

## ALCOHOL INTERLOCKS & IMPAIRED DRIVING | LEGISLATION UPDATE



Legislation, administrative rules, and policies provide a framework to guide the implementation of operational practices. They are an essential foundation for the development of evidence-based alcohol interlock programs. As alcohol interlock technology and research advances, it is imperative that legislation and policy keep pace. The following fact sheet contains an update on experiences in Utah in reducing the illegal breath alcohol concentration limit (BAC), model interlock legislation considerations, and important steps in drafting interlock legislation learned from experiences in New York.

### UTAH .05 BAC LEGISLATION UPDATE

In 2018, Utah implemented legislation to lower the illegal BAC per se limit from .08 to .05. A subsequent evaluation conducted by the National Highway Traffic Safety Administration (NHTSA) examined the impact of this change, and key results are summarized below.<sup>1</sup>

- In 2019, Utah's fatal crash rate dropped by 19.8% and the fatality rate decreased by 18.3%.
- Fatality Analysis Reporting System (FARS) data for Utah revealed reductions in the overall number of people killed in 2019 (the first year the .05 law was in effect) compared to 2016 (the last full year before the law was passed). In 2019, despite an increase in vehicle miles traveled (VMT), Utah recorded 225 fatal crashes and 248 fatalities, which were lower than the 259 fatal crashes and 281 fatalities for 2016.
- More than 22% (approximately 1 in 5) of persons who consumed alcohol indicated they had changed their behavior once the law was in place.
- Alcohol-impaired driving arrests did not climb sharply after the implementation of the law.
- Focus groups and surveys conducted by the State showed there was at least some increased awareness of the law, especially among drinkers, and drinkers tended to have a less favorable view of the change than non-drinkers.

The findings in the study showed reductions in crash rates and alcohol involvement in crashes associated with the new law. Prior to implementation, there were concerns the new legislation would have a negative impact on Utah’s economy. However, data indicate alcohol sales and per capita consumption continued an increasing trend under the new law as did tourism and tax revenues.

**Based on a presentation by Leah Walton (National Transportation Safety Board)**

**MODEL INTERLOCK LEGISLATION CONSIDERATIONS**

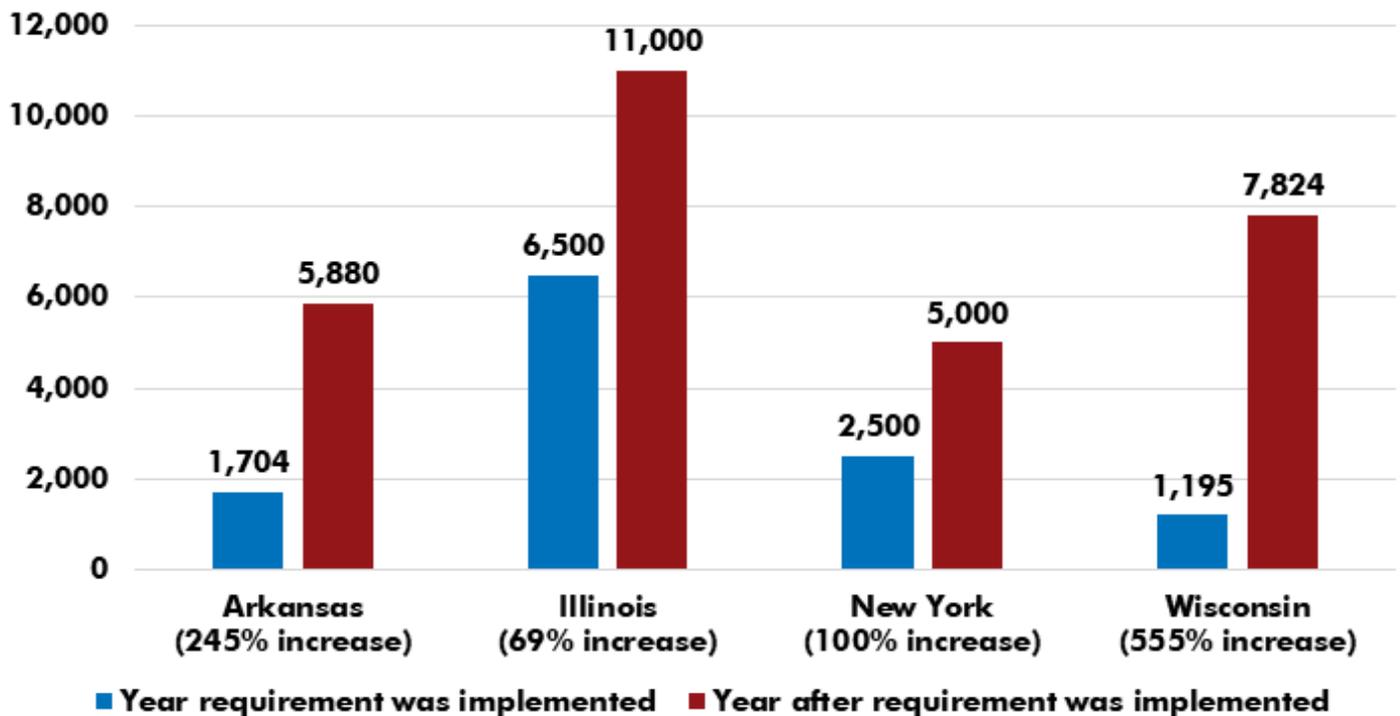
Both the National Alliance to Stop Impaired Driving (NASID) and the National Transportation Safety Board (NTSB) presented on three considerations for model alcohol interlock legislation. These include:

- Key requirements related to administrative license suspension or revocation laws. States with administrative license suspension or revocation laws should incorporate a requirement that drivers arrested for impaired driving use an ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

- Requiring or incentivizing interlock use. Research shows requirements are strongly associated with increased interlock use. This includes installation requirements for all offenders, regardless of BAC level upon arrest and the number of previous offenses by the driver. Based on data from four states (AR, IL, NY, and WI), interlocks in use after requirements were implemented increased between 69-555%, as demonstrated in Figure 1 (NHTSA, 2012).
- Monitor interlocks to ensure proper use. Monitoring is strongly associated with increased interlock use. Monitoring can include follow-up with offenders to ensure they have installed the device correctly, are driving the vehicle with the installed device, and not failing or missing tests or circumventing the interlock.

**Based on a presentation by Brandy Nannini (Responsibility.org) and Leah Walton (National Transportation Safety Board)**

**Figure 1. Interlocks in use after requirements were implemented**



## WHAT'S IN A BILL? ADVOCACY FOR LEANDRA'S LAW

Leandra's Law<sup>2</sup> was implemented November 18th, 2009. The law required all impaired drivers to install an ignition interlock device on their vehicle and made impaired driving with a child passenger (i.e., less than 16 years) a felony offense.

The passage of such bills requires considerable work and education, strong advocacy, and support from stakeholders. While many bills can take years to pass, Leandra's Law was implemented within a short period of time due to public and stakeholder support. Below is a brief timeline highlighting steps taken to implement Leandra's Law.

- **2008.** Efforts to implement an all-offender interlock law began in 2008 when Senator Charles J. Fuschillo and Assemblyman Harvey Weisenberg authored the proposed legislation, however, the bill was not initially passed.
- **May 2009.** Stakeholders were encouraged to hire a lobbyist.
- **August 2009.** The Governor and Senate introduced legislation on DWI child passenger safety and interlocks.
- **September 2009.** The Senate enacted an all-offender interlock bill in September, but progress stalled at the Assembly. The stall prompted innovative approaches to keep the bill alive, such as coalition building, press conferences, town halls, and another lobby day to build support for it.
- **October 11, 2009.** Leandra Rosado was killed and others were injured in an impaired driving crash. The impaired driver had a BAC of .132. Leandra's death received a lot of media attention, and her father pushed for legislative change.
- **October 16-22, 2009.** Lobby day in Albany, NY with multiple press events in support of the bill. Leandra's father, Lenny Rosado, called for passage of Leandra's Law in newspapers and an New York Times Editorial in support of all-offender interlocks was published.
- **November 2009.** MADD called for Leandra's Law and interlocks to be included in the

budget session. They were then included in a special session. However, the interlock requirement was taken out by the Senate during the special session. As a result, MADD increased action through a call for passage, meeting with Speaker Silver, raising media awareness, and holding a protest in front of the Speaker's office. A meeting was held with Speaker Silver on November 16th.

- November 18th, 2009. The law was signed.

**Impact.** The impact of Leandra's Law is measurable through data collected by MADD and important metrics are summarized below.

- As of 2020, only 26% of arrested impaired drivers had installed an interlock device.
- It is estimated that interlocks have prevented 7,000-8,000 attempts to drive alcohol impaired annually.
- Data collected by MADD from interlock vendors showed from December 2006 to December 2020, interlocks prevented 111,000 alcohol impaired driving attempts with a .08 BAC or greater.
- From 2010 to 2020 in New York, alcohol impaired driving deaths decreased by 20%, from 360 in 2010 to 286 in 2020.

**Based on a presentation by Frank Harris (Mothers Against Drunk Driving)**

### CITATIONS

- <sup>1</sup> Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.
- <sup>2</sup> New York Vehicle Traffic Law Section 1192 2-a(b)

## ABOUT THE ASSOCIATION OF IGNITION INTERLOCK PROGRAM ADMINISTRATORS

The Association of Ignition Interlock Program Administrators (AIIPA) is an organization composed primarily of federal, state, county, parish, or municipal employees who provide specialized knowledge to an ignition interlock program. The organization was formed in November, 2011 as a result of the National Ignition Interlock Summit sponsored by the Governors Highway Safety Association (GHSA), the National Highway Traffic Safety Administration (NHTSA), and the Centers for Disease Control and Prevention (CDC).

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