



March 29, 2023

The Honorable Jason Kropf, Chair
The Honorable Tom Andersen, Vice-Chair
The Honorable Kim Wallan, Vice-Chair
House Committee on Judiciary
Oregon State Legislature
900 Court Street NE
Salem, Oregon 97301

Dear Chair Kropf and Vice-Chair Andersen and Vice-Chair Wallan:

As representatives of leading public health and safety organizations working to pass highway and auto safety laws that prevent deaths and injuries and contain crash costs, we urge you to support enactment of House Bill (HB) 3376. This legislation will lower the limit of blood alcohol concentration (BAC) while driving to .05 percent, deter drunk driving and save lives.

Traffic crashes are a deadly and costly threat to Oregon families and visitors that require urgent attention and action. According to the most recent data from the National Highway Traffic Safety Administration (NHTSA), during the first nine months of 2022, 428 people were killed on Oregon's roads.ⁱ Alcohol-impaired driving is a major contributing factor to traffic fatalities in the state. In 2020, 38 percent of all traffic fatalities involved an alcohol-impaired driver. Oregon's high percentage of traffic crash fatalities due to alcohol-impaired driving places it within the top 10 states in the country, only five states recorded higher percentages.ⁱⁱ Traffic crashes also cost Oregon residents nearly \$3 billion annually or \$669 per person.ⁱⁱⁱ Advancing HB 3376 will deter drinking and driving at all levels, high as well as low BAC, and curb fatal and injury crashes which threaten all road users in the state.

A recent [study](#), *Evaluation of Utah's .05 BAC Per Se Law*, released by NHTSA in 2022, provides critical data on the success of Utah's .05 percent BAC law which was enacted in 2017. The study finds that Utah experienced a nearly 20 percent drop in traffic fatalities in 2019 (248), the first year that the law was in effect, compared to 2016 (281), the last year before the law was enacted.^{iv} This improvement in roadway safety occurred despite an increase in vehicle miles traveled (VMT) and outpaced neighboring states as well as the Nation as a whole.

Opponents may state that lowering the BAC will reduce alcohol sales and endanger certain businesses but reducing BAC limits does not discourage alcohol consumption.^v In fact, the Utah study found that state revenues from taxes related to the hospitality industry continued to rise, and tourism increased. Additionally, studies show that when states lowered their BAC limits from .10 to .08 percent, there were no adverse impacts on the operation of the criminal justice system. Once again, the Utah study provides clear data showing that arrests due to drunk driving did not spike nor was the criminal justice system overwhelmed. Moreover, more than 90 countries have already adopted .05 percent BAC or lower limits and affirmed the safety benefits of the policy.^{vi} This proven policy is an underused countermeasure in the U.S.

Research and laboratory evidence find that most adults are significantly impaired at .05 percent BAC.^{vii} When behind the wheel of a car, driving skills are degraded resulting in reduced coordination, decreased ability to track moving objects, difficulty steering and diminished response to emergency driving situations.^{viii} The risk of being

killed in a single-vehicle crash with BACs of .05 to .079 percent is seven to 21 times higher than for drivers without measurable alcohol.^{ix}

Impaired driving is identified as one of the top three leading factors resulting in the steep increase in traffic fatalities in the U.S. since 2020. If all states adopted a .05 percent BAC or lower law, our Nation would experience an 11 percent decline in fatal alcohol crashes and 1,790 lives would be saved.^x A national poll by the Texas Medical Center Health Policy Institute found 55 percent of Americans approve of lowering the BAC limit while driving to .05 percent.^{xi}

Each person killed in a preventable alcohol-related crash on Oregon roads forever changes the lives of families and communities. The data are clear, the lifesaving benefits are certain, the support is documented and the justification for action is compelling. We urge you to take this critical step to seriously address the death and injury toll of alcohol-impaired driving by supporting HB 3376. Thank you for your consideration of our views.

Sincerely,

Catherine Chase, President
Advocates for Highway and Auto Safety

Amy Cohen, Co-Founder
Families for Safe Streets

Natalie A. Draisin, Director
North American Office & UN Representative
FIA Foundation

Janette Fennell, Founder and President
Kids and Car Safety

Marcus Kowal and Mishel Eder, Co-Founders
Liam's Life Foundation
Parents of Liam Mikael Kowal

Cate Duke, Programs Manager
Mothers Against Drunk Driving
Oregon State Office

Dennis Maughan, Regional Executive Director
Pacific Northwest
Mothers Against Drunk Driving

Lorraine Martin, President & CEO
National Safety Council

Stephen Hargarten, MD, MPH, Founding President
Society for the Advancement of Violence and Injury
Research

Leah Shahum, Founder and Director
Vision Zero Network

Honorable T. Bella Dinh-Zarr, Former Vice Chair
National Transportation Safety Board
Co-founder, *.05 Saves Lives* Coalition

Thomas M. Louizou, Former Regional Administrator
National Highway Traffic Safety Administration
Co-founder, *.05 Saves Lives* Coalition

cc: Members of the House Committee on Judiciary

ⁱ Early Estimate of Motor Vehicle Traffic Fatalities for the First 9 Months (January-September) of 2022, National Highway Traffic Safety Administration (NHTSA), December 2022, DOT HS 813 406

ⁱⁱ NHTSA Traffic Safety Facts Alcohol-Impaired Driving 2020 Data, DOT HS 813 294, April 2022.

ⁱⁱⁱ Blincoe, L., Miller, T., Wang, J.-S., Swedler, D., Coughlin, T., Lawrence, B., Guo, F., Klauer, S., & Dingus, T. (2022, December). The economic and societal impact of motor vehicle crashes, 2019 (Report No. DOT HS 813 403). National Highway Traffic Safety Administration

^{iv} United States, Department of Transportation, NHTSA, Office of Behavioral Safety Research, *Evaluation of Utah's .05 BAC Per Se Law [Traffic Tech]*, DOT HS 813 234; February 2022.

^v NTSB, *.05 BAC Safety Briefing Facts*, February 2017.

^{vi} Fell, James C., *The Merits of Adopting a 0.05 Administrative Blood Alcohol Concentration Limit for Driving*, *Am J Public Health*, 2016 June; 106(6): 977-978.

^{vii} Ibid.

^{viii} MADD, *What is .08?* Available at: <http://www.madd.org/drunk-driving/about/understanding-08.html>

^{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 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/2E5pfiq>

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