



January 31, 2024

The Honorable Vivian Watts
 Chair, Criminal Law Subcommittee
 General Assembly Building
 201 North 9th Street,
 Richmond, Virginia 23219

Dear Chair Watts:

On behalf of our organizations, **we urge you to reject H.B. 1299, which would significantly weaken the Commonwealth’s ignition interlock program and lessen the effectiveness of this proven countermeasure that prevents drunk driving.**

Current law requires courts, as a condition of a restricted license, to prohibit all DUI offenders from driving without an ignition interlock device and to be supervised by the Virginia Alcohol Safety Action Program (VASAP) for 6 months on a 1st offense, one year on a 2nd, and 6 months for refusal without alcohol-related violations. If a person has alcohol-related violations while on the interlock, the required time to use the device will be extended.

As introduced, HB 1299 would eliminate Virginia’s ignition interlock program. We understand a substitute will be offered to HB 1299 that seeks to change the definition of alcohol-related ignition interlock program violations and deletes the following current alcohol-related ignition interlock program violations:

- Registering positive blood alcohol concentration (BAC) levels on ignition interlock breath tests
- Failing to submit to an interlock breath test when required
- Failing to report to the vendor’s service center for required appointments

These changes would remove accountability from the ignition interlock program. If a DUI offender can continuously fail the ignition interlock breath test or refuse to take the test without any consequences, then the person’s impaired driving behavior will persist and once the device is removed, the person will drive drunk on the roadways again.

Simply put, these changes would not only gut the ignition interlock program’s effectiveness by making it impossible for VASAP to monitor a person’s compliance on the device and determine a person’s ability to drive sober, but also would gut the VASAP program itself. In 2023, The American Association of Motor

Vehicle Administrators (AAMVA) released its Ignition Interlock Program Best Practices Guide, Edition 3 and in it refers to VASAP as an example for the nation to follow. The section on Participant Monitoring states:

The close monitoring of participants is essential to the effectiveness of a jurisdiction's ignition interlock program. Monitoring helps to prevent recidivism and therefore alcohol-related crashes and other alcohol-related violations by the participants...The uniqueness of VASAP is that a single state agency regulates the ignition interlock program, DUI education, and treatment. VASAP is the only court-related statewide program in the nation related to DUI intervention. Ignition interlock regulations, vendor oversight, reporting, service center inspections, customer service, out-of-state transfers, and reciprocity are all overseen by VASAP.

Additionally, The National Highway Traffic Safety Administration (NHTSA) Model Guidelines for State Ignition Interlock Programs suggest that a key program feature of ignition interlock programs is the establishment of procedures to ensure monitoring of participants.

Drunk drivers are responsible for more than a quarter (27.2%, Virginia DMV, 2022) of all of Virginia's traffic fatalities. In 2021, there were 281 preventable alcohol-impaired driving fatalities. In 2022, Virginia's Ignition Interlock Program **prevented 41,375 attempts** to start or operate a vehicle after drinking. Nationally, ignition interlocks have stopped over 35 million total attempts to drive after drinking alcohol between 2006 and 2022. Ignition interlocks are a cost-effective and proven solution that reduces drunk driving recidivism and helps keep our nation's roads safe for millions of motorists.

Please vote **no** on this legislation that deeply compromises Virginia's effective ignition interlock law that protects people on the roadways while still allowing drivers with DUIs to continue driving and meeting family and work obligations. If you have any questions, please contact us.

Sincerely,

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