ADVOCATES FOR HIGHWAY & AUTO SAFETY

.05% Blood Alcohol Concentration (BAC) Limit Laws

The Issue: Alcohol Impaired Driving is a Public Health and Safety Epidemic

- On average, in 2021, one person died in an alcohol-impaired driving crash every 39 minutes in the United States.[i]
- Drunk driving remains the largest single contributor to road fatalities. Over the last 10 years, on average, drunk drivers are responsible for approximately 30% of all traffic fatalities annually.[ii]
- In 2021, 42,939 people were killed in motor vehicle crashes. Of these fatalities, 13,384 resulted from crashes involving alcohol-impaired drivers.[iii]
- Drunk driving is not just deadly, it is also costly. In 2019, the total comprehensive cost of drunk driving was estimated at nearly $350 billion.[iv] Adjusted for inflation only, that amounts to $414 billion in 2023 dollars.[v]
- Traffic crashes also impact businesses. Motor vehicle crashes cost U.S. employers up to $72.2 billion annually in direct expenses. Drunk driving crashes cost employers $8 billion each year (expressed in 2019 dollars). More than 80% of drunk driving costs to employers, $6.5 billion, are due to "off the job" alcohol involvement.[vi]

New Solutions are Critically Needed: Lower the Limit of BAC While Driving to .05%

- Since the mid-1990s, the flat-lined percentage of all traffic fatalities due to drunk driving indicates that progress has stagnated.[vii] .05% BAC limits are proven to reduce drunk driving fatalities, yet the policy is underused in the U.S.[viii]
- The Insurance Institute for Highway Safety (IIHS) has estimated systems which restrict BAC to less than .08% could prevent more than 9,000 deaths.[ix]
- Studies indicate the relative risk of being killed in a single-vehicle crash for drivers with BACs of .05 to .079% is at least seven times that of drivers with no measurable alcohol.[x] The probability of a fatal crash rises significantly after .05% BAC and even more rapidly after .08%.[xi]
- At .05% BAC, a driver is impaired and exhibits reduced coordination, decreased ability to track moving objects, difficulty steering, and diminished response to emergency driving situations.[xii]
- Lowering BAC to .05% has been shown to result in a broad deterrent effect that reduces the incidence of drunk driving and saves lives. It does not necessarily increase arrests or lower alcohol consumption.[xiii]
- It is important to note this broad deterrent effect applies to all BAC levels including high BAC.[xiv]

The Proof: Worldwide Data and Research Demonstrate .05% BAC Laws Reduce Crashes and Save Lives

- Approximately 100 countries have some type of .05% or lower BAC laws. While their average alcohol consumption is the same or higher than the U.S., their alcohol-related deaths are lower.[xv]
- Twenty years of international studies have shown when a country lowers BAC limits from .08 to .05%, alcohol-related fatal and injury crashes decrease between 5 and 10%.[xvi]
- An 11.1% decline in fatal alcohol-related crashes could occur and 1,790 lives could be saved annually in the U.S. if all states adopted a .05% BAC or lower law.[xvii]
- Data from Utah, which began enforcing a .05% BAC law on December 30, 2018, is promising.
    - The National Highway Traffic Safety Administration's (NHTSA) review of its impact during the first year it went into effect found:[xviii]
        - Between 2016 and 2019 the fatal crash rate decreased by 19.8%; the fatality rate per vehicle miles traveled dropped by 18.3%;
        - In the first year the law went into effect, the number of drivers testing positive for any alcohol declined by 14.6%; and,

        - Alcohol-impaired driving arrests did not climb sharply.[xix]
    - Alcohol sales from 2012 through 2018 increased and the trend continued in fiscal year (FY) 2022. Similar patterns occurred in sales tax revenues from restaurants, rental cars, hotels and resorts, as well as air travel into the state and state and national park visits.[xx]
    - Regarding the law's deterrence of drunk driving, the NHTSA review found, "In 2019 some 22.1% of drinkers indicated they had, in fact, changed their behaviors once the law went into effect. The most common behavior modification reported was making sure transportation was available when drinking."[xxi]

The Support: .05% BAC Policy is Supported by a Majority of Americans and Numerous Public Health, Research and Safety Organizations

- Public Surveys:
    - In 2021, a AAA Foundation survey showed 56% of Americans support .05% BAC laws.[xxii]
    - A Texas Medical Center Health Policy Institute national poll found 55% of Americans approve lowering the BAC limit while driving to .05% (2018).[xxiii]
- Research published in the American Journal of Public Health concluded "that BAC 0.05 laws are ethically desirable because they are likely to prevent substantial harm with minimal restrictions. Policymakers in other states should follow Utah's lead to reduce alcohol-related traffic deaths and Congress should incentivize these changes."[xxiv]

Support or Recommend .05% BAC Policy:

- Advocates for Highway and Auto Safety
- American Medical Association (AMA)
- American Public Health Association (APHA)
- Association for the Advancement of Automotive Medicine (AAAM)
- FIA Foundation
- Governors Highway Safety Association
- Kids and Car Safety
- Liam's Life Foundation
- Mothers Against Drunk Driving (MADD)
- National Academies of Sciences, Engineering and Medicine (NASEM)
- National Road Safety Foundation
- National Safety Council (NSC)
- National Transportation Safety Board (NTSB)
- Remove Intoxicated Drivers (RID)
- Safe States Alliance
- Society for Public Health Education
- Transportation Alternatives
- Vision Zero Network
- World Health Organization
- *.05 Saves Lives* Coalition

The History: Reducing BAC Limits from .10 to .08% Has Saved Lives

- **1983:** Oregon and Utah enact .08% BAC laws. Over the next 15 years, 13 more states follow.
- **1986**: U.S. Department of Transportation (DOT) adds a .08% BAC law as regulatory criteria for a supplemental alcohol traffic-safety grant award.
- **1990:** California joins the list of .08% BAC states. The NHTSA conducts research and finds the combination of the two alcohol impaired driving laws passed in California in 1990 (administrative license revocation (ALR) and .08% BAC) resulted in a 12 % decrease in alcohol-related fatalities. Following NHTSA's 1991 study, from 1992 to 1998, 10 more states pass .08% BAC measures.
- **March 1998:** President Bill Clinton announces public support for a national .08% BAC standard.
- **June 1998:** President Clinton signs the six-year national infrastructure bill, called TEA-21 (P. Law 105-178), which includes $500 million in incentive grants for states that enact and enforce a .08% BAC law. In 1999, 23 states introduced legislation to move to .08% BAC.
- **1998:** U.S. Senator Frank Lautenberg (D-NJ) authors a bill to require all states to lower the legal threshold for drunken driving from .10 to .08% BAC by 2004 or lose federal funding. The threat of losing money (sanctions) is effective.

- **2000:** The Lautenberg bill language is included as an amendment to the 2001 transportation spending bill (DOT Appropriations Bill for FY 2001). President Clinton signs the bill into law (Pub. L. 106-346).
- **2005:** All states have a .08% BAC law in effect.[xxv]

October 2023

---

[i] Overview of Motor Vehicle Traffic Crashes in 2021, NHTSA, Apr. 2023, DOT HS 813 435, https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813435; [Overview 2021].

[ii] Overview 2021; and Traffic Safety Facts 2020: A Compilation of Motor Vehicle Crash Data, NHTSA, Oct. 2022, DOT HS 813 375, available at https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813375. [Annual Report 2020].

[iii] Overview 2021.

[iv] The Economic and Societal Impact of Motor Vehicle Crashes, 2019, NHTSA, Feb. 2023, DOT HS 813 403 available at https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403; [Economic Impact 2019].

[v] CPI Inflation Calculator, US Bureau of Labor Statistics, Jan 2019 – Jan 2023 dollars, https://www.bls.gov/data/inflation_calculator.htm

[vi] Cost of Motor Vehicle Crashes to Employers 2019; Network of Employers for Traffic Safety, available at https://trafficsafety.org/road-safety-resources/public-resources/cost-of-motor-vehicle-crashes-to-employers-2019/.

[vii] NASEM, *Getting To Zero Alcohol-Impaired Driving Fatalities*, 2018, https://www.nap.edu/download/24951.

[viii] Fell, Jim C., Voas, Robert B, *The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States*, PIRE. June 2014, available at https://pubmed.ncbi.nlm.nih.gov/24898061/.

[ix] Potential lives saved by in-vehicle alcohol detection systems, IIHS, Jan. 2021, available at https://www.iihs.org/topics/bibliography/ref/2209.

[x] Fell, Jim C., Voas, Robert B, *The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States*, PIRE. June 2014, available at https://pubmed.ncbi.nlm.nih.gov/24898061/.

[xi] Zador, P.L.; Krawchuck, S.; and Voas, R.B. 2000. Alcohol-related relative risk of driver fatalities and driver involvement in fatal crashes in relation to driver age and gender: an update using 1996 data. *Journal of Studies on Alcohol* 61:387-95, available at https://pubmed.ncbi.nlm.nih.gov/10807209/. Voas, R.B.; Torres, P.; Romano, E.; and Lacey, J.H. 2012. Alcohol-related risk of driver fatalities: an update using 2007 data. *Journal of Studies on Alcohol and Drugs* 73(3):341-350, available at https://pubmed.ncbi.nlm.nih.gov/22456239/.

[xii] NTSB, *.05 BAC Safety Briefing Facts*, February 2017, available at https://portal.ct.gov/-/media/DOT/documents/dvisionzero/NTSB-05-SafetyBriefing-March2019.pdf.

[xiii] NTSB, *.05 BAC Safety Briefing Facts*, February 2017, available at https://portal.ct.gov/-/media/DOT/documents/dvisionzero/NTSB-05-SafetyBriefing-March2019.pdf.

[xiv] NTSB, *.05 BAC Safety Briefing Facts*, February 2017, available at https://portal.ct.gov/-/media/DOT/documents/dvisionzero/NTSB-05-SafetyBriefing-March2019.pdf.

[xv] NTSB, *.05 BAC Safety Briefing Facts*, February 2017, available at https://portal.ct.gov/-/media/DOT/documents/dvisionzero/NTSB-05-SafetyBriefing-March2019.pdf.

[xvi] NTSB, *.05 BAC Safety Briefing Facts*, February 2017, available at https://portal.ct.gov/-/media/DOT/documents/dvisionzero/NTSB-05-SafetyBriefing-March2019.pdf.

[xvii] NORC: Fell JC & Scherer M, Estimation of the Potential Effectiveness of Lowering the Blood Alcohol Concentration (BAC) Limit for Driving from 0.08 to 0.05 Grams per Deciliter in the United States, 2017, available at https://pubmed.ncbi.nlm.nih.gov/29064571/#:~:text=Background%3A%20In%202013%2C%20the%20National,limit%20of%200.05%20or%20lower.

[xviii] Traffic Tech: Technology Transfer Series, Evaluation of Utah's .05 BAC Per Se Law, NHTSA, Feb. 2022, DOT HS 813 234; available at https://rosap.ntl.bts.gov/view/dot/60427.

[xix] Traffic Tech: Technology Transfer Series, Evaluation of Utah's .05 BAC Per Se Law, NHTSA, Feb. 2022, DOT HS 813 234; available at https://rosap.ntl.bts.gov/view/dot/60427.

[xx] Traffic Tech: Technology Transfer Series, Evaluation of Utah's .05 BAC Per Se Law, NHTSA, Feb. 2022, DOT HS 813 234; available at https://rosap.ntl.bts.gov/view/dot/60427.

[xxi] Thomas, F. D., Blomberg R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

[xxii] 2021 Traffic Safety Culture Index, AAA Foundation for Safety, Dec. 2021, available at https://aaafoundation.org/wp-content/uploads/2022/11/2021-TSCI-Full-Report.pdf.

[xxiii] Governing.com, *How Drunk Is Too Drunk to Drive?* October 2018, available at https://www.governing.com/gov-institute/voices/col-utah-lower-blood-alcohol-content-drunk-driving.html.

[xxiv] Morain S, Largent E. Ethical Acceptability of Reducing the Legal Blood Alcohol Concentration Limit to 0.05. Am J Public Health. 2019 May;109(5):709-713. doi: 10.2105/AJPH.2018.304908. Epub 2019 Feb 21. PMID: 30789764; PMCID: PMC6459633, available at https://ajph.aphapublications.org/doi/10.2105/AJPH.2018.304908.

[xxv] NORC: Fell JC & Scherer M, Estimation of the Potential Effectiveness of Lowering the Blood Alcohol Concentration (BAC) Limit for Driving from 0.08 to 0.05 Grams per Deciliter in the United States, 2017, Fell JC, Voas, R.B.; *The effectiveness of reducing illegal blood alcohol concentration (BAC) limits for driving: evidence for lowering the limit to .05 BAC.* J Safety Res. 2006;37(3):233-43. Epub 2006 Jul 7. *Presidential Initiative For Making .08 BAC The National Legal Limit - A Progress Report*, available at https://trid.trb.org/view/658515.