

## Letter of Opposition to House Bill 2660

Representative Jeff Barker-Chair of the House Committee on Judiciary, Representative Andy Olsen, Vice-Chair, Representative Jennifer Williamson, Vice-Chair, Representatives Brent Barton, Mitch Greenlick, Wayne Krieger, Ann Lininger, Bill Post and Sherrie Sprenger.

My name is Ric Walker, Judicial Services Liaison with Smart Start of Oregon. I wanted to discuss House Bill 2660 with you and offer why HB2660 is a bill that does not create improved provisions to the current Oregon Statues on Ignition Interlocks and driving while under the influence of intoxicants.

As a current Authorized & Approved Ignition Interlock Provider in Oregon and as a member of the Coalition of Ignition Interlock Manufacturers (CIIM), I have attached some data that supports my strong belief that the present laws pertaining to Ignition Interlocks should remain the way that they are currently, and should not be altered and/or amended in the manner as described in HB2660.

The primary reason that these IID statues should not be amended is simply because these IID statues are effective and are working. I can attest to this, as a large part of my duties as a Judicial Services Liaison with Smart Start of Oregon, is to visit and sit in on DUUI Diversion Hearings in the various County Circuit Court jurisdictions throughout Oregon.

I am able to observe how effectively the Circuit Court Judges in Oregon carry out and apply the requirement to have the DUUI Offender install an IID. The statue in its current form is simple for the Judge to order, without having to complicate the proceedings with a change in the blood alcohol content as proposed with HB2660.

It is very important to keep in mind that a DUUI Offense begins with a person driving while **IMPAIRED**. When a traffic officer observes a vehicle that is driving in an impaired manner, there is enough cause to stop the driver and determine if there is indeed impairment. This can be accomplished by utilizing a breathalyzer and/or with a urine or blood test to confirm the presence of a substance responsible for the impairment of the driver.

Oregon officers are aware that even though the legal limit for driving while under the influence in Oregon is .08, a driver can be impaired with BAC levels that range from .020 or more. Applying the DUUI laws as they have been written is a matter of public safety and amending these laws would erode this public safety. I do see and have seen DUUI Offenders in court with considerable numbers of BAC levels between .015 and .024. HB2660 is not the answer. Ignition Interlocks saves lives!

I have attached data that supports this. Due in part to interlock laws for all convicted drunk drivers, states have seen significant reductions in drunk driving deaths: Arizona: 43 percent, Oregon: 42 percent and

New Mexico: 38 percent. (See data attached)

I ask you to take a close look at the Public Support and the leading Traffic Safety Organizations that I have provided.

Additionally, I have included data in the form of a Summary of State Ignition Interlock Laws. Note that Oregon currently only requires mandatory IID for a first offense with a BAC > .08

Look at the state trends and how Oregon's current IID laws are not strong enough yet. The last thing that Oregon needs is HB2660. This fact can be supported with the 2014 Survey of Currently-Installed Interlocks in the U.S. I have included this five page report which will provide you with the data that Oregon falls short from having stronger IID Laws, compared to a good number of states which do.

On Page 2 of this report the author indicates that there are 1,400,000 IMPAIRED DRIVING ARRESTS each year in the U.S. Accordingly, the ratio of currently installed interlocks to persons arrested is about 23%. There are 10.1 currently-installed interlock per ten thousand residents in the U.S.

Then on Page 3 and Figure 2, look at where Oregon is compared to other states, other states like Washington with more than 18,000 installed interlocks. Oregon Legislators should be asking, why does Oregon have only a little more than 6,000 installed interlocks, when it appears that there were somewhere between 18,000 to 22,000 DUII Arrests in Oregon?

Some IID Laws that were recently passed by some other States in 2014. Alabama became the 21<sup>st</sup> State to pass a first offender Ignition Interlock law. The law is effective July 1<sup>st</sup>.

Mississippi became the 22<sup>nd</sup> State to pass a first offender Ignition Interlock law to strengthen its repeat offender law. This law is effective Oct. 1

New Hampshire became the 23<sup>rd</sup> State to pass a first offender Ignition Interlock law to allow immediate reinstatement. The law is effective in 2016.

Delaware became the 24<sup>th</sup> State to pass a first offender Ignition Interlock law to allow immediate reinstatement. The law is effective in 2015.

Others: South Carolina passed Emma's Law, which is the first offender law, mandatory on High BAC, with repeat offenders receiving immediate license reinstatement if they install an interlock.

Connecticut expanded the 1<sup>st</sup> offender interlock requirement, making it harder to sit-out the period of interlock.

Idaho passed legislation making it mandatory for repeat offenders to have interlock for one year.

So once again I urge the Committee not to pass HB2660. I do however, propose that any continued or future proposed IID legislation, should not be considered without sitting down with real input from representatives of the CIIM Coalition or Ignition Interlock Providers authorized to operate in Oregon. We need real dialogue and Oregon Legislators really should be looking at improving IID Reporting and at the same time improved Monitoring Agency responsibilities for monitoring IID users. I would even welcome the opportunity to be invited to sit on an IID Task Force to share ideas and proposals to improve Oregon IID laws.

Respectfully and Sincerely,

Ric Walker

Smart Start of Oregon

Judicial Services Liaison

# 2014 Survey of Currently-Installed Interlocks in the U.S.

Richard Roth, PhD September 10, 2014

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The purpose of this report is to track the increases in the utilization of ignition interlock devices, IIDs, as a drunk driving sanction in the U.S. This is the ninth annual survey compiled by the author since 2006. Three figures in this report show the national trend and current snapshots for each state. The figures are:

1. the trend in the number of ignition interlocks installed in the U.S.,
2. the number of interlocks currently-installed in each state that reported the data, and
3. the number of interlocks per capita in each state.

Two sets of sources were used to compile the data in this report. The following twelve U.S. Interlock distributors comprised one set: AlcoAlert Interlock, Alcohol Countermeasure Systems, Alcohol Detection Systems, B.E.S.T. Labs, Consumer Safety Technology, Draeger Safety Diagnostics, Guardian Interlock, Lifesafer, Low Cost Interlock, Monitech, Sens-O-Lock of America, and Smart Start. Independent official government contacts in each of the states comprised the second set of sources. The data were collected during July and August of 2014.

Each of the twelve U.S. ignition interlock distributors provided an estimate of the total number of its ignition interlocks that are currently-installed in the U.S. All of the distributors except Smart Start also provided state-by-state estimates of their currently-installed interlocks. Independent state estimates were acquired from forty two states and only those estimates were used in this report. The author regrets that he was unable to acquire data from state sources in Alaska, California, Idaho, Indiana, Kansas, Mississippi, Ohio, and Texas<sup>1</sup>.

The columns of Appendix 1 contain the raw data and computed values used in this report.

Column 1 lists the states and the U.S.

Column 2 is the number of currently-installed IIDs in each state that supplied data.

Column 3 is the rank of each state on the number of its currently-installed interlocks.

Column 4 is the population of each state.

Column 5 is the number of IID's per 10,000 population

Column 6 is the state rank on IID's per 10,000 population.

## Acknowledgements

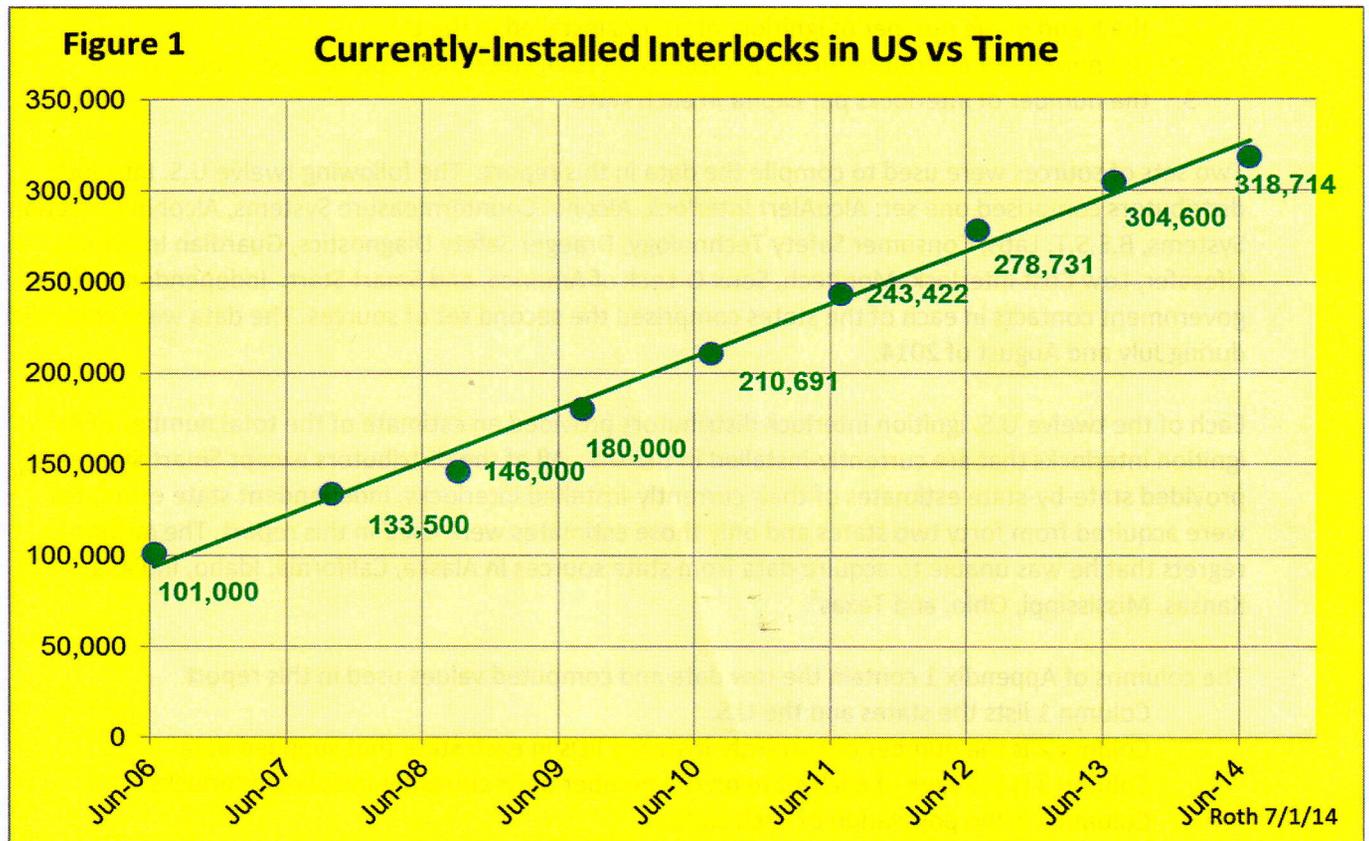
The author wishes to acknowledge the state sources and ignition interlock distributors for their contributions of time and data. Special thanks are due to the six interlock distributors who contributed financial support to this project, namely: Alcohol Countermeasure Systems, Alcohol Detection Systems, Consumer Safety Technology, Draeger Safety Diagnostics, Lifesafer, and Smart Start.

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<sup>1</sup> The author would welcome any additions or corrections to the data in this report and will publish them on [www.RothInterlock.org](http://www.RothInterlock.org). And of course, general feedback and constructive suggestions are always welcome.

## Results

Figure 1 shows the trend in the total number of currently-installed interlocks in the U.S. The 2014 estimate, 319,000, is based on data supplied by 12 ignition interlock distributors. Values for the previous eight years are from the eight previous surveys<sup>2</sup>. There was insufficient information this year for an estimate based on data acquired from state sources. A least-squares straight line fit to the distributor data indicates average yearly increases of about 30,000 units per year, but the increase in the last year was only 14, 000<sup>3</sup>.



There are approximately 1,400,000 impaired driving arrests<sup>4</sup> each year in the U.S. Accordingly, the ratio of currently installed interlocks to persons arrested is about 23%.

There are approximately 1,000,000 impaired driving convictions each year in the U.S. So the ratio of currently installed interlocks to impaired driving convictions is about 32%.

There are 10.1 currently-installed interlock per ten thousand residents in the U.S.

<sup>2</sup> Copies of all previous surveys are available at [www.RothInterlock.org](http://www.RothInterlock.org).

<sup>3</sup> The author expected a much larger increase because the 2012 Highway Bill removed all disincentives to the use of interlocks and offered financial grants to states that enforce a law mandating interlocks for all convicted drunk drivers. Reductions in drunk driving fatalities may be part of the explanation but the time required for states to formulate, pass, and implement all-offender interlock laws is more probably the reason. Time will tell.

<sup>4</sup> The numbers of arrests and convictions are not uniformly collected in the states. Doing so is complicated by state differences in diversion programs, plea downs, police enforcement, and variations in data reporting. The numbers used for arrests and convictions are the generally accepted estimates for the U.S. The author believes that the actual number of DWI arrests per year is significantly higher than the FBI's estimate which is based on voluntary reporting by law enforcement agencies. For example, the FBI reported 11,307 DWI arrests in New Mexico in 2010 whereas the NM Citation Tracking System reported 16,563.

Figure 2 shows estimates for the number of currently-installed ignition interlocks for the forty two states that made data available. Arizona, Colorado, Washington, Wisconsin, New Mexico, and Maryland all reported over 10,000. North Carolina, Florida, Illinois, Missouri, Virginia, Michigan, Minnesota and Oklahoma reported between 7000 and 10,000. Six states reported between 5000 and 7000. Ten states reported between 1000 and 5000. Twelve states reported less than 1000, and eight states either did not collect the data or did not make data available to the author.

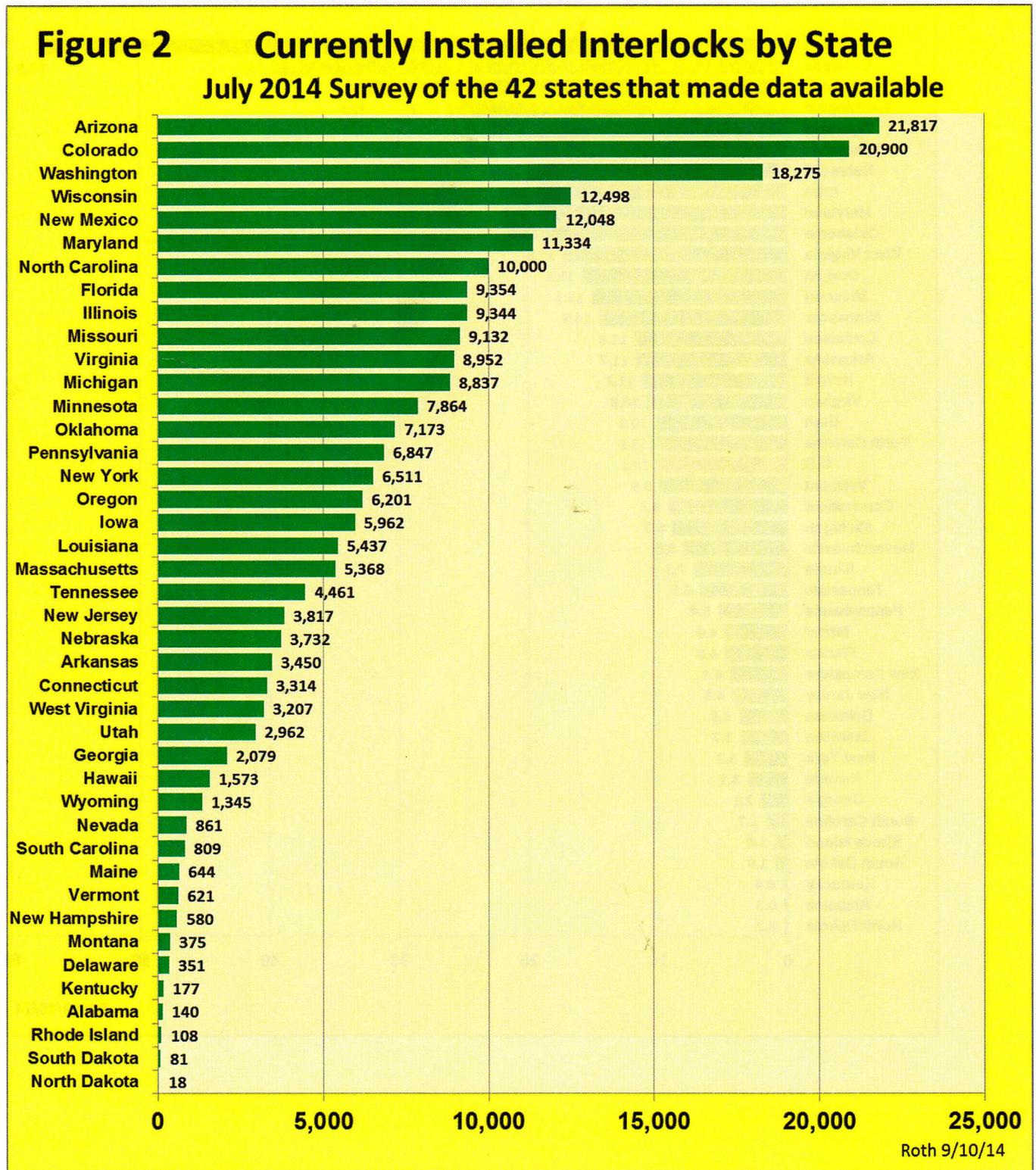
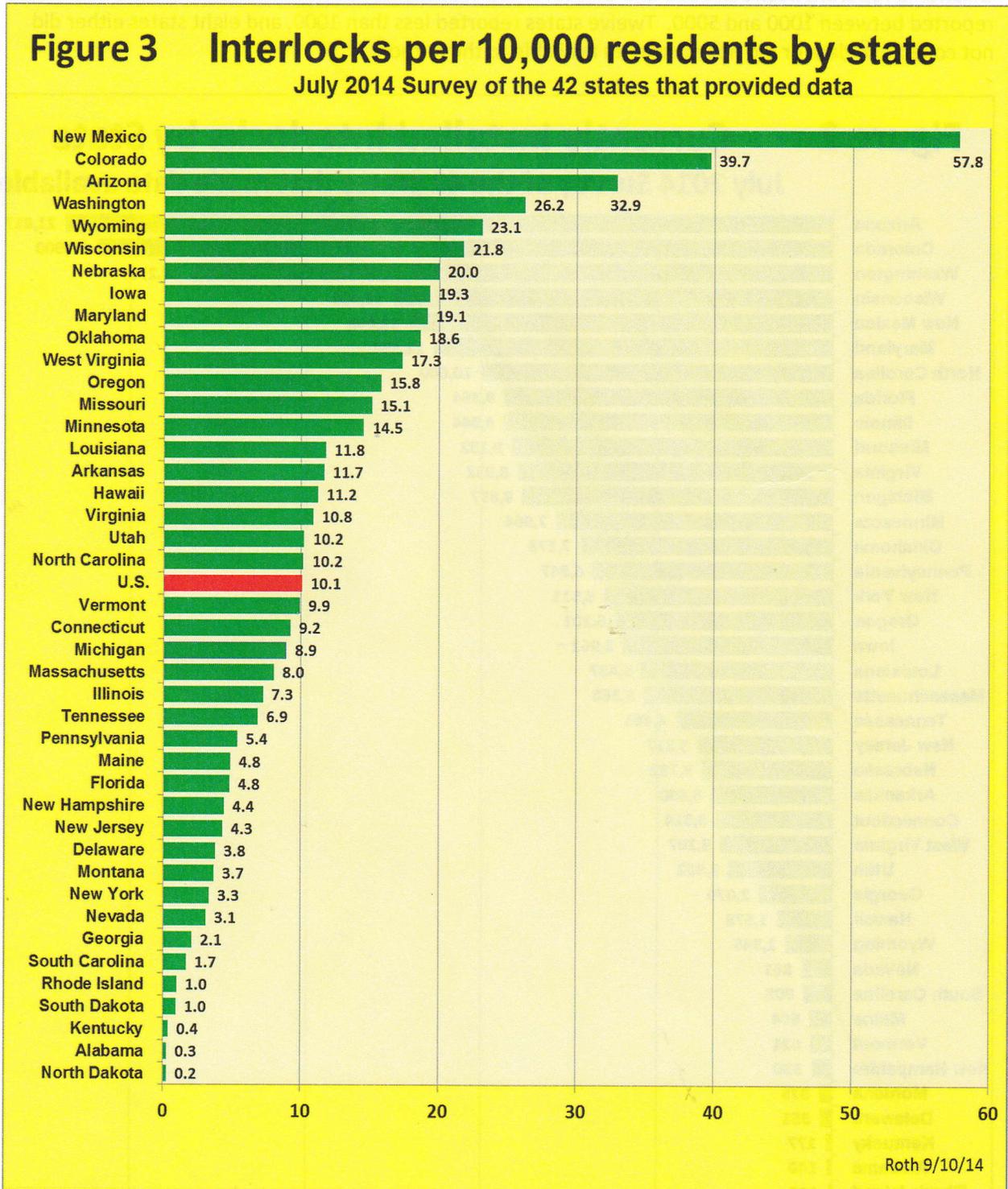


Figure 3 shows currently-installed interlocks per capita for the 42 states that made data available. New Mexico, Colorado, Arizona, and Washington rank highest on this measure. The U.S. average is 10.1 currently-installed interlocks per ten thousand residents.



**Appendix 1: A summary of raw data and computed values used in figures 1-3**

| State          | Installed Interlocks (IID's) | Rank on IID's | July 1, 2013 Population Estimate | IID's Per 10,000 | Rank on IID's Per 10,000 |
|----------------|------------------------------|---------------|----------------------------------|------------------|--------------------------|
| Alabama        | 140                          | 39            | 4,833,722                        | 0.3              | 41                       |
| Alaska         |                              |               | 735,132                          |                  |                          |
| Arizona        | 21817                        | 1             | 6,626,624                        | 32.9             | 3                        |
| Arkansas       | 3450                         | 24            | 2,959,373                        | 11.7             | 16                       |
| California     |                              |               | 38,332,521                       |                  |                          |
| Colorado       | 20900                        | 2             | 5,268,367                        | 39.7             | 2                        |
| Connecticut    | 3314                         | 25            | 3,596,080                        | 9.2              | 22                       |
| Delaware       | 351                          | 37            | 925,749                          | 3.8              | 32                       |
| Florida        | 9354                         | 8             | 19,552,860                       | 4.8              | 29                       |
| Georgia        | 2079                         | 28            | 9,992,167                        | 2.1              | 36                       |
| Hawaii         | 1573                         | 29            | 1,404,054                        | 11.2             | 17                       |
| Idaho          |                              |               | 1,612,136                        |                  |                          |
| Illinois       | 9344                         | 9             | 12,882,135                       | 7.3              | 25                       |
| Indiana        |                              |               | 6,570,902                        | 0.0              |                          |
| Iowa           | 5962                         | 18            | 3,090,416                        | 19.3             | 8                        |
| Kansas         |                              |               | 2,893,957                        |                  |                          |
| Kentucky       | 177                          | 38            | 4,395,295                        | 0.4              | 40                       |
| Louisiana      | 5437                         | 19            | 4,625,470                        | 11.8             | 15                       |
| Maine          | 644                          | 33            | 1,328,302                        | 4.8              | 28                       |
| Maryland       | 11334                        | 6             | 5,928,814                        | 19.1             | 9                        |
| Massachusetts  | 5368                         | 20            | 6,692,824                        | 8.0              | 24                       |
| Michigan       | 8837                         | 12            | 9,895,622                        | 8.9              | 23                       |
| Minnesota      | 7864                         | 13            | 5,420,380                        | 14.5             | 14                       |
| Mississippi    |                              |               | 2,991,207                        |                  |                          |
| Missouri       | 9132                         | 10            | 6,044,171                        | 15.1             | 13                       |
| Montana        | 375                          | 36            | 1,015,165                        | 3.7              | 33                       |
| Nebraska       | 3732                         | 23            | 1,868,516                        | 20.0             | 7                        |
| Nevada         | 861                          | 31            | 2,790,136                        | 3.1              | 35                       |
| New Hampshire  | 580                          | 35            | 1,323,459                        | 4.4              | 30                       |
| New Jersey     | 3817                         | 22            | 8,899,339                        | 4.3              | 31                       |
| New Mexico     | 12048                        | 5             | 2,085,287                        | 57.8             | 1                        |
| New York       | 6511                         | 16            | 19,651,127                       | 3.3              | 34                       |
| North Carolina | 10000                        | 7             | 9,848,060                        | 10.2             | 20                       |
| North Dakota   | 18                           | 42            | 723,393                          | 0.2              | 42                       |
| Ohio           |                              |               | 11,570,808                       |                  |                          |
| Oklahoma       | 7173                         | 14            | 3,850,568                        | 18.6             | 10                       |
| Oregon         | 6201                         | 17            | 3,930,065                        | 15.8             | 12                       |
| Pennsylvania   | 6847                         | 15            | 12,773,801                       | 5.4              | 27                       |
| Rhode Island   | 108                          | 40            | 1,051,511                        | 1.0              | 38                       |
| South Carolina | 809                          | 32            | 4,774,839                        | 1.7              | 37                       |
| South Dakota   | 81                           | 41            | 844,877                          | 1.0              | 39                       |
| Tennessee      | 4461                         | 21            | 6,495,978                        | 6.9              | 26                       |
| Texas          |                              |               | 26,448,193                       |                  |                          |
| Utah           | 2962                         | 27            | 2,900,872                        | 10.2             | 19                       |
| Vermont        | 621                          | 34            | 626,630                          | 9.9              | 21                       |
| Virginia       | 8952                         | 11            | 8,260,405                        | 10.8             | 18                       |
| Washington     | 18275                        | 3             | 6,971,406                        | 26.2             | 4                        |
| West Virginia  | 3207                         | 26            | 1,854,304                        | 17.3             | 11                       |
| Wisconsin      | 12498                        | 4             | 5,742,713                        | 21.8             | 6                        |
| Wyoming        | 1345                         | 30            | 582,658                          | 23.1             | 5                        |
| US             | 318714                       |               | 316,128,839                      | 10.1             |                          |



The Coalition of Ignition Interlock Manufacturers (CIIM) is a trade organization comprised of three of the nation's leading ignition interlock manufacturers to combine member's expertise and experience to speak with one voice to reduce the carnage of alcohol impaired drivers. CIIM strives to bring the most credible, factual information on ignition interlock devices to public policy discussions. CIIM currently is comprised of the nation's leading manufacturers and remains open to any ignition interlock manufacturer certified for use in and operating in one or more states.

CIIM member's experience influences the debate on State and Federal legislation and regulations to help assure that ensuing public policy creates the effective and efficient use of this lifesaving technology that users demand and the public deserves. To this end, CIIM will:

- Lobby Congress to maintain strong provisions in all highway legislation to intelligently expand the use of ignition interlock devices.
- Partner with NHTSA to develop model state legislation, and provide guidance and other resources to assist with implementation and compliance issues.
- Work with NHTSA to develop a plan to update the agency's ignition interlock technical specifications, and to develop model service delivery and prorating standards.
- Collaborate with State Highway safety agencies and NHTSA to underwrite and participate in workshops for continuing education for Judges, Probation and Prosecutors as laws, technology, and research improve the options to use technology to safely manage impaired drivers.
- Seek to strengthen DWI courts by joining other stakeholders in advocating that Congress provide funding so DWI courts can provide ignition interlocks and/or alcohol monitoring technology at subsidized costs for indigent and long-term users. Provide expert, technical assistance on ignition interlock devices and how to effectively implement a successful ignition interlock program.

[www.ignitioninterlocks.com](http://www.ignitioninterlocks.com)

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# IGNITION INTERLOCKS SAVE LIVES

## PROVIDING THE BALANCE BETWEEN SAFETY AND WORK

Ignition interlocks are effective in reducing repeat drunk driving offenses by an average of 67 percent, according several peer reviewed studies from agencies like CDC, NTSB and NHTSA. 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.

### KEY COMPONENTS OF AN IGNITION INTERLOCK LAW

- Requires the use of ignition interlocks for all convicted drunk drivers, including first-time offenders for a period least six months.
- Requires interlocks for all offenders who refuse the Breathalyzer test.
- Provides an opportunity to keep driving privileges, while staying employed and supporting their family.

*States would qualify annually for Federal funding to offset any costs to the state in implementing the law.*

### 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-four states, plus a California pilot program, 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.

**IGNITION INTERLOCK LAWS SAVES LIVES.** Due in part to interlock laws for all convicted drunk drivers, states have seen significant reductions in drunk driving deaths:

- |                          |                             |                        |
|--------------------------|-----------------------------|------------------------|
| • Arizona: 43 percent    | • Louisiana: 35 percent     | • Alaska: 28 percent   |
| • Oregon: 42 percent     | • West Virginia: 33 percent | • Kansas: 26 percent   |
| • New Mexico: 38 percent | • Utah: 30 percent          | • Colorado: 24 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)

Additionally, these leading traffic safety organizations, Advocates for Auto and Highway Safety, American Automobile Association (AAA), Auto Alliance, Centers for Disease Control and Prevention (CDC), Governors Highways Safety Association (GHSA), Insurance Institute for Highway Safety (IIHS), International Association of Chiefs of Police (IACP), National Safety Council (NSC), and National Transportation Safety Board (NTSB) support ignition interlocks for all convicted drunk drivers, with a BAC of .08 or greater.

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# INTERLOCK LAWS BY STATE

Information courtesy [www.madd.org](http://www.madd.org)  
August 2014

| Mandatory with .08 Conviction | Mandatory with a BAC of .15 or greater | Mandatory with 2nd Conviction | Discretionary                 | Other  |
|-------------------------------|--|-------------------------------|-------------------------------|--|
| Alabama (07/2014)             | Florida (10/2008)                      | Georgia (05/1999)             | California / any offender     | District of Columbia / choose any interlock provider |
| Alaska (01/2009)              | Iowa** (.10) (07/1995)                 | Idaho (10/2000)               | Kentucky/ any offender        | South Dakota 24/7 program                            |
| Arizona (09/2007)             | Maryland (10/2011)                     | Indiana (01/2015)             | North Dakota / any offender   | Vermont / choose any interlock provider              |
| Arkansas (04/2009)            | Michigan (.17) (10/2010)               | Massachusetts (01/2006)       | Rhode Island /repeat offender |  |
| California* (07/2010)         | Minnesota (07/2011)                    | Montana (05/2009)             |                               |  |
| Colorado (01/2009)            | Nevada (.18) (07/2005)                 | Ohio (05/2009)                |                               |  |
| Connecticut (01/2012)         | New Jersey (01/2010)                   | Pennsylvania (10/2003)        |                               |  |
| Delaware (07/2009)            | North Carolina (12/2007)               |                               |                               |  |
| Hawaii (01/2011)              | Oklahoma (11/2009)                     |                               |                               |  |
| Illinois (01/2009)            | South Carolina (10/2014)               |                               |                               |  |
| Kansas (07/2011)              | Texas (09/2005)                        |                               |                               |  |
| Louisiana (07/2007)           | Wisconsin (07/2010)                    |                               |                               |  |
| Maine (12/2013)               | Wyoming (07/2009)                      |                               |                               |  |
| Mississippi (10/2014)         |  |                               |                               |  |
| Missouri (10/2013)            |  |                               |                               |  |
| Nebraska (01/2009)            |  |                               |                               |  |
| New Hampshire (07/2007)       |  |                               |                               |  |
| New Mexico (06/2005)          |  |                               |                               |  |
| New York (08/2010)            |  |                               |                               |  |
| Oregon (01/2008)              |  |                               |                               |  |
| Tennessee (07/2013)           |  |                               |                               |  |
| Utah (07/2009)                |  |                               |                               |  |
| Virginia (07/2012)            |  |                               |                               |  |
| Washington (01/2009)          |  |                               |                               |  |
| West Virginia (07/2008)       |  |                               |                               |  |

\* California's pilot program covers the counties of Los Angeles, Alameda, Sacramento, and Tulare. These counties combined have a population of over 14 million.

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