



Good morning Mr. Chairman and distinguished members of the Committee, thank you for the opportunity to speak here today. My name is Sarah Longwell and I represent the American Beverage Institute, a national restaurant trade association made up of members from all sectors of the hospitality industry and 329 restaurants in Pennsylvania.

The American Beverage Institute opposes low-BAC, first-offender bills. We believe that bills like Representative Clymer's bill, HB 639, deny judicial discretion and ignore proportional response by mandating ignition interlock devices for marginal, first-time offenders.

This bill mandates that even those only one sip over .079 receive a punishment primarily reserved for the high-BAC, repeat offenders who cause the vast majority of alcohol-related fatalities in Pennsylvania.

A 120 pound woman who has consumed two 6 oz glasses of wine over a two hour period can reach a blood alcohol content level of .08. Under low-BAC, first-offender laws, if this woman drives she may be subject to the same punishment as a chronic alcohol abuser who has had ten drinks prior to driving. While both of these people are guilty of a crime, they are two very different kinds of criminals. The court should recognize the difference between them and judges should have the discretion to punish them in proportion to their violation.

I would liken it to other traffic infractions. Speeding is the number one cause of fatalities on the road, yet we punish someone who drives 5 miles per hour over the speed limit differently from someone who drives 25 miles per hour over. Why? Because we recognize that the person driving 25 miles per hour over the speed limit poses a far greater threat to others' safety on the highway than the person driving 5 miles over the limit.

In fact, numerous studies have shown that a person is less impaired driving with a blood alcohol content level of .08 than driving while talking on a hands free cell phone. Yet this is the impairment level at which low-BAC, first-offender laws would mandate an ignition interlock.

The average BAC of a drunk driver involved in a fatal accident is .18%—that's more than twice Pennsylvania's legal limit of .08%. It is these high-BAC drunk drivers, along with repeat offenders, that our drunk driving legislation should focus on, not marginal first-time offenders.

To this end, the American Beverage Institute and its members support the use of ignition interlocks to punish high-BAC drunk drivers (that's .15 and above) and repeat offenders. These constitute the "hard core" drunk drivers who don't benefit from alcohol treatment and probationary programs the same way most low-BAC, first-time DUI offenders do. Representative Houghton's bill, HB 914, which we support, recognizes the difference between high-BAC, repeat offenders and low-BAC, first offenders, and allows the punishment to fit the crime.

For those who choose to drive while extremely intoxicated and those who repeatedly flout the law, ignition interlock technology is an effective and proper law enforcement response. But we shouldn't punish someone one sip over the limit the same way we punish hard-core alcohol abusers.

I thank you for the opportunity to testify, and look forward to working with Assemblyman the Committee on this very important issue.

Sarah Longwell

Sarah Longwell is the Managing Director of the American Beverage Institute, a Washington D.C. restaurant trade association that protects the on-premise dining experience and defends the right to drink moderately and responsibly prior to driving. Sarah appears frequently in the national media where she exposes and vigorously counters the campaigns of modern-day prohibitionists who seek to target responsible adults in an effort to criminalize moderate social drinking.

Sarah graduated in 2002 from Kenyon College with a degree in political science.