



Testimony from
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Mr. Chairman and members of the Senate Judiciary Committee,

I am John Ulczycki, representing the Coalition of Ignition Interlock Manufacturers. Thank you for the opportunity to provide comment on the important work the DUI Advisory Committee has undertaken to make enhancements to the current Kansas Ignition Interlock Program.

SB 45 has four key aspects that are of interest to us. The first is to provide an opportunity for DUI offenders to be granted driving privileges immediately following arrest, as long as the person operates only vehicles equipped with an ignition interlock device. We encourage the Legislature to provide a path for immediate participation and entry of offenders into the licensing system in a manner in which offenders can drive lawfully, remain in the license system, are insured and do not pose a threat to the community by only driving interlocked vehicles.

This will involve removing the opportunity for offenders to obtain a to/from work hardship license without an interlock. This is safer for the community. Route restrictions are being removed in states because it is an archaic, unmanageable requirement that is a holdover from the days when those of us in public safety believed license revocation was desirable, but enabling people to drive to and from work was necessary.

Through the advancements and sophistication of today's modern interlocks, this is no longer necessary. Traffic Safety Research has evaluated this as a barrier encourages offenders to participate in the program unlawfully, or not participate at all, because they also need to

function in their daily lives beyond going to and from work. The to/from work restriction is also mostly un-enforceable as law enforcement cannot determine when a person is travelling only to or from work.

There is no research evidence that enabling DUI offenders to drive back and forth to work is ample protection for the public. This is why the interlock is effective, because it prevents someone who has been drinking from operating a vehicle. So this is our first recommendation, to remove the hardship license without an interlock and enable people to drive as soon as possible following arrest with only an interlock-equipped vehicle

The second recommendation is to remove the 45-day mandatory license suspension period, making offenders eligible to drive as soon as possible following arrest and installation of an ignition interlock on their vehicle.

There was a time when best practices in traffic safety held that licenses should be suspended following a DUI and people should feel some punishment from their behavior. License suspension can be effective in delivering that punishment, but research has shown that up to three-fourths of people will continue to drive on a suspended license. Giving them an opportunity to drive legally by obtaining an interlock restricted license immediately will help to influence their behavior change while giving them the opportunity to drive legally in a manner that ensures the public is protected.

The third recommendation is to support the DUI Task Force in providing the best model currently available for Compliance Based Removal. Thirty-three states have adopted some form of Compliance based monitoring criteria. Of those 33 states, Washington State and Tennessee have the most successful and well-run programs. What this means is that people must change their behavior and not try to drink and drive for six months prior to having the interlock removed.

The basic principle here is that interlocks serve an important role in influencing behavior change. Not being able to drive while drinking is a powerful motivator to change behavior. However, research has shown that when people repeatedly try to drink and drive with interlocks, they are not necessarily changing their behavior. When someone tries to drive after

drinking, they fail the breath test and they don't drive. Under a Compliance-Based Removal program, the manufacturer records that fail and transmits it to the state.

The violations that constitute program compliance or continuation on the program require that when a person fails a breath test, they must take another test within ten minutes, confirmed by the device's camera that the same person performed both tests. Violations occur when:

- An attempt is made to start the vehicle with a breath alcohol concentration of 0.03 or more (the current Kansas standard), unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.03 and the digital image confirms the same person provided both samples; or
- A person fails to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test; or
- A person fails to pass any random retest with a breath alcohol concentration of 0.03 or lower unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.03, and the digital image confirms the same person provided both samples.

Our fourth recommendation is to improve and expand the indigent program in Kansas, providing for transparency and access. We agree that the Indigent Program should have an easy and quick path to eligibility, be accessible to anyone qualified and not require additional state employees.

Financial hardship is cited frequently by DWI offenders as a reason for avoiding an interlock when the opportunity is presented. It seems important to provide some kind of cost offset fund for true indigents. To do so, there is a need to establish objective criteria to determine indigent status, so funds can be administered fairly. The Coalition has provided the following recommended legislative language to states.

We have provided several options to determine eligibility. We agree that it is important to establish broader eligibility criteria, but also to not create delay to the person who needs an IID to get on with their life. If the eligibility process is delayed, then so is the install of the IID and the opportunity for a person to obtain the benefits of the indigent program.

The current proposal in the bill for the indigent program was taken from California and grants indigent status to people earning up to 400% of the Federal Poverty line. We do not believe legislation in Kansas should mirror that of California, where the cost of living is much higher. With the existing bill language, an individual with an income up to \$48,000 and a family of four with an income up to \$98,000 would be deemed indigent in Kansas.

We recommend that the state use a standard of 150% of the Federal Poverty line as a determinant for eligibility for the indigent program. The current poverty level is \$12,760 for an individual and \$26,200 for a family of four. Under our proposal, individuals with income below \$19,140 and a head of a family of four with income below \$39,300 would qualify for 50% discounts on their IID device, along with free installation and removal of the device. This is an increase in the discount over the current practice of a 33% discount from the \$75 typical monthly fee to \$50. Persons meeting the indigent standard shall not receive a discount for charges associated with violating the program rules.

We believe that it is important that our customers have “skin in the game”, and paying 50% of the monthly lease cost of the device provides them with some ownership of the equipment and program.

Thank you for the opportunity to testify. We appreciate the dedication of the DUI Advisory Committee and the Legislature to improve the ignition interlock program in Kansas. We stand ready to provide any support, assistance or technical information regarding interlocks and the Interlock program in Kansas.