

# AIIPA

May 23, 2022



**RESPONSIBILITY.ORG**

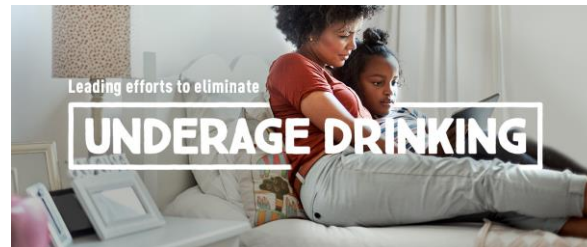
*Brandy Nannini - Senior Vice President,  
Responsibility Initiatives*

# COMMITMENT TO RESPONSIBILITY

Responsibility.org members have invested nearly \$300 million in policy development, educational programs and public awareness campaigns to fight drunk driving and underage drinking.



Leading efforts to eliminate drunk driving and working with others to end all impaired driving.



Leading efforts to eliminate underage drinking.



Empowering adults to make a lifetime of responsible alcohol choices as part of a balanced lifestyle.

# RESPONSIBILITY.ORG MEMBER COMPANIES

Enhancing a legacy of responsibility and recognizing the power of collective action.



# RESPONSIBILITY.ORG PARTNERS



American Association of Motor Vehicle Administrators



# National Alliance to Stop Impaired Driving (NASID)



A coalition established and led by Responsibility.org to eliminate all forms of impaired driving, especially multiple substance impaired driving. [www.nasid.org](http://www.nasid.org)

## Our Members



## Allied Members



# NASID

National Alliance to Stop Impaired Driving

Conference



Presented by  
**RESPONSIBILITY.ORG**

July 27-29, 2022, Washington, D.C.

## Topics include:

- Multiple Substance Impaired Driving
- Safe Systems Approaches
- Effective Technologies
- DUI Systems Mapping
- Advanced Vehicle Technologies
- Public Awareness Campaigns
- Innovative Enforcement Strategies

Register at: <https://nasid.org/nasid-conference-2022/>





# Call To Action

**The Washington Post**

*Democracy Dies in Darkness*

TRANSPORTATION

## Deaths on U.S. roads soared to 16-year high in 2021

Road deaths soared more than 10 percent last year, compared with a year earlier, reaching 42,915, according to estimates released Tuesday by federal transportation officials. It was the highest number of fatalities nationwide since 2005.

The National Highway Traffic Safety Administration also reported that it was the largest annual percentage increase in the history of its Fatality Analysis Reporting System, which began in 1975.

The agency said fatal multi-vehicle crashes and crashes on urban roads were up 16 percent. Fatalities among senior citizens jumped 14 percent. Deaths involving at least one large truck soared 13 percent, as did pedestrian fatalities. Deaths of bicyclists were up 5 percent, as were fatal crashes involving speeding and alcohol. Driving overall was up 11 percent.

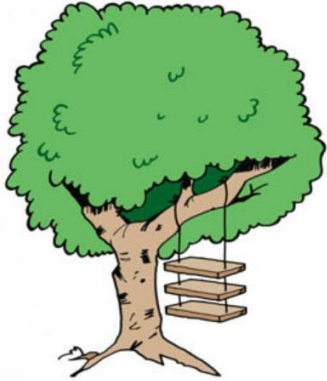


The Cravens Family

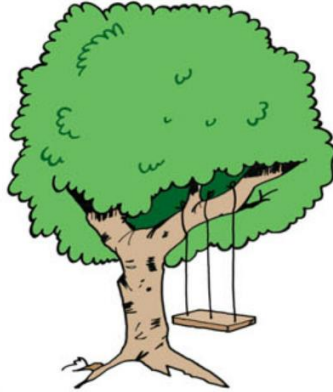
# State Legislative Efforts



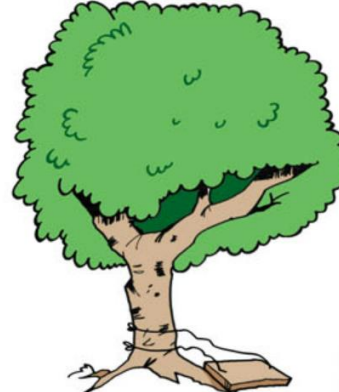
# How a Bill Becomes a Law



As legislator introduced the bill



As committee reported it



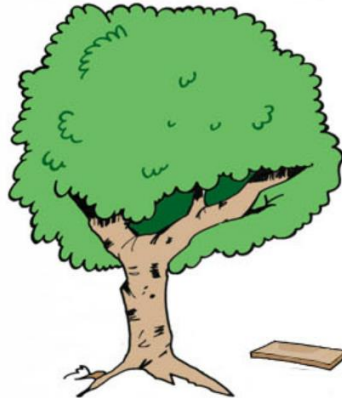
As House amended it



As Senate amended it



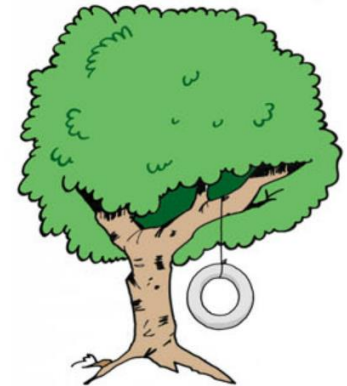
As passed into law



As implemented by state agency

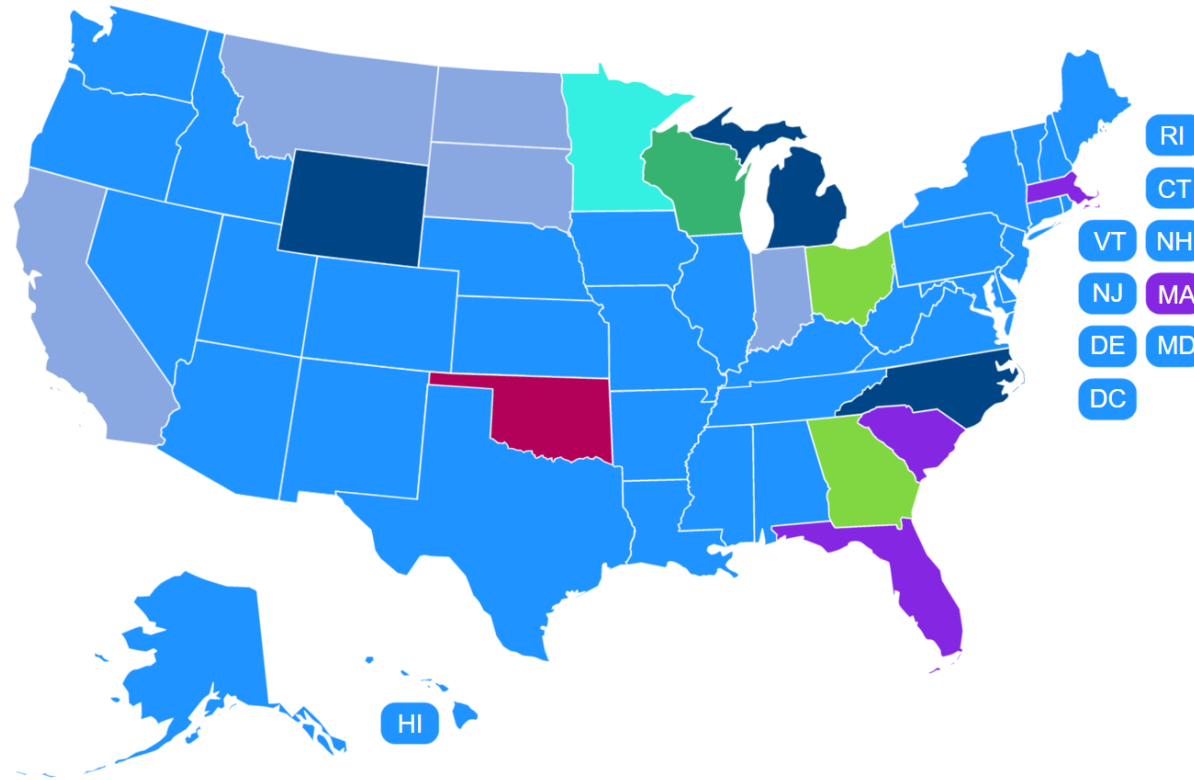


What the budget allowed



What taxpayers really wanted

# 2022 State of Play – 34 states and D.C.



## STATE LAW: IGNITION INTERLOCKS

- |  |   |                           |   |
|--|---|---------------------------|---|
| Mandatory all offender                           | Mandatory high-BAC and repeat offender    | Mandatory repeat offender | Incentivized first offender and mandatory high-BAC/repeat |
| Incentivized first offender and mandatory repeat | Incentivized all offender (not mandatory) | Discretionary             | High/Repeat   |



# Closing the Gaps – Noah's Law



# The Model Interlock Law

- ✓ Applies to all DUI offenders
  - Ideal to begin upon arrest for swift, certain consequences
- ✓ Applies to test refusers
- ✓ Requires IID for re-licensing (No wait out period)
- ✓ Compliance-based removal
- ✓ Requires IID for diversion, expungement, plea bargains
- ✓ Requires IID for multiple substance offenders
- ✓ Minimum 6 months/1<sup>st</sup> offense, 12 months for repeats



## Eight Program Keys for Strong State Alcohol Ignition Interlock Programs

PROGRAM KEY	CHARACTERISTICS OF A STRONG PROGRAM KEY	EXAMPLE
<b>Require</b> or incentivize use	Requirement or strong incentive to install interlocks	A law covering all offenders with significant reduction of hard license suspension period if interlock is installed
Levy strong <b>penalties</b>	Strong, swift, and appropriate penalties	Extension of interlock time, home monitoring, fail breath test, or tamper or otherwise circumvent interlock
<b>Monitor</b> interlocks to ensure proper use	Careful monitoring to assure interlocks are installed and used as intended	Random checks by DMV, probation, or treatment centers to ensure offender has installed and is using an interlock
<b>Implement</b> uniformly across state	Uniform and consistent implementation, statewide	All agencies report data regularly in compatible format, using uniform definitions of violations in same time frame
<b>Coordinate</b> across agencies	Close coordination and communication across all agencies	Regular communication with representatives from all interlock program involved agencies
<b>Educate</b> stakeholders about the program	Regular training or education for all interlock agency staff and management	Regular trainings between interlock program managers, law enforcement, vendors, DMV, and court staff
Provide adequate <b>resources</b>	Adequate staff and funding resources	Designated interlock program manager and staff, financial assistance for offenders
Use <b>data</b> for action	Excellent data records (including level of offense, BAC level at time of arrest, number of prior arrests, installation/removal dates, violations)	Combined annual data on offenders available from all agencies to monitor offenders, report violators and evaluate program effectiveness

Source: [Centers for Disease Control](#)



# Model Legislation

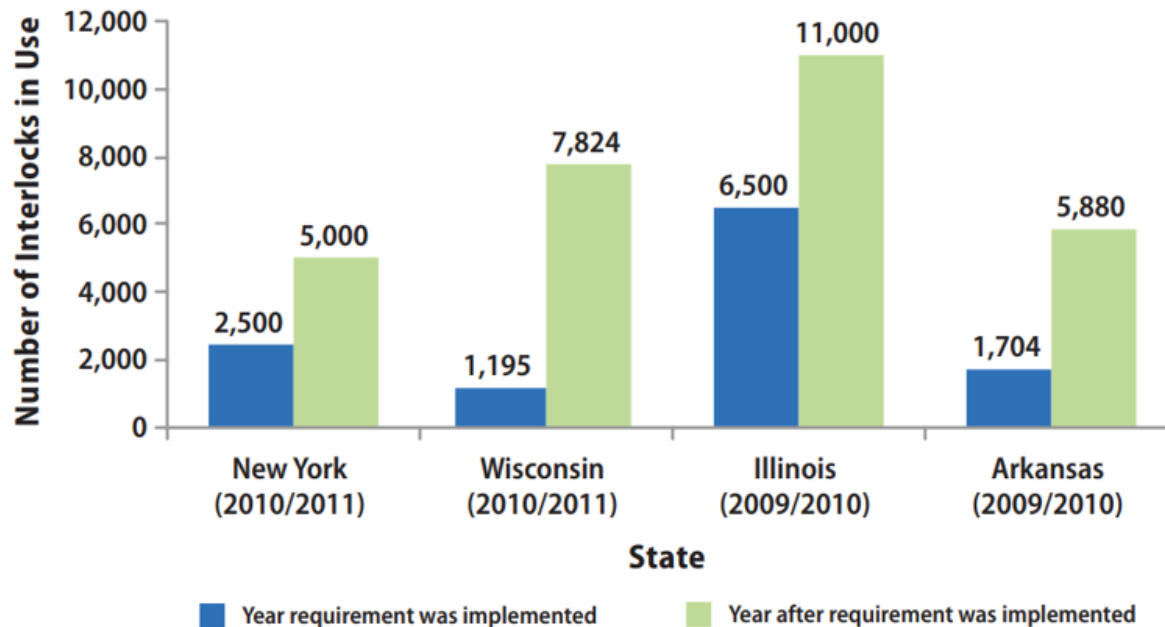
## Program Key #1: Require or incentivize use

Requirements are determined by state ignition interlock laws and describe which types of offenders (first-time, repeat, or high BAC\*) are required to install interlocks. State laws may also define incentives for installing an interlock.

*\*Usually defined as BAC $\geq$ 0.15 mg/dl which varies by state.*

### States in Action:

#### Interlocks in Use After Requirements Were Implemented



Requirements are strongly associated with increased interlock use.





# Model Legislation

## B. Program Management

### Program Key #3: Monitor interlocks to ensure proper use

Monitoring describes ways in which the program follows-up with offenders to make sure they have installed the device correctly, are driving the vehicle with the installed device, and not failing or missing tests or circumventing the interlock.

#### States in Action:

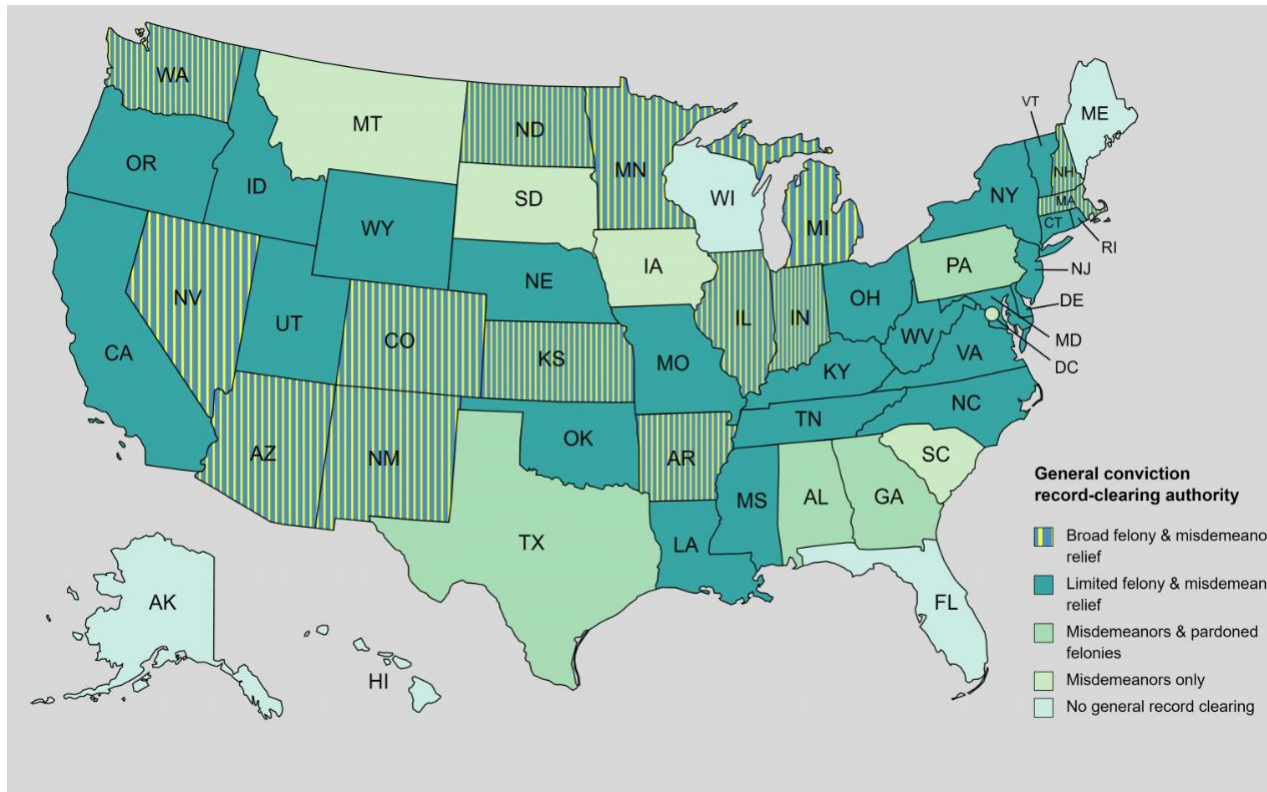
- **Colorado:** Accesses the Online Interlock System (OIS), which uses vendor data to electronically produce an installation certificate and sets the interlock requirement duration and end-date. OIS data are monitored by the Department of Motor Vehicle (DMV) driver control unit.
- **Virginia:** Monitors the ignition interlock program through the Virginia Alcohol Safety Action Program (VASAP). Courts usually issue Restrictive Driver's License Order forms requiring DWI offenders to attend VASAP education programs and install an interlock. The VASAP case manager then monitors the offender's interlock activities.
- **Washington:** Expanded its data reporting and tracking system in 2010. In order to restore their driving privileges, offenders required to install interlocks must install them, complete the required time period, and complete the final four months without violations, as certified by the interlock vendors.



Monitoring is strongly associated with increased interlock use.



# Emerging Issue: DUI Expungement



Source: [Collateral Consequences Resource Center](#)



# Lookback periods and Expungement

*State Driver License Lookback Periods for DUI (Responsibility.org, 2022)*

# Years	5	6	7	10	12	15	Lifetime
# States	8	1	5	25	1	4	6

*Waiting Periods for Misdemeanor Record Clearing (Love, 2022)*

# Years	< 3	3 - 5	6 - 7	8	10 +	Not eligible
# States	8	15	4	2	3	6 + Fed

# Federal Legislative Efforts

# Federal Ignition Interlock Incentive grant

## **incentive** noun

 Save Word

in·cen·tive | \ in-'sen-tiv  \

### **Definition of *incentive***

: something that incites or has a tendency to incite to determination or action

- In FY 2017-2022, only five states qualified for funding
  - Arizona, Arkansas, Connecticut, New Mexico, New York

# Federal Ignition Interlock Incentive grant

- In FY 2022, only nine states applied and four were rejected

State	FY 2022 Section 405D Ignition Interlock Law Grant				
	Deficiencies				
	Does not mandate interlocks for all DUI offenders (or is permissive for some offenders) [23 CFR 1300.23(g)(1); 23 USC 405(d)(6)(A)]	Mandates interlocks for all offenders, but does not mandate their use for not less than 6 months [23 CFR 1300.23(g)(1); 23 USC 405(d)(6)(A)]	Law contains additional exemptions beyond those specified in Federal statute (i.e., employer vehicles, health, or location of interlock facility) [23 CFR 1300.23(g)(2); 23 USC 405(d)(6)(F)]		
		Exemption for employer vehicles is broader than allowed in Federal statute [23 CFR 1300(23)(g)(2)(i); 23 USC 405(d)(6)(F)(i)]	Exemption for health is broader than allowed in Federal statute [23 CFR 1300(23)(g)(2)(ii); 23 USC 405(d)(6)(F)(ii)]	Exemption for location of interlock facility is broader than allowed in Federal statute [23 CFR 1300(23)(g)(2)(iii); 23 USC 405(d)(6)(F)(iii)]	
Louisiana	X				
Maryland			X		
New Hampshire	X				
Ohio	X				



# New Flexibility for IID Incentive Grants

The Bipartisan Infrastructure Law includes alternate criteria that will qualify States that do not have a mandatory, all-offender law for 405(d) funding.

## Eligible states must adopt:

- A mandatory all-offender interlock law; **OR**
- A law that prohibits a convicted offender from driving unless they install an interlock on all vehicles operated by the offender for at least 180 days (*No wait out period*); **OR**
- A law that requires any convicted offender, license revokee, and test refusals to have an interlock for at least 180 days, with the last 40 percent of the time violation-free. (*Compliance-based removal + test refusal*)

Note: Changes to Section 402 and 405 take effect with the FY 2024 highway safety plan.

# Time for a New Approach?



Brandy Nannini - *Senior Vice President,  
Responsibility Initiatives*  
[brandy.nannini@responsibility.org](mailto:brandy.nannini@responsibility.org)



**RESPONSIBILITY.ORG**

