



## **.05% Blood Alcohol Concentration (BAC) Limit Laws**

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### **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.<sup>i</sup>
- 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.<sup>ii</sup>
- In 2019 alone, 36,096 people died in motor vehicle crashes. Of these fatalities, 10,142 resulted from crashes involving alcohol-impaired drivers.<sup>iii</sup>
- Drunk driving is not just deadly, it is also costly. The total comprehensive costs of drunk driving are more than \$200 billion annually.<sup>iv</sup> Adjusted for inflation only, that amounts to \$243 billion in 2021 dollars.<sup>v</sup>
- 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 \$8 billion each year (expressed in 2019 dollars). More than 80 percent of drunk driving costs to employers, \$6.5 billion, are due to “off the job” alcohol use.<sup>vi</sup>

### **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.<sup>vii</sup>
- In 2018, if all drivers were below the legal limit, more than 7,100 deaths could have been prevented.<sup>viii</sup>
- 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.<sup>ix</sup>
- .05% BAC laws are proven to reduce drunk driving fatalities.<sup>x</sup>

### **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%.<sup>xi</sup>
- 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.<sup>xii</sup>
- 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).<sup>xiii</sup>
- It is important to note that this broad deterrent effect applies to all BAC levels including high BAC.<sup>xiv</sup>

### **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.<sup>xv</sup>
- 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%.<sup>xvi</sup>
- 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.<sup>xvii</sup>
- 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%).<sup>xviii</sup> In 2019, alcohol consumption and tourism in the state went up and the total number of arrests for alcohol-impaired driving decreased.<sup>xix</sup>

## **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.<sup>xx</sup>
  - A Texas Medical Center Health Policy Institute national poll found 55% of Americans approve lowering the BAC limit while driving to .05% (2018).<sup>xxi</sup>
- 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.”<sup>xxii</sup>

### **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.<sup>xxiii</sup>

*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>.
- v CPI Inflation Calculator, US Bureau of Labor Statistics, [https://www.bls.gov/data/inflation\\_calculator.htm](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>.
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- xiv NTSB, *.05 BAC Safety Briefing Facts*, February 2017.
- xv NTSB, *.05 BAC Safety Briefing Facts*, February 2017.
- xvi NTSB, *.05 BAC Safety Briefing Facts*, February 2017.
- 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>.
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