

Traffic Safety Facts

Laws

DOT HS 810 883

January 2008

High BAC Laws

Background

The National Highway Traffic Safety Administration encourages States to enact enhanced sanctions for drivers with a blood alcohol concentration (BAC) of .15 grams per deciliter (g/dL) or greater. The rationale for high-BAC sanctioning systems is that driving while intoxicated (DWI) offenders with higher BACs are more likely than DWI offenders with lower BACs to be involved in a crash. A driver with a BAC of .15 g/dL or greater is at least 20 times more likely to be involved in a fatal crash than a sober driver. During an average weekend night, about 1 percent of drivers have BACs of .15 or greater and about two-thirds of fatally injured drinking drivers have BACs of .15 or greater. Enhanced penalties for first-time high-BAC offenders should be comparable to those applied to repeat offenders.

Key Facts

- In-patient rehabilitation costs for motor vehicle injuries average \$11,265 per patient.
- For 2006, the most frequently recorded BAC level among drinking drivers involved in fatal crashes was .16 g/dL.
- In 2006, there were 17,602 alcohol-related fatalities in motor vehicle crashes.
- In 2006, 41 percent of fatal motor vehicle crashes nationwide were alcohol-related.
- In 2006, 57 percent of all alcohol-related fatalities involved a driver with a BAC of .15 or higher.
- It is estimated that half of all drivers arrested and half of those convicted of DWI have BACs of .15 or above.
- To date, 41 States have enacted high BAC laws. Alabama, Maryland, Michigan, Mississippi, New Jersey, Oregon, Vermont, West Virginia, Wyoming and Puerto Rico do not have enhanced sanctions for high-BAC offenders.
- A variety of organizations including MADD, the National Transportation Safety Board, and the Century Council (which is supported by the Nation's leading distillers) actively support strategies to address high-risk drivers, including drivers with high BACs of .15 or greater.
- Enhanced penalties contained in State laws also vary and may include increased driver license sanctions, vehicle or license plate impoundment or immobilization, mandatory assessment and treatment, close supervision, use of ignition interlock devices, fines, and fees, and imprisonment or home detention (with electronic monitoring).
- The adopted high-BAC levels vary from State to State, from .15 to .20.
- A 2004 NHTSA study showed that a high-BAC law in Minnesota resulted in increased penalties for high-BAC offenders and a reduction in the percentage of first and repeat offenders with BACs higher than .20. The law did not (as anticipated) lead to an increase in breath test refusals.
- A 2007 Driving Under the Influence (DUI) Model Law incorporating high-BAC provisions is posted at www.ncutlo.org.

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Incentive Grant Program

The alcohol-impaired driving countermeasures incentive program (23 U.S.C. 410) encourages States to adopt and implement effective programs to reduce traffic safety problems resulting from individuals driving while impaired by alcohol, including a program for high-risk drivers with BACs of .15 or greater. A qualifying State may use these grant funds to implement alcohol-impaired driving prevention programs.

The High-Risk Drivers provision of Section 410 provides that high-risk driver laws must include stronger sanctions or additional penalties for individuals convicted of operating a motor vehicle with a BAC of .15 or more, than for individuals operating a motor vehicle with a lower BAC. These additional penalties must include:

- a one-year suspension of license, except that after 45

days a provisional license may be issued so the offender can drive to and from employment, school, an alcohol treatment program, or an interlock service facility and only in a vehicle equipped with an ignition interlock; and

- a mandatory assessment by a certified substance abuse official, with possible referral to counseling if appropriate.

The implementing regulations for Section 410 program are found in 23 CFR Part 1313.

References

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NHTSA (2006). *Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices*. DOT HS 809 980. Washington, DC: National Highway Traffic Safety Administration.

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NHTSA (2001). *Evaluation of Enhanced Sanctions for Higher BACs: Summary of States' Laws*. DOT HS 809 215. Washington, DC: National Highway Traffic Safety Administration.

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Reports and additional information are available from your State Highway Safety Office; the NHTSA Regional Office serving your State; or from NHTSA Headquarters, Impaired Driving and Occupant Protection Office, ATTN: NTI-111, 1200 New Jersey Avenue SE., Washington, DC 20590; 202-366-2683, or NHTSA's Web site at www.nhtsa.gov.