ADVOCATES FOR HIGHWAY & AUTO SAFETY

.05% Blood Alcohol Concentration (BAC) Limit Laws

The Issue:

Alcohol-impaired driving is a persistent factor in crash fatalities and injuries on our roadways, accounting for 30% of traffic deaths each year on average.[1] The National Transportation Safety Board (NTSB) notes that "[d]riving under the influence of alcohol and other drugs remains a leading cause of highway crashes."[2]

The Impact:

- In 2023, 40,901 people were killed in motor vehicle crashes in the United States.[3] Early projections for 2024 and the first quarter of 2025 show traffic fatalities remain high.[4] Of the fatalities in 2023, 30% (12,429) resulted from crashes involving alcohol-impaired drivers which is limited to crashes in which at least one driver has a minimum of .08% BAC. This averaged out to one death in an alcohol-impaired driving crash every 42 minutes.[5]
- Alcohol-impaired 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.[6]
- The fatality rate per vehicle miles traveled (VMT) for alcohol-impaired driving decreased 9.5% from 2022 to 2023. Yet, the fatality rate for alcohol-impaired driving fatalities remains 22.6% higher than 2019.[7]
- Drunk driving is not just deadly, it is also costly. In 2019, the total comprehensive cost of drunk driving over the .08% BAC limit was estimated at nearly $296 billion.[8] Adjusted for inflation only, that amounts to $373 billion in 2025 dollars.[9]
- The total cost to employers of motor vehicle crashes with an alcohol-impaired employee or dependent driving (both on-the-job and off-the-job) was $8 billion in 2018 (expressed in 2019 dollars).[10] Accounting for inflation only, that amounts to over $10 billion in 2025 dollars.[11]

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

- Since the mid-1990s, the percentage of all traffic fatalities due to drunk driving has remained consistent.[12] New verified countermeasures must be employed to address this leading safety problem. .05% BAC limits are proven to reduce drunk driving fatalities, yet the policy is underused in the U.S.[13]

- The Insurance Institute for Highway Safety (IIHS) has estimated systems which restrict driving at .08% BAC or higher could prevent more than 9,000 deaths.[14] A recent update of that analysis based on data from 2019 through 2022 indicates that as many as 10,812 lives would have been saved.[15]
- 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.[16] The probability of a fatal crash rises significantly after .05% BAC and even more rapidly after .08%.[17]
- 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.[18]
- Lowering a BAC limit law to .05% results 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.[19]
    - This broad deterrent effect applies to all BAC levels including high BAC.[20]

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 policy. While their average alcohol consumption is the same or higher than the U.S., their alcohol-related deaths are lower.[21]
- 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%.[22]
- 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.[23]
- 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:[24]
        - Between 2016 and 2019 the fatal crash rate decreased by 19.8%; the fatality rate per VMT 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%.
        - Alcohol-impaired driving arrests did not climb sharply.[25]
    - 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.[26]
    - 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."[27]

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

- Public Surveys:
    - In 2023, a AAA Foundation survey showed 53% of Americans support .05% BAC laws.[28]
    - A Texas Medical Center Health Policy Institute national poll found 55% of Americans approve lowering the BAC limit while driving to .05% (2018).[29]
- Research published in the American Journal of Public Health concluded, "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."[30]

Support or Recommend .05% BAC Policy:

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

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.[31] 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, 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.[32]

- **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.
- **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.[33]
- **2005:** All states have a .08% BAC law in effect.[34]

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