

**Testimony of Laura Dean-Mooney**  
**MADD National President**  
**Senate Environment & Public Works Committee**  
***Opportunities to Improve Transportation Safety***  
**April 14, 2010**

Thank you Chairman Boxer and Ranking Member Inhofe for the opportunity to testify before the Senate Environment and Public Works committee. Your leadership and the leadership of this committee are to be commended as we work to eliminate drunk driving in our nation.

This year marks the 30<sup>th</sup> anniversary of Mothers Against Drunk Driving. Since our founding in 1980, drunk driving fatalities have dropped by over 40 percent. We are proud of our successes, but as we reflect on 30 years of advocacy with the goal of saving lives, we must recommit to the elimination of drunk driving. There is much left to do as far too many continue to drive impaired. Drunk driving is no longer socially acceptable, yet it is still tolerated. The public is now well aware of the human consequences of drinking and driving because MADD has shared stories like mine with the nation.

I became involved with MADD after my husband, Mike Dean, was killed in Texas by a drunk driver, leaving me to raise our 8-month old daughter alone. On November 21, 1991, Mike left a business meeting in Oklahoma and drove to the Dallas-Fort Worth area to visit his family.

At 7:15 p.m., a drunk driver going the wrong way on a Texas highway met Mike's car head on, killing him instantly and simultaneously making me both a grieving widow and a single mom. The offender, who died at the crash scene, had a blood alcohol concentration (BAC) of .34 and was driving with an almost empty bottle of whiskey in his car.

For more than 17 years, I have worked as a volunteer to try and advance MADD's mission at the local, state, and national levels.

Madame Chairman, we have made great progress in the fight against drunk driving – much of which occurred in the 1980's and through the mid-1990's -- thanks to strong laws, like the 21 minimum drinking age, administrative license revocation, and especially, tireless leadership by law enforcement.

For the past 15 years, we have been able to maintain this progress, but few gains have been made in actually reducing the overall number of impaired driving fatalities. The national .08 standard passed by Congress in 2000 has been instrumental in holding progress in place as vehicle miles traveled steadily increased. Thanks to this congressional action, all 50 states have adopted .08 as the illegal BAC.

In 2008, there were 11,733 fatalities involving a driver or motorcycle operator with at least a .08 blood alcohol concentration (BAC) and nearly half a million injuries due to alcohol-related traffic crashes. Alcohol involved crashes represented 32 percent of all highway fatalities and most importantly represent real-life tragedies, just like mine.

For too long in America, we have been practicing a “catch and release” program: law enforcement does their very best to catch drunk drivers, and we as a society through our legislatures and courts, oftentimes let them go with few consequences. Studies show that up to 75 percent of drunk drivers continue to drink and drive even when their licenses have been revoked.

A couple of statistics collected by the National Highway Traffic Safety Administration (NHTSA) paint a startling portrait of what’s happening on our roads.

- ◆ Californians share the road with 310,971 motorists with three or more DUI convictions and 44,210 with five or more DUI convictions.
- ◆ In Texas, 124,662 motorists are driving with three or more DUI convictions and 18,271 with five or more.

Unfortunately, this type of data is not available for all states, but the limited figures we have point to a significant area of concern.

### **Campaign to Eliminate Drunk Driving**

Fortunately, MADD, with support from Members of Congress, NHTSA and others in the highway safety community, has a plan.

Following only those solutions proven to work, MADD announced the Campaign to Eliminate Drunk Driving in November 2006.

The Campaign consists of four parts, all singularly focused on putting a long-overdue end to drunk driving tragedies of our roads:

- ◆ Intensive high-visibility law enforcement, including twice-yearly impaired driving crackdowns and frequent enforcement efforts that include sobriety checkpoints and saturation patrols in all 50 states.
- ◆ Full implementation of current alcohol ignition interlock technologies, including efforts to require interlock devices for all convicted drunk drivers. A key part of this effort will be working with judges, prosecutors and state driver’s license officials to stop the revolving door of repeat offenders.
- ◆ Exploration of advanced vehicle technologies through the establishment of a Blue Ribbon panel of international safety experts that will assess the feasibility of a range of technologies that would prevent drunk driving. Ultimately, any technologies put forth for the public must be voluntary, moderately priced,

absolutely reliable, unobtrusive to the sober driver, and set at the illegal limit of .08.

- ◆ Mobilization of grassroots support, led by MADD and its more than 400 affiliates, and our partners to make the elimination of drunk driving a reality. MADD is uniting drunk driving victims, families, community leaders, and policy makers in the fight to eliminate drunk driving.

## **Interlocks Save Lives**

The simple reason that drunk drivers continue to drink and drive is because they can. The reality too is that unless you live in an area with accessible mass transit options, you need a car to get to and from work, school, treatment and other everyday destinations. This all adds up to the fact that 75 percent of people with a suspended driver's license continue to drive illegally.

An alcohol ignition interlock is a breath test device linked to a vehicle's ignition system. When a driver wishes to start their vehicle, they must first blow into the device. The vehicle will not start unless the driver's BAC is below a pre-set standard.

The alcohol ignition interlock allows a DUI offender to continue to drive wherever they need to go. He or she just can't drive drunk and hurt your family or mine.

Studies overwhelmingly show that interlocks work. The Centers for Disease Control (CDC) has reviewed ignition interlocks and has stated that "based on strong evidence of the effectiveness of interlocks in reducing re-arrest rates, the (CDC) Task Force recommended that ignition interlock programs be implemented." In addition to the CDC, there are more than 15 published studies on interlock effectiveness which show that interlocks are associated with substantial and impressive reductions in recidivism, ranging from 50 percent to 90 percent. The evaluations involve a diversity of programs, accounting for the variation in results.

The research on ignition interlocks is crystal clear and irrefutable. Beyond the research, we have fatality data that proves interlocks are effective. In 2005, New Mexico became the first state to require interlocks for all convicted DUI offenders. Since this time, DUI fatalities in the state have been reduced by over 30 percent. Arizona passed a similar law in 2006 and has seen a 33 percent reduction in DUI fatalities.

Today, thanks in part to MADD's campaign, 10 states require all DUI offenders to use an ignition interlock device. Two states highly incentivize DUI offenders to use an interlock and California passed a pilot program requiring all convicted DUI offenders in four counties (a total of 14 million people) to use an ignition interlock device.

These states total over 81 million Americans under the protection of laws which require or highly incentivize all DUI offenders to use an ignition interlock device.

Every American should be protected under an all-offender interlock law. It is the right thing to do. That is why MADD is calling for federal highway fund sanctions on states which do not require interlocks for all convicted DUI offenders. This is the same approach the Congress took toward the 21 minimum drinking age and the .08 per se BAC law.

MADD advocates for the passage of laws at the state level until the process becomes broken and no more progress can be made. Then we must turn to the Congress for help. We now find ourselves at a standstill across the country, facing opposition from well-funded alcohol industry lobbyists and defense attorneys.

An example of this roadblock is in Maryland where an ignition interlock law is being considered in a legislature dominated by criminal defense attorneys. The Senate President, Michael Miller, is a DUI defense attorney who, according to his law firm's Web site "practices in the areas of criminal law, traffic law, DWI and personal injury." Senator Miller worked to amend interlock legislation to remove the interlock penalty for DUI offenders who plead down to a lesser punishment, known as probation before judgment. Roughly half of those arrested for DUI in Maryland will plead to this lesser offense.

In the House of Delegates, the Judiciary Chairman is also a well known DUI defense attorney who routinely amends sound DUI law in favor of significant judicial discretion. The **Washington Post** Editorial Board commented on this fact in a March 30, 2010 editorial which I will submit for the record. It is titled *Maryland Lawmakers Need to Stop Coddling Drunk Drivers*.

Maryland is but one example. The truth is that these patterns exist across the country. The need for federal interlock sanctions could not be more clear.

In the House, Chairman Oberstar and Ranking Member Mica have included just such a sanction in their version of the highway reauthorization bill. In the Senate, Senators Lautenberg and Tom Udall have introduced the Drunk Driving Repeat Offender Prevention Act, or DDROP, which mirrors language in the House reauthorization bill by requiring all DUI offenders to use an interlock for at least 6 months.

MADD strongly urges this committee to include these sanctions in its version of the highway reauthorization bill. If the number of lives saved in New Mexico and Arizona were replicated on a national level, close to 4,000 lives could be saved each year thanks to widespread use of ignition interlocks.

## **Advanced Alcohol Detection Technology**

While interlocks are currently the most proven technology available to stop drunk driving, a program is underway which could one day literally eliminate drunk driving. In fact, Madame Chairman, you may recall that you referred to such an effort as the “Manhattan Project” for drunk driving in an October 2007 hearing in this committee.

The Driver Alcohol Detection System for Safety, or DADSS, is the result of a cooperative research agreement currently underway between the Automotive Coalition for Safety (ACTS), comprised of many of the world’s leading auto manufacturers, and NHTSA. The agreement is a public-private partnership with both entities providing \$1 million per year for 5 years.

The purpose of this \$10 million agreement is to research, develop, and demonstrate non-invasive in-vehicle alcohol detection technologies that can very quickly and accurately measure a driver’s BAC. These advanced technologies offer the potential for a system that could prevent the vehicle from being driven when the driver’s BAC exceeds the legal limit.

Any technology which is developed must be highly accurate, nearly instantaneous, and not hassle the sober driver. If the technology is successful, a sober driver would notice no difference in his or her driving experience. Any technology developed must be set to detect blood alcohol concentrations of .08 or above.

In the first phase of technology development, three companies have been selected through a request for proposal process and testing will be performed at Harvard Medical School. While we are hopeful that DADSS will be successful in identifying a technology which will one day eliminate drunk driving, we need the help of Congress.

Senator Tom Udall and Senator Bob Corker have introduced bipartisan legislation, the Research of Alcohol Detection Systems for Stopping Alcohol-related Fatalities Everywhere Act, or ROADS SAFE, which would authorize an additional \$12 million per year for DADSS. In the House, Representatives Ehlers and Sarbanes have introduced similar legislation.

The additional funding would provide a much needed financial boost to the program and ensure a greater federal commitment toward eliminating drunk driving.

MADD urges the Congress to enact this legislation which would provide \$12 million to address a problem that costs the United States \$130 billion each year. Madame Chairman, this is a good return on taxpayer investment.

## **Conclusion**

The Campaign to Eliminate Drunk Driving started as a lofty goal in 2006 and has rapidly progressed to being on the verge of reality. In 2006, just 2 million Americans were protected by all offender interlock laws. Today, 81 million people are protected by these laws, but MADD will not stop until interlocks for all offenders becomes the law of the land.

With this Committee's leadership, we will eliminate drunk driving. MADD asks the committee to push all states to protect its citizens by requiring all offender interlock laws. Studies show interlocks work. Surveys show offenders believe the devices are fair. We urge the Senate to include this lifesaving policy in the next highway bill.

We also ask for the support of Congress for the ROADS SAFE Act. Together with the widespread use of interlocks, we can literally eliminate drunk driving as a primary threat to the American family, making it the public health equivalent of polio.

Thank you again Madame Chairman and Ranking Member Inhofe, for your leadership on this issue.

# The Washington Post

## Maryland lawmakers need to stop coddling drunk drivers

Tuesday, March 30, 2010; A24

MARYLAND'S GENERAL Assembly, which has coddled drunk drivers for decades, is once again busy gutting legislation that would end the policy of forgiveness for those who get sloshed before getting behind the wheel. This is no great surprise given the overweening power of the alcohol industry and its lawmaker pals in Annapolis, many of whom hold day jobs that include defending drunk drivers in court. What's more surprising is that for once, there is serious pushback from those who are serious about getting tough with drunk drivers.

What's at issue this year is legislation that would require the installation of a device in the cars of convicted drunk drivers. The device, [called an ignition interlock](#), would block drivers from starting their car until they blow into a mouthpiece that analyzes blood alcohol level to determine whether a driver is sober. If he is, the car will start (and the driver will be retested randomly as he drives); if not, the information will be stored and be accessible to the authorities.

The devices have proven effective at cutting the number of alcohol-related accidents and deaths on the road. That has been particularly true in states such as New Mexico and Arizona, where they are mandatory for offenders whose blood alcohol content was .08. They are less effective in cutting the carnage on highways in states such as Virginia, where they are required only for drivers who have been convicted of offenses involving blood-alcohol content twice as high -- in other words, drivers who could barely stand, let alone drive.

In Annapolis, legislation to extend the use of the devices received [its first blow from an amendment](#) that would exempt more than half of all first offenders -- those who receive sentences of probation before judgment. Now the House Judiciary Committee, the graveyard of many attempts to get serious about drunken driving, is toying with further measures to weaken the bill.

The bill's backers fear that the committee's chairman, Joseph F. Vallario Jr. (D-Prince George's), will go the Virginia route, making the devices mandatory only for repeat offenders with a blood-alcohol content of .15. That would do little to change the status quo in Maryland, which gives convicted offenders with a .15 blood-alcohol content the choice between having the device installed and having their license suspended.

Lawmakers who defend drunk drivers for a living, and in the legislature, worry about the harm suffered by drivers who may be "one sip over the line." They'd do better to worry about the scores of people killed every year on the state's roads by drunk drivers, and to require that the interlock devices be installed in the cars of all first-time drunk drivers.

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