

SB

92

Partners for Progress
Testimony to the Senate Judiciary Committee on HB 19 and SB 92
4/25/07

Among the three main sentencing provisions for DUI offenders – imprisonment, fines and license revocation, license revocation is the area where there is most need to focus carefully on protecting the public. The overriding goal in any legislation dealing with license revocation and the use of ignition interlock devices (IIDs) should be to establish a system that better protects the public against repeat drunk drivers.

To maximize public protection, it is essential to examine the realities of license revocation from the offender's perspective. We all know that driving is a privilege and not a right. Today, however, driving has become a necessity for leading a productive life, for getting and keeping a job, going to school, caring for family, buying groceries and keeping appointments.

The new ignition interlock technology provides a way of protecting the public from drunk driving, while recognizing that leading a responsible and productive life in today's community requires the ability to drive. IID technology is rapidly being improved with rolling retests and built-in cameras. IIDs offer a long-needed method of separating driving from drinking.

Our recommendations for IID legislation are based on a recent survey of national information about the use of ignition interlock devices. MADD's national organization has also reviewed the experience of other states. They recommend that all DUI offenders be required to obtain an ignition interlock device before driving.

We urge you to work together to craft a single bill requiring that **all repeat DUI offenders get an ignition interlock device permit with a limited license so they can drive while they are on probation/parole and license revocation.** This recommendation reflects national data that shows that IIDs are an effective tool for reducing recidivism, provided offenders start out driving with the ignition interlock device under the supervision of probation/parole. Supporting this approach, the recidivism data recently released by the Alaska Judicial Council show that most recidivism occurs in the first year after release from prison.

Timing the availability of the ignition interlock driving privilege is very important. To best protect the public, the first year when offenders are supervised through probation/parole and are reestablishing themselves in the community is the time they should be on an IID. To do otherwise is to program newly released offenders to drive without a license, to live on the wrong side of the law and to reenter the revolving door of repeat addicted crime.

The Court System reports that annually there are as many Driving Without License cases as there are DUIs. This syndrome is as costly as it is dangerous.

Secondly, **we strongly urge you to take the time – perhaps by deferring action at this time and meeting during the summer interim – to develop provisions to include felony DUI offenders in the IID system.** The potential benefits of public protection through IID legislation are greatest with felony DUIs. MADD reports that 50 to 75 percent of repeat drunk driving offenders go back to drinking and driving in the first year after they are released from prison. Many are felons. Court data supports this information showing that most individuals with revoked licenses are likely to drive

anyway. When felons are returned to our communities a great many drink and drive and seriously endanger the public.

We urge you to develop legislation that reflects this reality by putting felons on ignition interlock devices as a condition of probation/parole. The legislation could require extra measures to assure sobriety, perhaps drawing from some of the measures used in the therapeutic courts.

The cost of not putting felons on ignition interlock devices as soon as possible after release from prison is huge. It is a cost that will be paid by members of the public who are harmed or killed by repeat felony offenders who drive drunk without a license. We urge you to recognize this reality, and use ignition interlock limited licenses as part of probation to separate driving from drinking for all repeat DUI offenders - felons and misdemeanants.

If Alaska does it right, IIDs can be a powerful tool in reducing the shockingly high rate of DUI crime in our state, but doing it right requires a clear focus on the realities of protection for the public.

Finally, I want to talk about an inclusion in this legislation that would benefit therapeutic courts. As you know, the data shows that graduates of therapeutic courts are far less likely to recidivate than offenders who go through the traditional corrections system. Participants in therapeutic courts are closely supervised by the judge and other therapeutic court team members, and continually monitored for sobriety. To maximize the benefits of this proven program and gain the cost-effectiveness of volume, we ask you to incorporate license provisions in this bill that would encourage more offenders to enter and complete therapeutic courts.

We recommend that you add a provision that would give the court the discretion to grant ignition interlock limited license privileges to therapeutic court participants for purposes of attending requirements of the court-ordered treatment program. This would include both misdemeanants and felons, and should be available after the participant has achieved a degree of success and stability in the program. The legislation should also include a provision allowing graduates of therapeutic courts to apply for restoration of a revoked license after three years of successful driving with an ignition interlock limited license. These provisions would provide powerful incentives to increase the number of DUI offenders who enter and complete the difficult 18-month court-ordered treatment program,

Thank you.

April 21, 2007

Dear Senator French,

I am writing in support of the creation and implementation of a greatly expanded ignition interlock program in Alaska DUI offenders.

Both bills, SB 92 and HB 19 address this issue. Both are a tremendous first step in getting this matter before our lawmakers to initiate discussion. I appreciate that one bill deals with the judicial side and the other with the administrative side of an ignition interlock program. Ignition interlocks have been shown to greatly reduce recidivism rates among offenders and afford the public greater safety on the roads. Requiring their use for high-risk drivers through a program that captures the greatest number of them is crucial to the success of the program.

I have been researching this issue for about a year as an independent citizen; I do not work nor volunteer for any organization related to drunk driving or highway safety.

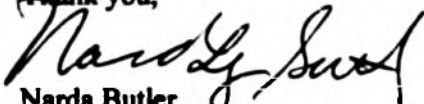
I attended the International Ignition Interlock Symposium held in October '06 and am grateful to be able to voice what I've learned.

Based upon my reading and the presentations at the Symposium, I offer the following as components of an excellent IID program in Alaska:

- An ignition interlock limited license should be required for every DUI offender – past, present, future, misdemeanor and felon – for the duration of their license revocation period, OR until they can demonstrate one year of alcohol-free driving, whichever is longer. (addresses head-on the fact that most offenders with driver's licenses revoked drive anyway)
- A thirty-day hard suspension period is maintained. (this has been shown as a deterrent for first-time offenders)
- Those individuals with revocations greater than five years are eligible for five-year reviews of their record by DMV for consideration of a termination of revocation. (a "carrot" to improve compliance)
- An indigent fund is established by requiring an upfront indigent fee from all non-indigent clients. (removes a significant obstacle for compliance)
- The cost of the installation and maintenance of the device is borne by the offender and the costs are counted toward the payment of any outstanding fines for DUI. (a "carrot")
- The punishments for DWLR/S are increased to provide incentive for compliance. (a "stick")

I've included some information for your consideration of ignition interlocks and hope to be able to work with the legislature to create an excellent research-based law that will most effectively serve to protect Alaskans on the road.

Thank you,



Narda Butler

346-1189

The Top Ten Reasons Why NOW is the Right Time for an Ignition Interlock Limited License Program in Alaska

- 1.** 50-75% of drivers whose driver's licenses have been revoked *drive anyway*. Revoking a person's driver's license, in these cases, does *not* improve public safety nor serve a punitive function.
- 2.** Over the past five years, 14% of all DUI arrests are accompanied with a Driving with License Revoked/Suspended charge as well. That number is *not* decreasing.
- 3.** Installation of Ignition Interlock devices effectively separates the act of drinking from the act of driving.

Data from a Maryland study¹ shows a 60% reduction in risk of committing an alcohol-related offense with an interlock installed.

An Ohio study² demonstrates a 65% decrease in the probability of a subsequent DUI for offenders *who have the interlock installed in their car*.

- 4.** Interlocks work while they are installed³, therefore they should be installed *as soon as possible for as long as possible*.
- 5.** The most current technology is alcohol-specific, tamper-resistant (the vendor gets a record of any disconnects) and becoming increasingly person-specific (some devices are equipped with cameras that photograph the person activating the device).
- 6.** Every time an individual is prevented from driving because the device detects alcohol, there is potential for saving a life. This device serves as an on-board, external conscience. Persons should not be removed from the program for attempting to start their car while under the influence of alcohol. Ignition interlocks are not a perk, nor are they, in and of themselves, rehabilitative. They are a safety device whose *primary purpose* is to protect the public.
- 7.** Ignition interlock limited licenses allow multiple DUI offenders the opportunity to become self-supporting citizens who are contributors to society, instead of takers.
- 8.** An administrative program allows the Department of Motor Vehicles to collect data to document performance and make data-driven decisions regarding reinstatement of regular driver's licenses.
- 9.** An administrative ignition interlock program is the most cost-effective means of capturing the largest population of at-risk drivers initially. *The costs of the interlock devices and monthly monitoring, are borne by the offender*. And, the cost savings realized if 35 individuals choose to install the device and *not* be arrested and charged with Driving with License Revoked or Suspended would fund one DMV administrative position.
- 10.** An administrative program can be implemented sooner rather than later and provide protection on the highways in a time effective manner.

¹ Beck, K. H., Rauch, W. J., Baker, E. A., & Williams, A. F. (1999). Effects of ignition interlock license restrictions on drivers with multiple alcohol offenses: A randomized trial in Maryland. *American Journal of Public Health*, 89(11), 1696-1700.

² Elliot, D. S., & Morse, B. J. (1993). *In-vehicle BAC test devices as a deterrent to DUI*. (Final Report). Washington, DC: National Institute on Alcohol Abuse and Alcoholism.

³This figure is taken from :

Marques, P., Bjerre, B. Dussault, C., Voas, R., Beirness, D., Marples, I. and Rauch, W. (2001b) Alcohol ignition interlock devices. Position Paper [also available online: <http://www.icadts.org/reports/AlcoholInterlockReport.pdf> accessed 31 January 2007]. Washington D.C.: International Council on Drugs, Alcohol and Traffic Safety (ICDATS)

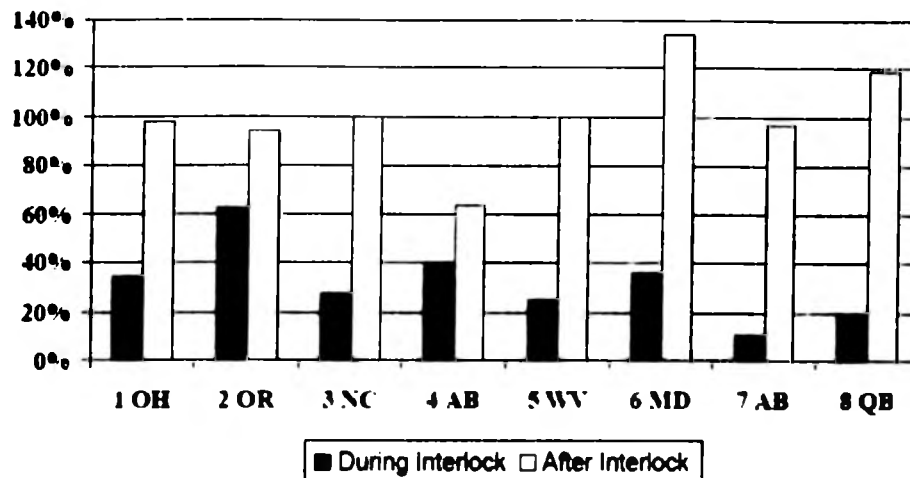


Figure 1: Eight studies that compared interlock recidivism rates (%) during the interlock (dark bars) and after the interlock (open bars) against recidivism for non-interlock contrast groups (set to 100%).

For additional information, see:

MADD's Issue Brief on the Ignition Interlock at:

<http://www.madd.org/activism/0.1056,7604,00.html>

MADD's Ignition Interlock Fact Sheet at:

<http://www.madd.org/news/docs/Interlock%20Fact%20Sheet%20Final.pdf>

"Best Practices for Alcohol Interlock Programs" from the Traffic Injury Research Foundation at: http://www.trafficinjuryresearch.com/publications/PDF_publications/BestPracticesReport.pdf

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MADD Announces National Campaign to Eliminate Drunk Driving

Combination of stronger enforcement, tougher laws and advanced technology make it possible to remove threat

DOT, NHTSA, IIHS, GHSA, IACP, the Century Council, DISCUS and the Alliance of Automobile Manufacturers join forces in support of Campaign

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WASHINGTON (November 20, 2006) – In a bold new effort designed to eradicate one of the nation's deadliest crimes, Mothers Against Drunk Driving (MADD) today launched its national *Campaign to Eliminate Drunk Driving*, which aims to literally wipe out drunk driving in the United States.

Despite a more than 40 percent decline in alcohol-related traffic fatalities since MADD was founded in 1980, the threat still remains. Every year, nearly 13,000 people are killed by drunk drivers with an illegal blood alcohol concentration (BAC) of .08 or above and countless others are injured. This represents more than 1,000 families every month that must live with the tragic consequences of drunk driving.

"The real possibility of eliminating drunk driving in this country is a powerful, even audacious, idea. Yet the tools are now at hand. Using technology, tougher enforcement, stronger laws and grassroots mobilization, the goal of eliminating a primary public health threat that has plagued the United States is within our reach," said Glynn Birch, national president of MADD, whose 21-month-old son was killed by a drunk driver in 1988.

As a nation, our efforts to prevent drunk driving fatalities have stalled. MADD's plan to eliminate this public health threat requires new strategies to complement current methods. Today, MADD is announcing a 4-point plan to lead the nation toward the goals of eliminating drunk driving:

1. **Intensive high-visibility law enforcement**, including twice-yearly crackdowns and frequent enforcement efforts that include sobriety checkpoints and saturation patrols in all 50 states;

2. **Full implementation of current alcohol ignition interlock technologies, including efforts to require alcohol ignition interlock devices for all convicted drunk drivers. A key part of this effort will be working with judges, prosecutors and state driver's license officials to stop the revolving door of repeat offenders;**
3. **Exploration of advanced vehicle technologies through the establishment of a Blue Ribbon panel of international safety experts to assess the feasibility of a range of technologies that would prevent drunk driving. These technologies must be moderately priced, absolutely reliable, set at the legal BAC limit and unobtrusive to the sober driver; and**
4. **Mobilization of grassroots support, led by MADD and its 400+ affiliates, to make the elimination of drunk driving a reality. MADD is uniting drunk driving victims, families, community leaders, and policy makers in the fight to eliminate drunk driving.**

With emerging technology, the vision that drunk drivers will not be able to operate vehicles is no longer a dream but, with substantial research, a real possibility. But to achieve it, all four strategies must succeed. Interlock use must expand to all convicted drunk drivers. Emerging technologies must be developed into effective and practical devices that don't inhibit lawful drivers. High-visibility enforcement must continue. All three of these components must be backed up by effective communications and broad public support.

U.S. Secretary of Transportation Mary E. Peters said, "Drunk driving is a problem that is painful and persistent, but it's also preventable. Pairing the public and private sectors for the common good is a powerful combination, one that will help us achieve real results in terms of saving lives and preventing injuries."

Secretary Peters was joined at the event by NHTSA Administrator Nicole Nason, who is the Honorary Chair of the *Campaign to Eliminate Drunk Driving*.

Joining MADD at the press conference were the Department of Transportation, the National Highway Traffic Safety Administration (NHTSA), the Insurance Institute for Highway Safety (IIHS), the Governors Highway Safety Association (GHSA), the Century Council, the Distilled Spirits Council of the United States (DISCUS), the International Association of Chiefs of Police (IACP), and the Alliance of Automobile Manufacturers. Properly implemented, this public/private partnership will lead to the elimination of one of the primary public health threats to the American family for the

last 100 years. Each supporter will pursue these initiatives according to their own policies and procedures.

Lt. Colonel Jim Champagne, immediate past chairman of GHSA, endorsed the *Campaign* as a way to renew attention to the drunk driving problem. According to Champagne, "State Highway Safety Agencies were pleased to work with MADD to help develop this new *Campaign* and we think it sends a clear message to those who may be tempted to drive drunk: we will use every tool at our disposal to keep our roads safe and when we arrest you—and we will—there will be no leniency."

Highly visible law enforcement crackdowns, including checkpoints and saturation patrols, are proven to get drunk drivers off the road. Eighty-seven percent of Americans support the use of sobriety checkpoints, yet 10 states still prohibit the use of them. The *Campaign* will work to make checkpoints legal in all states.

"Impaired driving is not just another traffic offense; it is a serious crime that often causes needless deaths and injuries," said IACP President Joseph Carter, Chief of the MBTA Transit Police Department. "More than two decades of research have demonstrated that sobriety checkpoints and other law enforcement efforts make a difference. They are vitally effective techniques to get impaired drivers off of our roads."

Research shows that the overwhelming majority of people arrested for drunk driving have driven drunk more than 50 times *before their first arrest*. Two-thirds of those whose licenses are suspended for DUI drive anyway. **Interlocks are proven to be up to 90 percent effective while on the vehicle**, yet it is estimated that only one in eight convicted drunk drivers each year currently get the device, and most of those are repeat offenders. Sixty-five percent of the public support mandatory interlocks for first time offenders, and 85 percent of the public support mandatory interlocks for repeat offenders.

The Honorable Susan Molinari, chairman of The Century Council, noted, "I thank MADD for having the vision that eliminating drunk driving is possible and that to do it, it requires many different stakeholders at the table. By working together, we can eliminate drunk driving."

In addition to stronger enforcement and mandatory **interlocks for all convicted drunk drivers**, MADD supports the development of new sensor technology already underway that allows a vehicle to recognize if a driver is drunk, and to stop the driver from operating that vehicle. The public is overwhelmingly supportive: by a 4

to 1 margin (58 percent to 16 percent), Americans support advances in smart vehicle technology to prevent drunk driving.

"Enforcement is essential, but we know we'll never arrest all drunk drivers once they get on the road," said Susan Ferguson, senior vice president of research at the Insurance Institute for Highway Safety and chair of the newly-announced Blue Ribbon Panel for the Development of Advanced Alcohol Detection Technology. "If society is to eliminate the carnage caused by drunk drivers, we must do more to prevent them from drinking and driving in the first place. Fortunately, advanced technology is being developed that may allow quick, reliable detection to do just that."

MADD, NHTSA, the auto industry and the Insurance Institute for Highway Safety are forming a cooperative research initiative via the Blue Ribbon Panel for the Development of Advanced Alcohol Detection Technology to help bring this new technology to market in the next 10 years through a non-regulatory, voluntary and data driven effort.

"The Institute has long studied the most effective ways to enforce alcohol-impaired driving laws," adds Adrian Lund, president of IIHS. "Now our research will have two broad objectives: to maximize the effectiveness of laws and enforcement techniques and to study how new technology can fit seamlessly into the driving task without affecting the majority of drivers who drive sober."

At least four classes of technology warrant further investigation by the Blue Ribbon Panel: advanced breath testing, both individual testing and testing for alcohol in the vehicle; using visible light to measure BAC (spectroscopy); using non-invasive touch-based systems to measure BAC transdermally; and eye movement measurement technology, including the involuntary eye movements (or nystagmus) related to BAC, and eye closure that can indicate drowsiness.

"There is no single solution that will eliminate drunk driving. Drunk driving remains a behavioral challenge, an enforcement challenge and a challenge requiring innovative new approaches, including exploring new technologies," said Fred Webber, president & CEO, Alliance of Automobile Manufacturers. "These diverse organizations are well suited to address the long-term strategy."

MADD intends to work with law enforcement agencies, judicial organizations, auto manufacturers, insurers, distilled spirits companies, technology companies, safety

advocates, health care professionals, and emergency technicians to abolish drunk driving in the U.S. through the *Campaign to Eliminate Drunk Driving*.

MADD's mission is to stop drunk driving, support the victims of this violent crime and prevent underage drinking. Founded in 1980, MADD has helped save more than 330,000 lives. MADD is a 501 (c)(3) charity with approximately 400 entities nationwide and 2 million members and supporters. For more information, visit our online press center , www.madd.org, www.madd.org/campaign or call 1-800-GET-MADD.

Top Myths About Ignition Interlock Devices

1. The Ignition Interlock unit drained the battery.

Units draw less than 1/4 of one amp when not in operation and it draws 1/2 half of one amp when it is preparing for a test. This is minimal drain on the battery of a properly functioning vehicle electrical system. The Ignition Interlock will not drain the battery to the point where it will not start unless the vehicle is not started for approximately 10 consecutive days. This period will be shorter if the electrical system is not functioning properly such as poor alternator output or dead cells in the vehicle battery. These symptoms are common in vehicles 5 years old and older. In such a case, the vehicle would have battery problems with or without an ignition interlock device. Just as tires on a car wear out with use, so do batteries and alternators and they are considered standard maintenance items for proper vehicle upkeep.

Clients are encouraged to start their vehicles on a regular basis so they maintain a charged battery. Keep in mind, the court/DMV order states the unit should be installed in the vehicle most often used. If the car sits unused for extended periods of time, the client may be driving another vehicle that is not equipped with an ignition interlock.

2. Spicy foods or Mexican foods cause the Ignition Interlock to fail.

In some cases spicy foods, when mixed with the HCL in the stomach creates a gas called methane. With the non-alcohol specific devices the methane gas will create a false positive because the sensor reacts to the hydrocarbons. Anti-acids and water will usually relieve the situation. This phenomenon doesn't occur with the alcohol specific ignition interlock utilizing alcohol specific, Fuel Cell technology.

3. Cigarette smoke and snuff cause the Ignition Interlock to fail.

Clients are instructed to always take a few deep breaths before blowing into the unit if they are smokers. Cigarette smoke does not affect the alcohol specific ignition interlock however; smoke should never be blown into any unit.

4. Gasoline at the service station causes the Ignition Interlock to fail.

Normal refueling at the gas station will NOT create a failure. Gasoline in high concentration will not register enough to be a fail on an alcohol specific ignition interlock.

5. Perfume, hairspray, after-shave colognes, cause the Ignition Interlock to fail.

Most perfumes and colognes contain alcohol but the ignition interlock will not react to it in heavy concentrations.

6. Mouthwash/Mouthspray causes the Ignition Interlock to fail.

Mouthwash and sprays usually contain up to 30% alcohol and will definitely react as alcohol in all ignition interlock devices. Non-alcohol mouthwash is available and all ignition interlock users should use this mouthwash. The alcohol concentration level can register as high as .250 but will immediately dissipate within a fifteen (15) minute timeframe due to being mouth alcohol only or quicker if the mouth is rinsed with water. Clients are always instructed to rinse their mouths out with water before each and every test.

7. Chocolate mints, Altoids, Dentyne and other gums cause the Ignition Interlock to fail.

Alcohol filled chocolates will register a fail; however, the alcohol in the chocolate will dissipate in 3 minutes.

8. Cinnamon Rolls and Donuts make the Ignition Interlock fail.

The sugar and the active yeast can combine to create a low level alcohol fail some of the time. However, as with cigarette smoke or mouthwash, a second test will indicate a drop or a completely clean test. Rinsing the mouth with water after eating and before blowing into the device will eliminate a fail. Smart Start clients should ALWAYS rinse their mouth with water before taking a test.

9. The Ignition Interlock just aborts and I can't start my vehicle.

The majority of all aborts are caused by improperly blowing into the device.

10. My friend or girlfriend blew a fail and was drinking.

The defendant is informed that they are responsible for all tests recorded on the vehicle's ignition interlock.

11. My engine stopped due to the ignition interlock OR What if it shuts the car down in a bad part of town

The units are designed to prevent the starting of a vehicle if a breath test is not passed. There is only one wire interrupted for the installation of the ignition interlock device and it serves no other purpose than to send the signal to the starter for the vehicle to start once the test is passed. If the individual fails a test while driving, it simply records a violation; *it does not shut the vehicle down.*

12. What is the difference between T-Cell (non-alcohol specific) vs. the Fuel cell (alcohol specific device)?

A fuel cell sensor is an electrochemical device in which the substance of interest, in this case alcohol, undergoes a chemical oxidation reaction at a catalytic electrode surface (platinum) to generate an electrical response. This response is then converted to an alcohol equivalent reading. By careful design and catalyst selection, the fuel cell chemistry can be geared to work only with a limited range of fuel substances. This is what gives the cell its high specificity to alcohol. T Cells, Taguchi, or Semi-conductor sensors, consist of a small bead of metal oxide, which is heated to a high temperature, and a voltage is applied to produce a small current. As a substance comes into contact with the small bead (alcohol) it changes this current. This change is then converted into an alcohol reading.

13. I only had one beer or glass of wine or one cocktail.

If one drink is consumed one hour or more prior to startup, the average person will pass the test. Alcohol is normally metabolized at the rate of 1 ounce of alcohol per hour. It should be noted that size, gender, and several other factors play a key role in determining the body's absorption of alcohol. There is no single formula that can be used for everybody in determining how much he or she can drink before they are affected by the alcohol.

14. I can start my vehicle without taking a test.

This can only be accomplished by a deliberate means of circumventing the ignition interlock. This would be considered tampering and would be recorded by the ignition interlock as a start violation.

15. What does anti circumvention mean?

This is a generic term for features designed to make tampering of the ignition interlock much more difficult. Some anti-circumvention features of the SSI-1000 include voice-tone, rolling-retests and the ability to detect power disconnections.

16. The rolling retest is dangerous.

The rolling retest is programmed to ask for a test within 5 to 15 minutes after initial start up of the vehicle and then randomly thereafter about every 45 minutes. Once the SSI-1000 requests the test, the client has six (6) minutes to respond. The test does not require eye contact with the device and the 6 minutes allows adequate time to pull over if the client feels more comfortable doing so.

17. The device is not very accurate.

All interlock devices must be certified to meet NHTSA specifications for accuracy and dependability and often by each State's specs as well. When properly calibrated the ignition interlocks are accurate enough to determine the presence of alcohol and its concentration. The device ignition interlock cannot be used to determine if a client is legally intoxicated because the test is unsupervised. Some of the evidentiary breath testing equipment used by the police departments actually utilizes a fuel cell sensor as an additional means of verifying test results. Interlocks with fuel cell sensors are accurate.

18. Anyone can blow in the Ignition Interlock. I only have one car in our family.

All family members must be trained to use the device however; the client is responsible for any positives and all readings registering on the monthly data logs. Yes, anyone can blow into the ignition interlock, but they must be able to make the voice tone and pass a test, at a level determined by State requirements, and they must also submit to the rolling retests.

19. Defense attorneys will attack the credibility of reports/data.

This is what defense attorneys are paid to do. We provide ignition interlock services and have employees who can provide testimony in cases where either the records are contested or detailed explanations of the reports are necessary. We prefer to have at least 3 days advance notice, but can prepare for a case in a shorter period of time if necessary. When the reports indicate repeated and significant problems we have been highly successful in having our device, systems, and reports held up in court. When there is only a single event or when events are interpreted outside of our standards the success rate is lower.

20. The Ignition Interlock costs too much.

A average cost of a unit is approximately \$2.50 per day. The cost is at the expense of the offender. Statistics show that the average amount of money spent on alcohol per day by the offender is \$16.00. They spend 30% of their monthly salary on alcohol.

Nothing is 100%. However, the ignition interlock works and there are independent studies that back this up. In order for it to be effective it must remain on the vehicle. One IID company has prevented over 4 million illegal starts since 1992. ***Surely they have saved several lives by preventing so many DWI attempts!***

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1. Can someone use a balloon or other air source to mimic human breath?

No. The devices currently available have anti-circumvention techniques, which cause the Ignition Interlock Device to abort phony breath samples.

2. Can a person with an Ignition Interlock Device restriction have someone else take the breath test for the driver to start the vehicle?

Not legally.

3. Will the Ignition Interlock Device unit lose all memory if the battery is disconnected?

No. The unit has a back up lithium battery to protect the data log's memory.

4. If a driver gets stranded and thinks the Ignition Interlock Device unit is causing the problem, is there anything he/she can do?

Some units can self-diagnose problems and the driver will be able to confirm if the unit is having problems by the condition of the service light. The driver can also call a service provider to help determine if the unit requires service.

5. Can a participant leave his/her car running outside of a bar, while drinking inside, and then drive away?

If someone tries to do this, the unit will randomly ask for breath tests while the vehicle is running. If a sample is not given when requested, the device logs a violation and with some devices, the horn starts to honk until the vehicle is shut off.

6. What happens when the driver forgets his/her service appointment?

The device will prompt the driver. For example, a device may flash or the light may stay on and a tone will sound if it needs service. If the IID is not serviced, all Ignition Interlock Devices will enter a lockout condition and the driver will not be able to operate the vehicle. Then, the vehicle would have to be towed to the service center or the service center technician would have to perform remote service.

7. What if the driver is taking a medicine with an alcohol base?

Alcohol is alcohol. If the driver's blood alcohol concentration, as measured in the breath, is over the preset level, the driver will not be allowed to start the vehicle. During the training session, drivers are particularly cautioned about common substances that contain alcohol and the use of mouthwash.

8. What if the driver uses mouthwash in the morning and the mouthwash has an alcohol base?

Again, alcohol is alcohol. If the driver does not allow sufficient time for the alcohol to dissipate from his/her mouth, a FAIL will be registered in the memory.

9. What happens when a driver fails the breath test?

The Ignition Interlock Device will enter a short lockout period of a few minutes for the first failed breath alcohol test and a longer lockout for any subsequent failed breath alcohol test. This permits an opportunity for the alcohol to dissipate from the mouth and for the driver to consider the reason for the failed breath alcohol test.

10. Can others besides the participating driver drive the IID-equipped vehicle?

Yes. However any intended driver must take and pass a breath test in order to start the vehicle. All other possible drivers should be trained on the operation of the device. The person with the Ignition Interlock Device restriction is responsible for all readings recorded by the device.

11. What happens when the IID-equipped vehicle needs repair?

The driver needs to contact the Ignition Interlock Device service provider before having repairs conducted on his/her vehicle in case the repair shop has questions about the IID. Documentation must be provided if the power to the vehicle is interrupted as the unit will record the power disconnect and the reconnect.

12. If the Ignition Interlock Device unit malfunctions, will it shut the vehicle off?

No. The IID unit has no means of interrupting vehicle operation once it is started.

13. What happens if the vehicle stalls in traffic?

The Ignition Interlock Device unit permits the driver to restart the vehicle without having to conduct another breath sample, but a breath sample will be requested shortly after restarting.

14. What happens if the driver is out of California and experiences problems with his/her Ignition Interlock Device unit?

Most states currently have Ignition Interlock Device programs with service centers to assist them. Drivers are instructed to contact the primary service center to be routed to the closest center for assistance.

15. Will installation of the Ignition Interlock Device damage the vehicle?

No. The IID unit is only connected to the wiring under the dash and under the hood. At the end of the program, this wiring is restored to pre-IID installation conditions.

16. Will the requirements to take a "running retest" cause the driver to take his/her eyes off the road creating a hazardous situation?

No. When the Ignition Interlock Device signals for a retest, the driver has a few minutes to provide the sample or to pull over to the side of the road in a safe area to provide the breath sample. There are no buttons to push; the driver must only breathe into the unit to complete a breath sample. This is much simpler than using a cellular telephone or tuning a state-of-the-art car stereo.

17. How often does the device need a calibration check?

Typically, every 60 days.

18. Can the device be tampered with by computer?

No. Proprietary software and a special interface connection are needed to communicate with the device.

Drunk Drivers Beware: System Works in Drew Co.

Source: PINE BLUFF COMMERCIAL
(Arkansas) - Thursday, July 9, 1998

Kara Tooke -
MONTICELLO/WARREN
CORRESPONDENT, MONTICELLO

If you're planning on throwing caution to the wind when it comes to consumption of alcohol and getting behind the wheel of a car, think twice before heading to Drew County.

It was one year ago this month Municipal Judge William R. "Bill" Daniels made the decision to crack down on drunk drivers by ordering all first offenders to have installed in their vehicle an Ignition Interlock system. Already Drew County is witnessing a change for the better.

The Interlock, which looks like a small portable breathalyzer and is endorsed by Mothers Against Drunk Driving (MADD), is fitted into a vehicle's dashboard. Before their car will start, the driver must blow into it. The system analyzes the sample and if even a trace of alcohol is detected, the car will not start.

A study done by the University of Maryland showed that "an interlock program reduces the risk of an alcohol traffic violation within the first year (after conviction) by about 65 percent."

"The figures show that DWIs in our court are down about 30 percent from years past," Daniels said.

Where normally eight to twelve people charged with DWI would appear on one day in his court before, Daniels said now he sees an average of five or six. He also reports a significant decrease in the number of second and third offenses.

Law enforcement has noticed a difference as well. "We've seen a decrease in DWIs on regular patrols," Sheriff Tommy Free said. "They're holding people in contempt for not installing it and there have been some lengthy jail terms imposed," he noted.

"I had one State Trooper tell me his superiors wanted to know why he hadn't been making arrests on DWI," said Daniels. "He told them they're just not out there."

Daniels decided to adopt the policy after he lost confidence in the idea that fines were an effective deterrent to drinking and driving.

"Though they had to deal with the embarrassment of court, fines didn't seem like a big enough deal to those first offenders who just made a careless mistake," said Daniels, "and those with a real problem needed to be threatened with something more burdensome and meaningful."

Daniels attributes the success of the policy to the willingness to force those with a DWI first offense to have the Interlock, as well as the severe sanctions that have been imposed for non-compliance. "The fear factor is at work," said Daniels. "If they violate the order

by refusing to have the system put on or tampering with it they're going to be looking at as much as 180 days in jail and a \$1,000 fine."

According to Superior Interlock Services Inc., of Conway which installs and maintains the systems for Drew County, 86 people were caught drinking and driving over the last year in the county and all were prohibited from driving any vehicle without an Interlock.

Of the 86 convictions, 30 units have been installed according to a report from Superior Interlock. Of those not yet in compliance, ten people claim not to own a vehicle, two live out of Arkansas where there is no service, one is in rehabilitation, another is in jail for tampering and 42 warrants are being processed for non-compliance.

"If the punishment for not following the order is strong enough, the word travels pretty quickly," said Fred M. Bowers, president of Superior Interlock. Paul Dotley, a DWI Counselor with Delta Counseling in Monticello agrees. "It's made a major impact in Drew County, and since Judge Daniels orders the interlock for first offenders, it's a great deterrent," he said.

All DWIs issued in a five-county area are referred to Delta Counseling, and Dotley says Drew "by far has dropped more than any other county." "Several area judges have shown an interest and we're hoping they will go to the Interlock as well," he said.

According to Bowers, who is working with others to push legislation allowing offenders to have their license reinstated

upon proof that their vehicle is equipped with an Interlock, the use of an Interlock is easily validated.

"National statistics show that 80 percent of those who have their license suspended drive anyway...illegally, without insurance, and with no way of knowing if they are driving drunk or not," Bowers said.

Daniels said the Interlock is logical because if violators have been proven to drive regardless of having their license suspended, "Why not offer the public some degree of protection from drunk drivers and keep them legal?"

"It allows them to keep driving to work so they can provide for their family, while keeping them in the system so their behavior can be monitored," said Bowers.

Another perk that comes with the Interlock is that it keeps potential drunk drivers out of trouble and they know it. "A few people, after going through counseling and driving with the system on their cars for a year, have decided to keep it even though they no longer have to because they realize it's cheaper than paying fines and insurance increases" said Dotley. "It becomes a crutch for them" said Bowers, "because they know they will drink and drive again, but not with an Interlock."

"My goal in establishing the Interlock as a punishment was to keep the roads safe for my family and yours, it's even better if it helps someone realize they have a real problem," said Daniels. "I'm really pleased with its effectiveness."

Alaska State Legislature



Senator Hollis French

SB 92 – Ignition Interlock Devices

Sponsor Statement

Senate Bill 92 uses modern technology to combat the chronic problem of drunk driving in Alaska. Ignition interlock devices are used across the nation to prevent individuals from starting and driving their vehicles while intoxicated. Alaska has one of the highest DUI rates per capita in the nation – and many of those convicted are multiple offenders. According to 2006 statistics, nearly a third of the DUI cases in that year involved a drunk driver who'd been convicted of the same offense in the past.

This legislation would require the use of an ignition interlock device ("IID") during the entire length of probation for repeat DUI offenders and first DUI time offenders that have a blood alcohol level over .15 upon arrest. In order for a repeat offender to legally get behind the wheel again, an ignition interlock must be installed. The cost of the device is borne by the offender.

Similarly, if a judge grants a limited license driving privilege to an offender during his or her period of license revocation, this bill requires the use of an IID for repeat offenders or first time offenders who blow over a .15.

No one will argue that Alaska needs to lower its DUI statistics. I believe that SB 92 is a proactive step in physically reducing the number of vehicles on our roads driven by drunk drivers. Please join me in supporting this legislation.

LEGAL SERVICES

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LEGISLATIVE AFFAIRS AGENCY
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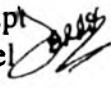
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 23, 2007

SUBJECT: Sectional Summary of SB 92 (Work Order No. 25-LS0439\E)

TO: Senator Hollis French

FROM: Gerald P. Luckhaupt
Legislative Counsel 

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1. Amends the Alaska Uniform Traffic Laws Act to provide that a municipality may not enforce a municipal ordinance for driving while under the influence or refusal to submit to a chemical test unless the ordinance imposes ignition interlock requirements as provided in the bill.

Section 2. Amends the limited license provisions of AS 28.15.201(d) to require the use of an ignition interlock device as a condition of a limited license if the person has been previously convicted unless the person lives in a community where an ignition interlock device is unavailable.

Section 3. Amends AS 28.35.030(b) to require that all persons convicted of a second offense or greater misdemeanor driving while under the influence must use an ignition interlock device while the person is on probation for the offense after the person regains their privilege to drive.

Section 4. Amends AS 28.35.030(n) to require that all persons convicted of felony driving while under the influence must use an ignition interlock device while the person is on probation for the offense after the person regains their privilege to drive.

Section 5. Amends AS 28.35.030(r) to clarify that this subsection only applies to first offenders, which corresponds to the requirements imposed in bill sections 2 and 3.

Section 6. Adds new subsections to AS 28.35.030 that (1) clarify that the court may place a person on probation for driving while under the influence for up to 10 years and may limit the person's license during that time by requiring the person to use an ignition interlock device, and (2) allow the court to waive ignition interlock device requirements for persons who reside in a community where ignition interlock devices are unavailable.

Section 7. Amends AS 28.35.032(g) to require that all persons convicted of a second offense or greater refusal to submit to chemical test must use an ignition interlock device while the person is on probation for the offense after the person regains their privilege to drive.

Section 8. Amends AS 28.35.032(p) to require that all persons convicted of felony refusal to submit to chemical test must use an ignition interlock device while the person is on probation for the offense after the person regains their privilege to drive.

Section 9. Amends AS 28.35.032 by adding new subsections that (1) clarify that the court may place a person on probation for refusal to submit to chemical test for up to 10 years and may limit the person's license during that time by requiring the person to use an ignition interlock device, and (2) allow the court to waive ignition interlock device requirements for persons who reside in a community where ignition interlock devices are unavailable.

Section 10. Allows persons who already have a limited license at the time this bill becomes to law to continue under that limited license and its requirements.

Section 11. Provides an effective date.

GPL:ljw
07-098.ljw

Senator Hollis French

Capitol Room 417
465-3892
465-6595 fax



MEMORANDUM

Date: March 29, 2007

To: Senate Judiciary Committee

From: Sen. French

RE: SB 92 – Ignition Interlock Devices

I wanted to share a few numbers from the Division of Motor Vehicles. These numbers pertain to Administrative Actions.

Last year, there were:

- 4236 licenses revoked for a DUI.
 - Of those:
 - 3040 were first time offenders (71%)
 - 1223 were multiple offenders (29%)

- 271 who received a limited drivers license (limited to travel between home and work)
 - Of those:
 - 234 were granted to first time offenders
 - 37 were granted to repeat offenders



MADD

Activism | Victim Services | Education

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March 13, 2007

Chairwoman Lesil McGuire
Senate State Affairs Committee
State Capitol, Room 125
Juneau, AK 99801-1182

Dear Chairwoman McGuire:

On behalf of Mothers Against Drunk Driving, I thank you for your committee's consideration of SB 92, a bill that would require ignition interlock devices for repeat DUI offenders and offenders with a Blood Alcohol Concentration of .15 or higher. MADD strongly believes that all those convicted of DUI should be required to have an ignition interlock device, and this is a very important first step in achieving that goal.

In 2005, nearly one-half of all traffic fatalities in Alaska were alcohol-related. This is a number that is well above the National average for alcohol-related traffic fatalities and it is a number that the citizens of Alaska should be outraged about. Luckily it is a number that, with current technology, we can significantly decrease, if not even eliminate. Ignition interlock devices, when used in conjunction with other effective sanctions like license suspension and treatment, have proven to decrease rates of recidivism amongst drunk drivers by up to 90%, and in turn save lives.

Unfortunately, this important technology is not being utilized to the large extent it should be, and in Alaska, it is rarely being utilized at all. We have made significant progress in reducing drunk driving over the past 25 years, but the reality is that people still choose to drive drunk and endanger the public. Every time that choice is made, the potential for an innocent life being lost is great. If these individuals are required to have interlocks, we can prevent that choice from being made again, and we can save that life.

If Alaskans are serious about saving lives and preventing injuries caused by the senseless act of drunk driving, than it is imperative that this legislation is passed. Again, thank you for your consideration of this measure and if you have any further questions, please feel free to contact me at (202) 974-2474.

Sincerely,

Kathryn Heineman
State Policy Specialist
Mothers Against Drunk Driving

Susan Molinari
Chairman

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Chief (Ret.) Colorado State Patrol*



March 13, 2007

The Honorable Lesil McGuire
Chairman, Senate State Affairs Committee
Senate State Affairs
Capitol Building #417
Juneau, AK 99801-1182

Dear Chairman McGuire:

The Century Council was founded in 1991 and is an independent, national not-for-profit organization headquartered in Washington, D.C. Funded by America's leading distillers (Bacardi U.S.A., Inc., Brown-Forman, Constellation Brands, Inc., DIAGEO, Future Brands, LLC, Hood River Distillers, Inc., and Sidney Frank Importing Co. Inc), the Council is dedicated to developing and implementing programs that fight drunk driving and underage drinking. To date, we have hosted nearly 2,200 community events to launch our programs across the nation bringing them to millions of parents, youth, educators, law enforcement officials and traffic safety professionals.

Through the years, The Century Council has worked extensively throughout the nation on anti-drunk driving and underage drinking efforts. Responding to a growing body of research that points to repeat offenders and hardcore drunk drivers as the source of a large and disproportionate share of highway crashes, in 1997 the Council created The National Hardcore Drunk Driver Project. The Project serves as a single, comprehensive resource to assist state legislators as well as highway safety officials, law enforcement officers, judges, prosecutors, community activists and treatment professionals in developing programs to reduce hardcore drunk driving.

At the national level, The Century Council, AAA and the National Transportation Safety Board have formed *The Coalition to Fight Hardcore Drunk Driving* to support state legislative proposals to enact comprehensive and effective solutions to the hardcore drunk driving problem. Additionally, the Council supports Mothers Against Drunk Driving and their *Campaign to Eliminate Drunk Driving*. We are pleased to be joining together with MADD to support SB 92 and offer any assistance that we can in advocating for its passage.

Hardcore drunk drivers are those who drive with a high blood alcohol concentration (BAC) of .15 or above, who do so repeatedly, as demonstrated by having more than one drunk driving arrest, and who are highly resistant to changing their behavior despite previous sanctions, treatment or education efforts.

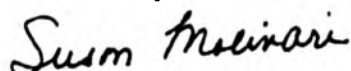
Hardcore drunk drivers are involved in the majority of alcohol-related traffic fatalities. Crash data shows that drivers with a BAC of .15 are 385 times more likely to be involved in a crash than a non-drinking driver. In Alaska, 62 percent of drivers with known BAC levels who were involved in alcohol-related traffic fatalities in 2005 had BAC levels of .15 and above according to the National Highway Traffic Safety Administration. The national average is 59 percent.

Based on our research, we believe that strong laws enabling swift identification, certain punishment and effective treatment are critical fundamental elements necessary to reduce the incidence of hardcore drunk driving. Further, we believe that these elements must be coordinated into a statewide system to be effective in this fight.

The Century Council strongly favors tiered systems that allow for more severe penalties, and treatment and aftercare for hardcore drunk drivers. The Council strongly supports SB 92 which requires the use of ignition interlock devices for repeat offenders and for those that have refused to take a breath test one or more times in the past 10 years.

We urge swift passage of this legislation that will reduce hardcore drunk driving. If there is anything that The Century Council can do, please contact Erik Strickland, Manager of Government Relations at 202-637-0077. We stand ready to help you in the fight against drunk driving.

Sincerely,


Susan Molinari