

## IGNITION INTERLOCK DEVICE LAWS

A breath alcohol ignition interlock device (IID) is a mechanism similar to a breathalyzer which is linked to a vehicle's ignition system. Its purpose is to deter an individual who has a drunk driving conviction from driving the vehicle with a BAC that exceeds a specified level set by the state IID law. Before the vehicle can be started, the driver must breathe into the device, and if the analyzed result is over the specified legal BAC limit, commonly .02% or .04%, the vehicle will not start. In addition, at random times after the engine has been started, the IID will require another breath sample. This prevents cheating where another person breathes into the device to bypass the system in order to enable an intoxicated person to get behind the wheel and drive. If the breath sample is not provided, or the sample exceeds the ignition interlock's preset BAC, the device will log the event, warn the driver and then set off an alarm (e.g., lights flashing, horn honking, etc.) until the ignition is turned off.

- Nearly eight in ten Americans support requiring ignition interlocks for all convicted driving under the influence (DUI ) offenders, even if it is their first conviction, according to AAA.
- According to Mothers Against Drunk Driving (MADD), nationally, current IID laws have stopped more than 1.77 million attempts to drive drunk.
- A recent study from the University of Pennsylvania found that IIDs have reduced alcohol-involved crash deaths by 15%, and notes that the findings likely underestimate the effect of all-offender IID laws.
- 82% of offenders themselves believe the IID was effective in preventing them from driving after drinking.
- According to the CDC, when IIDs are installed, they are associated with a reduction in arrest rates for impaired driving of approximately 70%.
- NHTSA research shows that IIDs reduce recidivism among both first-time and repeat DWI offenders, with reductions in subsequent DWI arrests ranging from 50% to 90% while the interlock is installed on the vehicle.

Credit is given only if a state's IID law applies to all offenders. **Currently, IIDs are mandatory for all offenders, including first time offenders, in 28 states and DC. Maryland, Rhode Island, Vermont and DC passed optimal IID laws in 2016.** These state laws offer the most effective means for denying drunk drivers the opportunity to get behind the wheel after having been convicted of a drunk driving offense. As such, if a state does not have an optimal IID law, it receives a red rating for impaired driving.



## CHILD ENDANGERMENT LAWS

In 2015, 181 children age 14 and younger were killed in crashes involving an alcohol-impaired driver. A national telephone survey sponsored by NHTSA in 1999 estimated that 46 million to 102 million drunk driving trips are made each year with children under the age of 15 in the vehicle.

Child endangerment laws either create a separate offense or enhance existing DWI and DUI penalties for people who drive under the influence of alcohol or drugs with a minor child in the vehicle. Drivers who engage in this conduct create a hazardous situation for themselves and for others on the road. They also put a child, who rarely has a choice as to who is driving, at risk of serious danger.

Child endangerment laws are enacted to encourage people to consider the consequences for younger passengers before they drive while impaired with a child in their vehicle. When properly defined and enforced, child endangerment laws act as a strong deterrent to protect children. **Currently, 47 states and DC have enacted child endangerment laws that create a separate offense or increase penalties for people who drive while impaired with children in their vehicle. In 2016, Connecticut passed a child endangerment law.**

## OPEN CONTAINER LAWS THAT MEET FEDERAL REQUIREMENTS

Studies have shown that open container laws are effective at deterring excessive drinking by drivers getting behind the wheel. States have also shown a significant decrease in hit-and-run crashes after adopting open container laws.

Federal legislation enacted in 1998 established a program to encourage states to adopt laws that ban the presence of open containers of any kind of alcoholic beverage in the entire passenger area of motor vehicles. To comply with the provisions in the law, a state open container law must:

- Prohibit both possession of any open alcoholic beverage container and consumption of any alcoholic beverage in a motor vehicle;
- Cover the entire passenger area of any motor vehicle, including unlocked glove compartments and accessible storage areas;
- Apply to all alcoholic beverages including beer, wine, and spirits;
- Apply to all vehicle occupants except for passengers of buses, taxi cabs, limousines or persons in the living quarters of motor homes;
- Apply to vehicles on the shoulder of public highways; and,
- Require primary enforcement of the law.

In an effort to encourage states to comply with the federal law, those states that are non-compliant have 2.5% of certain federal highway construction funds diverted to highway safety programs that fund alcohol-impaired driving countermeasures and law enforcement activities. This federal requirement is known as “redirection,” and provides that states do not lose any funding, but some federal funds are diverted to other designated safety programs. Redirection has been largely ineffective as an incentive for encouraging lagging states to enact strong open container laws. **Currently, 40 states and DC are in compliance.**

# IMPAIRED DRIVING LAWS RATING CHART

Number of new impaired driving laws since January 2016: Four all-offender ignition interlock laws (DC, MD, RI, VT); One child endangerment (CT); and, No open container.

	Ignition Interlocks	Child Endangerment	Open Container	Rating		Ignition Interlocks	Child Endangerment	Open Container	Rating
AL	●	●	●	●	MT		●	●	●
AK	●	●		●	NE	●	●	●	●
AZ	●	●	●	●	NV		●	●	●
AR	●	●		●	NH	●	●	●	●
CA		●	●	●	NJ		●	●	●
CO	●	●	●	●	NM	●		●	●
CT	●	●		●	NY	●	●	●	●
DE	●	●		●	NC		●	●	●
DC	●	●	●	●	ND		●	●	●
FL		●	●	●	OH		●	●	●
GA		●	●	●	OK		●	●	●
HI	●	●	●	●	OR	●	●	●	●
ID		●	●	●	PA		●	●	●
IL	●	●	●	●	RI	●	●	●	●
IN		●	●	●	SC		●	●	●
IA		●	●	●	SD			●	●
KS	●	●	●	●	TN	●	●		●
KY		●	●	●	TX	●	●	●	●
LA	●	●		●	UT	●	●	●	●
ME	●	●	●	●	VT	●		●	●
MD	●	●	●	●	VA	●	●		●
MA		●	●	●	WA	●	●	●	●
MI		●	●	●	WV	●	●	●	●
MN		●	●	●	WI		●	●	●
MS	●	●		●	WY		●		●
MO	●	●		●	Total	28+ DC	47+ DC	40+ DC	

## STATUS OF STATE LAWS

33 states are missing one or more critical impaired driving law.

28 states and DC have optimal IID laws; 22 states do not.

- = Optimal law
- = Good (3 optimal laws)
- = Caution (2 optimal laws)
- = Danger (1 or 0 optimal laws; no IID)

(No credit is given for laws that are secondary enforcement)