



.05% Blood Alcohol Content (BAC) Limit Laws

The Issue: Alcohol Impaired Driving Is A Public Health and Safety Epidemic

- On average, one person dies in an alcohol-impaired driving crash every 50 minutes in the United States.ⁱ
- Drunk driving remains the largest single contributor to road fatalities. Over the last ten years, on average, drunk drivers are responsible for approximately 30% of all traffic fatalities annually.ⁱⁱ
- In 2018 alone, 36,560 people died in motor vehicle crashes. Of these fatalities, 10,511 resulted from crashes involving alcohol-impaired drivers.ⁱⁱⁱ
- Drunk driving is not just deadly, it is also costly. The total comprehensive costs of drunk driving are more than \$200 billion annually.^{iv}
- Traffic crashes also impact businesses. Motor vehicle crashes cost U.S. employers up to \$47.4 billion annually in direct expenses. Drunk driving crashes cost employers \$6 billion each year. Nearly 83% of drunk driving costs to employers, \$5 billion, are due to “off the job” alcohol use.^v

The Effort: Consistent Efforts To Reduce Drunk Driving Fatalities Have Plateaued -New Solutions Are Critically Needed

- Since the mid-1990s, the plateauing percentage of all traffic fatalities due to drunk driving indicates that progress has stagnated and even reversed.^{vi}
- In 2018, if all drivers were below the legal limit, more than 7,100 deaths could have been prevented.^{vii}
- Studies indicate that 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 measureable alcohol. These risks are significant.^{viii}
- .05% BAC laws are proven to reduce drunk driving fatalities.^{ix} Now is the time to use all the tools in our safety toolbox.

The Solution: Lower The BAC Limit While Driving To .05%

- The probability of a fatal crash rises significantly after .05% BAC and even more rapidly after .08%.^x
- At .05% BAC, a driver is impaired and exhibits reduced coordination, reduced ability to track moving objects, difficulty steering, and reduced response to emergency driving situations.^{xi}
- Lowering BAC to .05% has been shown to result in a broad deterrent effect that reduces the incidence of drunk driving and saves lives (but does not necessarily increase arrests or lower alcohol consumption).^{xii}
- It is important to note that this broad deterrence effect applies to all BAC levels including high BAC.^{xiii}

The Proof: Worldwide Data and Research Demonstrates .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.^{xiv}
- Twenty years of international studies have shown that when a country lowers BAC limits from .08 to .05%, alcohol-related fatal and injury crashes decrease between 5% and 10%.^{xv}
- An 11.1% decline in fatal alcohol crashes and 1,790 lives could result annually in the U.S. if all states adopted a .05% BAC or lower law.^{xvi}

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

- Public Surveys:
 - AAA Foundation survey shows that 53% of Americans support .05% BAC laws.^{xvii}
 - A Texas Medical Center Health Policy Institute national poll found 55% of Americans approve lowering the BAC limit while driving to .05% (2018).^{xviii}
- 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
- KidsAndCars.org
- 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

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

- **1983:** Oregon and Utah enact .08% BAC laws. Over the next 15 years, 13 more states follow.
- **1986:** US 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. NHTSA conducts research and finds that the combination of the two alcohol impaired driving laws passed in CA in 1990 (administrative license revocation (ALR) in addition to the .08% BAC) resulted in a 12% decrease in alcohol-related fatalities. Following NHTSA's 1991 study, 1992 - 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.L. 105-178), which includes \$500 million in incentive grants for states that enact and enforce a .08% BAC law. The impact was immediate. In 1999 23 states introduced legislation to move to .08% BAC.
- **1998:** New Jersey Senator Frank Lautenberg (D) authors a bill to require all states to lower the legal threshold for drunken driving from .10 to .08% BAC by 2004 or lose money. 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 (P.L. 106-346).
- **2004:** Delaware is the last state in the nation to pass a .08% BAC law. By 2005, all states have a .08% BAC law in effect.^{xix}

***Lowering BAC has reduced drunk driving and saved lives.
We can and should employ this data driven, lifesaving countermeasure again.***

ⁱ Traffic Safety Facts 2018 Data: Alcohol-Impaired Driving, NHTSA, Dec. 2019, DOT HS 812 864. (2018 Alcohol)

ⁱⁱ Traffic Safety Facts 2017: A Compilation of Motor Vehicle crash Data, NHTSA, Sep. 2019, DOT HS 812 806; and 2018 Alcohol.

ⁱⁱⁱ 2018 Alcohol.

^{iv} The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised), NHTSA, May 2015 (Revised), DOT HS 812 013

^v Network of Employers for Traffic Safety (NETS) *Cost of Motor Vehicle Crashes to Employers – 2015*, June 2016.

^{vi} NASEM, *Getting To Zero Alcohol-Impaired Driving Fatalities - .05% BAC Safety Brief*, 2018.

^{vii} Insurance Institute for Highway Safety (IIHS), Topics: Alcohol and Drugs, last accessed Feb. 7, 2020, available at <https://www.iihs.org/topics/alcohol-and-drugs>.

^{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.

^{ix} 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.

^x 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. 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.

^{xi} NTSB, *.05 BAC Safety Briefing Facts*, February 2017.

^{xii} NTSB, *.05 BAC Safety Briefing Facts*, February 2017.

^{xiii} NTSB, *.05 BAC Safety Briefing Facts*, February 2017.

^{xiv} NTSB, *.05 BAC Safety Briefing Facts*, February 2017.

^{xv} NTSB, *.05 BAC Safety Briefing Facts*, February 2017.

^{xvi} 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://bit.ly/2E5pliq>

^{xvii} 2018 Traffic Safety Culture Index, AAA Foundation for Safety, June 2019.

^{xviii} Governing.com, *How Drunk Is Too Drunk to Drive?* October 2018. Available at: <https://bit.ly/2Et1r6C>.

^{xix} 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://bit.ly/2E5pliq>. 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://bit.ly/2Gbt1qX>.