended offender from driving.<sup>ix,x</sup>

### How interlock technology works

- An alcohol ignition interlock is a breath test device linked to a vehicle's ignition system. When a convicted drunk driver wishes to start his or her vehicle, he or she must first blow into the device. The vehicle will not start unless the driver's Blood Alcohol Content (BAC) is below a preset level.<sup>xi</sup>

## Expanding interlocks for all convicted drunk drivers

- MADD is undertaking an aggressive state legislative strategy to push for new state laws to require interlock use by all drunk driving offenders, including first conviction.
- MADD's model state legislation includes a compliance revision. An interlock should remain installed in a vehicle until an offender can adequately demonstrate sober driving through an interlock or electronic monitoring. If an offender fails a test, the offender's interlock installation should be extended to match the initial interlock period (e.g., 150 days for a first offense).
- As of October 2010, the total number of currently installed interlocks in the U.S. is approximately 212,000. This estimate is based on data supplied by 14 ignition interlock distributors and 42 independent state estimates. That number represents an increase of 18% from the estimate of 180,000 in 2009.
- There are approximately 1,400,000 drunk driving arrests each year in the U.S. Not everyone arrested for DUI are convicted for drunk driving. There are most likely between 1 to 1.2 million DUI convictions per year.
- As of October 2010, there are approximately 700 currently installed interlocks per million residents in the U.S. (212,000 interlocks divided by 306 million residents).

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<sup>i</sup> MADD, *Stopping Drunk Driving Before It Starts: A Technological Solution*.

<sup>ii</sup> MADD, *Stopping Drunk Driving Before It Starts: A Technological Solution*.

<sup>iii</sup> Centers for Disease Control. Injury Prevention and Control.

<http://www.cdc.gov/Motorvehiclesafety/alcoholbrief/index.html>

<sup>iv</sup> Guide to Community Preventive Services. Reducing alcohol-impaired driving: ignition interlocks.

[www.thecommunityguide.org/mvoi/AID/ignitioninterlocks.html](http://www.thecommunityguide.org/mvoi/AID/ignitioninterlocks.html)

<sup>v</sup> MADD, *Stopping Drunk Driving Before It Starts: A Technological Solution*.

<sup>vi</sup> Center for Excellence in Rural Safety at the University of Minnesota. Survey March 23-May 6, 2010, of 1,205 registered voters who drive at least once a week. Margin of error +/-3 percentage points.

<sup>vii</sup> Presentation at the *MADD International Technology Symposium*: June 19-20, 2006.

<sup>viii</sup> Zador, Paul, Sheila Drawchuk, and B. Moore. (1997) "Drinking and Driving Trips, Stops by Police, and Arrests: Analysis of the 1995 National Survey of Drinking and Driving Attitudes and Behavior," Rockville, MD: ESTAT, Inc, 1997.

<sup>ix</sup> MADD, *Stopping Drunk Driving Before It Starts: A Technological Solution*.

<sup>x</sup> Nichols, James, and H. Lawrence Ross. "The Effectiveness of Legal Sanctions in Dealing with Drinking Drivers." *Alcohol, Drugs and Driving* 6(2) (1990): 33-55.

<sup>xi</sup> Peck, Raymond, R. Jean Wilson, and Lawrence Sutton. "Driver License Strategies for Controlling the Persistent DUI Offender," *Strategies for Dealing with the Persistent Drinking Driver. Transportation Research Board, Transportation*

*Research Circular No. 437*. Washington, D.C.: National Research Council, 1995.

<sup>xii</sup> MADD, *International Technology Symposium: A Nation without Drunk Driving Summary Report*. November, 2006: pg 4.

## Status of State Ignition Interlock Laws

<b>Mandatory .08 Conviction</b>	<b>Mandatory with a BAC of at least .15.</b>	<b>Mandatory with 2<sup>nd</sup> Conviction</b>	<b>Discretionary</b>	<b>No Interlock Law at All</b>
Alaska (1/09)	Delaware (7/09)	Georgia****	All other states	Alabama
Arizona (9/07)	Florida (10/08)	Massachusetts		South Dakota
Arkansas (4/09)	Kansas (7/07)	Missouri		
California Pilot Program* (7/10)	New Jersey (1/10)	Montana (5/09)		
Colorado** (1/09)	North Carolina (12/07)	Oklahoma (11/09)		
Hawaii (1/11)	Tennessee (1/11)	Pennsylvania		
Illinois** (1/09)	Texas****	South Carolina (1/09)		
Louisiana (7/07)	Virginia (10/04)			
Nebraska (1/09)	West Virginia (7/08)			
New Mexico (6/05)	Wisconsin (7/10)			
New York (8/10)	Wyoming (07/09)			
Oregon*** (1/08)				
Utah (7/09)				
Washington (1/09)				

*(Months listed note laws effective date)*

- \* California’s pilot program covers the counties of Los Angeles, Alameda, Sacramento, and Tulare. These counties combined have a population of over 14 million.
- \*\* Interlocks are highly incentivized in that, if the offender chooses not to use the device, he or she has a year long license suspension and any violation is a felony.
- \*\*\* Mandatory upon license reinstatement
- \*\*\*\* Mandatory as a condition of probation

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<sup>i</sup> New Mexico, Arizona, Louisiana, Illinois, Washington, Nebraska, Alaska, Colorado, Arkansas, Utah, Hawaii, New York, Oregon

<sup>ii</sup> Roth, Richard, Voas, Robert and Marques, Paul (2007) 'Interlocks for First Offenders: Effective?', *Traffic Injury Prevention*, 8:4, 346 – 352 URL: <http://dx.doi.org/10.1080/15389580701598559>

<sup>iii</sup> Zador, Paul, Sheila Krawchuk, and B. Moore (1997) "Drinking and Driving Trips, Stops by Police, and Arrests: Analysis of the 1995 National Survey of Drinking and Driving Attitudes and Behavior," Rockville, MD: Estat, Inc. 1997.

<sup>iv</sup> A standard drink is defined as 12 ounces of beer, 5 ounces of wine, or 1.5 ounces of 72-proof distilled spirits, all of which contain the same amount of alcohol – about .54 ounces. National Highway Traffic Safety Administration. "Alcohol Screening and Brief Intervention in the Medical Setting." DOT HS 809 467. Washington, DC: National Highway Traffic Safety Administration, July 2002.