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COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES  
HOUSE TRANSPORTATION COMMITTEE

ROOM 60  
EAST WING  
HARRISBURG, PENNSYLVANIA

WEDNESDAY, MARCH 25, 2009  
9:05 A.M.

HEARING ON IGNITION INTERLOCK

BEFORE:

- HONORABLE JOSEPH F. MARKOSEK, CHAIRMAN
- HONORABLE RICHARD A. GEIST
- HONORABLE MIKE CARROLL
- HONORABLE PAUL COSTA
- HONORABLE JOHN R. EVANS
- HONORABLE MARK GERBER
- HONORABLE GARY HALUSKA
- HONORABLE R. TED HARHAI
- HONORABLE DICK L. HESS

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1 (CONT'D)

2

HONORABLE DICK L. HESS  
3 HONORABLE DAVID S. HICKERNELL  
HONORABLE MARK K. KELLER  
4 HONORABLE BRYAN R. LENTZ  
HONORABLE MARK LONGIETTI  
5 HONORABLE RON MARSICO  
HONORABLE RON MILLER  
6 HONORABLE JOSEPH A. PETRARCA  
HONORABLE TINA PICKETT  
7 HONORABLE JOHN P. SABATINA, JR.  
HONORABLE JOHN SIPTROTH  
8 HONORABLE THOMAS J. SOLOBAY  
HONORABLE KATHARINE M. WATSON

9

10

ALSO PRESENT:

11

HONORABLE PAUL CLYMER  
12 HONORABLE TOM HOUGHTON  
ROBERT MUSTIN, LEGAL CONSULTANT

13

STACIA RITTER, EXECUTIVE DIRECTOR (D)  
14 ERIC BUGAILE, EXECUTIVE DIRECTOR (R)  
ANNE BALOGA, LEGAL INTERN  
15 AMANDA WOLFE, LEGISLATIVE ASSISTANT

16

17

BRENDA S. HAMILTON, RPR  
REPORTER - NOTARY PUBLIC

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## P R O C E E D I N G S

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CHAIRMAN MARKOSEK: Okay. Good morning, everybody. Welcome. Welcome to the Pennsylvania House Transportation Committee meeting today.

The first order of business is we will have the executive director of the Transportation Committee, Stacia Ritter, lead us in the pledge of allegiance.

(Pledge of allegiance.)

CHAIRMAN MARKOSEK: Stacia has to run to another meeting here shortly and Anne Baloga is filling in ably here with the committee today.

And I also want to welcome back Representative Bryan Lentz who has been away from us for a while for some family issues, and, Bryan, welcome back. Hope everything is okay.

All right. This is a hearing on the interlock -- ignition interlock issue, and we have two bills in the legislature currently. One submitted by Representative Paul Clymer similar to the one he had last session. He

1 asked us to do a hearing last session and we  
2 just didn't have time. So we're honoring  
3 that.

4 And also Representative Tom Houghton  
5 has a bill in as well. And I'm told they're  
6 slightly different, although today we're not  
7 really going to talk specifically about either  
8 bill but rather just the interlock issue in  
9 general.

10 And I think we have a very good team  
11 of testifiers here today to help us with  
12 that.

13 Before we say anything else, I'd like  
14 to ask Chairman Geist if he has any questions  
15 or comments.

16 REPRESENTATIVE GEIST: None. I'm  
17 just anxious to learn.

18 CHAIRMAN MARKOSEK: Okay. Great. We  
19 might as well -- Amanda, can we take roll?  
20 Please take the roll.

21 MS. WOLFE: Markosek.

22 CHAIRMAN MARKOSEK: Here.

23 MS. WOLFE: Carroll.

24 REPRESENTATIVE CARROLL: Here.

25 MS. WOLFE: Costa.

1 REPRESENTATIVE COSTA: Here.

2 MS. WOLFE: Gerber.

3 Haluska.

4 REPRESENTATIVE HALUSKA: Here.

5 MS. WOLFE: Harhai.

6 Lentz.

7 REPRESENTATIVE LENTZ: Here.

8 MS. WOLFE: Longietti.

9 REPRESENTATIVE LONGIETTI: Here.

10 MS. WOLFE: Payton.

11 Petrarca.

12 Sabatina.

13 Siptroth.

14 REPRESENTATIVE SIPTROTH: Here.

15 MS. WOLFE: Solobay.

16 REPRESENTATIVE SOLOBAY: Here.

17 MS. WOLFE: Wagner.

18 Wheatley leave.

19 Geist.

20 REPRESENTATIVE GEIST: Present.

21 MS. WOLFE: Evans.

22 REPRESENTATIVE EVANS: Here.

23 MS. WOLFE: Harper leave.

24 Hess.

25 REPRESENTATIVE HESS: Here.

1 MS. WOLFE: Hickernell.

2 REPRESENTATIVE HICKERNELL: Here.

3 MS. WOLFE: Keller.

4 REPRESENTATIVE KELLER: Here.

5 MS. WOLFE: Maher leave.

6 Marsico.

7 REPRESENTATIVE MARSICO: Here.

8 MS. WOLFE: Miller.

9 REPRESENTATIVE MILLER: Here.

10 MS. WOLFE: Pickett.

11 Watson.

12 REPRESENTATIVE WATSON: Here.

13 CHAIRMAN MARKOSEK: Okay. Thank  
14 you. We're not going to take any votes today,  
15 and I think some folks will be in and out  
16 anyway. So we'll mark them as they come in.

17 With that we'll get started. Our  
18 first person to testify is Dr. Robert Voas.  
19 Dr. Voas, are you here?

20 He's a Senior Research Scientist;  
21 Alcohol, Policy, and Safety Research Center;  
22 Pacific Institute for Research and  
23 Evaluation. I assume that's near the Pacific  
24 Ocean.

25 DR. VOAS: As a matter of fact, our

1 offices are in Washington.

2 CHAIRMAN MARKOSEK: Oh, okay.

3 DR. VOAS: It's a cover. We live off  
4 the federal government, but we don't want to  
5 advertise it.

6 CHAIRMAN MARKOSEK: Well, Dr. Voas,  
7 thank you for being here, and you may proceed,  
8 sir.

9 DR. VOAS: Thank you, Chairman  
10 Markosek and Chairman Geist and the  
11 committee.

12 It's a real privilege for a  
13 researcher to be able to speak to the action  
14 team. We work very hard to develop new  
15 methods, new technologies, and we talk to each  
16 other about them, but they're of no use unless  
17 they get written into the law.

18 And it's here that they get written  
19 into the law, and you're the action team, and  
20 we rarely get to talk to you. So it's a real  
21 privilege for me this morning.

22 Now, I'm not going to spend any time  
23 on the problem of drinking and driving because  
24 I know you all know as much about that as I  
25 do. And we're all aware that at the last full



1 count -- year that we could count, 1997 -- I'm  
2 sorry -- 2007, there were 500 Pennsylvanians  
3 killed by drunk drivers.

4 So that's a major problem, and we  
5 have a technology that I want to talk about  
6 and that is the subject of this hearing, which  
7 is interlocks, and let me tell you a little  
8 bit about why they may be a useful solution  
9 for part of the problem.

10 The first interlock that I saw was in  
11 1969 on a General Motors car. It was 40 years  
12 ago, and it prompted me to write the first  
13 article that was ever written on interlocks.

14 But it took 20 years for that  
15 technology to be perfected. It had to be such  
16 that it could not be circumvented, it had to  
17 be reliable, and it had to be rugged.

18 And so it wasn't until about 1990  
19 that it began to spread across the country.

20 But we now have about 20 years of  
21 experience with this device, and it is an  
22 experience which indicates that it is  
23 effective in reducing the impaired driving DUI  
24 offenders.

25 Now, each year -- each year in the

1 United States there's about 1.4 million  
2 individuals arrested for drunk driving. And  
3 we calculate at the moment that there are  
4 about 150,000 interlocks in use.

5 So about one in ten of the current  
6 offenders are on interlocks across the  
7 country, but that is increasing. For example,  
8 in New Mexico they have almost 50 percent of  
9 their convicted drunken drivers on  
10 interlocks.

11 Now, why do interlocks work and how  
12 do we know they work? Well, the research  
13 studies that look at the effectiveness of  
14 interlocks compare drinking with -- convicted  
15 drinking drivers who are fully suspended; that  
16 is, they're not supposed to be driving at all;  
17 with individuals who are similar -- similar  
18 offenders, but drive on interlocks.

19 And there's been at least a dozen  
20 such studies, and the most recent and a  
21 reliable summary of those indicates that those  
22 on the interlocks have 65 percent less  
23 recidivism events; that is, less subsequent  
24 offenses.

25 So the interlock is more effective

1 for convicted offenders than taking their  
2 license.

3 Now, why is that? Taking their  
4 license is important. And it still works.  
5 Because if you don't have a license, we know  
6 that those offenders drive somewhat less and  
7 they drive somewhat more carefully. So it  
8 does help in and of itself.

9 But that's a system that we've been  
10 using for a century, since 1910 when we began  
11 to enforce drunk driving. And it's sort of an  
12 awkward system because what it does is it  
13 prevents the offender from doing any driving  
14 in order to keep him from doing drinking and  
15 driving.

16 The interlock is much more targeted.  
17 It prevents only the drinking and driving so  
18 that it allows the offender to continue to  
19 drive, not -- does not threaten his job,  
20 allows the offender to do driving for the  
21 family, so it's easier on the offender.

22 But it's also safer for other drivers  
23 because it reduces -- compared to complete  
24 prohibition of driving, it reduces their  
25 recidivism.

1           Now, why isn't our hundred-year-old  
2 system working better? Well, it worked  
3 initially on our farms where there were a few  
4 people in town and only the bank president had  
5 a car.

6           But now we have millions of cars on  
7 our highways. Traffic is congested. Police  
8 cannot stop a vehicle just to check whether  
9 someone is licensed. That's prohibited by the  
10 Fourth Amendment. So they can only stop when  
11 they see an offense.

12           And the result of that is they're not  
13 arresting enough individuals who are suspended  
14 driving -- driving while suspended, to deter  
15 them.

16           And we know this because when we  
17 interview drinking drivers, convicted drinking  
18 drivers, they tell us, 75 percent of them  
19 admit that they do continue to drive despite  
20 being fully suspended.

21           Furthermore, when we send out  
22 undercover observers and look for their  
23 driving, that time we see approximately the  
24 same number are actually driving. We can  
25 catch them doing that driving. It's

1 frequently in a number of studies where people  
2 come to see their probation officers and they  
3 drive up and they're fully suspended and the  
4 police stand outside to ticket them.

5 So we know that despite being  
6 suspended, three-fourths, at least, of the  
7 individuals continue to drive.

8 And another evidence that this is the  
9 case is that they continue to be arrested for  
10 drinking and driving. And that's why our  
11 traditional system is not as effective as say  
12 it was 50 years ago or say a hundred years  
13 ago.

14 So we've developed this technology,  
15 which is the interlock, and the beauty of the  
16 interlock is as follows:

17 First of all, it does allow the  
18 offender to continue to drive. So we're not  
19 threatening his job. We're not threatening  
20 the family. But, more importantly, it is a  
21 greater benefit to the innocent drivers on the  
22 roadway because it actually reduces the  
23 driving of individuals who are fully  
24 suspended.

25 Another major feature is that the

1 offender pays for this. If we were to try to  
2 enforce that law against driving while  
3 suspended, we would have to devote a great  
4 many more police resources to the -- to trying  
5 to catch those that are driving while  
6 suspended.

7           And police resources, as you all  
8 know, are in short supply. In fact, I think  
9 the morning paper was talking about the  
10 possibility of a fee for cities in  
11 Pennsylvania to help the police with their  
12 resource problem.

13           So what's happening is we're not able  
14 to enforce as well as we would like the full  
15 suspension that worked for us in the past.

16           But we have a new technology, which  
17 is the interlock, which we show works much  
18 better, which is more targeted, it's more  
19 effective in preserving the working of  
20 conditions for the offender, but it's also --  
21 and this is the key -- more effective for the  
22 public.

23           So I would urge you to seriously  
24 consider the bills before you and I stand  
25 ready to answer any questions you may have.

1                   CHAIRMAN MARKOSEK:   Okay.  Thank you  
2                   very much.  We do have some questions.  I have  
3                   one myself.

4                   DR. VOAS:    Yes, sir.

5                   CHAIRMAN MARKOSEK:  And perhaps just  
6                   I didn't pick up exactly what you said.  But  
7                   when you talked about the recidivism rate with  
8                   interlocks, I think you mentioned it's a 65 --  
9                   65 percent reduction?

10                  DR. VOAS:    Yes.  It's a 65 percent  
11                  reduction compared to the convicted drunk  
12                  driver who is fully suspended and not supposed  
13                  to be driving at all.  I believe it's up to a  
14                  year for second offenders in Pennsylvania, for  
15                  example.  Well, they're not supposed to drive  
16                  at all.

17                  If you compare that person then with  
18                  the same type of offender but someone who has  
19                  an interlock on their car, that person with  
20                  the interlock on the car will have a 65  
21                  percent lower chance of being re-arrested.  
22                  They're not out on the road at a high BAC.

23                  Have I made that clear?

24                  CHAIRMAN MARKOSEK:  Well, yeah.  That  
25                  -- that -- and my question then is why

1 wouldn't it be a hundred percent if you have  
2 an interlock system?

3 DR. VOAS: Well, unfortunately the  
4 things we develop, none of them are a hundred  
5 percent.

6 Actually we have studies which show  
7 that the reduction is as high as 90 percent.  
8 I gave you a very conservative figure at -- at  
9 65 percent.

10 But there's always the case where  
11 individuals find a way to get around the  
12 problem and get themselves in trouble.

13 The one limitation on the interlock  
14 is that if the individual drives another car,  
15 that is, not the one with the interlock on it,  
16 then, of course, they're guilty of driving  
17 while suspended; and most of the cases where  
18 interlock individuals are re-arrested is in a  
19 vehicle that is without an interlock; that is,  
20 they've used someone else's car.

21 CHAIRMAN MARKOSEK: Okay.  
22 Representative Costa.

23 REPRESENTATIVE COSTA: Thank you,  
24 Mr. Chairman.

25 Is it Dr. Voas or Mr. Voas? I



1 apologize.

2 DR. VOAS: Doctor.

3 REPRESENTATIVE COSTA: I saw a movie  
4 this week. And I don't understand how  
5 interlocks work. But I saw a movie this  
6 weekend where the young lady was drunk and she  
7 handed the guy -- she said, have you drunk  
8 today? And he said, no, I haven't had any  
9 drinks. And she said, good, here, blow on  
10 this.

11 Is that possible?

12 DR. VOAS: It's possible with some of  
13 the older systems. Now, there is a standard  
14 that's been issued by the National Highway  
15 Traffic Safety Administration and the  
16 interlocks that meet that standard are  
17 generally very difficult to circumvent.

18 The system, first of all, requires  
19 the breath test discharge and then there's  
20 what's called a rolling retest. So, for  
21 example, if you've got the parking lot  
22 attendant to get you started, you would have  
23 to put him on the right-hand seat because when  
24 you go down the road a little ways you have to  
25 take another test.

1           If the driver has someone in that  
2 right-hand seat and has them riding along, it  
3 would be possible for them to blow as you do  
4 this rolling retest.

5           However, most companies also have a  
6 system to prevent that which involves a -- a  
7 coded blow you might say. You have to  
8 practice a good deal in order to make the blow  
9 correctly. It doesn't really add to the time  
10 once you've learned it, but it keeps a person  
11 who is not -- who has not learned that from  
12 being able to start.

13           And, more recently, we now have photo  
14 systems which show who is blowing. So if that  
15 happened, that would be detected.

16           REPRESENTATIVE COSTA: Can you  
17 explain again about the rolling testing? If  
18 I'm on the highway, do I -- how do I do it?  
19 Do I pull over or do I get so much time?

20           DR. VOAS: What happens is there's a  
21 round of -- a timing system and you get a  
22 warning light that you'll need to make a blow  
23 in the next two or three minutes and what you  
24 are expected to do is pull over to the side of  
25 the road in a safe place and do the blow and

1 then proceed.

2 It's possible to do it while moving,  
3 but that's not what's recommended.

4 REPRESENTATIVE COSTA: What happens  
5 if you -- the two minute expires? Does the  
6 car shut down or does it give you another  
7 warning?

8 DR. VOAS: If -- if you're -- most  
9 companies -- I want to make -- make clear, of  
10 course, that there are a number of providers.  
11 So the companies handle this somewhat  
12 differently.

13 But basically what happens is if you  
14 do not respond to the rolling retest or if  
15 your response is one which is over the limit,  
16 you're not prevented from driving --  
17 continuing to drive if -- you don't want get  
18 yourself stuck in the middle of the road. But  
19 a signal goes out -- out to the interlock  
20 company and you have to get in within 24 hours  
21 and have the interlock checked and explain why  
22 you were drink -- drinking or why you didn't  
23 respond.

24 REPRESENTATIVE COSTA: Okay. Thank  
25 you.

1 Thank you, Mr. Chairman.

2 CHAIRMAN MARKOSEK: Chairman  
3 Marsico.

4 REPRESENTATIVE MARSICO: Thank you,  
5 Mr. Chairman.

6 Thank you, doctor, for being here. I  
7 appreciate your testimony.

8 I guess just a basic question. The  
9 cost of these interlock systems and who would  
10 pay for those systems?

11 DR. VOAS: Well, the offender pays.  
12 That is, there is about a two dollar a day or  
13 \$70 a month charge. The offender pays that.

14 That's one of the benefits, in a way,  
15 to the state because absent that we have --  
16 the state would have to fund more police or  
17 more probation officers or something to  
18 prevent offenders from being able to drive  
19 while impaired. So that cost shifts  
20 principally to the offender.

21 Now, there is a monitoring cost for  
22 the probation office or for the motor vehicle  
23 department. That is, often in a number of  
24 states, handled by having the offender have an  
25 up-front fee which will reimburse the state,

1 which is the motor vehicle department, or the  
2 court, for the cost of doing the monitoring.

3 What happens is the provider sends to  
4 the probation officer or to the motor vehicle  
5 department a report on the last month's  
6 driving, highlighting any problems, such as  
7 being locked out and unable to start the car,  
8 and then this calls it to the attention of the  
9 authorities and they can take further action.

10 But -- so most of the monitoring,  
11 what the interlock does, in a way, is put a  
12 probation officer in the right seat 24/7. But  
13 we couldn't afford to do that, of course.

14 But most of the costs in the  
15 interlock -- with interlock has shifted to the  
16 offender. Does that answer the question?

17 REPRESENTATIVE MARSICO: Yes. You're  
18 saying though there could be some additional  
19 administrative costs for the counties and the  
20 bureau of --

21 DR. VOAS: We're --

22 REPRESENTATIVE MARSICO: Department  
23 of Transportation?

24 DR. VOAS: Well, the kind of costs  
25 that will arise is that now the probation

1 officers will get this report which they would  
2 not have if there were not an interlock. They  
3 would get this report on each of their cases  
4 each month.

5 This may take them some additional  
6 time to examine the report, maybe to call in  
7 the offender if there's been a problem. So  
8 that's an expense that the government still  
9 has to pay.

10 But some states have provided that  
11 there be an up-front fee to reimburse the  
12 probation department or the motor vehicle  
13 department, whoever is paying.

14 REPRESENTATIVE MARSICO: Okay. Thank  
15 you. Just one more question. I don't know if  
16 you can answer this question.

17 But with this handout, is this your  
18 handout?

19 DR. VOAS: Yes. I guess.

20 REPRESENTATIVE MARSICO: The ignition  
21 interlock handout, the one paragraph, it  
22 says -- explains the interlock device and the  
23 ignition interlock device is an electronic  
24 breath alcohol test or analyzer that connects  
25 to the vehicle's ignition via the starter

1 system or other on-board computer systems of a  
2 motor vehicle.

3 Do all cars now have computer  
4 systems? I don't even know that. Do they?

5 DR. VOAS: Well, the interlocks can  
6 adapt to one whether they don't or they do.

7 REPRESENTATIVE MARSICO: Okay.

8 DR. VOAS: I can't speak to whether a  
9 vehicle -- all vehicles have computers.

10 REPRESENTATIVE MARSICO: So it would  
11 adapt either way?

12 DR. VOAS: I beg your pardon?

13 REPRESENTATIVE MARSICO: It would  
14 adapt either way?

15 DR. VOAS: Yes.

16 REPRESENTATIVE MARSICO: Okay.

17 DR. VOAS: That's a requirement. It  
18 must be able to interfere with the ignition of  
19 the vehicle, not --

20 REPRESENTATIVE MARSICO: I was  
21 thinking about the older cars that may not  
22 have computer systems. But it will adapt?

23 DR. VOAS: Yes. They would adapt.  
24 Twenty years ago, when they began to be  
25 present, there were some cars without

1 computers.

2 REPRESENTATIVE MARSICO: Okay. Thank  
3 you very much.

4 CHAIRMAN MARKOSEK: Okay. Thank  
5 you.

6 I see representative Tom Houghton has  
7 arrived. And welcome, Tom. Tom is one of the  
8 sponsors of one of the bills. Welcome.

9 Representative Mike Carroll.

10 REPRESENTATIVE CARROLL: Thank you,  
11 doctor. Or thank you, Mr. Chairman.

12 Doctor, did I hear your testimony  
13 correctly that you're advocating ignition  
14 interlock in lieu of a suspension on the first  
15 offense?

16 DR. VOAS: Yes. I am. Let me tell  
17 you why. There is a tendency to believe that  
18 a first offense was really the first time;  
19 that is, here's someone that's been driving 40  
20 years and one night goes to a stag party or  
21 something and for the first time in his life  
22 he's over the limit and he gets caught.

23 Unfortunately our studies just show  
24 that's a myth. We have studied in a number of  
25 cases how the -- the frequency with which



1 someone is likely to be arrested. And that  
2 shows us, unfortunately, that the number is --  
3 your chances of being arrested if you're  
4 drinking and driving and you're over the limit  
5 is one in 88 to one in 200.

6 So the individuals that are first  
7 offenders are not the first timers. It may be  
8 88. It could be 60. It could be 200. But  
9 the fact is that they've been drinking and  
10 driving quite frequently.

11 Now, when we look at their  
12 backgrounds, we study them. We study the  
13 backgrounds of the people that have two  
14 offenses and three offenses, we don't see a  
15 lot of difference.

16 And we know those first offenders, a  
17 third to 50 -- a half will re-offend before --  
18 in their lifetime.

19 So this is not a low risk group. In  
20 fact, these individuals are four times more  
21 likely to be the drunk driver in the fatal  
22 crash than the average driver.

23 So, yes, we do recommend having  
24 interlocks on first offenders, and we have  
25 studies that show that interlocks are just as

1 effective for first offenders as for multiple  
2 offenders.

3 REPRESENTATIVE CARROLL: Are you  
4 aware of any other states that have gone to an  
5 ignition interlock penalty for a first offense  
6 in lieu of a suspension on a first offense?

7 DR. VOAS: The -- yes. A number of  
8 states. Now, it's not always completely in  
9 lieu. I want to make sure you're accurate  
10 here.

11 Often what the states do is they have  
12 a short period in which the first offender is  
13 fully suspended and then for the remainder of  
14 the period they put the interlock on the car.

15 West Virginia has done this. New  
16 Mexico, for example, you can get an interlock  
17 on the day you're arrested rather than be  
18 fully suspended under their ALR law.

19 So there are a number of states which  
20 have first offender interlock programs and  
21 when we're able to study those and -- for  
22 example, in New Mexico we find that interlocks  
23 are highly effective with first offenders just  
24 as it is with multiple.

25 REPRESENTATIVE CARROLL: It -- it

1 seems to me that it's a little bit more  
2 complicated with respect to the graduated  
3 system that we have with BAC in Pennsylvania  
4 and the varying levels that exist in terms of  
5 the penalty that's imposed.

6 I don't know that I'm ready right  
7 away to sign up for a suspension-free sanction  
8 on a first offense DUI. I'll give that some  
9 serious thought.

10 Thank you, Mr. Chairman.

11 CHAIRMAN MARKOSEK: Okay. Thank you,  
12 Representative Kathy Watson.

13 REPRESENTATIVE WATSON: Thank you,  
14 Mr. Chairman.

15 Sir, if -- in following up on the  
16 Representative's previous question, will I be  
17 correct -- let me back up, sir.

18 Are you familiar with Pennsylvania's  
19 graduated DUI system?

20 DR. VOAS: No, I wouldn't say I am  
21 familiar with the Pennsylvania system.

22 REPRESENTATIVE WATSON: All right.  
23 Are you at least familiar with what we call an  
24 occupational limited license?

25 DR. VOAS: Well, I know about the

1 limited licenses, yes.

2 REPRESENTATIVE WATSON: What I was  
3 trying to get at was I was trying to -- from  
4 what I've listened to you say, would you say  
5 then that the interlock is used -- would be  
6 used in lieu really of an occupational limited  
7 license?

8 Because I heard you say something  
9 about other states where there was a time of  
10 suspension and then moving to an ignition  
11 interlock which in effect for some of our  
12 drivers, they have the opportunity, after a  
13 suspension, 60, 90 days, if they qualify, to  
14 have this limited license which would allow  
15 them to drive to work and so forth.

16 I'm -- what I'm hearing is that  
17 you're suggesting a substitution really of an  
18 ignition interlock to do -- to do that kind of  
19 thing. Is that it?

20 DR. VOAS: Yes. I am. And let me  
21 explain why.

22 First of all, of course, the limited  
23 or vocational license has been a feature of  
24 most state laws for years, because we did not  
25 want to interfere with the ability of

1 offenders to hold their jobs.

2 The problem for the police is that  
3 individuals who have those licenses, it's very  
4 hard for the police to enforce it. They get  
5 out on the road. If they do get stopped,  
6 there's an argument over whether, in fact --  
7 because often those licenses, aside from going  
8 to and from work, a lot of them are going to  
9 church or to treatment or various other  
10 things.

11 The interlock is much more efficient  
12 for the police because what it's preventing is  
13 the drinking and driving, which is what we all  
14 want to prevent.

15 It's also less of a limit on that  
16 offender because, aside from going to and from  
17 work, he can take children to school, classes,  
18 do family things, because he's prevented from  
19 being able to drink and drive.

20 So the use of a vocational license,  
21 as we have in the past, would actually I think  
22 be strengthened if instead of that we had them  
23 on interlock rather than on what's normally  
24 called the vocational license.

25 So that's the reason behind that.

1                   REPRESENTATIVE WATSON: All right.

2                   And a follow-up, because I had a question that  
3                   I guess Chairman Marsico asked and it was  
4                   related to cost.

5                   Am I correct though that you see most  
6                   of these companies do a monthly charge?  
7                   Because I thought originally people were  
8                   complaining it was 12 or \$1500 for the  
9                   interlock.

10                  But you're saying it's a monthly  
11                  charge? It just goes on depending on how long  
12                  you're suspended?

13                  DR. VOAS: Yes. And I want to be  
14                  careful here because I don't represent any  
15                  companies.

16                  REPRESENTATIVE WATSON: I  
17                  understand.

18                  DR. VOAS: And I'm not and I can't  
19                  speak for them.

20                  But the standard across the country  
21                  generally is to have sometimes an installation  
22                  charge. This tends to run maybe \$75 or so and  
23                  then, in general, it's two dollars a day which  
24                  would be paid monthly, something like that.  
25                  So if there's 31 days, it's 60 to \$70 for the

1 day [sic].

2 Now, there's competition here and it  
3 varies by the company that's providing it.  
4 So -- but basically that's the cost. It's  
5 about two dollars a day.

6 So that's about one meal for an  
7 offender a day. And so it's relatively low  
8 cost for the offender and it's no cost for the  
9 government because the offender is paying it.

10 REPRESENTATIVE WATSON: Thank you,  
11 Mr. Chairman.

12 CHAIRMAN MARKOSEK: Okay. Thank  
13 you. Representative Tim Solobay.

14 REPRESENTATIVE SOLOBAY: Thank you,  
15 Mr. Chairman.

16 Doctor, I guess a lot of the comments  
17 and questions I have kind of touched on what  
18 my concern is or my question was.

19 But in your opinion then based upon  
20 an aggressive interlock program, it appears  
21 that this could be a very -- cost savings to  
22 counties and -- and locals and even the  
23 individual offender himself, based on the fact  
24 of lost time -- or the lost time by them being  
25 in a county lockup for -- for continued,

1 repetitive drunk driving charges.

2 Also may be families saving for the  
3 fact that now that individual utilizing an  
4 interlock device may not lose their job, may  
5 be able to continue to function even though  
6 they're still serving a penalty.

7 And, I guess, lastly, has it truly  
8 shown to reduce deaths and accidents based on  
9 the fact that the devices are in place in a  
10 more aggressive manner?

11 DR. VOAS: Yes. We -- we do have  
12 evidence that it is reducing crashes. Most of  
13 our evidence comes from showing that it's  
14 reducing repeat drunk driving because that's  
15 something we can measure more easily.

16 But there's every reason to believe  
17 that it's saving lives as well as saving  
18 money. And it is important for the offenders  
19 to be able to maintain their economic system  
20 rather than go to jail and particularly those  
21 that wind up -- because they get repeated  
22 offenses and wind up in our jails. We know  
23 how expensive it is to place them in jail and  
24 how destructive it is to the lives of those  
25 offenders in terms of coming back.



1           Another feature that happens is that  
2           in our old system of just taking the license,  
3           we find that a number of people just  
4           disappear. They never come back. They go.

5           And so we think it's much more  
6           important to keep monitoring these people  
7           through the year or two years, whatever their  
8           sentence is, at this low cost, allowing them  
9           to go on with their lives and preventing  
10          drinking and driving.

11          REPRESENTATIVE SOLOBAY: Well, like  
12          you said, not only do they not necessarily  
13          come back with the suspension, but they  
14          continue to drive regardless --

15          DR. VOAS: Yeah.

16          REPRESENTATIVE SOLOBAY: -- and they  
17          continue to have access and continue to hurt  
18          people and continue to cause problems both  
19          financially and emotionally for families.

20          DR. VOAS: Yes.

21          REPRESENTATIVE SOLOBAY: Okay.

22          DR. VOAS: That's our -- that's what  
23          research shows us.

24          REPRESENTATIVE SOLOBAY: Thank you.

25          CHAIRMAN MARKOSEK: Okay. Doctor,

1 thank you very much.

2 DR. VOAS: Thank you, sir.

3 CHAIRMAN MARKOSEK: We appreciate  
4 that. And very good testimony.

5 Next is Sarah Longwell, the managing  
6 director of the American Beverage Institute.  
7 Ms. Longwell, welcome.

8 MS. LONGWELL: Hi. I was just  
9 telling Rebecca Shaver from Mothers Against  
10 Drunk Driving that when I walked in I saw a  
11 group being led on a tour and I remember that  
12 the last time I was in this building was as a  
13 sixth grader from Greenwood Elementary being  
14 taken on a tour, because I grew up in Perry  
15 County and then graduated from Harrisburg  
16 Academy across the bridge in Wormleysburg.

17 REPRESENTATIVE KELLER: Good academy.

18 MS. LONGWELL: Hi. Nice to see you.

19 CHAIRMAN MARKOSEK: What really gets  
20 to you is when I have my constituents back  
21 home who are working in a store, or whatever,  
22 who say, you know, Representative, I was in  
23 sixth grade and you took us on a tour.

24 MS. LONGWELL: I don't think you gave  
25 me my tour. Actually --

1           CHAIRMAN MARKOSEK:  When you've been  
2           around awhile, you know, those things happen.  
3           Welcome.

4           MS. LONGWELL:  Thank you.

5           CHAIRMAN MARKOSEK:  And you may  
6           proceed.

7           MS. LONGWELL:  Well, yes.  My name is  
8           Sarah Longwell, and I'm the managing director  
9           of the American Beverage Institute.

10                  We're a trade association of  
11           restaurants in Washington, D.C. and, you know,  
12           we are -- I don't want to say we're opposed to  
13           interlock bills, because we're not opposed to  
14           them outright.

15                  There is -- there are two versions of  
16           this bill, as was discussed, and HB 914 is a  
17           bill that we would be in support of.  And it's  
18           because it focuses on what we consider to be  
19           the drunk driving problem, high BAC and repeat  
20           offenders.

21                  The difference between these two  
22           bills is that Representative Clymer's bill  
23           eliminates the judge's ability in the case of  
24           low BAC with first-time offenders.  So  
25           somebody at .08 up to .149, that's a low BAC

1 first-time offender. Because I'm going to  
2 keep using these phrases and I want to make  
3 sure it's clear. And then a high BAC would be  
4 .150 and above or anybody with multiple  
5 offenses.

6 So Representative Clymer's bill would  
7 mandate that, regardless of your BAC level, on  
8 your first offense, you would get the  
9 interlock, mandatory, judge has no say,  
10 there's no judicial discretion.

11 Now, that means a 120-pound woman who  
12 has had two six-ounce glasses of wine over a  
13 two hour period could reach .08.

14 Now, if she drives, she automatically  
15 gets the interlock. That's her punishment.  
16 And you've heard in previous testimony there  
17 was some talk of a stag party and that being  
18 just a myth. That this doesn't happen. Well,  
19 of course, it happens. Of course, somebody  
20 can reach .08 after drinking, not excessively,  
21 and should they drive, they should absolutely  
22 be punished, but they shouldn't be punished to  
23 the same degree as somebody who has had ten  
24 drinks prior to driving and then gotten in the  
25 car.

1           We talked before, too, about  
2 graduated penalties. That's what graduated  
3 penalties are for. It's the reason that if  
4 you get caught driving five miles over the  
5 speed limit, you're not punished the same way  
6 that you are if you're driving 30 miles over  
7 the speed limit. Those are graduated  
8 penalties. And Clymer's bill essentially,  
9 yeah, eliminates that.

10           Now, the average BAC of somebody in a  
11 fatal accident is .18. It's extremely high.

12           I testify on these bills all across  
13 the country. They're very frequently named  
14 after victims of drunk driving, and it's  
15 devastatingly sad to sit and hear these  
16 families' testimonies.

17           But the drunk drivers are uniformly  
18 and without exception people who have three,  
19 four, five offenses and who were at levels  
20 like .333. I mean places where a normal  
21 person wouldn't be -- wouldn't be awake,  
22 alive. And so we're talking about extreme  
23 offenders.

24           So how do we solve that problem?  
25 Because that's the problem we need to solve.

1 Why is somebody still on the road if they've  
2 got four offenses?

3 We have a problem with enforcing  
4 existing laws, and in the face of that the  
5 response shouldn't be let's expand laws to  
6 marginal first-time offenders. It doesn't --  
7 it doesn't make sense.

8 I mean -- there's a huge problem  
9 right now. We talked about New Mexico. In  
10 New Mexico a big part of the reason -- you  
11 know, I think the number was 65 percent. We  
12 normally hear that it cuts down on recidivism  
13 by 60 percent.

14 The fact is that study was done of  
15 first-time offenders who installed the  
16 interlock. But what we didn't hear is that a  
17 majority of people who were told to put the  
18 interlock in just didn't install it.

19 So the study only focused on what  
20 we're going to call the responsible drunk  
21 drivers, the people who were willing to go get  
22 the interlock.

23 And also when we're talking about  
24 recidivism, this study didn't focus on  
25 recidivism like twenty years down the road.

1 It's -- it is just while they had the  
2 interlock. So you don't know whether or not  
3 there is recidivism once the interlock is off.

4 The other thing that I want to  
5 mention is that when you're talking about .08,  
6 a number of studies have shown that you are  
7 more dangerous driving talking on a hands-free  
8 cell phone than you are at .08.

9 University of Utah, University of  
10 Virginia, they both did studies about levels  
11 of impairment. Talking on a hands-free cell  
12 phone, there's somebody here with a Bluetooth  
13 in their ear, you know, driving around with  
14 that in your ear having a conversation, you're  
15 more dangerous than you are at .08.

16 That's the level at which we're  
17 talking about mandating this technology in all  
18 cars.

19 Now, a couple of questions were asked  
20 about the technology, about its reliability,  
21 about the costs, and I want -- I want to  
22 answer a couple of those preemptively, because  
23 there were some things that were said  
24 previously that are incorrect.

25 First of all, talking about the cost

1 of the interlock. The interlocks do range --  
2 there's an up-front cost for installation of  
3 between a thousand and \$1500. It does vary  
4 across companies, but there is an up-front  
5 cost.

6 And then the \$70 a month is to  
7 maintain and keep them calibrated. Now, that  
8 is a prohibitive cost to many people and it  
9 may be the reason when you're talking about  
10 New Mexico that you see a majority of people  
11 not even installing the technology to begin  
12 with. Because they simply can't afford it.

13 The other -- quickly, another  
14 statistic -- and let me ask. Let me ask you  
15 that any statistic you hear, whether it's from  
16 me or whether it's from somebody else, ask  
17 them to back it up.

18 Because I hear -- I hear a lot of  
19 statistics coming out of our opposition that I  
20 know that aren't true. The 87 times you've  
21 heard, actually the way that it was put was I  
22 think one out of 88 or one out of every 200  
23 chances of catching a drunk driving driver.  
24 The way it's normally said is that the average  
25 drunk driver drives 87 times prior to being



1 caught. That's the number we hear coming out  
2 of Mothers Against Drunk Driving and even  
3 that -- the NHTSA people repeat it and the  
4 media repeats it constantly and it's becoming  
5 a fact.

6 And it's taken from a study done 14  
7 years ago that was self-reported data which  
8 means basically that they said to a drunk  
9 driver how many times would you say you've  
10 driven drunk? And they said, I don't know. A  
11 couple hundred. Then they got the average of  
12 87 times.

13 There's no proof. There's no  
14 conclusive study. There's no good study. The  
15 all -- the study -- the study's own authors in  
16 that case called the study crude and said the  
17 numbers couldn't be reliable. So we can't use  
18 that as fact.

19 The other thing about the technology  
20 that's interesting is that it fails. It fails  
21 frequently. You know, smoking a cigarette  
22 right before -- right before you blow into it,  
23 having -- using mouthwash, even people on the  
24 Atkins diet, there's something about the  
25 whole ketosis thing that develops alcohol in

1 your body that trips up the interlock.

2 And if you get -- if you have two  
3 false starts, using most of this -- most of  
4 this technology, you actually have to have  
5 somebody come out and recalibrate it, which is  
6 also at your cost.

7 And so when they're so fallible --  
8 they're set really low. They're set at .02,  
9 which is why cough syrup and all these other  
10 things can set them off. And so if you have  
11 two of those times, you have to have somebody  
12 come out and -- and, you know, get your car  
13 back up and running.

14 It's a lot of expense. It's a lot of  
15 trouble for somebody who is a marginal  
16 first-time offender.

17 Now, that isn't to say that we don't  
18 think that a first-time offender below .15  
19 ever deserves interlock. That may very well  
20 be the case.

21 All we think is that in the case of a  
22 low BAC first-time offender a judge should  
23 have the ability to decide whether or not they  
24 ought to get the interlock. That it should be  
25 at the judge's discretion.

1                   And that's why we think that HB 914  
2                   truly addresses the drunk driving problem. It  
3                   goes after people who are high BAC and repeat  
4                   offenders, and it allows traditional  
5                   discretion in the case of these marginal  
6                   first-time offenders.

7                   Thank you very much.

8                   CHAIRMAN MARKOSEK: Okay. Thank  
9                   you.

10                  Any questions?

11                  MS. LONGWELL: Oh, you've got to have  
12                  questions. I'm the only one here speaking  
13                  against the interlocks and if you're not going  
14                  to ask questions, because there's some things  
15                  I held back, because --

16                  CHAIRMAN MARKOSEK: Okay. Let me  
17                  throw -- throw one out.

18                  You mentioned the two drinks for a  
19                  120-pound woman.

20                  MS. LONGWELL: Yes.

21                  CHAIRMAN MARKOSEK: Okay. And we've  
22                  heard other statistics from MADD and others  
23                  that would suggest that that would not be  
24                  true.

25                  MS. LONGWELL: Uh-huh.

1 CHAIRMAN MARKOSEK: You --

2 MS. LONGWELL: You have -- okay.

3 Would you like me to tell you where I got it?

4 CHAIRMAN MARKOSEK: No, I'm looking  
5 for a question here, you know. Yeah. What's  
6 your response to that?

7 MS. LONGWELL: Well, it's -- it's --  
8 it's an average and we actually -- we came up  
9 with it back during the .08 debate, and we  
10 were trying to illustrate how little it could  
11 take for somebody to reach .08.

12 And so we went back and forth with  
13 NHTSA trying to reach a conclusion about what  
14 we both would agree upon is the way somebody  
15 can reach .08 that's a -- that's reasonable.

16 And after some back and forth, this  
17 is the number that the people over at the  
18 National Highway Traffic Safety Administration  
19 said, yes, a 120-pound woman after two  
20 six-ounce glasses of wine over a two-hour  
21 period would reach .08. That's an accurate  
22 representation of what .08 is.

23 And so that is -- that's irrefutable,  
24 and it's not our number. It's a -- well, it  
25 is, but NHTSA agreed to it.

1           The other thing that was interesting  
2           about the previous testimony -- and I'm sure  
3           you'll hear it, it's a language thing, but we  
4           keep hearing about drinking and driving, that  
5           you want to stop people from drinking and  
6           driving.

7           It is legal to drink and drive in all  
8           50 states. What is illegal is drunk driving,  
9           and we're losing some perspective on what is  
10          moderate, legal, and safe consumption prior to  
11          driving versus what is criminal and, you know,  
12          impairing behavior.

13          And so I just -- it's -- it's  
14          something that I -- I hear a lot from our  
15          opposition where they say, you know, we -- we  
16          lost it, you know, ten years ago when we  
17          stopped saying don't drive drunk and you  
18          stopped saying -- and you started saying don't  
19          drink and drive.

20          We've lost the distinction between  
21          what is reasonable social behavior and what is  
22          crime. And we have to maintain that balance,  
23          otherwise, you know, we got something in  
24          the -- the dysfunctional legal system.

25          You know, there was a question

1 before, too, since you're not going to ask me  
2 questions, I'll just preempt the --

3 CHAIRMAN MARKOSEK: We have some  
4 now.

5 MS. LONGWELL: Okay. Great.

6 CHAIRMAN MARKOSEK: Representative  
7 Lentz.

8 REPRESENTATIVE LENTZ: This is more  
9 of a comment, and that is you had raised the  
10 issue of the statistic about one in 88, one in  
11 200 --

12 MS. LONGWELL: Yeah.

13 REPRESENTATIVE LENTZ: -- not being  
14 accurate. I can tell you, I've both  
15 prosecuted and defended people who have been  
16 arrested and charged with DUI and absolutely  
17 it is my experience that it is not the result  
18 of people's bad luck.

19 In most cases, after the fact, when  
20 the interviews are done, et cetera, exactly  
21 what the previous witness said is the case.

22 The other thing is, your criticism of  
23 that study is that people self-reported a  
24 number. We -- we -- we would expect, based on  
25 human nature, that if they self-reported 88,

1 they probably did it twice that amount of  
2 times or maybe even three times that amount of  
3 times. So it's -- I don't think it's fair to  
4 dismiss that statistic.

5 I also was -- would point out that  
6 when you talk about the person who is the,  
7 quote, first-time offender having to be  
8 subject to this, my experience is most people,  
9 that their biggest concern when they get a  
10 DUI, is having their license suspended. And  
11 if you said to them, here's a mechanism by  
12 which you can continue to drive as soon as  
13 you leave the courtroom and get your car  
14 outfitted, I would think they would prefer  
15 that.

16 And as was pointed out by a previous  
17 question, I would think that would be  
18 preferable to everybody associated with them,  
19 their family members, their employers, et  
20 cetera.

21 So I think those are a couple of  
22 comments that should be made in response to  
23 your testimony.

24 MS. LONGWELL: Well, I thank you for  
25 that. First of all, you know, with the 87

1 times number, I'm -- my criticism is really on  
2 it as a scientific fact but I'm just meaning  
3 as a legitimate study. You know, they've  
4 sampled a very small amount of people and the  
5 own authors have sort of disavowed it. And so  
6 it's just -- it's being reported as a fact, as  
7 absolute, that 87 is the number of times, and  
8 I just don't think that can be held true.

9 I understand that you have anecdotal  
10 experience. But something else you said  
11 allows me to bring up another point which I --  
12 which is very important.

13 Our opposition to this, we have  
14 opposition to low BAC first-offender bills on  
15 their merits, but we also have a longer term  
16 opposition that involves -- you know, the goal  
17 of Mothers Against Drunk Driving, which has  
18 been clearly stated, the goal of some people  
19 at NHTSA, of the interlock manufacturers, even  
20 of Dr. Voas -- and his coauthor of the study  
21 is Dick Roth -- these -- these people are  
22 activists when it comes to interlocks.  
23 They're pro interlock activists.

24 And they don't just want them in the  
25 cars of low BAC first offenders. They want



1       them in your car. They want them in my car.  
2       They want the technology to come as standard  
3       equipment in all cars set below .08.

4               This is stated. They go on the  
5       record saying this is their ultimate goal.  
6       They are working -- they just asked -- in the  
7       2009 highway reauthorization, they're asking  
8       Congress for \$30 million to help develop the  
9       technology further so that it can come as  
10      standard equipment.

11             They got -- you know, right now  
12      the -- the technology is very rudimentary.  
13      But they've got incredibly sophisticated  
14      technology now that reads your alcohol level  
15      through the sweat in your hands. They have  
16      retina scans. They have sniffers that come  
17      out of the seats of your car. They're already  
18      optional equipment on some Nissans and  
19      Toyotas.

20             And for this campaign to eliminate  
21      drunk driving, which is MADD's campaign, this  
22      is an incremental step. This is how you  
23      normalize the technology in the eyes of the  
24      public and it's how you normalize it in the  
25      eyes of -- of the legislature.

1           And so that's the ultimate goal and  
2           this -- this for them is an incremental step.

3           CHAIRMAN MARKOSEK:   Okay.  I'd like  
4           to -- before I recognize Chairman Marsico who  
5           has a question, I'd like, Representative  
6           Houghton, if you'd like, you're welcome to  
7           come up here and share in the questioning and  
8           whatnot.

9           Represent -- Chairman Marsico.

10          REPRESENTATIVE MARSICO:  Thank you,  
11          Mr. Chairman.

12          You had mentioned that your  
13          organization supports House Bill 914 and what  
14          was the bill that you do not support?  We  
15          don't have the bills.

16          MS. LONGWELL:  It's Representative  
17          Clymer's bill.  It's HB 1006.

18          REPRESENTATIVE MARSICO:  It's the  
19          section --

20          MS. LONGWELL:  Yeah.

21          REPRESENTATIVE KELLER:  How about  
22          639, House Bill 639.  Clymer's is 639.

23          REPRESENTATIVE LENTZ:  No.

24          MS. LONGWELL:  I've got  
25          Representative Clymer's bill as 1006.

1                   Interestingly, Clymer did introduce a  
2                   universal bill the first time he introduced  
3                   it. He wanted every single car in  
4                   Pennsylvania to come standard with this  
5                   technology in 2007.

6                   REPRESENTATIVE MARSICO: Okay. Do  
7                   you still live in Perry County?

8                   MS. LONGWELL: I don't still live in  
9                   Perry County. I live in Washington, D.C.

10                  REPRESENTATIVE MARSICO: Well, you  
11                  should, because you have a really good  
12                  representative over there.

13                  MS. LONGWELL: Yeah?

14                  REPRESENTATIVE MARSICO: Now,  
15                  seriously now, the installation cost though  
16                  that you talked about, which was not discussed  
17                  earlier. You said -- what was the amount you  
18                  said a year?

19                  MS. LONGWELL: Between a thousand and  
20                  1500.

21                  REPRESENTATIVE MARSICO: And then --

22                  MS. LONGWELL: Then there's the \$70  
23                  fee to maintain and keep it calibrated.

24                  REPRESENTATIVE MARSICO: Do you have  
25                  back-up for that?

1 MS. LONGWELL: Well, I mean, short of  
2 telling you the name of people I know who had  
3 the interlock.

4 REPRESENTATIVE MARSICO: Right.

5 MS. LONGWELL: But, yeah, I mean if  
6 you -- if you look at some of the main  
7 manufacturers, call them. You know, Smart  
8 Start, True Lock, or any of them, and ask  
9 them, I want the interlock, you know, go and  
10 say I want to get the interlock and see how  
11 much it costs.

12 Because at the end of the day when  
13 you talk about the installation, maintaining  
14 and keeping them calibrated, then the -- there  
15 was another -- a monitoring cost, that's an  
16 additional cost.

17 And then the infrastructure. I don't  
18 know if I made this point clearly enough when  
19 I was talking about the -- the New Mexico  
20 study. There's no infrastructure in any of  
21 the states to make sure that people are  
22 actually installing the technology.

23 You know, it's like it's left up to  
24 the DMV pretty much. And so there's no one --  
25 there would have to be an investment in

1 infrastructure if you were going to make sure  
2 that the interlocks were getting installed.

3 Because it is different from  
4 monitoring someone who is just not driving  
5 on suspended -- or who is driving on a  
6 suspended license.

7 You could monitor whether or not  
8 someone is actually putting this in the car,  
9 but you've got to invest in the infrastructure  
10 that can do that.

11 REPRESENTATIVE MARSICO: Okay. Thank  
12 you, Mr. Chairman.

13 CHAIRMAN MARKOSEK: Representative  
14 Sabatina.

15 REPRESENTATIVE SABATINA: Thank you,  
16 Mr. Chairman.

17 I -- I'm asking this question. I  
18 think I already know the answer to it. But  
19 there's nothing -- or there's no technology in  
20 the interlock that would catch someone using  
21 narcotics and getting behind the wheel. Is  
22 that correct?

23 MS. LONGWELL: There's not. There's  
24 not. No.

25 REPRESENTATIVE SABATINA: Okay.

1 Thank you.

2 MS. LONGWELL: There is technology --  
3 interestingly enough, though, the number one  
4 cause of fatalities on the highway is  
5 speeding. And there is technology that would  
6 cap speeds, the speed at which we could go.  
7 Nobody tries to put that in a car. Wonder why  
8 that is?

9 CHAIRMAN MARKOSEK: Representative  
10 Houghton.

11 REPRESENTATIVE HOUGHTON: Thank you,  
12 Mr. Chairman. I just have one comment. I  
13 want to second Representative Lentz in his  
14 comments.

15 I have never been a prosecutor, but I  
16 mean I do handle criminal defense, minor  
17 criminal defense cases, and I think first  
18 offenders from my experience -- now, you know,  
19 admittedly there may be situations where they  
20 just got back from their mother's funeral or  
21 their father's funeral or something that  
22 really shakes them in life and, you know, they  
23 may have an occasion to drink a little too  
24 much and get on the road.

25 So, you know, there is -- there are

1 situations that I've experienced that are like  
2 that.

3 But generally the first offenders are  
4 just lucky in my experience compared to  
5 multiple offenders. So I just wanted to make  
6 that comment.

7 MS. LONGWELL: But -- but certainly  
8 it's not true in all cases, right? I mean,  
9 you know, the BAC level was just lowered about  
10 five years ago from .10 to .08.

11 And so you're talking about somebody  
12 who could be one sip over that. Of course  
13 that happens when people are caught. There's  
14 all the sobriety check points catching people  
15 who are below the legal limit all the time and  
16 they are arrested and convicted of levels  
17 below .08 and that -- those are points at  
18 which now we're talking about putting an  
19 interlock in their car, with their costs, with  
20 their fallibility, with their intrusiveness.

21 We just think it's too far.

22 REPRESENTATIVE HOUGHTON: Just saying  
23 what I'm just saying, if I may, Mr. Chairman,  
24 that's why my bill does not require ignition  
25 interlock on first year -- first offense.

1 MS. LONGWELL: And we certainly  
2 support that bill.

3 CHAIRMAN MARKOSEK: Okay.  
4 Ms. Longwell, thank you very much.  
5 Interesting testimony.

6 Next we have Mr. Stephen Erni, who is  
7 the Executive Director of the Pennsylvania  
8 Driving Under The Influence Association.

9 MR. ERNI: Good morning, sir.

10 CHAIRMAN MARKOSEK: Is it Stephen or  
11 Stefan? It's Stefan, right?

12 MR. ERNI: It's Stephen but it's  
13 okay.

14 CHAIRMAN MARKOSEK: Okay.

15 MR. ERNI: Somehow it makes my annual  
16 salary larger or whatever.

17 Ladies and gentlemen, I'm the one  
18 that has killed quite a few trees and have  
19 given you enough information to spend the  
20 weekend on ignition interlock, whatever you  
21 would like to know, anywhere from the  
22 technology of where it currently is and where  
23 it's heading, the statistics of what we have  
24 accomplished here in the state of  
25 Pennsylvania.



1           Now, I do have a testimony that I  
2 would like to -- to give to you this morning.  
3 However, if it is okay, I'm just going to  
4 pitch it because there's been several  
5 different topics that have been brought up  
6 here as far as ignition interlock or, as a  
7 matter of fact, it turned out to be even an  
8 attack on .08 that I think my constituents,  
9 meaning my membership, would be probably  
10 disappointed if I don't take the opportunity  
11 to at least make some comments.

12           First of all, with regards to the  
13 .08, just so we can put this to rest, you  
14 know, we can calculate alcohol in 12 ounces of  
15 beer or four ounces of wine or one-and-a-half  
16 ounces of 80 proof liquor.

17           Now, granted, there's a lot of  
18 variations in wines, so it became a practice  
19 to perhaps accept it as five ounces and now,  
20 of course, with some of the -- some of the  
21 examples that are given, now it's six ounces.

22           Well, ladies and gentlemen, I'm six  
23 six, 300 pounds, and I, too, can get a DUI on  
24 two glasses of wine. Mine just happens to be  
25 22 ounces each.

1           If you calculate this out, for me two  
2           ounces would be nine glasses of wine just to  
3           follow that example that has been given. I  
4           don't think that you would want me to be your  
5           dentist, your doctor, or certainly you would  
6           not want me to drive your loved ones around  
7           after consuming that much alcohol.

8           And with that I would like to move on  
9           and start discussing some of the stuff as far  
10          as ignition interlock.

11          I actually have to disagree with not  
12          supporting House Bill 1006 from the  
13          perspective where it says that this takes away  
14          the judge's discretion.

15          Ladies and gentlemen, I have -- I  
16          want you to know that 81 percent of the  
17          probation departments in the state of  
18          Pennsylvania do not allow alcohol consumption  
19          while a person is on probation, ARD for DUI.

20          So, in fact, what you are actually  
21          doing is you are, in fact, enforcing a court  
22          order which is that they should not be  
23          consuming alcoholic beverages.

24          And, of course, where do I get that  
25          statistic from? That would be the constant

1 contact that I've sent out to every chief  
2 probation officer in the past few days to  
3 gather that data.

4 With regards to the actual DUI  
5 offender, 62 percent of DUI offenders here in  
6 the state of Pennsylvania are self-admitted  
7 problem drinkers. This would be from the  
8 court reporting network.

9 Where do I get this data? I get it  
10 from the Department of Transportation, the  
11 uploaded data that we do an assessment on  
12 every DUI offender. So, again, going back to  
13 the fact that they were arrested for the DUI,  
14 it may just be that it's the first time that  
15 they got caught. And it's very lucky that, in  
16 fact, they have done so.

17 And then, finally, the other comment  
18 I have, before I get into some of the good  
19 stats with regard to ignition interlock, would  
20 be the notion of the cost for ignition  
21 interlock.

22 The ignition interlock in  
23 Pennsylvania, we do have several vendors. It  
24 runs from a thousand to \$1200 total, and what  
25 it basically is is you have the installation

1 fee and then you have a monthly fee that you  
2 are paying for the lease of this equipment.

3 And where do I get this data from?  
4 Of course, I do have the list of every one of  
5 the providers of what they are charging for  
6 the ignition interlock in the state of  
7 Pennsylvania.

8 So if any of you are interested I am  
9 able to pass this on.

10 What we have here in Pennsylvania is  
11 54,000 DUI arrests. We have about 1200 or  
12 so -- 12,000 alcohol-related crashes and about  
13 535 fatalities.

14 Last year we have seen 4,336  
15 Pennsylvanians have ignition interlock in  
16 their vehicles. Now, that's an actual  
17 increase of 14 percent from the year before.

18 And basically these individuals that  
19 have the ignition interlock on their vehicle  
20 combined have driven 49.3 million sober  
21 miles. That's what ignition interlock does.

22 It basically separates the drinker  
23 from his vehicle and allows for the rest of us  
24 that are traveling on the Commonwealth's  
25 roadways, that we know that when they aren't

1 driving, they're not in their vehicles.

2 And some of the raw counts that we  
3 have had -- and, by the way, these devices  
4 they have blown into about 9 million times,  
5 and 39,000 times it has locked them out with a  
6 BAC .025 or above. But, most importantly,  
7 1,860 times the interlock locked them out with  
8 a BAC of .08 or more.

9 So as you can see, there is --  
10 technology is there and, in fact, it's working  
11 pretty well here in the state of  
12 Pennsylvania. And, in fact, we'd like to  
13 think that, in fact, we're making some form of  
14 a difference in removing these impaired  
15 drivers from our roads.

16 As far as the states that already  
17 have these laws, there are eight states,  
18 Alaska, Arizona, Colorado, Illinois, Nebraska,  
19 New Mexico, Washington, Louisiana that have  
20 enacted first-time ignition interlock  
21 legislation regardless of the BAC level.

22 Then, of course, we have six states,  
23 Florida, Hawaii, Kansas, New Hampshire,  
24 Virginia, and West Virginia that have it for  
25 offenders of BAC .16 or above.

1           And I'm willing to entertain any of  
2 your questions that -- that you may have with  
3 regards to this technology that we use.

4           CHAIRMAN MARKOSEK: Representative  
5 Siptroth.

6           REPRESENTATIVE SIPTROTH: Thank you,  
7 Mr. Chairman.

8           One question that I'd like to pose is  
9 what effect does the interlock -- installation  
10 of the interlock have on the manufacturer's  
11 warranty of an automobile or of a vehicle?

12          MR. ERNI: It pretty much -- you  
13 should be looking at an ignition interlock, it  
14 almost would be if you're replacing your radio  
15 or you're for -- getting anything else that  
16 you're putting on, Sirius radio or anything of  
17 that nature, it does not affect the warranty.

18          I do not believe that we have had an  
19 instance nationwide, but certainly not here in  
20 Pennsylvania, where anybody's warranty was  
21 affected.

22          REPRESENTATIVE SIPTROTH: So there's  
23 no hard wiring? It's just on --

24          MR. ERNI: It's pretty much, yes.  
25 For -- for lack of a better terms -- and,

1 again, please, disregard the -- the ignition  
2 interlock, basically what it is is it trips  
3 the starter wire so you're not able to start  
4 up the car.

5 And, again, I'm breaking it down to  
6 the lowest common denominator. It's a lot  
7 more complicated than that. But for the most  
8 part that's what it is. You're not able to  
9 start up the vehicle without blowing into the  
10 device that can measure the amount of  
11 alcohol.

12 And one other thing that -- that we  
13 have mentioned here that was mentioned earlier  
14 with regards to, you know, some of the false  
15 starts, Pennsylvania, when the specs were  
16 written in 2001, basically the -- there's two  
17 types -- two types of technologies that  
18 were -- that were in existence in the past.  
19 One would be of -- of -- of what was described  
20 as a Taguchi cell, T cell. This is the one  
21 where if you had yeast or things of that  
22 nature you may, in fact, have some false  
23 readings. Pennsylvania has never used it.

24 The National Highway Traffic Safety  
25 Administration, in fact, recommends that

1 everybody has fuel cell technology, which  
2 basically means that cigarette smoke, yeast,  
3 things of that nature does not affect the  
4 device.

5 REPRESENTATIVE SIPTROTH: Thank you.

6 Thank you, Mr. Chairman.

7 CHAIRMAN MARKOSEK: Representative  
8 Carroll.

9 REPRESENTATIVE CARROLL: Thank you,  
10 Mr. Chairman.

11 Can you share with me the cost for an  
12 ignition -- ignition interlock for a  
13 motorcycle?

14 MR. ERNI: For a motorcycle, it would  
15 be the same exact, the same exact cost. Now,  
16 as far as a motorcycle, quite a few of the  
17 manufacturers, for lack of a better term, have  
18 shied away, only because, again, with ignition  
19 interlock what we're hoping for is that the  
20 individual actually pulls over and then takes  
21 the test.

22 Now, obviously, as, you know, has  
23 been testified before, you are able to do it.  
24 You can go ahead and drive and still take the  
25 test. We don't recommend it, but you're able



1 to do it.

2 Since, you know, there would be  
3 individuals that would try to -- would try  
4 to -- to, in fact, take a rolling breathe test  
5 while riding their bikes. Quite a few of  
6 their manufacturers, in fact, do not make it a  
7 practice.

8 But there is one in Pennsylvania that  
9 does, in fact, allow for it, so you would have  
10 to go to -- because we have several vendors  
11 here in Pennsylvania and the cost would be the  
12 exact same amount as it would be for a car.

13 REPRESENTATIVE CARROLL: Thank you.

14 CHAIRMAN MARKOSEK: Representative  
15 Petrarca.

16 REPRESENTATIVE PETRARCA: Thank you,  
17 Mr. Chairman.

18 Quick question. In the states that  
19 require the interlock regardless of blood  
20 alcohol for first-time offenders, are there  
21 problems or issues that you can speak to and  
22 we should be aware of?

23 MR. ERNI: Well, I think what you  
24 need to decide is how you would like to go  
25 about ignition interlock. Okay?

1           And I'll give you an example here.  
2           If you just want the individual -- to stop  
3           them from getting into their car after they're  
4           consuming alcoholic beverages, that's one  
5           issue. And I believe the technology is  
6           there.

7           The other issue is do you want to  
8           utilize ignition interlock as a behavioral  
9           modification tool?

10           Now, obviously if you have it for six  
11           months, that may not be a behavioral  
12           modification tool. However, if you're  
13           looking at some of the language that has been  
14           described by individuals that perhaps are  
15           violating and then you're extending their  
16           ignition interlock on the part of the  
17           Department of Transportation, then I would  
18           believe it would have an even greater value  
19           because now what you're doing is -- again, I'm  
20           simplifying things. You have about six times  
21           a day a reminder that when you are driving,  
22           you know, you shouldn't be consuming alcoholic  
23           beverages.

24           So it is a great behavioral  
25           modification tool. But, once again, it's --

1 it's a -- the time period is where it may be  
2 too short, six months.

3 REPRESENTATIVE PETRARCA: But there  
4 are no, again, problems in these states or are  
5 there --

6 MR. ERNI: I'm not sure --

7 REPRESENTATIVE PETRARCA: -- anything  
8 unusual --

9 MR. ERNI: I'm not sure. What kind  
10 of problems --

11 REPRESENTATIVE PETRARCA: Or -- or  
12 backlash.

13 MR. ERNI: -- are you looking for?

14 REPRESENTATIVE PETRARCA: Or, you  
15 know, how is it going? Is there an outcry in  
16 some of these states that it should not be  
17 used for first-time offenders? Maybe that  
18 depends on who you talk to.

19 MR. ERNI: Obviously from the tobacco  
20 industry, there is an outcry from them. There  
21 are some outcries perhaps from some DUI  
22 offenders and -- and I do have in your packets  
23 that you have, you know, some surveys we have  
24 sent out.

25 We run a project with the Department

1 of Transportation for ignition interlock.

2 That's where a lot of this data is coming  
3 from.

4 And the majority of them are very  
5 satisfied with the experience that they have.  
6 They do receive -- they do receive courteous  
7 professional service. And, again, if they do  
8 not, we are immediately there investigating  
9 and then reporting back to the Department of  
10 Transportation.

11 As far as convenience and delivery,  
12 here in the state of Pennsylvania we have 137  
13 centers that provide this kind of service.

14 In fact, it is a specification by the  
15 Department of Transportation that there would  
16 have to be one -- there would have to be a  
17 center by each one of the manufacturers within  
18 a 50-mile radius. So it is actually, you  
19 know, a very convenient thing. People don't  
20 have to drive hours just to have this  
21 installed in their vehicles.

22 REPRESENTATIVE PETRARCA: Thank you.

23 Thank you, Mr. Chairman.

24 CHAIRMAN MARKOSEK: Representative  
25 Mark Keller.

1                   REPRESENTATIVE KELLER: Thank you,  
2                   Mr. Chairman.

3                   A question I have is after the  
4                   individual has used the interlock system,  
5                   there's no need for it anymore, what happens  
6                   then?

7                   Do the companies take it back? And  
8                   is there -- is the consumer paid a fee for  
9                   returning -- it looks to me as though it's a  
10                  rental-type thing.

11                  MR. ERNI: It is. It is. They are  
12                  leasing. They are leasing the equipment for  
13                  -- in this case, it would be for twelve  
14                  months. And then when the time is up, it  
15                  would be removed by the technician  
16                  representing these manufacturers and then the  
17                  person can go on.

18                  Now, we have had about two instances  
19                  last year where individuals would like to keep  
20                  it on their vehicle. So that's a possibility,  
21                  too, that -- that they would continue to pay a  
22                  leasing fee.

23                  REPRESENTATIVE KELLER: My question,  
24                  though, is the companies -- maybe you can't  
25                  answer this. Is the consumer then charged a

1 fee for taking the unit out or if -- the way I  
2 understand, there's been all kinds of numbers  
3 been thrown out here as far as --

4 MR. ERNI: The total costs -- I'm  
5 sorry.

6 REPRESENTATIVE KELLER: -- what the  
7 costs are. You know, a thousand, 1500 to have  
8 it installed.

9 Now we're going to have it taken out  
10 of the vehicle. Is there a charge to take it  
11 back out of the vehicle? And also is there  
12 some kind of fee involved in there to  
13 reimburse the individual back for the initial  
14 setup fee?

15 MR. ERNI: Basically the cost that I  
16 have quoted you that the manufacturers have  
17 for a year includes both the installation and  
18 the removal.

19 REPRESENTATIVE KELLER: Okay.

20 MR. ERNI: And, again, for -- to make  
21 it -- to kind of simplify things again, the  
22 monthly fee, of what you're paying for, is  
23 calibration for the most part.

24 The device, this fuel cell that I was  
25 telling you about, is the exact same

1 technology that is in the portable  
2 breathalyzer that police officers have. So  
3 naturally, you know, you would want to have it  
4 calibrated so it always reads correctly.

5 So that would also be a cost if  
6 they're drinking and they're knocking out the  
7 calibration.

8 REPRESENTATIVE KELLER: Okay. Thank  
9 you.

10 Thank you, Mr. Chairman.

11 CHAIRMAN MARKOSEK: Thank you. I see  
12 Representative Clymer is here. We're going to  
13 invite him to come up here as well.

14 I have a question. I don't think  
15 it's been asked yet here. Relative to the  
16 other drivers or family members in a household  
17 that have a vehicle that has an interlock  
18 system, you know, how is -- have you had any  
19 feedback on that in terms of, you know, how  
20 they feel about it?

21 You know, if I -- if it's a spouse,  
22 say, and -- but it's also my vehicle or the  
23 only vehicle I have available to me, I have to  
24 blow into the interlock --

25 MR. ERNI: That is correct.

1           CHAIRMAN MARKOSEK:  -- system?  Now,  
2     you know, if I don't have a drinking problem,  
3     it's no problem.  The car starts up.  But now  
4     I have to, of course, go through the dead man  
5     switch every, you know, half hour or  
6     whatever.

7           You know, plus, you know, my  
8     neighbors might see me getting into the car  
9     and say, oh, you know, Joe's got a drinking  
10    problem when it's actually somebody else in my  
11    household.

12           So there's a stigma with me even  
13    though I'm innocent.  You know, is there some  
14    comment that you can have on --

15           MR. ERNI:  Well, you might want to  
16    have -- you might want to have a discussion  
17    with your spouse about her drinking then.

18           No.  Look, this is how -- this is  
19    what -- what you need to look at.  It gives  
20    the opportunity for people to go to work.  It  
21    gives them the opportunity to pay their fines,  
22    you know, so there's little disruption in the  
23    family.

24           As far as -- you're absolutely  
25    correct, if there's only one vehicle and the



1       DUI offender is required to have this, yes,  
2       the spouse would have to, in fact, comply with  
3       the exact same regulations.

4                Again, the way you look at it is --  
5       and the -- and the feedback that I can give  
6       you is if in family -- and I don't want to get  
7       into the --the addiction or intervention or  
8       any of that side because, again, we're here  
9       for ignition interlock.

10               But I would venture to say that if --  
11       if we have a spouse that has a drinking  
12       problem that has this ignition interlock, you  
13       know, the spouse actually would be supportive  
14       because they'd want to have some form of  
15       change in this individual's life which would  
16       then translate into, you know, a better  
17       marriage or happier marriage and so -- but,  
18       yes, the families would have to pay the same  
19       price. If they want to drive that car, they  
20       would have to blow into that vehicle.

21               CHAIRMAN MARKOSEK: Okay.

22       Questions? Eric?

23               EXECUTIVE DIRECTOR BUGAILE: Is it  
24       not the case if I owned the car, I own four  
25       cars and I have four people in the family, all

1 four cars have to have interlock?

2 MR. ERNI: That is correct.

3 EXECUTIVE DIRECTOR BUGAILE: So  
4 that's four thousand --

5 MR. ERNI: Four vehicles --

6 EXECUTIVE DIRECTOR BUGAILE: -- eight  
7 hundred dollars that has to be on there and  
8 all four people have to learn how to blow into  
9 that that rhythmic component?

10 MR. ERNI: If all four of those  
11 vehicles are in your name, yes, that would be  
12 the answer.

13 EXECUTIVE DIRECTOR BUGAILE: Okay.

14 CHAIRMAN MARKOSEK: Representative  
15 Houghton or Representative Clymer, do you have  
16 a question or comments?

17 REPRESENTATIVE CLYMER: Well, yeah.  
18 Thank you, Mr. Chairman.

19 And, Mr. Erni, it's good to see you.  
20 We've been communicating over the last couple  
21 of weeks and thank you for your testimony.

22 I didn't get to hear your testimony,  
23 but I know your position on this interlock and  
24 I guess my comment would be if, yes, in  
25 response to the last question, it's going to

1 cost \$4,000 but -- if the person has four cars  
2 and each of those cars are titled in that one  
3 person's name.

4           However, when you consider the  
5 alternative, you know, you're looking at  
6 potentially saving a life, having a person not  
7 be seriously injured, if the person does get  
8 in a serious accident while DUI, then their  
9 insurance rates go up so they're going to have  
10 to pay more and it's the mental scars that  
11 that person who is driving the car involved in  
12 the accident would have to bear for the rest  
13 of his or her life.

14           So really, in balance, this is  
15 something that -- that needs to be played out;  
16 that is, this legislation that would create  
17 interlock, ignition interlock, a breathalyzer  
18 system for the first-time DUI.

19           So I think that's -- we have to look  
20 at the full range of effects when a person DUI  
21 gets in -- involved in a serious accident that  
22 takes the life or causes serious injury.

23           Thank you.

24           CHAIRMAN MARKOSEK: Representative  
25 Houghton.

1                   REPRESENTATIVE HOUGHTON:  Chairman  
2                   Markosek, not at this time.  I have no further  
3                   questions -- or no questions for this  
4                   witness.  Thank you.

5                   CHAIRMAN MARKOSEK:  Thank you.  
6                   Seeing no other questions, Mr. Erni, thank you  
7                   very much.  Appreciate --

8                   MR. ERNI:  Thank you.

9                   CHAIRMAN MARKOSEK:  -- your  
10                  testimony.

11                  And we have next our good friend, who  
12                  has been an all star testifier here before the  
13                  committee before, Kurt Myers, who is the  
14                  Deputy Secretary for Safety Administration,  
15                  the Pennsylvania Department of  
16                  Transportation.

17                  Kurt, welcome again.  Thank you for  
18                  coming by, and it's good to hear what you have  
19                  to say.

20                  DEPUTY SECRETARY MYERS:

21                  Mr. Chairman, thank you.

22                  I -- I noted to Sarah that we have  
23                  something in common.  We're both graduates of  
24                  Kenyon College and I find that's -- that's  
25                  interesting because we're a relatively small

1 school so we don't get an opportunity to see a  
2 lot of graduates around the area.

3 CHAIRMAN MARKOSEK: I think  
4 Representative Frankel is, too.

5 DEPUTY SECRETARY MYERS: Yes. In  
6 fact, he was in my class, as a matter of  
7 fact.

8 However, I have to say that, although  
9 that is common ground for Sarah and myself,  
10 I'm afraid that there are other areas where we  
11 disagree when it comes to issues associated  
12 with ignition interlock and impaired driving.

13 And I say that because, as an  
14 administrator of a program and overseeing this  
15 in the Department of Transportation, I see  
16 many of the crash reports that come across my  
17 desk and the opportunity to see names of  
18 individuals, ages of individuals, families who  
19 have been torn apart.

20 And in point of fact, 2007, 535 lives  
21 were lost in the Commonwealth because of drunk  
22 driving. It's a serious issue when you  
23 consider the fact that of that -- of that same  
24 year there were 1500 deaths total.

25 And with that, I think it's important

1 that I go through some of the history of the  
2 legislation as it's been developed over the  
3 years because I want to point out some of the  
4 areas within the current legislation that I  
5 think we need to address as we move forward.

6 So on behalf of Secretary Biehler, I  
7 appreciate the opportunity to discuss House  
8 Bill 639.

9 And as you are aware, ignition  
10 interlock is a device that is installed on  
11 motor vehicles to prohibit individuals under  
12 the influence of alcohol from operating a  
13 vehicle. And over the past nine years,  
14 Pennsylvania's ignition interlock law has  
15 certainly evolved.

16 Act 63 of 2000 required an individual  
17 convicted of second or subsequent DUI  
18 offenses, regardless of the date that the  
19 offense occurred, to have an approved ignition  
20 interlock device installed in each motor  
21 vehicle and maintain the device on their  
22 vehicle for one year before eligible to apply  
23 for an unrestricted driver's license.

24 The law also said that individuals  
25 who did not install the ignition interlock

1 device on their vehicle would be required to  
2 serve an additional year's suspension.

3 As the law was written, it not only  
4 required the court to order ignition interlock  
5 for second and subsequent offenses, but it  
6 made ignition interlock a requirement  
7 individuals had to meet in order to have their  
8 driving privileges restored.

9 There were instances where the courts  
10 failed to order ignition interlock for second  
11 and subsequent offenses, but because it was  
12 also a restoration requirement, individuals  
13 had to comply to be restored.

14 As a result, the law was challenged  
15 in 2003 and the Pennsylvania State Supreme  
16 Court ruled that it was unconstitutional for  
17 the court to order ignition interlock.

18 In addition, it was determined that  
19 although PennDOT could not require the  
20 ignition interlock device be installed, we  
21 could require individuals to obtain ignition  
22 interlock driver's licenses before restoring  
23 their driving privileges.

24 Act 24 of 2003 clarified the existing  
25 law putting the onus on PennDOT to require

1 ignition interlock as a restoration  
2 requirement and made it mandatory that every  
3 second or subsequent DUI offender have an  
4 ignition interlock device installed in their  
5 vehicle, thereby eliminating the provisions  
6 that an individual could serve an additional  
7 one-year suspension in lieu of obtaining an  
8 ignition interlock device.

9 Act 211 of 2004 defined and required  
10 a ten-year look-back period for counting DUI  
11 offenses for determining ignition interlock.  
12 Prior to this change, individuals with a  
13 second or subsequent DUI offense, regardless  
14 of when it occurred, were required to comply  
15 with the ignition interlock before their  
16 driving privileges could be restored.

17 Looking forward, PennDOT supports the  
18 concept requiring ignition interlock for  
19 first-time DUI offenders in order to reduce  
20 the number of repeat offenders. As an  
21 example, of the approximately 84,000 DUI  
22 convictions in Pennsylvania from 2006 to 2008,  
23 57 percent, or approximately 48,000, were  
24 second or subsequent offenses. Had the  
25 ignition interlock for first-time DUI



1 offenders been required, it is our belief that  
2 the percentage of second or subsequent DUI  
3 offenses would have been reduced.

4 While there is limited data to  
5 support the effectiveness of ignition  
6 interlock in reducing the number of repeat  
7 offenders at this time, we do know that the  
8 Insurance Institute of Highway Safety  
9 estimates that ignition interlock reduces the  
10 number of repeat offenders by nearly  
11 two-thirds.

12 In addition, our numbers show that  
13 the state of New Mexico experienced a 26  
14 percent reduction in alcohol-related  
15 facilities after passing a mandatory ignition  
16 interlock law for all DWI offenders in 2005.

17 While PennDOT supports the concept of  
18 requiring ignition interlock for first-time  
19 DUI offenders, we have some serious concerns  
20 with House Bill 639 since it has what we  
21 believe are negative and unintended  
22 consequences.

23 At a high level, the legislation as  
24 currently written would require driving  
25 sanctions to be reduced for DUI offenders, it

1 would create an administrative burden on  
2 PennDOT to conduct hearings for reduced  
3 suspension terms and is, in the opinion of  
4 PennDOT's Chief Counsel Office, in violation  
5 of a prior state Supreme Court ruling.

6 We believe amendments to this  
7 legislation alone cannot address these  
8 issues. To be specific, our first concern  
9 regards placing the ignition interlock  
10 requirement in Section 3804 of the  
11 Pennsylvania Vehicle Code.

12 This would be in direct conflict with  
13 a 2003 Pennsylvania Supreme Court case,  
14 Commonwealth versus Mockaitis, where the  
15 original ignition interlock law passed in 2000  
16 was found to be unconstitutional because it  
17 required the court to order ignition  
18 interlock.

19 Mandating ignition interlock as part  
20 of sentencing will cause extensive litigation,  
21 as did similar provisions of the original  
22 law.

23 While the requirements defined in  
24 House Bill 639 are less intrusive on the  
25 judiciary than the provisions of the original

1 law, they would still require action by the  
2 judiciary.

3 Today ignition interlock is a  
4 restoration requirement, which motivates an  
5 individual to comply in order to have his or  
6 her driving privileges restored. As written,  
7 House Bill 639 would require ignition  
8 interlock for individuals who do not receive  
9 license suspensions. It can only be assumed  
10 that these individuals would be less motivated  
11 to comply with the requirement and, further,  
12 there is no provision in this legislation to  
13 address noncompliance.

14 In 2008, for example, approximately  
15 5100 first-time DUI offenders in Pennsylvania  
16 did not receive a license suspension because  
17 their blood alcohol content was between .08  
18 and .099.

19 House Bill 639 includes a provision  
20 that would mandate PennDOT to consider  
21 allowing even the most serious DUI offenders,  
22 meaning individuals with a high, .10 to .159,  
23 and highest, .16 and higher, blood alcohol  
24 content to reduce an individual's term of  
25 suspension from 12 to 18 months to as little

1 as 45 days. This would erode the  
2 effectiveness of Pennsylvania's DUI law as it  
3 exists today and potentially increase the  
4 number of DUI-related crashes and fatalities,  
5 as it would seriously reduce the disincentive  
6 to drive under the influence.

7 In addition, this would require a  
8 burdensome and cost-prohibitive administrative  
9 process to be developed to determine when the  
10 term could be reduced, not to mention that it  
11 could result in individual case litigation  
12 should PennDOT not reduce suspensions for  
13 serious DUI offenders.

14 Lastly, because of the  
15 inconsistencies in this legislation, it would  
16 be feasible that an individual accepted into  
17 the ARD program with a blood alcohol content  
18 of .08 to .15 would not be required to comply  
19 with a ignition interlock.

20 In 2008 approximately, 16,100  
21 individuals with a blood alcohol level of .08  
22 to .15 were accepted into ARD.

23 Again, while we support the ignition  
24 interlock for first-time DUI offenders, we  
25 recognize that there are operational and cost

1 impacts that need to be balanced with safety.

2 We recommend that this legislation be  
3 rewritten and, that if this concept moves  
4 forward, a committee of subject matter experts  
5 from all disciplines work collectively to  
6 draft legislation that would effectively  
7 address first-time DUI offenders while  
8 maintaining the integrity of the current law.

9 I would also like to mention that we  
10 reviewed House Bill 914 which would require  
11 ignition interlock for first-time DUI  
12 offenders with a blood alcohol content of .10  
13 or higher. We have no concerns with this  
14 legislation as written.

15 However, if we are committed to  
16 reducing the number of repeat DUI offenders,  
17 we should consider legislation that mandates  
18 ignition interlock for all first-time  
19 offenders regardless of their level of  
20 impairment.

21 At this time, I'm available to take  
22 any questions that you might have. Thank you.

23 CHAIRMAN MARKOSEK: Okay. Thank you  
24 very much.

25 Just -- I think if I understand some

1 of what you had mentioned there as objections  
2 to the first bill have been rewritten or  
3 there's some other legislation floating  
4 around. So some of that has been addressed.  
5 Maybe not all of it.

6 But I see Representative Haluska.

7 REPRESENTATIVE HALUSKA: Thank you,  
8 sir. Thank you, Mr. Chairman.

9 As I understand your testimony, right  
10 now if you get arrested for your first DUI  
11 between .08 and .15, they have the option of  
12 not suspending your license and giving you  
13 ARD?

14 DEPUTY SECRETARY MYERS: That is  
15 correct.

16 REPRESENTATIVE HALUSKA: And PennDOT  
17 doesn't agree with that?

18 DEPUTY SECRETARY MYERS: Well, we're  
19 simply saying, based upon this law, that there  
20 are opportunities here to change the -- the  
21 process and improve what in our opinion would  
22 be advantageous from the standpoint of  
23 allowing for the ignition interlock to be put  
24 on for somebody who is that .0 -- .08 to  
25 .99 [sic].

1           REPRESENTATIVE HALUSKA: Well, in my  
2 opinion, I think that is -- that gives them  
3 some leeway to address first-time DUI's. I  
4 appreciate that part of the law.

5           I -- I would personally not want to  
6 vote on a bill that would do anything to  
7 change that. I think you're looking at the  
8 .15 and above maybe for a first-time offender  
9 but, you know, I think you need that leeway  
10 for that person that just happens to slip,  
11 happens to have one too many wines or one too  
12 many beers and is .09 or something like that.

13           And I personally like, you know, the  
14 ability to judge and to look at that person  
15 and give them the ARD and not go through all  
16 this expense for an interlock system for a --  
17 a little slip-up.

18           CHAIRMAN MARKOSEK: Okay. Thank you  
19 very much. Representative Carroll.

20           REPRESENTATIVE CARROLL: Thank you,  
21 Mr. Chairman.

22           Thank you for your testimony.  
23 PennDOT does issue a very unique ignition  
24 interlock license when somebody secures an  
25 interlock license, don't they?

1           DEPUTY SECRETARY MYERS: This is --  
2           that is correct.

3           REPRESENTATIVE CARROLL: Okay. And  
4           with that knowledge, then if somebody were to  
5           be driving with a vehicle without an ignition  
6           interlock a police officer would have a clear  
7           ability to determine that they're in violation  
8           based on the license?

9           DEPUTY SECRETARY MYERS: That is  
10          correct.

11          REPRESENTATIVE CARROLL: Would the  
12          department then with that knowledge support  
13          the -- a change in the law that would allow  
14          for ignition interlock for just one vehicle  
15          for a family to consider what  
16          Representative -- or Mr. Bugaile mentioned  
17          earlier, in the scenario where people have  
18          multiple vehicles in a family. You know, if  
19          -- it seems silly to me that we're going to go  
20          through the expense of installing ignition  
21          interlock in multiple vehicles or go through  
22          the exercise of the title switcharoo that  
23          occurs with ownership.

24                 Why not just have the ignition  
25          interlock installed in one vehicle owned by



1 the family?

2 DEPUTY SECRETARY MYERS: Let me go  
3 back just for a second from an administrative  
4 standpoint and explain part of the process.

5 The ignition interlock companies that  
6 are in Pennsylvania -- and I believe that  
7 there are eight at this point in time -- have  
8 access to PennDOT's vehicle systems.

9 So when an individual comes in,  
10 they're able to check to see how many vehicles  
11 are titled to that particular individual.

12 You are absolutely right. What --  
13 what people certainly can do is change the  
14 title of the vehicle to someone else. That is  
15 one way that they don't have to put the  
16 ignition interlock into that -- into all their  
17 vehicles.

18 In addition to that, we also have  
19 hardship cases where individuals can come to  
20 the department and petition the department  
21 based on their income levels for the purposes  
22 of -- of only installing this in -- in one  
23 unit, even though they may own multiple units.

24 REPRESENTATIVE CARROLL: So that  
25 sounds like a yes.

1           DEPUTY SECRETARY MYERS: I'd need to  
2 look at the actual language and see how it's  
3 put together. I'm simply saying that we know  
4 for a fact that there are individuals that --  
5 that certainly transfer titles to other names  
6 for the purposes of -- of avoiding -- putting  
7 that in the -- the ignition interlock into  
8 their vehicles.

9           But you are absolutely right that the  
10 driver's license is well marked.

11           REPRESENTATIVE CARROLL: And the  
12 other names would be the spouse or somebody  
13 else that lives in the exact same household?

14           DEPUTY SECRETARY MYERS: That is  
15 correct.

16           CHAIRMAN MARKOSEK: Representative  
17 Longietti.

18           REPRESENTATIVE LONGIETTI: Thank you,  
19 Mr. Chairman.

20           Thank you for your testimony.

21           Do we have any statistics indicating  
22 at what point in time folks are getting their  
23 subsequent DUI's? In other words, we've heard  
24 if we had ignition interlock we could prevent  
25 people from having subsequent DUI's.

1           And I'm -- two thoughts go through my  
2           mind. One is, as I understand it, the  
3           ignition interlock does not come into play  
4           until somebody is either convicted of a DUI or  
5           they've been accepted into the Accelerated  
6           Rehabilitative Disposition.

7           I know in my county, for example,  
8           from the point of time that you would get  
9           arrested until that disposition occurs, you're  
10          looking at between eight and twelve months.  
11          So there's going to be a significant period of  
12          time when the ignition interlock is not  
13          there.

14          On the other side of the story, if we  
15          had the ignition interlock, it doesn't happen  
16          forever. It happens for a period of time and  
17          then that obligation is completed. So then  
18          we're going to have folks that were the  
19          first-time or second-time or whatever  
20          offenders to continue to drive.

21          Do we know, when are these people  
22          getting their second and subsequent offenses?

23          DEPUTY SECRETARY MYERS: I don't know  
24          the answer, but I would certainly look into it  
25          and get back to the committee with an answer

1 for you if we're able to put that information  
2 together.

3 REPRESENTATIVE LONGIETTI: I'm always  
4 interested. I understand, you know, what New  
5 Mexico is able to show, but I'm always  
6 interested in trying to explain what those  
7 statistics mean. What is it?

8 It's one thing for those two things  
9 to correlate and it's another thing for one to  
10 explain that this is what is happening, it is  
11 because of ignition interlock.

12 And I'm not sure how long New  
13 Mexico -- I'll have to look back at the  
14 testimony -- how long New Mexico has had that,  
15 but I think over time you do a better study.

16 DEPUTY SECRETARY MYERS: Yes. I  
17 believe the data that I quoted was from 2005.

18 REPRESENTATIVE LONGIETTI: The other  
19 question that I had is -- but -- and I'm  
20 trying to remember the bills, but the young  
21 person that is out there, they are driving a  
22 vehicle that is owned by mother or father,  
23 they do not have any vehicles titled in their  
24 name, they get a DUI, what happens to them?

25 Let's say this ignition interlock is

1 put into place. Are they going to have a  
2 vehicle titled into their name?

3 DEPUTY SECRETARY MYERS: If they  
4 don't own a vehicle, under -- under those  
5 circumstances, they're -- they're not in a  
6 position to be able to -- to -- to drive.

7 From -- moving forward. Let's --  
8 let's see here. From a detail standpoint, I  
9 believe, and my understanding is, that if an  
10 individual has -- does not own a vehicle, and  
11 that could be for anybody at any age, they  
12 have to certify to the department that they  
13 don't own a vehicle at that point in time.

14 But the requirement for them to be  
15 driving a vehicle with an ignition interlock,  
16 if they were to acquire a vehicle at that  
17 point in time, they would have to put the  
18 ignition interlock on that vehicle. They  
19 would not be able to operate a vehicle without  
20 an ignition interlock.

21 So if they don't own one, obviously  
22 they can't be required to put -- put something  
23 on something that doesn't exist. But -- but  
24 once they do own a vehicle, they have to put  
25 it on and they can't operate a vehicle without

1 it.

2 REPRESENTATIVE HARHAI: But their  
3 license would still show it, as Mike said.

4 REPRESENTATIVE LONGIETTI: Yeah. Let  
5 me follow up on that just so I understand.

6 Okay. They don't own a vehicle. Are  
7 they going to be able to drive mother or  
8 father's car and have an ignition interlock  
9 installed in their car or are they just going  
10 to be out of luck and not have transportation  
11 available to them?

12 DEPUTY SECRETARY MYERS: Oh, my  
13 understanding would be is that they can --  
14 they can certainly put the ignition interlock  
15 onto those vehicles. There's nothing that  
16 precludes them putting the ignition interlock  
17 on those vehicles.

18 REPRESENTATIVE LONGIETTI: I thought  
19 I -- and I may be wrong -- I thought I read  
20 somewhere in this legislation that in order  
21 for you to be able to continue to have a  
22 license to drive that you had to have a  
23 vehicle registered in your name.

24 No? Okay. I'm wrong on that.

25 Okay. Thank you.

1 CHAIRMAN MARKOSEK: Okay.

2 Representative Watson.

3 REPRESENTATIVE WATSON: Thank you,  
4 Mr. Chairman.

5 And it turns out, I guess I'm really  
6 going to follow up on Representative  
7 Longietti.

8 If you go to your testimony, sir --  
9 and thank you for it. But Page 3, where  
10 you -- in your top paragraph where you are  
11 quoting statistics.

12 DEPUTY SECRETARY MYERS: Uh-huh.

13 REPRESENTATIVE WATSON: It says, as  
14 an example, of the approximately 84,000 DUI  
15 convictions in Pennsylvania in year 2006 to  
16 2008, 57 percent, 48,000, were second or  
17 subsequent offenses.

18 Do you -- do you have somewhere a  
19 breakdown of that 48,000 in terms of so many  
20 of those that were second offenses were people  
21 who was .08 to .10 or .15 to -- that would be  
22 very helpful to get an idea and I think might  
23 get to something that Representative Longietti  
24 was asking and I think where I've heard some  
25 things about where do you set the limit, the

1 bar or whatever?

2 DEPUTY SECRETARY MYERS: Yeah. I  
3 know we have that information. I don't have  
4 it with me here but I would be happy to get it  
5 to the committee.

6 REPRESENTATIVE WATSON: If you would  
7 provide that to us, I think that might be just  
8 a helpful statistic to take a look at. For  
9 one group or the other.

10 DEPUTY SECRETARY MYERS: Sure.

11 REPRESENTATIVE WATSON: But it's got  
12 to be a helpful statistic.

13 DEPUTY SECRETARY MYERS: Sure.

14 REPRESENTATIVE WATSON: Following  
15 with something Representative Longietti just  
16 asked you and I had -- and I may be in error,  
17 too, but I thought, if we stick with the  
18 younger person who does not own a vehicle per  
19 se, I thought that to get it they had to have  
20 it on the vehicle. If they're with their  
21 parents or whatever, they have to have  
22 insurance. So the insurance is on -- mom and  
23 dad are paying it if they don't own their own  
24 vehicle. If a young person doesn't, it's on  
25 their -- on mom and dad's insurance policy. I



1 thought then, because they have access and  
2 insurance to a vehicle, they have to have the  
3 interlock.

4 DEPUTY SECRETARY MYERS: Yes.

5 REPRESENTATIVE WATSON: Right?

6 MR. ROBERT MUSTIN: They do. Same  
7 thing with a employer, too.

8 REPRESENTATIVE WATSON: Right. The  
9 same thing with the employer, too. That's  
10 what I meant. When you were saying that, yes,  
11 they would. They don't own it, but the bottom  
12 line is that they've got insurance on  
13 somebody's policy because they're a driver.  
14 Well, guess what? Then mom and dad -- mom and  
15 dad have two vehicles but at least on one of  
16 them for access they have to have it.

17 DEPUTY SECRETARY MYERS: Yeah, there  
18 are some exceptions to that.

19 REPRESENTATIVE WATSON: Right.

20 DEPUTY SECRETARY MYERS: For example,  
21 as an employer, if you're a delivery driver --

22 REPRESENTATIVE WATSON: Yes.

23 DEPUTY SECRETARY MYERS: -- there are  
24 exceptions for that. Whereas, if your  
25 employer supplies you a car that you use to

1 commute back and forth, you would need -- you  
2 would need to have the ignition interlock on  
3 that vehicle.

4 REPRESENTATIVE WATSON: Okay. The  
5 point is that it is a fact that, yes, we all  
6 know, regardless, and not playing a game with  
7 the title or whatever, if you are going to  
8 drive, you don't own it. That's the point, if  
9 you're going to drive, we need to make sure  
10 that you are not driving and drinking.

11 And I guess -- and I'm sorry. I had  
12 to go to another voting meeting and vote and  
13 come back. I'm sorry I missed Ms. Longwell's  
14 testimony, I guess, because there are some  
15 things I wondered.

16 PennDOT, I'm looking, something  
17 about -- she talked about criminalizing  
18 moderate social drinking.

19 Does PennDOT have a position on  
20 criminalizing moderate social drinking or do  
21 you even define that?

22 DEPUTY SECRETARY MYERS: Well, we  
23 define it either as impaired or a .08 or  
24 above.

25 REPRESENTATIVE WATSON: Yes.

1           DEPUTY SECRETARY MYERS: I'm not sure  
2 we're defining moderate social drinking.

3           REPRESENTATIVE WATSON: Okay.

4           DEPUTY SECRETARY MYERS: That's for  
5 others to do.

6           REPRESENTATIVE WATSON: I found that  
7 to be an interesting -- the English teacher --  
8 but the choice of terms and I always say, we  
9 honestly don't care if you can be -- excuse my  
10 expression -- but drunk as a skunk but the  
11 bottom line is you don't get in an  
12 automobile.

13           I do recognize, when I looked at  
14 this, and that's where your position as  
15 PennDOT it should be on every vehicle, I do  
16 understand the difference of a 120-pound  
17 woman. Yes, I used to be that myself. Not  
18 now but there was a time. And I -- I don't  
19 take a drink very often so I'm not real good  
20 at this.

21           But I certainly have seen the testing  
22 and I understand. I understand why you want  
23 it on everything. I do recognize that there  
24 are those at .08, that when they do that, they  
25 have no concept that the two drinks in two

1 hours would make them blow a .08.

2 I would submit to you, though, that  
3 as you move up you very well know that you are  
4 impaired to get behind that wheel. And I'm  
5 sorry. I don't think we should be forgiving  
6 in any way, shape, or form because you  
7 actually know that you shouldn't drive. You  
8 know if you fumble with the key or you have  
9 real physical impairments that you know exist,  
10 too. So that then becomes a choice on your  
11 part to do that.

12 I do recognize, and I know that's  
13 where our discussion is going to center as  
14 this goes forward on the area in there,  
15 because of people whose -- would say to you I  
16 honestly had no idea and I thought because I  
17 had a meal and I had two drinks and I've seen  
18 that done. I mean I've been to some of the  
19 demonstrations. I've seen that.

20 DEPUTY SECRETARY MYERS: Just one  
21 point of clarification --

22 REPRESENTATIVE WATSON: Yes.

23 DEPUTY SECRETARY MYERS: -- because I  
24 know that it was mentioned in Ms. Longwell's  
25 testimony.

1           What we have said, what the  
2           department said, is we support the concept of  
3           ignition interlock for first-time offenders.

4           The department has never said, and it  
5           has not been addressed by us, that we support  
6           the idea of ignition interlock -- interlock  
7           for everybody, as in every vehicle out there.  
8           So -- and that was a comment that was made  
9           that this is a progression to that point.

10           We're talking here specifically about  
11           supporting the concept of first-time offenders  
12           with ignition interlock.

13           REPRESENTATIVE WATSON: Thank you  
14           very much.

15           Thank you, Mr. Chairman.

16           CHAIRMAN MARKOSEK: Again, thank  
17           you. I -- before I recognize Chairman Clymer,  
18           I just had a question. Maybe somebody  
19           mentioned this already.

20           But rental cars, if I -- if I get a  
21           DUI and I have to have an interlock and call  
22           the rental car folks, they deliver the car to  
23           the house and I hop in. I know my license in  
24           my pocket would have -- have on there that I  
25           have to have an interlock, but unless somebody

1 pulled me over and looked at that, and maybe  
2 even if the rental car people didn't look hard  
3 enough and I got by that --

4 DEPUTY SECRETARY MYERS: Well, the  
5 rental car normally -- and every time I've  
6 rented a rental car takes my driver's license,  
7 takes a picture of it. So I would be under  
8 the assumption that that's how, and they would  
9 certainly question it.

10 CHAIRMAN MARKOSEK: They don't have  
11 those to rent, I guess the interlock?

12 DEPUTY SECRETARY MYERS: Not to the  
13 best of my knowledge, but they may.

14 CHAIRMAN MARKOSEK: Well, if somebody  
15 could make a buck, they'd do it.

16 Representative Harhai.

17 REPRESENTATIVE HARHAI: Mr. Chairman,  
18 thank you.

19 What type of mark is there on the  
20 actual license and is it very visible? Is it  
21 very conspicuous that they would be able to  
22 see that?

23 DEPUTY SECRETARY MYERS: I have an  
24 example I'd be happy to pass around here.  
25 That would give you -- actually --

1           REPRESENTATIVE HARHAI: I've always  
2 heard about it, but I've not seen one.

3           DEPUTY SECRETARY MYERS: Oh, you have  
4 one?

5           REPRESENTATIVE WATSON: Yeah. It's  
6 in the packet.

7           CHAIRMAN MARKOSEK: It's in the  
8 packet I guess.

9           REPRESENTATIVE WATSON: Yes.

10          DEPUTY SECRETARY MYERS: It's -- it's  
11 a very large area in the driver's license in  
12 the lower right corner that very clearly --

13          REPRESENTATIVE HARHAI: It would be  
14 the words.

15          DEPUTY SECRETARY MYERS: Very clearly  
16 says. And you will also notice as well not  
17 only does it say ignition interlock to the far  
18 right but also to the left of the driver's  
19 license which is normally a bluish color or  
20 yellow color on the driver's license is in  
21 red. So it clearly stands out.

22          REPRESENTATIVE HARHAI: Once you  
23 completed that, served your term, so to speak,  
24 paid your dues so to speak, that is removed?

25          DEPUTY SECRETARY MYERS: That's

1 correct. We issue you --

2 REPRESENTATIVE HARHAI: A new?

3 DEPUTY SECRETARY MYERS: Yes, we  
4 issue you --

5 REPRESENTATIVE HARHAI: Now are you  
6 then again liable or eligible to pay to get  
7 another license or is it automatically your  
8 license -- say you're in the middle of your  
9 four-year term of your license. Do you pay  
10 again to get this license back or --

11 DEPUTY SECRETARY MYERS: You would --  
12 you would pay. If you were in the middle, you  
13 would pay a \$12 fee. If you were close to  
14 renewing, you could pay for your renewal as  
15 well, along with your restoration fees.

16 REPRESENTATIVE HARHAI: One other  
17 comment. I would just like to say that I  
18 would rather err on the side of safety and if  
19 a person is .06 or .08 or .10, whatever, I'd  
20 rather see it done.

21 How many times has someone been out  
22 and had a drink and nothing has happened and  
23 then had a first-time DUI? Maybe that's just  
24 the first time they got caught. So my feeling  
25 is I would rather see an err to the side of



1 safety, as Representative Watson commented,  
2 and go from there.

3 Thank you.

4 CHAIRMAN MARKOSEK: Chairman Clymer.

5 REPRESENTATIVE CLYMER: Well, thank  
6 you, Mr. Chairman, and thank you for holding  
7 this very informative and very helpful  
8 discussion on first-time DUI's and the  
9 ignition interlock breathalyzer.

10 I think this discussion is very  
11 important. And while, Mr. Myers, you did  
12 mention some of the reasons that we may have  
13 to improve on the legislation that has been  
14 proposed, I certainly appreciate the fact that  
15 PennDOT recognizes and supports first-time DUI  
16 ignition interlocks. I think that's very  
17 commendable and it shows that an experienced  
18 organization that has dealt with these  
19 problems truly understands the issue and  
20 therefore we need to move forward on this  
21 issue.

22 And while there are some -- some  
23 issues that we need to resolve obviously  
24 because we want to make this as palatable for  
25 all people, unfortunately statistics are on

1 our side and that is I say they're on our side  
2 because these deaths are going to continue,  
3 serious injuries are going to be out there,  
4 unless we can send a very strong message that  
5 drinking while intoxicated is totally  
6 unacceptable, period.

7 Thank you, Mr. Chairman.

8 CHAIRMAN MARKOSEK: You're welcome.

9 Representative Houghton.

10 REPRESENTATIVE HOUGHTON:

11 Mr. Chairman, I would also like to thank you  
12 and the committee for holding this hearing  
13 today on such an important matter.

14 Mr. Myers, you did testify that in  
15 today's current law that there is no  
16 suspension on first offense between .08 and  
17 .159?

18 DEPUTY SECRETARY MYERS: .08 and  
19 .099.

20 REPRESENTATIVE HOUGHTON: So there is  
21 for the -- for the second tier?

22 DEPUTY SECRETARY MYERS: Yes.

23 REPRESENTATIVE HOUGHTON: I just  
24 wanted to make that clarification.

25 CHAIRMAN MARKOSEK: So I guess the

1 last word. Representative Myers -- Secretary  
2 Myers, thank you.

3 DEPUTY SECRETARY MYERS: Thank you,  
4 Mr. Chairman.

5 CHAIRMAN MARKOSEK: Thank you,  
6 committee. Very good questions from the  
7 members. And the meeting is adjourned. Thank  
8 you.

9 (The proceedings were concluded at  
10 10:47 a.m.)

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I hereby certify that the proceedings  
and evidence are contained fully and  
accurately in the notes taken by me on the  
within proceedings and that this is a correct  
transcript of the same.

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Brenda S. Hamilton, RPR  
Reporter - Notary Public