

PUTTING A LOCK ON IT

Many argue the only way to stop people from driving when they're drunk is with technology.



“If the ultimate goal is public safety, requiring drivers who want to drive to use ignition interlocks means they will be driving sober.”

—SENATOR MIKE FLOOD, NEBRASKA
SPEAKER OF THE LEGISLATURE

BY MELISSA SAVAGE AND ANNE TEIGEN

In 1980, after her 13-year-old daughter was run over and killed by a drunken driver, Candy Lightner started Mothers Against Drunk Driving. In the ensuing years, federal and state legislation drew attention to the problem and curbed the number of drunken driving incidents and deaths.

Even though the numbers are going down, one person still dies every 50 minutes in an alcohol-related crash. According to one AAA study, 10 percent of drivers admit driving even when they think their blood alcohol content may be over the legal limit. Most said they did so more than once a year.

High visibility enforcement, public awareness campaigns such as “You drink. You drive. You Lose,” and state legislative action throughout the years have helped push the DUI statistics in the right direction. Yet, many advocates argue the only way to truly solve the problem is through

Melissa Savage and Anne Teigen track traffic safety issue for NCSL.

technology, and they've been busy taking this message to statehouses around the country.

Ignition interlock devices can be the silver bullet, according to some advocacy groups. In 2005, New Mexico was the first state to require them for all convicted drunken drivers, including first-time offenders. At the time, states required ignition interlocks only for repeat offenders or those with high blood-alcohol-content levels. In 2007, Arizona and Louisiana passed bills similar to New Mexico's, and today 11 states have these laws. Connecticut, Kentucky, New Jersey, New York and Texas currently are debating bills.

At least 15 states have introduced a variety of ignition interlock bills so far in 2011. Iowa, New Jersey and Texas are considering proposals that would require some DUI offenders to wear continuous alcohol monitoring devices as a part of their sentence. A proposal in Indiana would require the warning “no alcohol sales” on repeat offenders' driver's licenses.

Nebraska is looking to make sweeping changes to its drunken driving laws through a bill that would eliminate the administrative license revocation law, introduced by Senator Mike Flood, speaker of the Nebraska Legislature. Under the administrative license revocation law,

CONGRESS JUMPS IN, TOO

U.S. Senators Frank R. Lautenberg and Tom Udall introduced The Drunk Driving Repeat Offender Prevention Act of 2011 on Feb. 3, 2011, which would require all states to install ignition interlock devices for at least six months in all drunken drivers' cars.

If it passes, states that fail to comply by Oct. 1, 2013 will face a reduction in their federal transportation funding. Currently, only 11 states require an ignition interlock for all drunken driving offenders, even first offenders: Alaska, Arkansas, Arizona, Hawaii, Louisiana, Nebraska, New Mexico, New York, Oregon, Utah and Washington.

Alabama and South Dakota are the only states with no ignition interlock law.

police officers can immediately take away a driver's license for driving under the influence, but the offender can keep driving with a 30-day temporary license. A separate hearing is required to address the driver's license issue apart from the criminal hearing on driving drunk. Forty-one states have these laws.

Flood's bill would streamline the process by revoking driver's licenses of DUI offenders immediately and installing ignition interlock devices in their cars. Flood says the problem with the current system is that drivers who have been stopped for DUI are allowed to continue driving legally. Administrative license revocation "allows people with a drinking problem to keep drinking and driving. If the ultimate goal is public safety, requiring drivers who want to drive to use ignition interlocks means they will be driving sober," says Flood.



SENATOR
MIKE FLOOD
NEBRASKA

When Nebraska adopted the administrative license revocation law in 1994, ignition interlock technology was just developing. Today, the technology is more robust and affordable,

making it a cost-effective way to keep drunken drivers off the roads. Flood says the Nebraska Department of Motor Vehicles spends about \$1 million a year running the administrative license revocation program. That's one reason he wants to move to an ignition interlock approach. The other is that national studies have shown most people who lose their license keep driving whether they have a temporary license or not. Ignition interlock devices make it impossible to drink and drive.

The National Transportation Safety Board, however, recommends a comprehensive approach, using administrative license revocation and ignition interlock along with treatment and probation. Danielle Roeber, with the NTSB says the tools used to combat drunken driving should complement each other. "Treatment, probation, ALR and interlocks all support changing behavior and that is the way to prevent repeat offenders," Roeber says. It's premature, he says, to see the ignition interlock alone is a silver bullet. "As long as people can get their hands on cars without interlocks they will."

Those opposed to the legislation also argue the administrative license revocation process is part of a defendant's constitutional right to a hearing. ■

FIGHTING DUI 24/7

Lawmakers in South Dakota are keeping repeat drunken drivers off the roads and out of jail with the "24/7 sobriety" program. It began as a pilot program in 2005, and was expanded statewide in 2007.

Instead of using interlock devices, the "24/7" program requires participants—usually repeat DUI offenders—to take a breath test twice a day at a local sheriff's department. If they pass the test, they can stay out of jail and keep driving. But if they fail, and a "preponderance of evidence" suggests they've been drinking, they not only lose their license but also spend time in jail.

By early 2009, nearly 11,000 offenders participated in South Dakota's program, taking more than 1.8 million tests and passing 99.6 percent of them. And 66 percent of the offenders were compliant during their participation in the program. The South Dakota Senate voted unanimously in February to allow ignition interlock devices to be added to the state's "24/7" program.

Other states are looking at South Dakota's program, but so far it has expanded only to North Dakota, in 2009. Skeptics wonder if it is practical in urban settings where there are more offenders and police resources might not be able to meet the demand.

Montana lawmakers, however, are considering a bill this year to require anyone who has been arrested for impaired driving more than once to take a breath test twice a day and to pay \$4 a day for the privilege. County officials who had a 24/7 pilot program in early 2010 report positive results. Out of more than 6,000 breath tests, 99.9 percent showed a blood alcohol level of 0 percent.

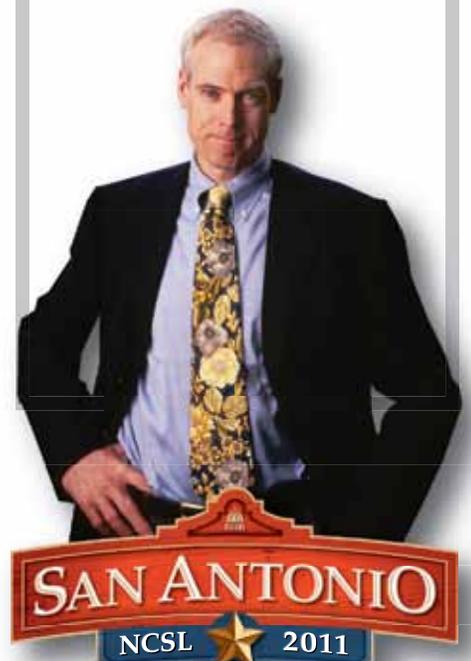
The sponsor of Montana's "24/7" bill, Representative Steve Lavin, says the "24/7" program is "one of the most dynamic ideas in DUI legislation in a long time." He points out that the program ensures repeat drunken drivers are staying sober and remaining productive members of their community.

Montana also is considering bills to address drugged driving, to require chemical dependency assessments for convicted drunken drivers, and to make a notation on convicted drunken driver's licenses.

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It's not that [great] leaders have no ego or self-interest. Indeed, they are incredibly ambitious—but their ambition is first and foremost for the institution, not themselves.

Jim Collins, best-selling author of the book *Good to Great*, praised by Fortune, Business Week and The Wall Street Journal.



INTERLOCK DEVICES: HOW THEY WORK

Ignition interlock devices are connected to a vehicle's starter system. If the device detects that the driver's alcohol level exceeds a preset amount—usually somewhere between .02 and .05—it blocks the power to the starter.

The devices can be set to retest the driver after a period of time to prevent them from using sober friends to start the car or from drinking after starting the car. Offenders pay for the devices, which run between \$100 and \$250, and monthly monitoring costs, which can run between \$65 and \$90. Some states also charge offenders additional fees for administrative costs.

Mothers Against Drunk Drivers recommends installing devices for one year for first-time offenders, two years for a second offense, five years for a third, and 10 years for a fourth.

In Arizona, those convicted of a first offense must have interlock devices installed for one year. In response to efforts to repeal this provision, Senator Linda Gray has introduced legislation to reduce it to six months. She hopes that will head off efforts to eliminate the requirement altogether. Gray acknowledges the devices can be expensive to install and maintain, but emphasizes they are effective in keeping drunks off the road.

Interlock devices reduce the chance of another offense by about 64 percent. In Illinois, researchers found drivers using the devices were 20 percent less likely to be arrested on a DUI charge during the first year than those without the device. The rate at which drivers end up driving drunk again, however, edges back up to the rate of the general population once the devices are removed.

More than 70 percent of all those convicted for DUI have an alcohol abuse problem, according to MADD. Of those, 10 percent to 50 percent have a serious alcohol addiction. Sanctions go only so far. These people often continue to drink and drive with a revoked license. The interlock, in and of itself, does not change the behavior.

When these people go through court-ordered assessment and treatment programs, the chances that they will be caught drinking and driving again goes down by about 9 percent. Thirty-six states require alcohol treatment for those caught drinking and driving. The National Highway Traffic Safety Administration believes this kind of treatment enhances the effectiveness of ignition interlock use. Some argue use of the technology for DUI offenders is well intended but without increasing the installation rate it will never live up to its potential.