

Testimony before the Senate Committee on Judiciary and Public Safety

Senator André Jacque

November 2, 2023

Chairman Wanggaard and Colleagues,

Thank you for the opportunity to testify as the author in support of Senate Bill 150, which establishes a new restricted driver's license to incentivize ignition interlock device installation for first offense drunk driving violations.

Wisconsin consistently reports the highest drunk driving rate in the nation- someone is injured or killed in an impaired driving crash every two hours in Wisconsin, according to the Wisconsin Department of Transportation (DOT). In 2021, the agency reported 6,368 alcohol-related crashes in Wisconsin that killed 166 people. About a quarter of all drunk driving arrests are repeat offenders.

Having an ignition interlock device (IID) installed helps condition drivers to be comfortable driving sober, and they are proven to work exceedingly well at preventing repeat drunk driving offenses. This includes a particularly successful record of operation in Wisconsin, which leads the country in the number of drunk drivers stopped by ignition interlock devices according to data collected by Mothers Against Drunk Driving over a ten year period.

Further, IID technology has improved over time, and there are hundreds of locations around the state capable of installing and servicing these relatively inexpensive and unobtrusive devices. The tens of thousands of failed attempts to drive drunk in IID-equipped vehicles in Wisconsin annually demonstrate that these devices can separate drinking from driving and are a tool lawmakers need to double down on.

Senate Bill 150 proposal would create a motor vehicle operator license called an ignition interlock restricted license (IIRL) as an alternative to the current occupational license for certain first time drunk driving offenses. This new restricted license would allow a driver to operate a motor vehicle only if the vehicle is equipped with an ignition interlock device, which requires a driver to pass a breathalyzer test before operating a vehicle, giving first time drunk drivers who voluntarily have the systems installed in their vehicles the ability to drive again right away- in turn lowering court costs and delays and preventing repeat offenders.

This bill also provides incentive to comply with the IID requirement. An IIRL does not impose any geographic/route or time-of-day limitations, and the person may operate the vehicle for any legal purpose. It also restores the offender's driving privileges more quickly, even immediately if the individual waives their right to an administrative hearing, or 15 days after the hearing if they lose. Senate Bill 150 includes criminal penalties for failing to comply with the license requirements.

The goal of this bill, which is strongly supported by Mothers Against Drunk Driving (MADD), is to reduce repeat drunk driving offenses by allowing people to go back to work and get their lives back on track with the security of knowing that an ignition interlock device is allowing them to do so safely.

Thank you for your consideration of Senate Bill 150.



Wisconsin Department of Transportation
Office of the Secretary
4822 Madison Yards Way, S903
Madison, WI 53705

Governor Tony Evers
Secretary Craig Thompson
wisconsin.gov
Telephone: (608) 266-1114
FAX: (608) 266-9912
Email: sec.exec@dot.wi.gov

Testimony of Wisconsin Department of Transportation
Assistant Deputy Secretary Joel Nilsestuen
Before the Senate Committee on Judiciary and Public Safety
November 2, 2023

RE: Senate Bill 150, relating to motor vehicle operator's licenses restricting operators to the use of motor vehicles equipped with ignition interlock devices and providing a penalty.

Thank you, Chairman Wanggaard, and members of the committee for your consideration of the department's input on Senate Bill 150, relating to motor vehicle operator's licenses restricting operators to the use of motor vehicles equipped with ignition interlock devices (IID) and providing a penalty. Likewise, the department appreciates the author's willingness to work with us to resolve concerns we have with SB-150.

The Wisconsin Department of Transportation strongly supports measures which will reduce impaired driving on the state's roads. The Governor's budget contained a provision related to IIDs, which would have expanded the authority of court ordered IIDs to all offenses involving the use of alcohol and operating a motor vehicle while intoxicated, regardless of number of convictions or blood alcohol level. The provision also would have also required that the offender participates in a 24/7 sobriety program or frequent sobriety testing program. We appreciate the efforts of Senator Jacque as well as Chairman Wanggaard to strengthen drunk driving penalties and the use of IIDs. We all know the terrible tragedies caused by impaired driving and the devastating impacts they have on the families affected.

There are a number of provisions in SB-150 that we feel would be beneficial changes to Wisconsin statutes and increase the use of IIDs. However, there are numerous technical, logistical, and procedural issues with the bill as drafted. The bill, as written, creates a new license type which is similar to one already in existence. This causes concern to the department because of potential for confusion to the public, adverse administrative impacts, and creation of an opportunity for offenders to selectively shop for a licensing option they feel is least restrictive to their circumstances.

Under current law, many OWI offenders are allowed to obtain an Occupational license which allows them to drive during specific times and for specific purposes. In instances where the individual is convicted of their second or subsequent OWI, where their blood alcohol concentration 0.15 or greater, or where they refuse a chemical test for intoxication, courts must order the offender to install an IID. Current law also prohibits offenders of certain OWI offenses from obtaining an occupational license.

Under SB-150, a new license type is created, the Ignition Interlock Restricted License (IIRL), which is similar to the current Occupational license, but expands the requirements for IID installation and adjusts waiting times for license eligibility. DMV supports several measures listed in this bill, including:

- Requiring the installation of an IID in a minimum of one vehicle, as opposed to current law which requires IID installation in every vehicle titled in the person's name. Current law results in

offenders making repeated interactions with the courts and DMV service centers in an effort to try to have vehicles exempted from the IID requirement.

- Allowing immediate issuance of an IIRL for someone charged with first offense OWI. Upon receipt of notice of the administrative suspension of their license, and if they do not request an administrative review of that action, the offender may apply for an IIRL after submitting proof of IID installation and proof that they have obtained high risk SR22 insurance.
- Meaningful increases in penalties for tampering with or removing an IID while subject to the IIRL restrictions.

The concerns held by the department are itemized in the comments provided to the author and the committee with this testimony, the highlights of which include:

- Creation of a second license for the same offense has potential to create confusion among the public, the law enforcement community, and the criminal justice system. The department regularly receives correspondence seeking to clarify limitations within the existing license type relating to convictions and eligibility for the occupational license. We see merit in incorporating certain provisions of SB-150 to further advance previous efforts to augment Wisconsin statutes, rather than creation of a redundant license type.
- Currently, DMV cannot take action on OWI cases without some form of documentation being received from law enforcement agencies or the courts. The immediate availability of an IIRL to an OWI offender requires that DMV be prepared to act on a violation prior to receipt of proof of the ticket from law enforcement or conviction by the courts.
- The bill contains a possible loophole which would allow an individual to “wait out” the IID restriction without providing proof of IID installation. While the bill wouldn’t allow the individual to be licensed without proof of IID installation, the person could remain unlicensed for the duration of the IID restriction without an IID ever being installed, with the caveat in Section 34 of the bill that “...the court may order the installation of an ignition interlock device immediately upon conviction.”
- Fiscal Effects to DMV. One-time costs to update DMV’s IT systems to allow for issuance of the IIRL are estimated at \$347,355, with additional one-time vendor costs of \$75,000 to update the face of the driver license card to reflect the new license type. Recurring annual costs of operating and managing the IIRL program are estimated at \$87,285. While the bill increases the fees for the existing Occupational License and new IIRL from \$40 to \$90, the approximate \$1,100,000 generated by this fee increase would be deposited in the State Transportation Fund and would not be appropriated to DMV to offset the expenses of implementation or operations.

The Department of Transportation strongly supports efforts to restrict the ability for OWI offenders to operate a vehicle while impaired. The department’s preference there be one license type. We are appreciative of the opportunity to work with the bill’s author and committee Chair to incorporate the goals of this bill in a manner which doesn’t conflict with the current practices of law enforcement, the courts, and driver license issuance.

Thank you for your time and consideration today and we stand ready to answer any questions committee members may have.

WisDOT Itemized Comments re: SB-150

Currently, Wisconsin has the ability to produce ignition interlock restricted licenses, so the language created, amended, and repealed by this bill creates redundancies and internal conflicts in our statutes since this appears to be drafted for a state that has not yet implemented an IID program, creating an Ignition Interlock Restricted License (IIRL).

Some of our concerns are:

1. This bill appears to penalize individuals who request a judicial hearing regarding their administrative suspension, following an OWI arrest. Section 41 proposes to repeal s. 343.305(8)(d) of the statutes which currently makes an occupational license immediately available to a person whose license is administratively suspended. This provision may have been created in response to a federal court decision finding the original administrative suspension law unconstitutional. See *Thomas v. Fieldler*, 884 F.2d 990 (7th Cir, 1989) and the district court decision at 700 F. Supp. 1527 (E.D. Wisc. 1988). Further legal review of this provision was recommended.
2. Some sections of this bill require the individual to apply for licensure after conviction, while other sections suggest pre-conviction availability.
3. This bill makes DMV count convictions when calculating IID requirements by removing the courts from the process. DMV is not in a position to analyze the necessary information, such as whether there was a search warrant issued for a blood draw in the case of a refusal to supply a breath specimen. This is especially important following the "State vs. Forrett 2022 WI 37" decision. The absence of the court puts the division in the position of assessing the financial wherewithal of drivers, which it lacks staff and expertise to perform.
4. One section removes a reference to "class D" vehicles, which makes the IID restrictions apply to all vehicles. Currently Wisconsin IID vendors will not install IIDs on motorcycles. The industry specifically requested that DOT not require them in the most recent administrative rule changes regarding IIDs. This change would also change the current paradigm regarding how motor carriers handle IIDs, which could result in significant costs for those who employ CDL operators.
5. Cross references regarding insurance requirements seem to conflict with the issuance requirements; specifically exempting government, motor carriers, and school busses. The insurance periods are also (potentially) shorter than those of the IID requirements, which may be unintended.
6. Waiting periods appear to have the new "IIRL" compete with the existing ignition interlock restricted occupational license.
7. The petition for the new "IIRL" copies the current ignition interlock restricted occupational license judicial review language, which creates a second matching appeals system. The occupational licensing law is relatively well understood and has been interpreted through judicial decisions and Ch. Trans 117 of the administrative code. Creating a new process for IIRLs may create a judicial presumption that the legislature does not want the developed law related to occupational licensing to apply. It would be simpler to work within the existing occupational licensing statute to carry forward the administrative and judicial interpretations of the law. Or somehow an intention to have those judicial interpretations apply should be indicated. Also, if the program is intended to run similarly to occupational licensing, then rulemaking authority would be needed to allow the division to make administrative rules that would apply to this new license.

8. The notice provisions in the bill are problematic in terms of timing and content. Notices by police officers and form distribution are burdensome and will complicate an already complex process. Notifications required of the division are not clearly explained regarding content or timing. There may be significant fiscal effects from providing these notices.
9. Provisions in the bill regarding revocations and suspensions need to be clarified so that it is clear whether they run consecutive or concurrent with other suspensions and/or revocations. The bill proposes to require IIRLs be issued to people convicted of non-driving drug offenses who are suspended under 961.50 or a similar tribal law. **Is it intended to require an IIRL for drivers not convicted of alcohol-related offenses?** Similarly, section 47, page 24 line 20 to 25 line 6 proposes to create IIRL requirements for people convicted of underage drinking or absolute sobriety or alcohol possession violations under s. s. 346.63 (2m) or (7). Those are not impaired driving offenses. **Is the IIRL requirement desired for those offenses?** There are other technical issues similar to this that should be addressed in these and the Habitual Traffic Offender (HTO) related provisions.
10. Section 58 on p 29 has a number of issues. First and foremost, it proposes to create a driving offense in the statutes applicable to motor vehicle equipment, Ch. 347. From a strictly organizational standpoint, driving offenses belong in Ch. 346, Stats., driver licensing offenses in Ch. 343, Stats. Operating in violation of an IIRL could be defined as a violation in either Ch. 343 or Ch. 346, but it does not belong in the vehicle equipment statute. The OAR statutes, 343.44 and 343.43(1)(d) prohibit violations of regular and occupational license restrictions related to the use of alcohol.
11. This bill does not provide an implementation delay for the division, the courts, and law

The department believes that these procedures could either already be in place or readily attainable with a simpler bill. Some possible topics could be:

1. Requiring that the courts order an IID restriction on first offense OWI convictions that involve BACs below 0.15
2. Changing fees
3. Reducing or eliminating wait times for IID-restricted occupational licenses
4. Expanding or eliminating the hours of operation requirements for IID-restricted occupational licenses.



November 1, 2023

Support SB 150 to improve the implementation of the drunk driving ignition interlock law

Dear Chairman Wanggaard and Senate Judiciary and Public Safety Committee Members,

Mothers Against Drunk Driving (MADD) supports SB 150 by Senator Jacque to improve implementation of the ignition interlock law. SB 150 is scheduled for a hearing on November 2. SB 150 allows for drunk drivers to use this lifesaving device 15 days after license suspension in lieu of a route or time restricted license. Since 2010, interlocks are required for all repeat, refusals and first-time offenders with a blood alcohol concentration (BAC) of .15 or greater upon conviction. **SB 150 does not expand the current mandate of the use of ignition interlocks in Wisconsin.**

MADD supports SB 150 because it will save lives. In 2021, drunk driving killed 199 people in Wisconsin, representing 32 percent of all traffic fatalities. According to the Insurance Institute for Highway Safety, laws like SB 150 are proven to reduce drunk driving deaths by 16%.

What is an ignition interlock? An ignition interlock is a device about the size of a smart phone that is wired into the ignition system of a vehicle. If an interlock user is drunk, the vehicle will not start. Interlocks cost around \$3 a day to lease. Under current law, if the person is indigent, they are eligible for a reduced cost. If their annual income is 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 costs. The FPL is adjusted annually and depends on the number of people in the household.

Over the past 16 years, ignition interlocks have prevented over 410,000 attempts to drive drunk with a blood alcohol concentration of .08 or greater in Wisconsin, including over 24,500 attempts in 2022 alone. This shows the power of this device to prevent drunk driving and demonstrates the need for lawmakers to ensure the law is working as effectively as possible.

SB 150 key provisions:

- Allows any drunk driver to use an interlock 15 days after license revocation prior to conviction in lieu of route/time restricted license.
- If a person installs an interlock prior to conviction, the time on the device is credited to any court ordered interlock conviction.
- Allows, but does not mandate, any OWI offender with a BAC of .08 or greater to apply for an unlimited driving privilege on an IID Occupational License 15 days after revocation if he or she installs an ignition interlock for the remainder of the license suspension period (typically six to nine months). The other option for first-time offenders with a BAC of .08 to .14 is to wait 45 days and apply for a route/time restricted license with no interlock requirement.
- Increases penalties for non-compliance of interlock use.

Please advance SB 150. If you have any questions, please do not hesitate to contact me at Erin.Payton@madd.org or 630-541-6099. Enclosed is more information on ignition interlocks. Thank you in advance for your prompt consideration of this important request.

Sincerely,

Erin Payton
MADD Wisconsin Regional Executive Director



madd Support SB 150 by Senator Jacque and AB 167 NO MORE VICTIMS™ by Representative Murphy

Drunk driving is a leading killer on Wisconsin roadways, 199 people in 2021 were killed in drunk driving crashes representing 32% of all traffic fatalities. Interlocks for drunk drivers separate drinking and driving and is proven to save lives.

SB 150 and AB 167 Overview: Since July 2010, ignition interlocks are mandated for all repeat, refusals and first-time offenders with a blood alcohol concentration (BAC) of .15 or greater upon conviction. ***This legislation DOES NOT expand this mandate to all first-time drunk drivers.***

- However, it does allow any drunk driver to use an interlock 15 days after license revocation prior to conviction in lieu of route-time restricted license currently required under law.
- If a person installs an interlock during this time period prior to conviction, the time on the device is credited to any court ordered interlock conviction.

Any offender can apply for an Interlock Restricted license after arrest (pre-conviction).

Allows, does not mandate or require, any OWI offender with a BAC of .08 or greater to apply for an unlimited driving privilege on an Interlock Restricted License 15 days after license revocation if he or she installs an ignition interlock for the remainder of the license suspension period (typically six to nine months). The other option for first-time offenders with a BAC of .08 to .14 is to wait 45 days and apply for a time/route-restricted occupational license with no interlock requirement.

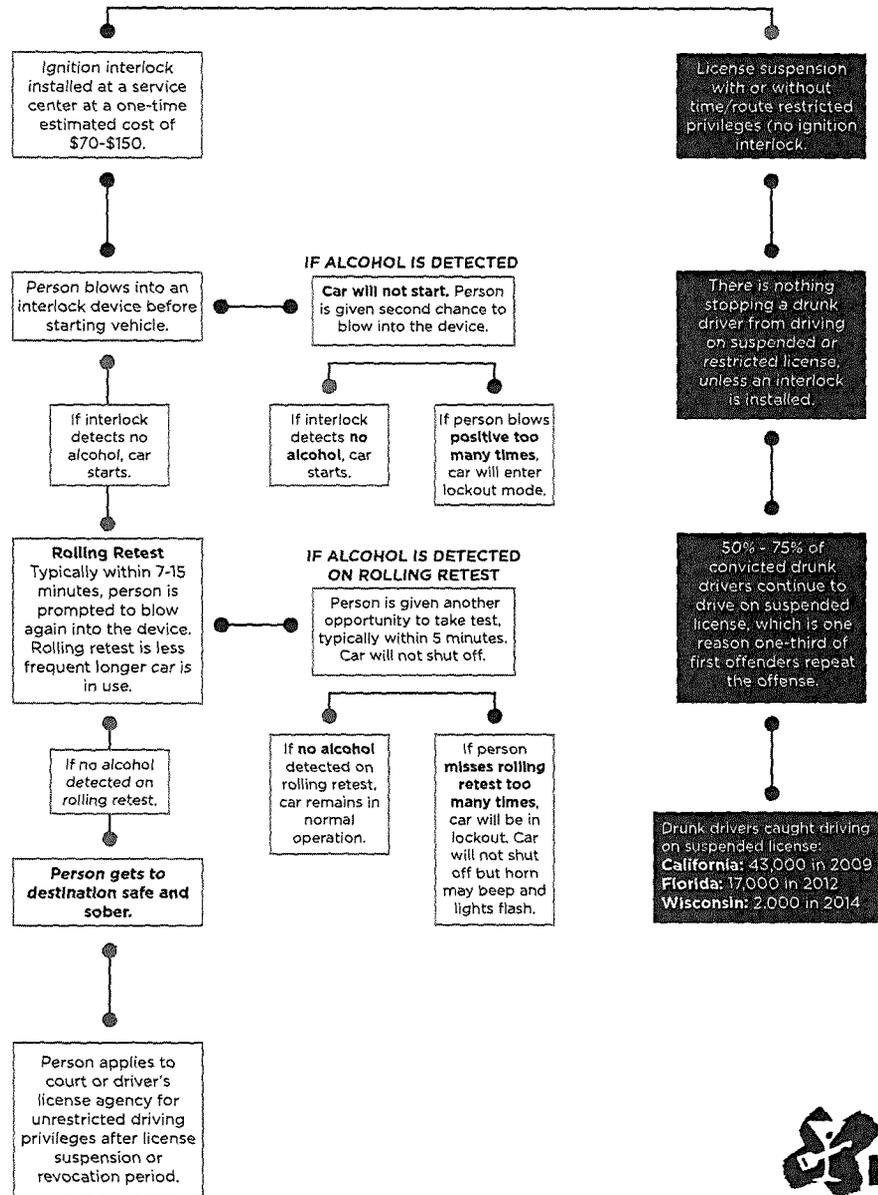
Shortens waiting times for an interlock to be installed. Currently, offenders ordered to use an interlock upon conviction must wait months from arrest to conviction and repeat offenders must wait an additional 45 days after conviction before an installing an interlock. This bill shortens those waiting periods to 15 days after initial license revocation.

No route or time restricted driving restriction if interlock installed after arrest. Anyone who uses an interlock would not have route or time restriction. ***A person must prove to DOT that he or she has an interlock installed before obtaining interlock restricted driving privileges.***

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

Increases penalties for non-compliance: Increases penalties that apply to IID tampering, failing to have an IID installed as ordered by the court, or violating a court restricting the person's operating privilege to vehicles equipped with an IID, and also applies these penalties to violating the IID restriction on an IID restricted license.

Ignition Interlock vs. License Suspension After DUI



People who use an interlock are less likely to reoffend. Compared to license suspension alone, interlocks reduce repeat offenses by 67% while the device is installed and 39% after the device is removed. Compliance Based Removal could help decrease repeat offenses even more.

MADD supports ignition interlocks for ALL apprehended drunk drivers. Interlocks accomplish what license suspension and other monitoring technologies do not — separate drinking from driving.

- **Interlock Service Center:** Person must get interlock serviced every 30 days.
- **Lockout Mode:** If person blows positive for alcohol too many times or misses a rolling test, device may need to be taken to get serviced sooner than 30 days.
- **Extra time on interlock possible.** The interlock service center may report any violations, too many positive blows or missed rolling retests to a monitoring agency which may result in extra time on interlock if the state has a **Compliance Based Removal** aspect to the interlock law. Many states require offenders to show proof of installation and/or compliance with the interlock order to the court/driver's license agency in order to have device removed.



Studies on the Effectiveness of Ignition Interlocks

Teoh et al, Insurance Institute for Highway Safety, "State Ignition Interlock Laws and Fatal Crashes," March 2018.

- The number of impaired driving crashes falls 16 percent when states enact all-offender ignition interlock laws.
- If all states mandated interlocks for all DUI offenders, more than 500 of those deaths would have been avoided.

McGinty, Emma E. *American Journal of Preventative Medicine*, "Ignition Interlock Laws: Effects on Fatal Motor Vehicle Crashes, 1982–2013," January, 2017

- Ignition interlock laws reduce alcohol-involved fatal crashes. Increasing the spread of interlock laws that are mandatory for all offenders would have significant public health benefit.
- Laws requiring interlocks for all drunk driving offenders with a blood alcohol concentration (BAC) of .08 or greater were associated with a seven percent decrease in the rate of drunk driving fatal crashes.
- Laws requiring interlocks for first-time offenders with a BAC of .15 or greater were associated with an eight percent decrease in the rate of drunk driving fatal crashes.
- Laws requiring interlocks for segments of high-risk drunk driving offenders, such as repeat offenders, may reduce alcohol-involved fatal crashes after two years of implementation.

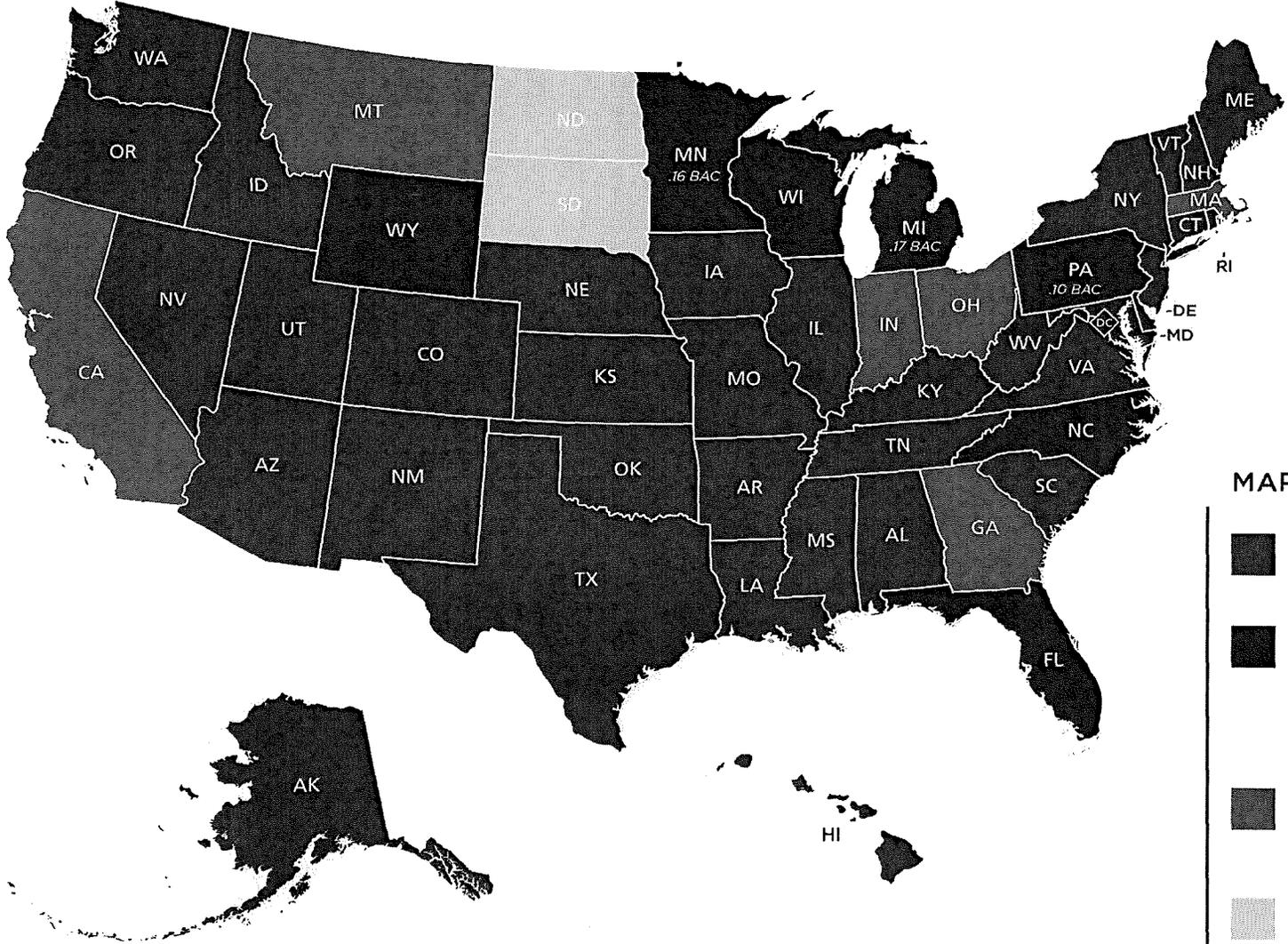
California DMV Study of Four-County Ignition Interlock Pilot Program, June 2016

- Ignition interlocks are **74% more effective in reducing DUI recidivism** than license suspension alone for first offenders during the first 182 days after conviction.
- **Interlocks are 45% more effective** in preventing a repeat DUI incidence when compared to license suspension alone during days 183 to 365 after conviction. (Many first-time offenders have the device removed after 182 days of use.)
- Ignition interlocks are **70% more effective than license suspension** alone in preventing repeat offenses for second-time offenders, compared to license suspension alone, for the first 364 days of use.
- Interlocks are **58% more effective in preventing a repeat DUI incidence during days 365 to 730** days of use for second-time offenders.
- **Third-time offenders who only had a suspended license were 3.4 times more likely to have a fourth DUI conviction or incidence** compared to the interlocked offender group.
- Because interlocked offenders are able to be a part of society and provide for their family by driving to work, grocery stores, restaurants and any anywhere else, their crash risk is most likely similar to the general driving population in California, but higher than offenders whose licenses were suspended or revoked and not permitted to drive.

Kaufman, University of Pennsylvania, "Impact of State Ignition Interlock Laws on Alcohol-Involved Crash Deaths in the United States," March 2016

- **DUI deaths decreased by 15%** in states that enacted all-offender interlock laws.
- States with mandatory interlock laws saw a **0.8 decrease in deaths for every 100,000 people** each year – which is comparable to lives shown to have been saved from mandatory airbag laws (0.9 lives saved per 100,000 people).

Status of Ignition Interlock Laws



MAP LEGEND

-  All-Offender
-  Mandatory for all first offenders with a BAC of .15 or greater (unless if BAC is noted differently)
-  Mandatory for all repeat offenders
-  Discretionary or optional law



November 1, 2023

The Honorable Van Wanggaard
Chairman
Senate Committee on Judiciary and Public Safety
PO Box 7882
Madison, WI 53707-7882

RE: Bill S. 150

Dear Chairman Wanggaard:

The National Safety Council (NSC) respectfully encourages you to support S. 150, a bill that will allow for alcohol-impaired drivers to use a lifesaving ignition interlock device 15 days after license suspension in lieu of a route or time restricted license. S. 150 would not expand the current mandate of the use of ignition interlocks in Wisconsin.

NSC is America's leading nonprofit safety advocate and has been for 110 years. As a mission-based organization, we work to eliminate the leading causes of preventable death and injury, focusing our efforts on the workplace and roadways. We create a culture of safety to keep people safer in the workplace and beyond so they can live their fullest lives. Our more than 13,000 member companies include several federal agencies and represent nearly 41,000 U.S. worksites across the country, including more than 315 sites in the state of Wisconsin.

NSC estimates 620 lives were lost in motor vehicle related crashes in Wisconsin in 2021 – all in completely preventable crashes.¹ Nearly 200 people lost their life to alcohol-impaired driving crashes, representing roughly 32 percent of all traffic fatalities.²

Alcohol continues to be involved in about 31 percent of all fatal crashes in America – a percentage that has not significantly fluctuated in more than a decade.³ Strong ignition interlock laws work to reduce both alcohol-impaired deaths and alcohol-impaired driving recidivism. According to the Insurance Institute for Highway Safety, laws like S. 150 are proven to reduce drunk driving deaths by 16 percent.⁴ Additionally, data show repeat DUI offenses decrease when ignition interlocks devices are installed.⁵

Over the past 16 years, ignition interlocks have prevented over 410,000 attempts to drive drunk with a blood alcohol concentration of .08 or greater in Wisconsin, including over 24,500 attempts in 2022 alone.⁶ These devices are a commonsense measure that will save lives.

¹ <https://injuryfacts.nsc.org/state-data/motor-vehicle-deaths-by-state/>

² <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813435>

³ <https://www.nhtsa.gov/risky-driving/drunk-driving>

⁴ <https://www.iihs.org/news/detail/state-laws-mandating-interlocks-for-all-dui-offenders-save-lives#:~:text=Laws%20requiring%20all%20impaired%2Ddriving,could%20be%20saved%20each%20year>

⁵ https://www.cdc.gov/motorvehiclesafety/impaired_driving/ignition_interlock_states.html

⁶ <https://madd.org/wp-content/uploads/2023/01/2021-Ignition-Interlock-Report-FINAL-COPY.pdf>



NSC encourages you to support S. 150, a bill that will allow any drunk driver to use an interlock 15 days after license revocation and prior to conviction in lieu of route or time restricted license. To eliminate roadway fatalities, we must use every tool at our disposal to prevent crashes and save lives, including the proven technology of interlock devices. If you have any questions, or if NSC can be of further assistance on this issue, please contact State Government Affairs Manager Alaina Dahlquist at Alaina.Dahlquist@nsc.org or 771-333-0677.

Sincerely,

Lorraine Martin
President & CEO



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY

October 31, 2023

The Honorable Van H. Wanggaard, Chair
The Honorable André Jacque, Vice Chair
Senate Committee on Judiciary & Public Safety
Wisconsin Legislature
2 East Main Street
Madison, WI 53702

Dear Chair Wanggaard and Vice Chair Jacque:

Advocates for Highway and Auto Safety (Advocates), an alliance of consumer, safety, medical, public health and law enforcement groups, and insurance companies working together to pass highway and auto safety laws that prevent crashes, save lives, reduce injuries, and contain costs, supports Senate Bill (SB) 150 to incentivize the use of ignition interlock devices (IIDs). We thank Vice Chair Jacque for your leadership on this issue and urge you to consider expanding the IID requirement in the legislation to all first-time offenders.

SB 150 includes several provisions that will encourage the use of IIDs. However, the improvement is limited to the context of current law which mandates IIDs for all repeat Operating While Intoxicated (OWI) offenders, all first time OWI offenders with a blood alcohol concentration of 0.15 percent or higher, and all drivers who refuse to provide a breath or blood sample for testing at a traffic stop. Given the seriousness of drunk driving and the effectiveness of IIDs in preventing drunk driving -- while still allowing an offender to drive when not impaired -- adding first-time offenders with a BAC between .08 and .15 percent is a sensible way to save lives.

Drunk driving is a deadly and costly threat to Wisconsin families. In 2021, 199 people were needlessly killed in drunk driving crashes on Wisconsin roads according to the most recent data from the National Highway Traffic Safety Administration (NHTSA).ⁱ This accounted for 32 percent of all Wisconsin traffic fatalities that year.ⁱⁱ Moreover, motor vehicle crashes result in nearly \$6.3 billion each year in economic costs for Wisconsin.ⁱⁱⁱ Clearly, this is a serious issue on Wisconsin roads which requires urgent attention and the effective solution of an improved IID law.

Data from Mothers Against Drunk Driving (MADD) show that from 2006-2020 IIDs prevented 357,946 attempts to drive drunk in the Badger State, including 28,281 attempts in 2020.^{iv} In addition to the provisions already in SB 150, expanding the IID requirement to all first-time offenders would improve the effectiveness of the IID program and help prevent drunk driving.

A common misconception is that most people who are convicted of their first drunk driving offense are social drinkers who made one mistake. However, studies show that the average first offender will have driven drunk 87 times before getting arrested.^v According to the Centers for Disease Control and Prevention (CDC), adult drivers admitted they drank too much and got behind the wheel approximately 127 million times in 2020, which equals over 347,000 incidents of drinking and driving each day.^{vi} However, only about 1 million, or approximately one percent of those 127 million episodes results in an arrest for driving under the influence that year.^{vii} Drivers with a BAC of .08 percent or higher involved

in fatal crashes were four times more likely to have a prior conviction for driving while impaired (DWI) than drivers with no alcohol.^{viii}

States that have adopted IID laws for all offenders are saving lives, reducing injuries and preventing drunk driving recidivism. For example, Arizona, Oregon, New Mexico and Louisiana have experienced dramatic decreases of more than 30 percent in drunk driving deaths after enacting an all-offender IID law according to MADD. In addition, when West Virginia adopted its IID program, recidivism was reduced by 77 percent among first time offenders.^{ix}

In 2021, an average of one alcohol impaired driving fatality occurred every 39 minutes in the U.S. resulting in a total of 13,384 deaths.^x According to MADD, one in three people will be involved in a drunk driving crash in their lifetime. These tragic, preventable crashes also create a financial burden of \$58 billion in economic costs (in 2019).^{xi}

There is overwhelming support, as high as 88 percent in polling, among Americans for requiring ignition interlocks for all convicted DUI offenders, even if it's their first conviction.^{xii} Eighty-two (82) percent of offenders themselves believe the IID was effective in preventing them from driving after drinking.^{xiii}

Unfortunately, after a large decrease in prior years, alcohol related deaths have risen 35 percent in the United States since 2014.^{xiv} Action must be taken to bring these numbers down. Advocates urges you to support and advance SB 150 to promote IIDs but also urges you to expand the IID mandate to all first-time offenders. IIDs are a proven lifesaving technology that should be deployed to prevent all offenders from driving drunk. Thank you for your time and consideration.

Sincerely,



Catherine Chase
President

ⁱ National Center for Statistics and Analysis. (2023, June). Alcohol-impaired driving: 2021 data (Traffic Safety Facts. Report No. DOT HS 813 450). National Highway Traffic Safety Administration.

ⁱⁱ Ibid.

ⁱⁱⁱ Blincoe, L., Miller, T., Wang, J.-S., Swedler, D., Coughlin, T., Lawrence, B., Guo, F., Klauer, S., & Dingus, T. (2023, February). *The economic and societal impact of motor vehicle crashes, 2019 (Revised)* (Report No. DOT HS 813 403). National Highway Traffic Safety Administration.

^{iv} *Ignition Interlock Report: Putting an End to Drinking and Driving Attempts.* (2022, January). Mothers Against Drunk Driving, report available at <https://madd.org/wp-content/uploads/2023/01/2021-Ignition-Interlock-Report-FINAL-COPY.pdf>

^v Drinking and Driving Trips, Stops by the Police, and Arrests: Analyses of the 1995 Survey of Drinking and Driving Attitudes and Behavior, NHTSA, Dec. 2000, DOT HS 809 184, available at https://rosap.nhtl.bts.gov/view/dot/1779/dot_1779_DS1.pdf?

^{vi} CDC Impaired Driving: Get the Facts, Sept. 20, 2023, available at https://www.cdc.gov/transportationsafety/impaired_driving/impaired-driv_factsheet.html.

^{vii} Ibid.

^{viii} Traffic Safety Facts, 2021 Data: Alcohol-Impaired Driving, NHTSA DOT HS 813 450, June 2023, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813450>.

^{ix} Tippetts, A. Scott and Robert Voas. *The Effectiveness of the West Virginia Interlock Program.* Journal of Traffic Medicine 26 (1-2) (1998): 19-24.

^x Traffic Safety Facts, 2021 Data: Alcohol-Impaired Driving, NHTSA DOT HS 813 450, June 2023, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813450>.

^{xi} Blincoe, L., Miller, T., Wang, J.-S., Swedler, D., Coughlin, T., Lawrence, B., Guo, F., Klauer, S., & Dingus, T. (2023, February). *The economic and societal impact of motor vehicle crashes, 2019 (Revised)* (Report No. DOT HS 813 403). National Highway Traffic Safety Administration.

^{xii} MADD, How Technology Has Stopped 1.77 Million Drunk Drivers: A State by State Guide to Creating a Future of No More Victims, February 10, 2016; available at <https://online.flippingbook.com/view/57396/4/>.

^{xiii} Morse, BJ and DS Elliott. Hamilton County Drinking and Driving Study: 30 Month Report. Boulder, Colorado: University of Colorado, 1990.

^{xiv} Facts + Statistics: Alcohol-impaired driving, Insurance Information Institute, available at: <https://www.iii.org/fact-statistic/facts-statistics-alcohol-impaired-driving>.