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# DAVE HEATON

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STATE REPRESENTATIVE • 85<sup>TH</sup> ASSEMBLY DISTRICT

## **Testimony before the Assembly Committee on Transportation**

**AB 266 Relating to: requiring or allowing persons who have committed certain offenses related to drunken driving to acquire an ignition interlock device in order to operate certain motor vehicles and providing a criminal penalty.**

*Tuesday August 18<sup>th</sup>, 2015*

Mr. Chairman, members of the Committee, it is an honor to testify today in support of AB 266. Sen. Wanggaard and I introduced this legislation as a response to the People of Wisconsin who have been clamoring for reform of our OWI laws, to help reduce recidivism among OWI offenders, to make our roads safer, and most importantly to save lives. The linchpin of this proposal is that it creates incentives for OWI offenders to install Ignition Interlock Devices and comply with ignition interlock restrictions, while closing a loophole in existing law. That loophole permits offenders to drive unequipped vehicles they do not own without risking criminal sanctions.

An Ignition Interlock Device (IID) is a breathalyzer machine installed in a vehicle that prevents the vehicle from starting without the driver first blowing into the device and registering a breath alcohol concentration (BAC) below a preset amount.

Under current law, IIDs are required in the following four situations: 1) for all repeat OWI offenders, 2) first time offenders who register a BAC of .15 or greater, 3) offenders who refuse to take a test for intoxication, or 4) when the offender injures or kills someone while operating a vehicle while intoxicated. Currently the IID order is tied to the vehicles the offenders own. The loophole in Wisconsin law is that offenders who get caught driving unequipped vehicles, perhaps borrowed from a friend, are not subject to criminal sanctions, only a traffic citation.

To address the loophole, this bill creates a new class of driver's license, an Ignition Interlock Restricted License (IIRL). Thus the driving restriction under the bill is tied to the offender's driver's license and not any particular vehicle. The offender is prohibited from driving *any* unequipped vehicle, and if he or she violates that restriction, the offender would be subject to a criminal penalty. Thus it closes the loophole, and puts teeth into the police's ability to enforce the law.

Moreover it creates incentives for compliance by making the Ignition Interlock Restricted License (IIRL) available to first offenders immediately if they waive the right to an administrative review hearing and available after 15 days if they request an administrative hearing and lose. As a result, this bill creates incentives for compliance, and stronger deterrents

for non-compliance. It also makes IIRL mandatory for those actually convicted of OWI. Also the bill contains license fees paid by the offender that cover administrative costs to the DOT.

After Nebraska passed its law allowing interlocks immediately for first offenses, the ALR hearings in that state virtually dried up. Nebraska went from thousands of hearings in 2011, to well under a hundred after the legislation was enacted. In Wisconsin there were of over 4000 administrative review hearings in 2014. Thus if the bill works as it did in Nebraska, Wisconsin should see a significant reduction in resources spent on administrative hearings.

I want to thank all the organizations that supported this important legislation and participated in the process of moving it forward. And I express my appreciation to legislators on both sides of the aisle who have co-sponsored this bill. If passed into law, this legislation will go a long way to making our roads safer, incentivizing compliance with IID orders, saving government resources, and helping reduce OWI recidivism by deterring would-be offenders from placing themselves in the situation of driving while intoxicated in the first place.

**Administrative Sanctions – Before Conviction**

*Current Wisconsin Law vs Assembly Bill 266 (AB 266)*

Offense	IID Required? Current Law	IID Required? Required? AB 266	Occupational License Wait Period – Current Law	Occupational License Wait Period – AB 266	Ignition Interlock Restricted License (IIRL) Wait Period – Waive Hearing	Ignition Interlock Restricted License (IIRL) Wait Period – Request Hearing & Lose
1 <sup>st</sup> OWI w/ BAC .08-.15	NO	NO	NONE	45 days after arrest	NONE	30 days after hearing
1 <sup>st</sup> OWI w/ BAC .15 +	NO	NO	NONE	45 days after arrest	NONE	30 days after hearing
2 <sup>nd</sup> OWI	NO	NO	NONE	45 days after arrest	NONE	30 days after hearing
3 <sup>rd</sup> or more OWI	NO	NO	NONE	45 days after arrest	NONE	30 days after hearing

**Criminal Sanctions – After Conviction**

*Current Wisconsin Law vs Assembly Bill 266 (AB 266)*

Offense	Length of Revocation	IID Required? Current Law	IID Required? AB 266	Occupational License Wait Period – Current Law	Occupational License Wait Period – AB 266	Ignition Interlock Restricted License (IIRL) Wait Period – AB 266
1 <sup>st</sup> OWI w/ BAC .08-.15	6-9 months	NO	NO	NONE	45 days post-conviction	NONE
1 <sup>st</sup> OWI w/ BAC .15 +	6-9 months	YES, 1 year	YES, 1 year	NONE	Not eligible	NONE
2 <sup>nd</sup> OWI, with no prior OWI within 10 years and no prior convictions for great bodily harm or homicide by intoxicated use of a vehicle	6-9 months	IF BAC 0.15 + YES, 1 year	YES, 1 year	NONE	Not eligible	NONE
2 <sup>nd</sup> OWI, with a prior OWI within 10 years or a prior conviction for great bodily harm or homicide by intoxicated use of a vehicle	12-18 months Plus the length of confinement in jail or prison, which can be between 5 days and 6 months	YES, 1 year to 18 months plus length of confinement	YES, 1 year to 18 months plus length of confinement	45 days	Not eligible	NONE
3 <sup>rd</sup> or more OWI	2-3 years plus the length of confinement in jail or prison, which can be between 45 days and 1 year	YES, 1-3 years, plus length of confinement	YES, 1-3 years plus length of confinement	45 days	Not eligible	NONE

## Sanctions for Improper Refusal

### *Current Wisconsin Law vs Assembly Bill 266 (AB 266)*

<b>Offense</b>	<b>Length of Revocation</b>	<b>IID Required? Current Law</b>	<b>IID Required? AB 266</b>	<b>Occupational License Wait Period – Current Law</b>	<b>Occupational License Wait Period – AB 266</b>	<b>Ignition Interlock Restricted License (IIRL) Wait Period – Waive Hearing</b>	<b>Ignition Interlock Restricted License (IIRL) Wait Period – Request Hearing &amp; Lose</b>
1 <sup>st</sup> Test Refusal	1 year	YES, 1 year	YES, 1 year	30 days after notice of revocation	45 days after notice of revocation	15 days after notice of revocation	30 days after hearing
2 <sup>nd</sup> Test Refusal with no prior OWI within 10 years and no prior conviction for great bodily harm or homicide by intoxicated use of a vehicle	1 year	YES, 1 year	YES 1 year	30 days after notice of revocation	90 days after notice of revocation	15 days after notice of revocation	30 days after hearing
2 <sup>nd</sup> Test Refusal, with a prior OWI within 10 years or a prior conviction for great bodily harm or homicide by intoxicated use of a vehicle	2 years	YES, 1-2 years, plus length of confinement	YES, 1-2 years Plus length of confinement	90 days after notice of revocation (1 year if has committed 2 or more OWI offenses within 5 years)	90 days after notice of revocation	15 days after notice of revocation	90 days after hearing
3 <sup>rd</sup> Test Refusal	3 years	Yes, 1 -3 years, plus confinement length	YES, 1-3 years plus length of confinement	120 days after notice of revocation (1 year if has committed 2 or more OWI offenses within 5 years)	120 days after notice of revocation	15 days after notice of revocation	120 days



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TO: Members, Assembly Committee on Transportation

FROM: Amy Boyer, on behalf of  
AAA Wisconsin

DATE: August 18, 2015

RE: Support for AB 266 – Ignition Interlock Restricted Licenses

AAA Wisconsin encourages you to support Assembly Bill 266 relating to ignition interlock restricted licenses. Research has identified the life-saving benefit of ignition interlocks, which are more effective than other methods at reducing repeat offenses among convicted drunk drivers while they are installed. In fact, about one-quarter of all drivers arrested or convicted of a DUI are repeat offenders. Passage of this legislation would reduce the opportunity for recidivism, which would go a long way towards keeping impaired drivers off of our roads.

AAA Wisconsin is part of The Auto Club Group (ACG), the second largest AAA club in North America. ACG and its affiliates provide membership, travel, insurance and financial services offerings to approximately 9 million members across 11 states and two U.S. territories. ACG belongs to the national AAA federation with nearly 55 million members in the United States and Canada and whose mission includes protecting and advancing freedom of mobility and improving traffic safety.



# Van H. Wanggaard

Wisconsin State Senator

August 18, 2015

## **Senator Van Wanggaard Testimony on Assembly Bill 266**

Thank you, Mr. Chairman and members of the committee, for scheduling this hearing on Assembly Bill 266. I am honored to have co-authored this legislation with Representative Heaton and I applaud him on all of the time and effort he has put into this proposal. This legislation is designed to keep Wisconsin roadways safe from drunk drivers by creating a new Ignition Interlock Restricted License for OWI offenders.

Under current law, ignition interlock devices are tied to the drunk driver's vehicle – not to the drunk driver him/herself. As a result, offenders evade the order by driving cars registered to another owner such as a relative or friend, or transferring ownership of their car to a family member. It is estimated that since 2010 just 45% of drunk drivers that were ordered to install an IID actually did so. This poses a serious threat to Wisconsin citizens.

This bill allows an individual to select an "Ignition Interlock Restricted License" (IIRL), instead of using a mandated ignition interlock on the vehicle, or a restricted occupational license. If this option is selected, the individual is prohibited from driving a vehicle without an interlock device. This closes the "borrowed car" and vehicle transfer loopholes. In addition, our bill creates incentive to select the IIRL. An IIRL can be granted without a waiting period and without the "time of day" restrictions that accompany occupational licenses. Once an offender with an IIRL has a vehicle with an interlock device, they are free to drive it.

During my time in law enforcement as an accident reconstructionist and traffic investigator, I have witnessed firsthand the devastating effects drunk drivers have on our citizens and local communities. Wisconsin has nearly 5000 alcohol related crashes annually resulting in over 200 fatalities and roughly 3000 injuries. This is far too high. In other states, similar legislation has OWI arrests decreased by 67%. By increasing compliance with ignition interlock device orders, we will lower court, administrative, and law enforcement costs for local government. Most importantly, improving compliance will reduce drunk driving – which is what this bill is all about.

This bill has received bipartisan support as well as support from several law enforcement organizations and safety groups. I urge the members of the Transportation Committee to support it as well.

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Serving Racine and Kenosha Counties - Senate District 21



**Frank Harris**  
**Director of State Government Affairs**  
**Mothers Against Drunk Driving**  
**Assembly Transportation Committee**  
**In Support of AB 266**  
**August 18, 2015**

Thank you Chairman Ripp, Vice-Chairman Spiros, and members of committee for allowing me to testify in support of AB 266. My name is Frank Harris, Director of State Government Affairs, for Mothers Against Drunk Driving.

MADD advocates for laws and policies that are based on sound research and data. AB 266 is no exception. Since MADD was founded, deaths from drunk driving have been reduced by almost 50 percent across the nation. While great progress has been made, MADD is not satisfied.

The Wisconsin Legislature has before it an opportunity to prevent drunk driving crashes by improving its current ignition interlock law.

Widespread use of these in-car devices, which are about the size of a cell phone and prevent vehicles from starting if alcohol is detected on a driver's breath, is recommended by the Centers for Disease Control and Prevention, the National Highway Transportation Safety Administration and nearly every traffic safety organization, including AAA and the Governors Highway Safety Association.

Interlocks are an effective tool. The interlock acts as a virtual probation officer, checking the driver's breath before starting the vehicle and conducting "rolling retests," which require the driver to provide breath tests at regular intervals. Interlocks also have cameras to verify who is using the device. The devices are set to identify a pattern of breathing that is unique to the user, which makes it difficult to trick the system.

The drunk driver pays for the device, at a cost of around \$2.50 a day. Under current law, if the person is indigent, he or she is eligible for a reduced cost. If their annual income is less than 150 percent of the Federal Poverty Level (FPL), they are entitled to pay only half of the regular cost of interlock installation and monthly service fee. The interlock vendors — not taxpayers — cover the costs to indigent offenders.

Wisconsin already requires installation of these devices for repeat offenders, people convicted of driving with a blood alcohol concentration of .15 — nearly twice the threshold for a OWI arrest — and for those who refuse a chemical test. Since Wisconsin implemented this law in 2010, the number of ignition interlocks has increased by 719 Percent, from around 945 in 2009 to 7,744 in 2013. According to the National Highway Transportation Safety Administration, it should be noted that drunk driving deaths in Wisconsin have dropped by 14.8 percent — from 209 in 2009 to 178 in 2013. According to the Wisconsin Department of Transportation, during this time period, the number of drunk driving arrests decreased too — from 43,520 in 2009 to 30,927 in 2013. That's a 28.9 percent reduction. At the same time, drunk driving injuries have dropped by 29.8 percent, from 3,793 to 2,660.

Even with these reductions in drunk driving deaths, injuries and arrests, Wisconsin's drunk driving law is in need of improvement. With 178 deaths and 2,660 injuries, lawmakers must take action to assure residents that the OWI law is working effectively and keeping roadways free of drunk drivers. Loopholes exist which allow drunk drivers ordered to go on an interlock to fall through the cracks. AB 266 will fix these loopholes.

The major change in AB 266 is that the measure allows **any offender to apply for an Ignition Interlock Restricted License or Occupational license after arrest (pre-conviction) and that there are no route- or time-restricted driving restrictions if an interlock is installed after arrest.** AB 266 allows any OWI offender with a BAC of .08 or greater to apply for an unlimited driving privilege on an IIRL after arrest if he or she installs an ignition interlock for the remainder of the license suspension period (typically six to nine months). The other option is to wait 45 days and apply for a time- or route-restricted occupational license with no interlock requirement. Interlocks are still required post-conviction for refusals, repeat, and first-time offenders with a BAC of .15 or greater. The IIRL would not have time of day or route restrictions. Occupational Licenses have route and time restrictions and are only available pre-conviction.

**Here are some other ways AB 266 improves Wisconsin's ignition interlock and drunk driving law.**

- **Day-for-day credit for installing an interlock pre-conviction.** If the person does get an IIRL pre-conviction, they will be given day-for-day credit for time served on the interlock if a court orders the device upon conviction. One problem with the current interlock law is that a person must wait months from arrest until conviction before starting the interlock period. This proposal would make offenders more likely to fulfill their interlock time, as they can start the interlock period right after arrest.
- **Interlock period extended for proven attempts to cheat the device.** Tampering, circumventing, driving an unequipped vehicle will result in stricter penalties, in addition to the current policy of extending the interlock requirement for an additional 6 months. One argument against an ignition interlock is that once an offender gets off the device, he or she may go back to their old drunk driving behavior. This provision ensures that offenders only exit the interlock program once they have learned how to drive sober.
- **Option to waive Administrative License Hearing proven to save state resources.** Other states that have similar laws on the books have seen significant increases in Interlock installation compliance and huge reductions in administrative hearings. Nebraska saw interlock compliance double and ALR hearings reduced by 90 percent — a huge cost savings to the state and law enforcement. This provision also simplifies Wisconsin's drunk driving law. Currently offenders face court sanctions such as jail, fines, license suspension, etc., and DOT administrative sanctions such as license suspension.

AB 266 is an effective measure in stopping repeat drunk driving. It is also a cost effective measure. AB 266 has an Ignition Interlock Restricted License (IIRL) fee of \$90 that covers all administrative costs to Department of Transportation, so the bill is fiscal positive. According to a fiscal note from Prosecutors, there is no fiscal impact. According to the Public Defender fiscal note, any possible increase in costs in representing indigent offenders in cases of not driving with an interlock would be offset by costs saved by fewer cases of driving with a revoked license. This bill will not cost the state money to implement.

AB 266 is similar to legislation passed in 25 other states. States like Arizona and New Mexico have reduced drunk driving deaths by over 40 percent after passing similar legislation. MADD supports AB 266 because 50 to 75 percent of all convicted drunk drivers will continue to drive even on a suspended license. According to the Wisconsin Department of Transportation, 2,122 convicted OWI offenders were rearrested in 2012 for driving on a revoked or suspended license — all within six months of their conviction.



The Centers for Disease Control and Prevention have analyzed the data and determined that ignition interlocks reduce DWI recidivism by 67 percent compared to license suspension alone. A 2010 study showed that interlocks reduce repeat offenses by 39 percent even after the device removed.

The research and the data tell us that a strong ignition interlock law, and not license suspension alone, is what works. Wisconsin families need this legislation, and MADD urges you to advance AB 266.

The availability of these devices is not a problem in Wisconsin, where there are over 240 interlock installation centers throughout the state.

It's time to expand the use of ignition interlocks to all drunk drivers who seek driving privileges during any license suspension period to eliminate this senseless, completely preventable crime on Wisconsin's roads and highways.

Thank you for allowing me to speak today on behalf of Mothers Against Drunk Driving in support of AB 266. Enclosed in my written testimony is more information on ignition interlocks. I welcome any questions you might have.



## Support AB 266/SB 222

Representative Heaton/Senator Wanggaard

OWI offenders are eligible for an Ignition Interlock Restricted License (IIRL) immediately after arrest if they waive their administrative hearing rights and show proof of insurance. Per current law, interlocks remain mandatory at conviction for repeat, refusals, and first-time offenders with a blood alcohol concentration (BAC) of .15 or greater.

**Any offender can apply for an IIRL or Occupational license after arrest (pre-conviction).** Allows any OWI offender with a BAC of .08 or greater to apply for an unlimited driving privilege on an IIRL after arrest if he or she installs an ignition interlock for the remainder of the license suspension period (typically six to nine months). The other option is to wait 45 days and apply for a time/route-restricted occupational license with no interlock requirement.

**No route or time restricted driving restriction if interlock installed after arrest.** The IIRL would not have time of day or route restrictions. Occupational Licenses have route/time restrictions and are only available pre-conviction.

**Day-for-day credit for installing an interlock pre-conviction.** If the person does get an IIRL pre-conviction, they will be given day-for-day credit for time served on the interlock if a court orders the device upon conviction.

**Interlock period extended for proven attempts to cheat to the device.** Tampering, circumventing or driving an unequipped vehicle will result in stricter penalties, in addition to the current policy of extending the interlock requirement for an additional 6 months.

**Option to waive Administrative License hearing proven to save state resources.** Other states with similar laws on the books have seen significant increases in Interlock installation compliance and huge reductions in administrative hearings. Nebraska saw compliance double and ALR hearings reduced by 90 percent — a huge cost savings to the state and law enforcement.

**Fiscal Positive Impact.** The bill has an Ignition Interlock Restricted License (IIRL) fee of \$90 that covers all administrative costs to Department of Transportation, so the bill is fiscal positive.

**Who pays for the ignition interlock?** The offender pays for the devices at a cost of around \$2.50 a day. Under current law, if the person is indigent, he or she is eligible for a reduced cost. If their annual incomes less than 150 percent of the Federal Poverty Level (FPL), they pay only half of the regular cost of interlock installation and monthly service fee. The interlock vendors — not taxpayers — cover these indigent costs. The FPL is adjusted annually and depends on the number of people in the household.

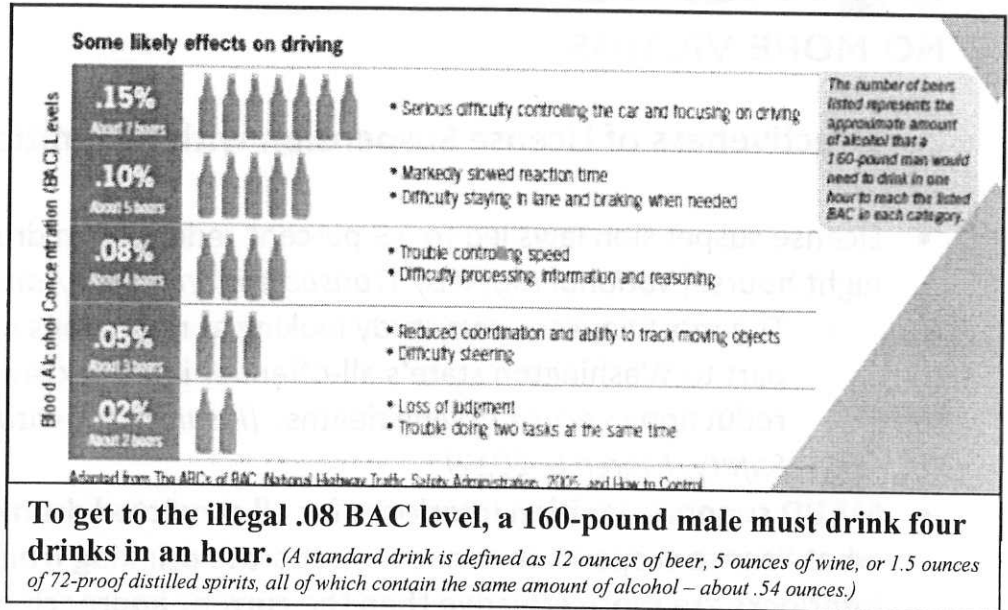


## Ignition Interlocks Save Lives

Ignition interlocks are effective in reducing repeat drunk driving offenses by 67 percent while the device is installed compared to license suspension alone. (CDC)

Interlocks help reduce repeat offenses even after the device is removed by 39 percent compared to offenders who never installed an interlock. (Marques, 2010)

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.



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

**Ignition interlock laws saves lives.** Due in part to laws requiring interlocks for all convicted drunk drivers, drunk driving deaths have declined dramatically and at a better pace compared to the national average decline:

- |                                    |                               |                                 |
|------------------------------------|-------------------------------|---------------------------------|
| ✓ <b>Arizona:</b> 45 percent       | ✓ <b>Alaska:</b> 28 percent   | ✓ <b>Utah:</b> 22 percent       |
| ✓ <b>New Mexico:</b> 40 percent    | ✓ <b>Arkansas:</b> 27 percent | ✓ <b>Colorado:</b> 19 percent   |
| ✓ <b>Louisiana:</b> 36 percent     | ✓ <b>Kansas:</b> 23 percent   | ✓ <b>Washington:</b> 18 percent |
| ✓ <b>West Virginia:</b> 35 percent | ✓ <b>Hawaii:</b> 23 percent   |                                 |
| ✓ <b>Oregon:</b> 30 percent        |                               |                                 |

**Public supports Interlocks for all convicted drunk drivers.** Three surveys indicate strong public support of ignition interlocks for all convicted drunk drivers.

- 88 percent (Center for Excellence in Rural Safety, 2010)
- 84 percent (Insurance Institute for Highway Safety, 2009)
- 76 percent (American Automobile Association, 2012)

**In addition to MADD, other traffic safety groups support ignition interlocks for all convicted drunk drivers,** including all first offenders with an illegal blood alcohol concentration (BAC) of .08 or greater.

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



## Effectiveness of License Suspension with no Ignition Interlock restriction

- License suspension laws led to a 9 percent reduction in drunk driving deaths during late night hours. (*National Highway Transportation Safety Administration, January 2008*).
  - The most conservative study looking at reductions in drunk driving deaths, due in part to Washington state's all-offender interlock law, shows a 12 percent reduction in drunk driving deaths. (*Insurance Institute for Auto and Highway Safety, March 6, 2012*)
- **MADD supports ignition interlocks for all convicted drunk drivers, as interlocks do what license suspension cannot — separate drinking from driving. As a result, interlocks are more effective than the current approach of license suspension, because offenders continue to drive on a suspended license.**
- In 2012 in Florida, there were over 17,000 arrests of offenders driving on suspended license revoked as a result of DUI. In 2009 in California, there were 43,000 arrests for the same offense.
- In 2012 in Wisconsin, there were over 26,000 DWI convictions. Within six months of those convictions, 2,100 offenders were caught driving on a suspended or revoked license.
- With license suspension alone, there is nothing stopping a DUI offender from repeating the offense, which is one reason one-third of first offenders repeat the offense.
- “Observational Study of the Extent of Driving While Suspended For Alcohol-Impaired Driving” (*Anne T. McCartt, Lori L. Geary, William J. Nissen, US DOT, September 2002*)
  - **Reason for Study:** Despite the demonstrated deterrent effects of license removal, there is evidence that some convicted alcohol-impaired driving offenders continue driving after their license has been withdrawn (*Griffin and DeLaZerda, 2000; Wiliszowski et al., 1996; Peck, 1991; Ross and Gonzales, 1988; Jones, 1987*).
  - Study looked at effectiveness of license suspension of 22 DWI offenders residing in Bergen County and 34 offenders living in the city of Milwaukee. Study found that the prevalence of driving while suspended among first-time offenders was high.
  - **88 percent of Milwaukee city residents and 36.4 percent of the Bergen County residents were observed driving on a suspended at least once.** Milwaukee subjects had more problematic driving histories and were significantly more likely to drive while suspended.

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

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

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

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

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

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

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

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

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

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

### Anti-circumvention Technology.

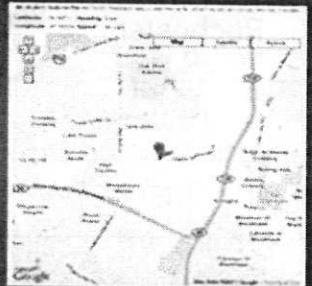
Interlocks require a deep lung sample and an offender is taught to use the device and must typically blow, suck or hum to prevent circumvention attempts such as having a child or balloon deflate to get around the interlock. Here are other anti-circumvention features.

### Camera to verify user



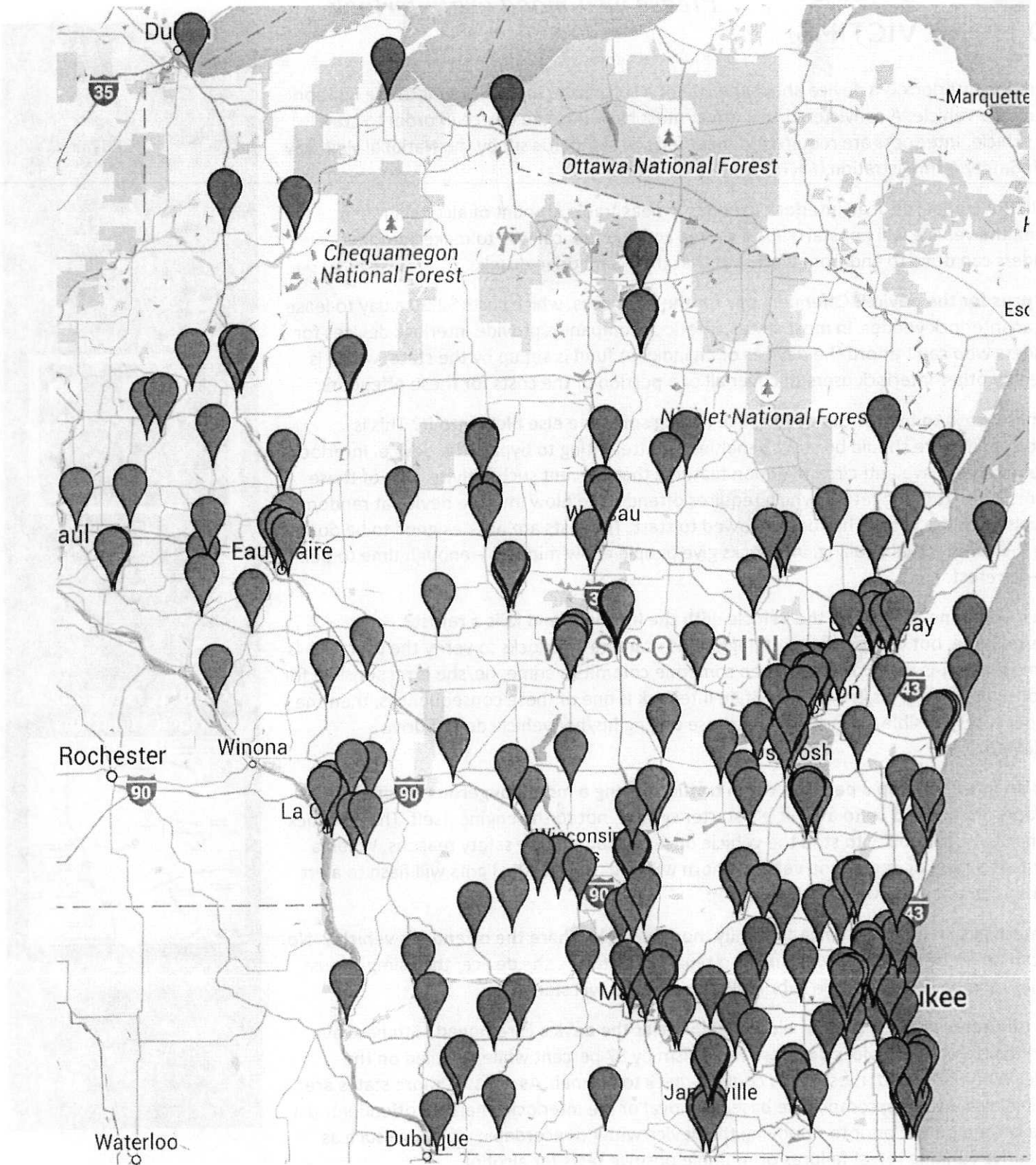
A camera eliminates the excuse that the interlock violation was by another person. It also ensures the offender is the one using the device. The camera is safely mounted near the dashboard.

### Real time reporting of interlock violations



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

## Ignition Interlock Service Centers



**Availability of Ignition Interlocks in Wisconsin.** There are four manufacturers that contract out installation and servicing of ignition interlocks to over 240 businesses throughout Wisconsin.

*Source: Map created by MADD using data from Wisconsin DOT of certified interlock service centers*

# Status of State Ignition Interlock Laws

C A M P A I G N T O

**ELIMINATE  
DRUNK DRIVING**



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

(month/year listed note effective date)

<b>Mandatory with a second conviction</b>
Georgia (5/99)
Idaho (10/00)
Indiana (1/15)
Massachusetts (1/06)
Montana (5/09)
Ohio (9/08)
Pennsylvania (10/03)

<b>Not mandatory</b>
<b>Judicial discretion</b>
California for any offender
North Dakota for any offender
<b>Other</b>
DC any offender can choose to go an interlock
South Dakota part of the 24/7 program
Vermont any offender can choose to go an interlock

\* California's pilot program covers the counties of Los Angeles, Alameda, Sacramento, and Tulare. These counties combined have a population of over 13 million.  
 \*\* In Iowa, interlocks are required starting on the first conviction for offenders with a BAC of .10 or greater.

## **Statement for hearing, August 18, 2015**

My name is Terry Habeger. I live in Markesan, Wisconsin. On May 28, 2014 I was riding my bicycle on Hwy. 73, at 6 p.m., when I was struck from behind by a drunk driver. Attached to my bike was a one-wheeled touring trailer with a bright yellow bag and flag. A blinking light was attached to my bike. Several people attended to me immediately while another got on the bumper of the drunk driver who left the scene after backing off the bike and trailer that had lodged under his car. The drunk driver eventually turned his car around and returned to the scene.

Exactly what happened to me after being hit is only known from the evidence left behind. The windshield on the driver's side was completely smashed. A policeman at the scene believed I then flew to the top of the car and then off on one side or the other. How I landed can only be guessed at. Luckily I was wearing a good quality helmet.

I was med-flighted to the University of Wisconsin Hospitals in Madison with serious injuries, including a shattered left hip socket, over five broken ribs, a punctured lung, a brain bruise and abrasions from head to toe. I had two major surgeries to repair the hip socket and plate five broken ribs. The plating of the ribs involved inserting metal rods inside each of the broken ribs.

I spent twelve days in the Trauma Center at UW Hospital, followed by five weeks at a Rehab Center in my home town. This was followed by two weeks of home care. I was unable to put any weight on my left leg for two months. Physical therapy followed until the end of December. My life as I knew it was completely suspended for close to a year.

I am more than a casual bike rider. I have toured, mostly solo, across the United States. I have also toured the Canadian Rockies and around Lake Superior. In total I have bike toured over 7,000 miles, all since 2007. I have never been involved in an accident before.

Now, every morning I wake to a left leg and foot that are stiff, swollen and partially numb below the knee. It is not a nice feeling. I do a few exercises before putting on a compression stocking to control the swelling and often require a brace to keep the front of my left foot from dropping.



The accident has changed my life in every way. Prior to the accident I had a very active lifestyle. I have been a full-time artist since 1989. My work as an artist was very physical and I hiked or biked daily. For a long time my injuries made it impossible to do these things and engage with my family as I had before. Being bedridden for several months, the numbness and swelling in my leg and the general healing of my entire body, has greatly affected my mood and ability to carry on as I had before being hit.

I had to cancel my 2014 season of art festivals and am doing only one festival in 2015. The 2014 canceled festivals were in Nebraska, Illinois, Colorado and Texas. Prior to being hit my art work was the driving force in my life. With my movements substantially restricted I could no longer pursue this important part of my life or continue work in my studio. The things that gave meaning to my life were taken away.

Walking and other physical activity were limited for several months. I continue to work at getting all my muscles back in shape, not an easy task after spending several months in bed. The numbness and swelling in my lower left leg remain the biggest factor inhibiting progress that would approach normal. With each day I am able to do more, though walking long distances remains a serious challenge. I am able to enjoy bicycling again thanks to a friend who has provided a bike that I can get on with ease.

The accident took a great toll on my wife and family. We have three children, all with families of their own. First, they had to see me in very serious condition. Then they had to face the uncertainty of two major surgeries. Would I recover enough to be the husband and father I had been? Our family has been close and caring, I can only imagine each member's individual struggles. All because of someone's carelessness! I am constantly reminded of how one person's choice can have such a negative impact on another innocent person's life.

This was the driver's 8th Driving While Intoxicated. He had been imprisoned for short periods in the past and was on supervised probation at the time. Incredibly enough, the very morning he hit me he had turned in his sobriety machine to his parole officer. He then, according to his own admission, went to help a friend with a job where he had a few beers. After he left his friend he stopped to purchase more beer. There was an open can in his car at the time of the incident. After testing well over the legal limit

he was arrested following his return to the scene. He has been sentenced to ten years in prison, followed by five years of extensive supervision.

This driver did not learn from past brushes with the law. He was able to continue to make dangerous decisions that left me with severe injuries and changed my life. All drunk drivers are a threat to the innocent public, because we know the first arrest is probably not the first time they have driven drunk. That's why, after the first drunk driving arrest, offenders should be immediately ordered to either install an ignition interlock on their car or not be allowed to drive at all. With an ignition interlock, the car won't start if the driver has been drinking. This action after the first offense will protect the public by blocking any attempts by the offender to drive drunk again.

I thank the committee for letting me speak.

Terry Habeger