



.05% Blood Alcohol Concentration (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 52 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 2019 alone, 36,096 people died in motor vehicle crashes. Of these fatalities, 10,142 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} Adjusted for inflation only, that amounts to \$240 billion in 2020 dollars.^v
- 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.^{vi}

The Effort: The Effectiveness of Campaigns To Reduce Drunk Driving Fatalities Has Plateaued - New Solutions Are Critically Needed

- Since the mid-1990s, the flat-lined percentage of all traffic fatalities due to drunk driving indicates that progress has stagnated.^{vii}
- In 2018, if all drivers were below the legal limit, more than 7,100 deaths could have been prevented.^{viii}
- 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 measurable alcohol. These risks are significant.^{ix}
- .05% BAC laws are proven to reduce drunk driving fatalities.^x

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%.^{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 (but does not necessarily increase arrests or lower alcohol consumption).^{xiii}
- It is important to note that this broad deterrent effect applies to all BAC levels including high BAC.^{xiv}

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.^{xv}
- 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%.^{xvi}
- 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.^{xvii}
- Early data from the state of Utah, which began enforcing a .05%BAC law on December 30, 2018, is promising. In 2019, the number of alcohol-impaired driving fatalities dropped 37% (2018: 62 and 2019: 39), and the percentage of traffic fatalities involving an alcohol-impaired driver dropped as well (2018: 24% and

2019: 16%).^{xviii} In 2019, alcohol consumption and tourism in the state went up and the total number of arrests for alcohol-impaired driving decreased.^{xix}

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.^{xx}
 - A Texas Medical Center Health Policy Institute national poll found 55% of Americans approve lowering the BAC limit while driving to .05% (2018).^{xxi}
- 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. Policy-makers in other states should follow Utah’s lead to reduce alcohol-related traffic deaths and Congress should incentivize these changes.”^{xxii}

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

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:** 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) 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. The impact was immediate. 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 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).
- **2005:** All states have a .08% BAC law in effect.^{xxiii}

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

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- iv The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised), NHTSA, May 2015 (Revised), DOT HS 812 013 available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812013>.
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- vi Network of Employers for Traffic Safety (NETS) *Cost of Motor Vehicle Crashes to Employers – 2015*, June 2016.
- vii NASEM, *Getting To Zero Alcohol-Impaired Driving Fatalities*, 2018, <https://www.nap.edu/download/24951>.
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- xvi NTSB, *.05 BAC Safety Briefing Facts*, February 2017.
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