



February 20, 2014

The Honorable Floyd Prozanski
Chairman, Senate Judiciary Committee
900 Court Street, NE S-415
Salem, Oregon 97301

Dear Chairman Prozanski,

Mothers Against Drunk Driving (MADD) strongly urges you to protect families in Oregon and to not take steps to weaken Oregon's DUII law by authoring the amendment to HB 4026 that would make ignition interlocks optional for first-time convicted DUII offenders with a blood alcohol concentration of .08 to .14 who enter into a diversion agreement. This proposed -9 amendment would significantly weaken Oregon's DUII law and MADD respectfully requests you to withdraw and oppose the amendment.

Drunk driving deaths are 100 percent preventable. Nationally, from 2011 to 2012, drunk driving deaths increased by 4.5 percent from 9,878 to 10,322. Largely, due to Oregon's existing law requiring ignition interlocks for all convicted drunk drivers, including the 11,000 or so offenders who enter into diversion agreements, drunk driving deaths have dropped from 96 in 2011 to 86 in 2012 representing a significant decrease of a 10.5 percent.

Starting in January 1, 2012 in Oregon, ignition interlocks are required for offenders who enter into diversion agreements. Since January 1, 2008, ignition interlocks are required for first-time and second time convicted DUII offenders. As a result of Oregon's ignition interlock law implemented in 2008, drunk driving deaths have dropped by 42.7 percent. This reduction is significant considering that nationally during the same time period drunk driving deaths only decreased by 20.6 percent.

According to the Centers for Disease Control and Prevention (CDC), requiring interlocks for all convicted drunk drivers saves lives and is effective in reducing drunk driving recidivism by 67 percent. Currently 20 states require ignition interlocks for all convicted drunk drivers, including first-time offenders.

"First-time" offenders are rarely first time drunk drivers. Conservative estimates show that a first-time convicted DUII offender has driven drunk at least 80 times prior to being arrested.

The policy behind your amendment to HB 2046 is detrimental to public safety and the rehabilitation of offenders entering into diversion agreements. Research shows that 50 to 75 percent of convicted drunk drivers will continue to drive even with a suspended driver's license.

License suspension is no longer a practical way to deal with drunk drivers. In today's world, most everyone needs a car to get to work, school, or the grocery store in order to meet life's basic needs. And, fortunately, current Oregon law utilizes ignition interlocks to allow convicted drunk driver to continue driving in a sober fashion immediately following a DUII, but in a way that will protect families and Oregon residents.

Interlocks are proven to protect the public, while giving DUII offenders the opportunity to continue driving. Interlocked offenders simply cannot drive drunk and hurt or kill innocent people in Oregon. MADD

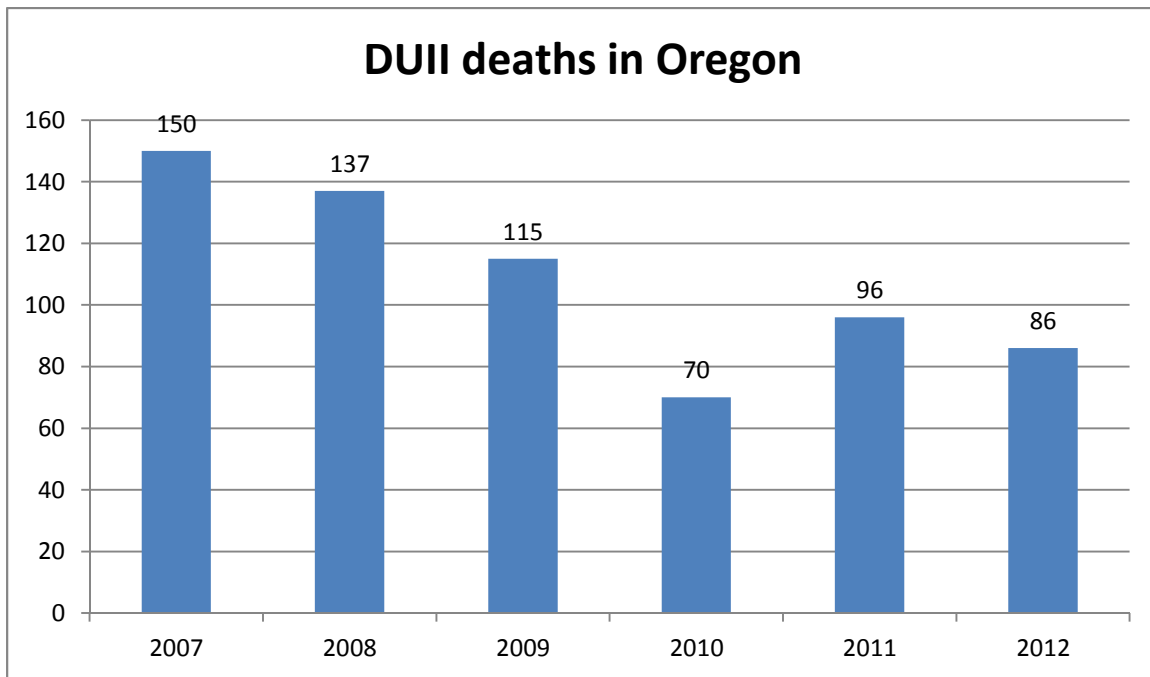
urges your support for ignition interlocks for all convicted drunk drivers and to withdraw and oppose any amendments that weaken Oregon's current DUI law. Thank you in advance for your consideration of this request. Enclosed is additional information on ignition interlocks.

Sincerely,



Jan Withers
MADD National President

Cc: Senate Judiciary Committee Members



Source: NHTSA

On January 1, 2008, ignition interlocks were required for all first and second-time convicted DUII offenders, which has contributed to a 42.7 percent drop in drunk driving deaths in Oregon.

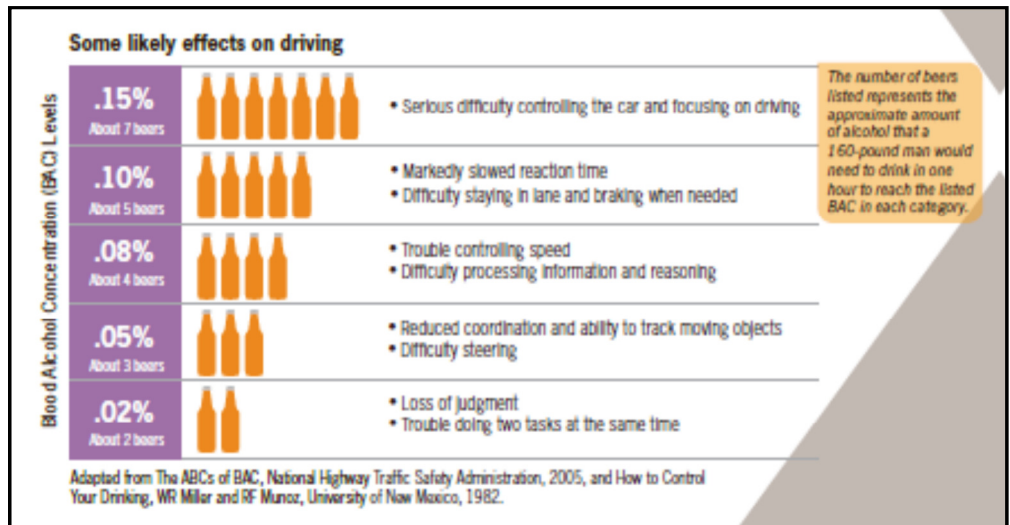
On January 1, 2012, ignition interlocks were required for all convicted drunk drivers who enter into diversion agreements, which has contributed to a 10.5 percent reduction in drunk driving deaths.



Ignition Interlocks Save Lives

Ignition interlocks are effective in reducing repeat drunk driving offenses by 67 percent, according to the Centers for Disease Control (CDC). And, all offender interlock laws are found to reduce repeat offenses significantly, when effectively implemented.

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. Additionally, research has found that first offenders' patterns of recidivism are generally similar to a repeat offender.



To get to the illegal .08 BAC level, a 160-pound male must drink four drinks in an hour. (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.)

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. Twenty states, plus a California pilot program (covering a population of over 13 million) have laws requiring ignition interlocks for all first-time convicted drunk drivers.
- As of July 2013, there are approximately 305,000 interlocks in use in the United States, including 7,100 in Oregon.

Ignition interlock laws saves lives. Due in part to laws requiring interlocks for all convicted drunk drivers, states have seen significant reductions in drunk driving deaths:

- ✓ **Arizona:** 43 percent
- ✓ **Oregon:** 42 percent
- ✓ **New Mexico:** 38 percent
- ✓ **Louisiana:** 35 percent
- ✓ **West Virginia:** 33 percent
- ✓ **Utah:** 30 percent
- ✓ **Alaska:** 28 percent
- ✓ **Colorado:** 24 percent
- ✓ **Kansas:** 26 percent
- ✓ **Washington:** 20 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.

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



Ignition Interlock FAQs

Please visit madd.org/interlock

An ignition interlock is a device about the size of a cell phone that is wired into the ignition system of a vehicle. A convicted drunk driver must blow into the device in order to start their vehicle. Interlocks are required to meet federal standards set by the National Highway Traffic Safety Administration (NHTSA).

Per NHTSA standards, if an interlock user has a measurable amount of alcohol in their system, the vehicle will not start. It is a simple and economical way to make sure that offenders can drive to and from work, but that they can't drive drunk.

Who pays for the device? Offenders pay for the interlocks, which costs \$2.50 a day to lease from an interlock vendor. In most states, interlock companies provide interlock devices for offenders who can't afford the devices or an indigent fund is set up by the state, which is funded by other interlock users to cover all or a portion of the costs for these offenders.

Are there ways to bypass the device, like having someone else blow into it? This is possible, and there should be strict penalties for attempting to bypass the device. Interlocks are required to have anti-circumvention features that prevent such activity. One of these features is the running retest, which requires offenders to blow into the device at random intervals once the vehicle has been allowed to start. The tests are not designed to be done while the car is actually rolling. Interlocks give people a few minutes – enough time to pull over – to retest.

What if someone else drives the vehicle with the interlock and fails a retest?

This is possible, but with states requiring the use camera interlocks to verify the user, this is becoming a non-issue. However, when someone commits a crime, he/she is responsible for the consequences of his/her actions. If an interlock is one of these consequences, then the offender is responsible for making sure those driving his/her vehicle do not drive intoxicated.

Could an interlock stop a person's car in traffic, making a more dangerous hazard?

Interlocks are hooked up to a vehicle's starter system, not to the engine itself. The interlock does not have the ability to stop the vehicle once it is running for safety reasons. When a driver fails a running retest, the vehicle's horn will honk and/or the lights will flash to alert law enforcement – the vehicle will not stop.

Are interlocks an inconvenience to family members who share the offender's vehicle? No, they can drive the vehicle as well and also taught how to use the device; they simply must blow into the device and prove sobriety before the car will start.

Don't offenders go back to their old behavior after the device is removed? Studies have shown that interlock devices decrease recidivism by 67 percent while installed on the vehicle. When removed, these rates could go back to normal. As a result, more states are enacting laws including compliance based removal of the interlock where an offender must have a certain period prior to removing the device with no recordable violations such as consecutive running retest failures or multiple positive tests for alcohol.

Who monitors interlock device users? How are monitoring programs funded?

Interlock reports are sometimes monitored by the courts or probation departments. Some states require offenders or interlock companies to pay probation costs. Other states have no probation monitoring and instead implement the program through a driver license agency (DMV). These offenders must provide proof of installation from an interlock vendor in order to obtain an interlock license or proof of compliance with the interlock in order to obtain unrestricted driving privileges. States are able to have revenue neutral programs by charging interlock users licensing fees and in some instances a monthly fee of \$30.



Anti-circumvention Technology.

Interlocks require a deep lung sample and an offender is taught to use the device and must typically blow, suck or hum to prevent circumvention attempts such as having a child or balloon deflate to get around the interlock. Here are other anti-circumvention features.

Camera to verify user



A camera eliminates the excuse that the interlock violation was by another person. It also ensures the offender is the one using the device. The camera is safely mounted near the dashboard.

Real time reporting of interlock violations



Some interlocks have GPS and/or cellular ability to report recordable violations to a monitoring agency immediately, as opposed to waiting days for a violation to be reported.

Status of State Ignition Interlock Laws



Interlock requirement starts on the first conviction

Mandatory with a BAC of .08 or greater		Mandatory with a BAC of .15 or greater	
Alaska (1/09)	Missouri (3/14)	Alabama (9/12)	New Hampshire .16 BAC (7/07)
Arizona (9/07)	Nebraska (1/09)	Delaware (7/09)	New Jersey (1/10)
Arkansas (4/09)	New Mexico (6/05)	Florida (10/08)	North Carolina (12/07)
California Pilot Program* (7/10)	New York (8/10)	Iowa** .10 BAC (7/95)	Oklahoma (11/11)
Colorado (1/09)	Oregon (1/08)	Maryland (10/11)	Texas (9/05)
Connecticut (1/12)	Tennessee (7/13)	Michigan .17 BAC (10/10)	Wisconsin (7/10)
Hawaii (1/11)	Utah (7/09)	Minnesota .16 BAC (7/11)	Wyoming (7/09)
Illinois (1/09)	Virginia (7/12)	Nevada .18 BAC (7/05)	
Kansas (7/11)	Washington (1/09)		
Louisiana (7/07)	West Virginia (7/08)		
Maine (12/13)			

(month/year listed note effective date)

Mandatory with a second conviction
Georgia (5/99)
Idaho (10/00)
Massachusetts (1/06)
Mississippi (7/14)
Montana (5/09)
Ohio (9/08)
Pennsylvania (10/03)
South Carolina (1/09)

Not mandatory
Judicial discretion
California for any offender
Indiana for any offender
Kentucky for any offender
North Dakota for any offender
Rhode Island for repeat offenders
Other
DC any offender can choose to go an interlock
South Dakota part of the 24/7 program
Vermont any offender can choose to go an interlock

Revised July 2013

* California's pilot program covers the counties of Los Angeles, Alameda, Sacramento, and Tulare. These counties combined have a population of over 13 million.

** In Iowa, interlocks are required starting on the first conviction for offenders with a BAC of .10 or greater.