

Statement of Lora Lee Ortiz
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U.S. Senate Committee on Commerce, Science, and Transportation
Hearing on
“Fighting Drunk Driving: Lessons Learned in New Mexico”
August 10, 2011

On behalf of Mothers Against Drunk Driving (MADD) and MADD New Mexico, I would like to thank Chairman Rockefeller and Ranking Member Hutchison for the opportunity to submit testimony before the Committee and for holding this important hearing. I would also like to thank Senator Tom Udall who has been a steadfast supporter of MADD’s efforts to eliminate drunk driving. Many of New Mexico’s successes today are due to Senator Udall’s efforts while serving as Attorney General of New Mexico and his leadership on drunk driving is to be commended. His efforts have helped to save many lives.

I would also like to thank the Committee for recently introducing Mariah’s Act, or the Motor Vehicle and Highway Safety Improvement Act of 2011 legislation. This legislation, which would reauthorize the nation’s highway and vehicle safety programs, represents a dramatic step forward in the effort to save lives on our nation’s highways. From MADD’s perspective, this Committee’s bill will put into motion critical initiatives to literally eliminate drunk driving in New Mexico and in the United States.

Specifically, I would like to call attention to the authorization of the Driver Alcohol Detection System for Safety, or DADSS program contained in Mariah’s Act. The provision is also known as the ROADS SAFE Act a bipartisan bill introduced by Senator Udall and Senator Bob Corker. In the House, Representatives Shelley Moore Capito, Heath Shuler, and John Sarbanes have introduced identical legislation.

DADSS is a program currently underway to provide an advanced in-vehicle option for consumers. This technology could potentially eliminate drunk driving. DADSS is the result of a research agreement between NHTSA and many of the world’s leading auto manufacturers.

The purpose of this ambitious program is to research, develop, and demonstrate non-invasive in-vehicle alcohol detection technologies that can very quickly and accurately measure a driver’s BAC. The Insurance Institute for Highway Safety estimates that 8,000 lives could be saved if the technology is widely deployed in the U.S.

New Mexico and National Statistics

Just a few years ago, New Mexico was rated as one of the ten worst states in the nation for drunk driving fatalities. Thanks to the leadership of people like Senator Udall, former Governor Bill Richardson, and his creation of a statewide DWI Czar to coordinate DUI efforts, New Mexico has truly turned a corner.

In New Mexico we are proud of our success, but realize much more must be done. New Mexico has been on the front line in the fight against drunk driving. However, we must not be complacent in our efforts. The following should outrage us all:

- In 2009 alone, 114 people were killed in New Mexico because of drunk driving.
- This represents 32 percent of all highway fatalities.
- Drunk driving costs New Mexico \$570 million per year.
- Nationwide, 10,839 people died in 2009 due to a drunk driver.
- Over 350,000 people were injured last year in drunk driving crashes.
- 50-75 percent of convicted drunk drivers will continue to drive on a suspended license.
- Drunk driving costs our nation \$129 billion per year.

Campaign to Eliminate Drunk Driving

Fortunately, MADD has a plan for the nation. In 2006, following research of proven countermeasures, MADD announced its Campaign to Eliminate Drunk Driving which:

- First, supports more resources for high-visibility law enforcement;
- Second, requires convicted drunk drivers to install an ignition interlock device; and,
- Lastly, turns cars into the cure through the development of advanced in-vehicle technology.

Ignition Interlocks in New Mexico

One major prong of MADD's Campaign was chosen as a result of our success in New Mexico. The centerpiece of New Mexico's efforts has been to make sure every convicted drunk driver receives an ignition interlock. The device works like a breathalyzer and is attached to the vehicle's ignition system. The interlock allows a DWI offender to continue to drive wherever they need to go -- they just can't drive drunk.

The research on interlocks is crystal clear and irrefutable. In fact, the Centers for Disease Control recently endorsed requiring interlocks for all convicted DWI offenders. New Mexico was the first state to implement this requirement. In 2005 ignition interlocks for all offenders were mandated. The downward trend in fatalities began and has continued through today. Fatalities decreased from over 500 per year to 139 in 2010. This year's trends indicate continued increases in the number of interlocks for all convicted DWI offenders and, as a result, our DWI fatalities have been reduced by in by 36 percent.

MADD believes that New Mexico's success could be replicated nationwide and that incentives for states are an important step toward making this a reality. While MADD has been successful in New Mexico and several other states, we are now hitting roadblocks from the alcohol industry and DWI defense attorneys as we try to pass this law in other state legislatures.

We strongly urge this Committee to work with the Senate Environment and Public Works (EPW) Committee to develop a strategy to encourage every state to adopt an all-offender interlock law as part of the reauthorization bill.

Under this Committee's jurisdiction, incentives could be offered to states which enact an all-offender interlock law in the first half of the life of the new Federal law, and under the Environment and Public Works (EPW) Committee's jurisdiction, an all-offender interlock Federal standard could be included for the second half of the life of the law. This lifesaving measure is sound policy.

DUI Czar

Another critical component of New Mexico's success was the establishment of a statewide DUI coordinator, or DWI Czar, to insure that state and local agencies were focused and coordinating their efforts to maximize efforts to stop drunk driving.

Mr. Chairman, as you know, DWI is a very complex issue. While state murder codes are typically one page long, state DWI codes can run hundreds of pages. What's more, you have many different agencies working to stop drunk driving but they may not be communicating with each other. For example, prosecutors need to talk with probation who must communicate with law enforcement. The DMV is responsible for licensing these drivers and lawmakers must constantly improve DWI laws to protect the public.

All of these different groups need coordination and providing one central point of contact is critical because it allows government agencies, community advocates like MADD, and the public one office to turn to for questions about DWI, and action to end it. We applaud the Committee's efforts to include the establishment of a DWI Czar in Mariah's Act for high-risk states. We would like to see every state establish this important office. Recently it was decided that New Mexico's DWI Czar would no longer continue. MADD hopes that this important position is reinstated. Although we have made great progress in the state, we must not become complacent.

High Visibility Enforcement

MADD would also like to commend the Committee for including at least three paid ad crackdown's in Mariah's Act. This includes two crackdowns, now known as Drive Sober or Get Pulled Over, focused on drunk driving. New Mexico, through the DWI Czar, has also made a commitment to high visibility law enforcement.

In New Mexico, we take high visibility enforcement seriously and from June through September we have what is called *100 Days and Nights of Summer* where we strive to conduct 100 sobriety checkpoints. Summer is one of the most dangerous times on the road and conducting sobriety checkpoints, along with paid advertisements or earned media announcing these events, teaches drivers that if they choose to drink and drive, they will get caught.

Conclusion

New Mexico has been at the forefront in the fight against DWI. Our focus on ignition interlocks has played a major role in our 36 percent reduction in DWI fatalities. In addition, we have worked to conduct numerous sobriety checkpoints through programs like *100 Days and Nights of Summer* to make sure that drunk drivers know if they drive drunk, they will get caught. Finally, the appointment of a DWI Czar helped New Mexico to coordinate its efforts and improve the state's efficiency in fighting DWI.

MADD applauds this Committee's leadership to eliminate drunk driving and specifically thanks the Committee for including several important provisions Mariah's Act. Specifically, we would like to acknowledge:

- Section 109 – High Visibility Enforcement Program, with at least three national crackdown periods;
- Section 107(g) – Grants to States That Adopt and Enforce Mandatory Alcohol-Ignition Interlock Laws;
- Section 111 – Driver Alcohol Detection System for Safety Research;
- Section 102 – Inclusion of performance measure development and additional oversight authority to the Secretary of Transportation to ensure states spend funds on activities that will save the most lives and prevent the most injuries.

Thank you for holding this important hearing to advance our nation's highway and highway safety programs. You are to be commended for your leadership on these issues.