



# SETTING LIMITS, SAVING LIVES

THE CASE FOR .08 BAC LAWS

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SECTION 1

# Introduction

**EVERY 30 MINUTES SOMEONE IN THIS COUNTRY DIES IN AN ALCOHOL-RELATED CRASH. IN THE TIME IT TAKES YOU TO READ THIS BOOKLET, SOMEONE ELSE WILL DIE NEEDLESSLY.**

## *Overview of the Problem*

Impaired driving is the most frequently committed violent crime in America. Every 30 minutes, someone in this country dies in an alcohol-related crash. In the time it takes you to read this booklet, someone else will die needlessly.

For many years, we were making good progress. Due to the tireless efforts of many organizations and citizens around the country, alcohol-related traffic deaths decreased significantly. In the last decade, alcohol-related fatalities dropped from 24,050 in 1986 to 17,274 in 1995, according to the National Highway Traffic Safety Administration (NHTSA).

This 28% drop in alcohol-related deaths is generally attributed to:

- STRONGER LAWS,
- TOUGHER ENFORCEMENT, AND
- GOOD CONSUMER EDUCATION.

Americans better understand the impaired driving problem, fewer are driving after drinking, and more are getting caught when they do.

Unfortunately, alcohol-related crashes may be headed back up. Fatalities in alcohol-related crashes rose by 4% from 1994 to 1995, the first increase in a decade. In 1995, 41% of the 41,798 motor vehicle crash deaths were attributed to alcohol use.

Alcohol involvement is still the single greatest factor in motor vehicle deaths and injuries, and it's a deadly involvement. Only 4% of all crashes involve the use of alcohol, but 41% of fatal crashes do.

17,274 deaths in one year is 17,274 grieving families too many. But the carnage doesn't end there. In addition to these tragic deaths, another one million people are injured in alcohol-related traffic crashes annually. And these crashes cost society over \$45 billion every year for things like:

- EMERGENCY AND ACUTE HEALTH CARE COSTS,
- LONG-TERM CARE AND REHABILITATION,
- POLICE AND JUDICIAL SERVICES,
- INSURANCE,
- DISABILITY AND WORKERS' COMPENSATION,
- LOST PRODUCTIVITY, AND
- SOCIAL SERVICES FOR THOSE WHO CANNOT RETURN TO WORK AND SUPPORT THEIR FAMILIES.

Just one alcohol-related fatality is estimated to cost society \$950,000. Each alcohol-related injury averages \$20,000. Eventually, we all bear the costs of these deadly actions, through taxpayer supported services and programs, higher insurance costs and even higher prices on goods and services, since employers pick up about half the costs associated with motor vehicle crashes.

## We Know What Works

We know what works to reduce the incidence of impaired driving—a combination of:

- **EFFECTIVE LAWS,**
- **STRONG ENFORCEMENT, AND**
- **HIGHLY VISIBLE PUBLIC INFORMATION AND EDUCATION.**

The successes of the past two decades can be attributed to all of these factors combining to change people's behavior. We've made some real progress, thanks to grassroots organizations, citizen activists, national highway safety and public health groups, concerned legislators and other elected leaders, involved industries and millions of people with plain old common sense.

"One for the road" used to be the standard and the antics of a drunk used to be considered funny. Now we've made some changes in the way we look at impairment. Many of us have changed our behavior as well, either by moderating our drinking if we must drive or designating a driver before alcohol is consumed. Party hosts are more cautious and guests look out for one another. And the hospitality industry has made a commitment to training servers to recognize the signs of impairment.

Impaired driving has been reduced since the early 80's, but it is still an enormous problem. There is more we can do, and it all begins with effective laws.

## Key Laws That Every State Needs

There are four key laws that have been proven effective in the fight against impaired driving (see chart, "State Anti-Impaired Driving Laws," page 5). It is important to understand what each is and how it works, both alone and together with other laws.

**Illegal per se** – An illegal *per se* law makes it illegal in and of itself to drive with an alcohol concentration measured at or above the established legal level. Forty-eight states have established a *per se* law (the exceptions are Massachusetts and South Carolina). In 35 of

those states, the legal limit is .10% blood alcohol concentration (BAC) *per se*. That means it is against the law to drive a motor vehicle if you have a BAC of .10 or more, whether or not you exhibit visible signs of intoxication. Thirteen other states have established .08 BAC as the legal limit (see chart, "States with BAC *Per Se* Laws," page 4).

**Administrative license revocation (ALR)** – An ALR law gives state officials the authority to suspend administratively the license of any driver who fails or refuses to take a BAC test. Notice of the suspension is given immediately, although a temporary permit is usually issued. The permit is valid from 7-45 days, depending on the state. During that time, the accused person can appeal through administrative channels. If no appeal is filed, the license is then automatically suspended for a prescribed period of time. Suspensions range from seven days to six months for first-time offenders, again depending on the state, and are longer for repeat offenders. ALR laws do not replace criminal prosecution, and their constitutionality has been consistently upheld whenever challenged. As of late 1996, 39 states had ALR laws.

**Zero tolerance** – Zero tolerance laws make it illegal for drivers – under age 21 to drive with any measurable amount of alcohol in their system, regardless of the BAC limit for older drivers. Since it is illegal in every state for those under 21 to purchase or publicly possess alcoholic beverages, it makes sense that no amount of alcohol should be tolerated for drivers under that age. Many states have set the limit for underage drivers at .02 BAC. This helps reduce legal challenges that claim mouthwash, gum or cold medicine are somehow responsible for a positive but very low BAC reading (there is no evidence that such substances affect the standard breath analysis tests when they are conducted properly or that other challenges about the accuracy of alcohol detection equipment are valid). By late 1996, 37 states plus DC had zero tolerance laws for youth, but all states must pass zero tolerance laws in

## "TERMINOLOGY"

**THE PHRASE "DRUNK DRIVING," WHILE STILL COMMON IN EVERYDAY LANGUAGE AND COMPLETELY UNDERSTANDABLE, IS NOT USED AS A LEGAL TERM SINCE MANY DRIVERS WHO ARE PART OF THE PROBLEM DO NOT EXHIBIT VISIBLE OUTWARD SIGNS OF DRUNKENNESS. "IMPAIRED DRIVING" IN GENERAL MEANS DRIVING WHILE ABILITIES ARE IMPAIRED BY ALCOHOL OR DRUGS. "DRIVING WHILE INTOXICATED" (DWI) OR "DRIVING UNDER THE INFLUENCE" (DUI) MEANS DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS. IN GENERAL, THIS BOOKLET WILL USE THE TERM IMPAIRED DRIVING TO DESCRIBE THE OVERALL PROBLEM AND DWI TO DESCRIBE THE CRIME OF DRIVING WHILE OVER THE LEGAL LIMIT OR UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS.**



.08

**"State Anti-Impaired Driving Laws"**

STATE	BAC per se level	ALR	Zero Tolerance*	.08 BAC
Alabama	•	•	•	•
Alaska	•	•	•	•
Arizona	•	•	•	•
Arkansas	•	•	•	•
California	•	•	•	•
Colorado	•	•	•	•
Connecticut	•	•	•	•
Delaware	•	•	•	•
Dist. of Col.	•	•	•	•
Florida	•	•	•	•
Georgia	•	•	•	•
Hawaii	•	•	•	•
Idaho	•	•	•	•
Illinois	•	•	•	•
Indiana	•	•	•	•
Iowa	•	•	•	•
Kansas	•	•	•	•
Kentucky	•	•	•	•
Louisiana	•	•	•	•
Maine	•	•	•	•
Maryland	•	•	•	•
Massachusetts	•	•	•	•
Michigan	•	•	•	•
Minnesota	•	•	•	•
Mississippi	•	•	•	•
Missouri	•	•	•	•
Montana	•	•	•	•
Nebraska	•	•	•	•
Nevada	•	•	•	•
New Hamp.	•	•	•	•
New Jersey	•	•	•	•
New Mexico	•	•	•	•
New York	•	•	•	•
N. Carolina	•	•	•	•
N. Dakota	•	•	•	•
Ohio	•	•	•	•
Oklahoma	•	•	•	•
Oregon	•	•	•	•
Pennsylv.	•	•	•	•
Rhode Isl.	•	•	•	•
S. Carolina	•	•	•	•
S. Dakota	•	•	•	•
Tennessee	•	•	•	•
Texas	•	•	•	•
Utah	•	•	•	•
Vermont	•	•	•	•
Virginia	•	•	•	•
Washington	•	•	•	•
W. Virginia	•	•	•	•
Wisconsin	•	•	•	•
Wyoming	•	•	•	•
<b>TOTAL</b>	<b>48</b>	<b>39+DC</b>	<b>37+DC</b>	<b>13 STATES</b>

\*Zero tolerance is defined as .02 or less for all drivers under age 21. Some states have less stringent laws (such as only applying to those under age 18) that are not included here.

SECTION 2

# What is .08?

**"A DRINK IS A DRINK IS A DRINK"**

ON THE ACCOMPANYING CHART, 1 DRINK EQUALS .54 OUNCES OF ALCOHOL. THIS IS THE APPROXIMATE AMOUNT FOUND IN: ONE SHOT OF DISTILLED SPIRITS, OR ONE CAN OF BEER, OR ONE GLASS OF WINE.

**Measuring Impairment**

The amount of alcohol in a person's body is measured by the weight of the alcohol in a certain volume of blood. This is called the blood alcohol concentration, or "BAC." Because the volume of blood varies with the size of a person, BAC establishes an objective measure to determine levels of impairment.

The measurement is based on grams per deciliter (g/dl), and in most states a person is considered legally intoxicated if his or her BAC is .10 g/dl or greater; that is, alcohol makes up one-tenth of one percent of the person's blood (see chart, "Number of Drinks and BAC..." below).

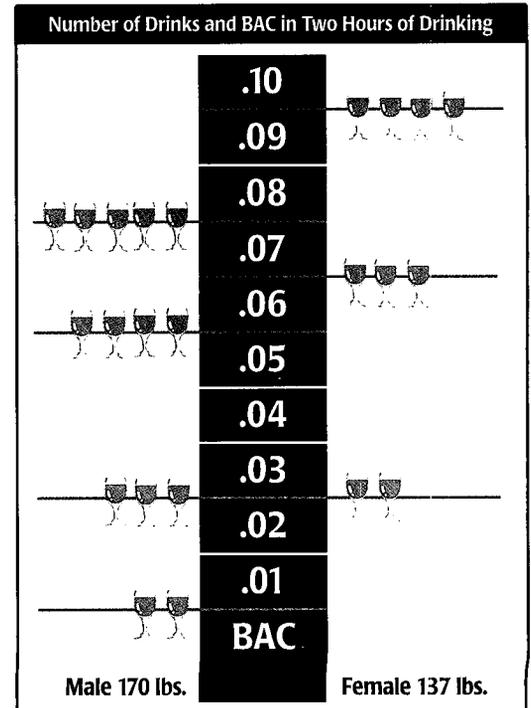
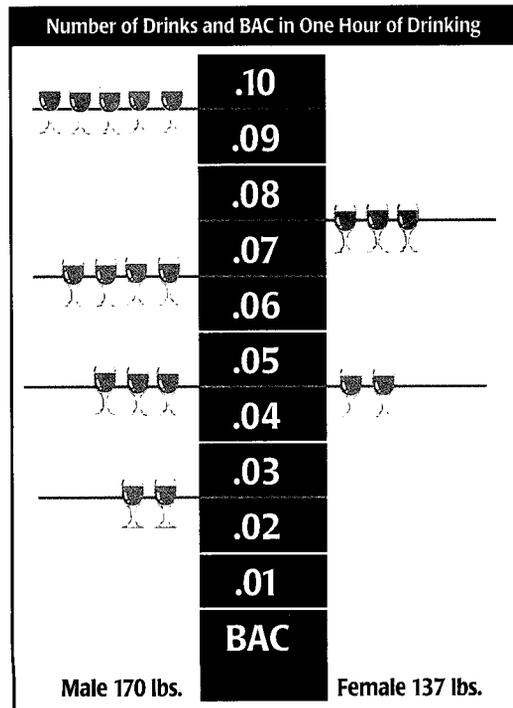
A driver's BAC can be measured by testing the blood, breath, urine or saliva. Breath testing is the primary method used by law enforcement agencies. Preliminary breath testing can be performed easily during a roadside stop using a hand-held device

carried by police officers. It is non-invasive and can even be performed while the person is still in his or her vehicle.

Evidentiary breath testing equipment is evaluated for precision and accuracy by NHTSA. Test instruments approved by NHTSA as conforming to specifications are accurate within plus or minus .005 of the true BAC value.

**State BAC Levels**

All states but two (Massachusetts and South Carolina) have established BAC *per se* levels. Thirteen of those states have set that level at .08 (Alabama, California, Florida, Hawaii, Kansas, Maine, New Hampshire, New Mexico, North Carolina, Oregon, Utah, Virginia and Vermont). For more state-specific data, see the chart "The State of the States," at right .



## "The State of the States"

STATE	BAC PER SE LEVEL	# OF FATALITIES (1995)	PERCENT ALCOHOL- RELATED
Alabama	.08	1,113	41.6
Alaska	.10	87	54.5
Arizona	.10	1,031	43.4
Arkansas	.10	631	34.3
California	.08	4,192	41.0
Colorado	.10	645	45.6
Connecticut	.10	317	48.8
Delaware	.10	121	41.5
Dist. of Col.	.10	58	54.7
Florida	.08	2,805	39.6
Georgia	.10	1,488	35.1
Hawaii	.08	130	49.3
Idaho	.10	262	34.0
Illinois	.10	1,586	42.9
Indiana	.10	960	34.4
Iowa	.10	527	41.6
Kansas	.08	442	40.4
Kentucky	.10	849	33.8
Louisiana	.10	883	53.2
Maine	.08	187	27.7
Maryland	.10	671	34.8
Massachusetts	-	444	45.7
Michigan	.10	1,530	40.3
Minnesota	.10	597	44.3
Mississippi	.10	868	41.6
Missouri	.10	1,109	51.6
Montana	.10	215	42.5
Nebraska	.10	254	36.7
Nevada	.10	313	49.4
New Hamp.	.08	118	39.1
New Jersey	.10	773	40.9
New Mexico	.08	485	50.2
New York	.10	1,674	32.4
N. Carolina	.08	1,448	33.7
N. Dakota	.10	74	57.9
Ohio	.10	1,366	32.3
Oklahoma	.10	669	37.5
Oregon	.08	572	41.4
Pennsylv.	.10	1,480	41.2
Rhode Isl.	.10	69	41.6
S. Carolina	-	881	31.8
S. Dakota	.10	158	45.0
Tennessee	.10	1,259	40.7
Texas	.10	3,181	56.0
Utah	.08	326	26.3
Vermont	.08	106	41.4
Virginia	.08	900	39.8
Washington	.10	653	48.5
W. Virginia	.10	376	42.7
Wisconsin	.10	745	42.6
Wyoming	.10	170	48.9
<b>U.S. Total</b>		<b>41,798</b>	<b>41.3</b>

**BECAUSE THE VOLUME OF BLOOD VARIES WITH THE SIZE OF A PERSON, BAC ESTABLISHES AN OBJECTIVE MEASURE TO DETERMINE LEVELS OF IMPAIRMENT.**

## SECTION 3

# Effect of BAC on Traffic Crashes

## *The Effect of Alcohol on Ability*

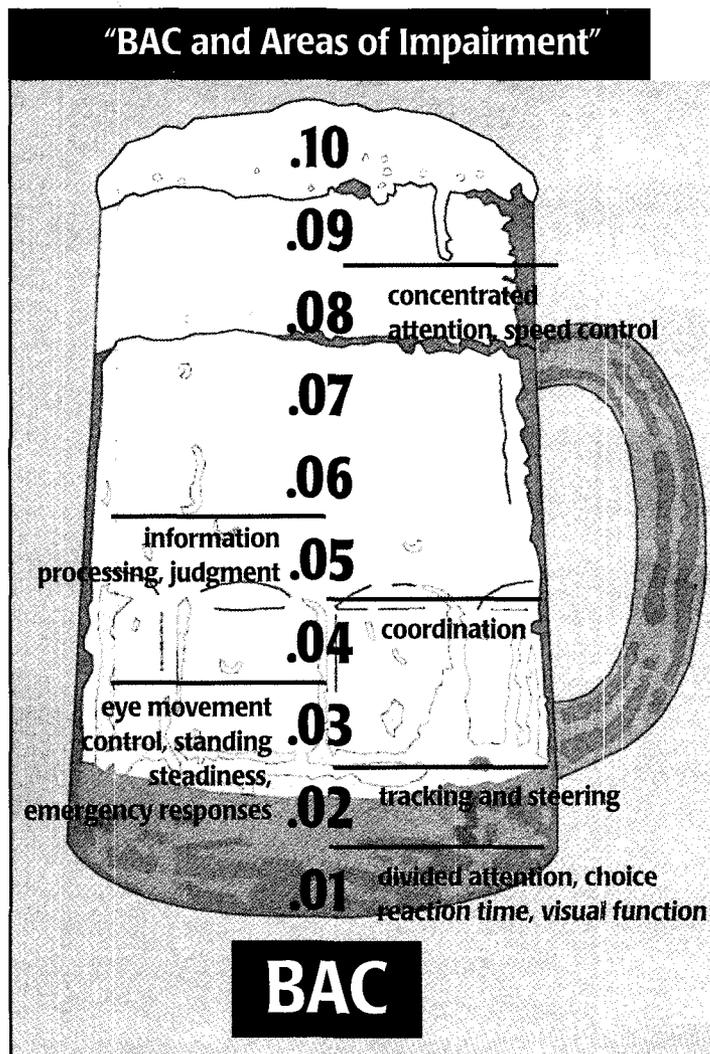
With each drink consumed, a person's blood alcohol concentration increases. Although the outward appearances vary, virtually all drivers are substantially impaired at .08 BAC. Laboratory and on-road research shows that the vast majority of drivers, even experienced drivers, are significantly impaired at .08 with regard to critical driving tasks such as braking, steering, lane changing, judgment and divided attention (see chart, "BAC and Impairment," at right).

The risk of being in a motor vehicle crash also increases as the BAC level rises. The risk of being in a crash rises gradually with each BAC level, but then rises very rapidly after a driver reaches or exceeds .08 BAC compared to drivers with no alcohol in their system.

## *.08 Sets a Reasonable Limit*

Setting the BAC limit at .08 is a reasonable response to the problem of impaired driving. This is not a couple of beers after work or a glass or two of wine with dinner. At .08, everyone is impaired to the point that driving skills are degraded. Most states that have lowered their BAC to .08 have found a measurable drop in impaired driving crashes and fatalities, as have many countries that have adopted .08 (see chart, "BAC Levels in Other Countries," on page 10).

.08 also serves to deter driving after drinking. Crash statistics show that even heavy drinkers, who account for a high percentage of DWI arrests, are less likely to drink and drive because of the general deterrent effect of .08. At the same time, lowering the BAC limit to .08 makes it possible to convict seriously impaired drivers whose BAC levels are now considered marginal because they are at or just over .10.



### *.08 Laws Work*

The effect of California's .08 law was analyzed by NHTSA, which found that 81% of the driving population knew that the BAC limit was stricter (from a tremendously successful public education effort). The state experienced a 12% reduction in alcohol-related fatalities, although some of this can be credited to the new administrative license revocation law. The state also experienced an increase in DUI arrests.

The first national analysis of the effect of lowering BAC levels to .08 was conducted recently by Ralph Hingson, Sc.D., a professor at Boston University's School of Public Health and Chairman of the school's Social and Behavioral Sciences Department, along with two other researchers. The results of their study were reported in the September 1996 issue of the American Journal of Public Health, a peer-reviewed journal.

Hingson compared the first five states to lower their BAC limit to .08 (California, Maine, Oregon, Utah and Vermont) with five nearby states that retained the .10 limit. Overall, the .08 states experienced a 16% reduction in the proportion of fatal crashes with a fatally injured driver whose BAC was .08 or higher, as well as an 18% reduction in such crashes with a fatally injured driver whose BAC was .15 or higher.

The immediate significance of these findings is that, not only did the .08 BAC laws reduce the overall incidence of alcohol fatalities, but also reduced fatalities at the higher BAC levels. The effect on extremely impaired drivers (the "problem drinking drivers") was even greater than the overall affect.

The study concluded that if all states lowered their BAC limits to .08, alcohol-related highway deaths would decrease by 500-600 per year.

**SETTING THE BAC  
LIMIT AT .08 IS A  
REASONABLE  
RESPONSE TO THE  
PROBLEM OF  
IMPAIRED  
DRIVING.**

SECTION 4

# The Case for .08 BAC Laws

**THE RECENT ANALYSIS OF THE FIRST FIVE STATES THAT LOWERED THE BAC LIMIT TO .08 SHOWED THAT SIGNIFICANT DECREASES IN ALCOHOL-RELATED FATAL CRASHES OCCURRED IN FOUR OUT OF FIVE STATES AS A RESULT OF THE LEGISLATION.**

### *Impaired Driving Affects Us All*

About two out of every five Americans will be involved in an alcohol-related crash at some time in their lives, and many of them will be innocent victims. There is no such thing as a drunk driving accident. Virtually all crashes involving alcohol could have been avoided if the impaired person were sober.

As BAC levels rise, so does the risk of being involved in a fatal crash. Research has shown that, in single vehicle crashes, the relative fatality risk for drivers with BACs between .05 and .09 is over eleven times greater than for drivers with a BAC of zero.

### *States Have the Responsibility*

In the United States, BAC limits are set by states. The limit of .10 found in most states is the highest in the industrialized world (see chart, "BAC Levels in Other Countries, at right). The recent analysis of the first five states that lowered the BAC limit to .08 showed that significant decreases in alcohol-related fatal crashes occurred in four out of five states as a result of the legislation.

NHTSA, the federal agency charged with the safety of motor vehicles and our

nation's highway safety, has long supported .08 state laws. In a 1992 Report to Congress, the agency recommended that all states lower their illegal *per se* limit to .08 for all drivers 21 years and above. (NHTSA supports zero tolerance for drivers under the legal drinking age – see Section 1 for more information.) Numerous other federal agencies with an interest in public health and safety issues, as well as dozens of private sector organizations, support NHTSA's call for universal .08 state laws (see box, "Who Supports .08 BAC Laws?," page 11).

### *Why Some States Don't Have .08*

As a public policy to deter impaired driving, .08 has lagged behind other countermeasures such as *per se*, administrative license revocation and

## BAC Levels in Other Countries

Austria	.08
Australia	.05 - .08
Canada	.08
Finland	.05
Great Britain	.08
Netherlands	.05
Norway	.05
Sweden	.02
Switzerland	.08

zero tolerance for those under 21. Nearly all states have *per se*, the vast majority have ALR and most have zero tolerance. (The rest are expected to pass zero tolerance laws within the next several years as the result of a congressionally mandated federal program.)

But the passage of new .08 laws have been few and far between, despite overwhelming evidence that they work, because some organizations in the alcohol and hospitality industries oppose any and all such proposals at the state level. This is both sad and ironic, since these industries have not only been strong supporters of many other anti-impaired driving laws, but have also been crucial partners in getting safety messages out to hard-to-reach audiences.

Promotions such as designated driver programs and sober ride/call-a-cab efforts showcase their concern, generate enormous goodwill from the general public and raise awareness. It is tragic that some of the same companies and trade associations that have launched excellent server training programs, public information campaigns and other efforts to reduce impaired driving so vigorously oppose legislation when it comes to .08 (see box, "What the Hospitality Industry Can Do," on page 15).

### *The Time is Now*

As mentioned in the previous section, recent research by NHTSA and the Boston University School of Public Health has been quite conclusive in showing the impaired driving reductions already attributable to .08, as well as the potential for saving additional lives if all states adopted .08 BAC laws. Not only would deaths and injuries go down, but costs would as well. Alcohol-related crashes cost society \$45 billion every year, not including pain, suffering and lost quality of life. For more information on these enormous costs, see the fact sheet "Economic Issues" in the appendix.

### **"Who Supports .08 BAC Laws?"**

The following organizations support a BAC limit of .08 or lower:

ADVOCATES FOR HIGHWAY AND AUTO SAFETY

ALLSTATE INSURANCE

AMERICAN ALLIANCE FOR RIGHTS AND RESPONSIBILITIES

AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS

AMERICAN ASSOCIATION OF NEUROLOGICAL SURGEONS

AMERICAN AUTOMOBILE ASSOCIATION

AMERICAN AUTOMOBILE MANUFACTURERS ASSOCIATION

AMERICAN COALITION FOR TRAFFIC SAFETY

AMERICAN INSURANCE ASSOCIATION

AMERICAN MEDICAL ASSOCIATION

AMERICAN SPINAL CORD INJURY ASSOCIATION

AMERICAN SPINAL INJURY ASSOCIATION

AMERICAN TRUCKING ASSOCIATIONS

ASSOCIATION FOR THE ADVANCEMENT  
OF AUTOMOTIVE MEDICINE

CENTER FOR SUBSTANCE ABUSE PREVENTION, U.S.  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

FEDERAL HIGHWAY ADMINISTRATION,  
U.S. DEPARTMENT OF TRANSPORTATION

INSURANCE INFORMATION INSTITUTE

INSURANCE INSTITUTE FOR HIGHWAY SAFETY

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

KEMPER INSURANCE GROUP

MOTHERS AGAINST DRUNK DRIVING (MADD)

NATIONAL ASSOCIATION OF GOVERNORS' HIGHWAY  
SAFETY REPRESENTATIVES

NATIONAL COMMISSION AGAINST DRUNK DRIVING

NATIONAL COMMITTEE ON UNIFORM  
TRAFFIC LAWS AND ORDINANCES

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION,  
U.S. DEPARTMENT OF TRANSPORTATION

NATIONAL INSTITUTE FOR ALCOHOL ABUSE AND ALCOHOLISM

NATIONAL SAFETY COUNCIL

NATIONAL SHERIFFS' ASSOCIATION

NATIONWIDE INSURANCE

OPERATION LIFESAVER

REMOVE INTOXICATED DRIVERS

STUDENTS AGAINST DRIVING DRUNK (SADD)

USAA INSURANCE

U.S. DEPARTMENT OF JUSTICE

U.S. SURGEON GENERAL



## SECTION 5

# Myths about .08 BAC

**A .08 LAW SERVES AS A GENERAL DETERRENT TO DRINKING AND DRIVING, SENDS A MESSAGE THAT THE STATE IS GETTING TOUGHER ON IMPAIRED DRIVING, AND MAKES PEOPLE THINK TWICE ABOUT GETTING BEHIND THE WHEEL AFTER THEY'VE HAD TOO MUCH TO DRINK.**

Myths about .08 abound, many proliferated by those who actively oppose .08 laws. Here are a few of the commonly heard myths, countered by research-based facts from the National Highway Traffic Safety Administration, academic and scientific institutions, and credible private sector organizations such as Mothers Against Drunk Driving.

**MYTH:**

**"If you lower the BAC limit to .08, it means I can't even have a couple of drinks with my dinner."**

**FACT:** While there is no "safe" amount of alcohol for drivers, most people can drink moderately and drive legally when the illegal *per se* limit is set at .08. A 170-pound male typically would have to consume more than four drinks in one hour on an empty stomach to reach a BAC of .08. A 135-pound female typically would have to consume three drinks in the same time frame.

**MYTH:**

**"I know when I'm 'too drunk to drive' – I don't need to be concerned about my blood alcohol concentration."**

**FACT:** Your driving skills can be seriously compromised even when your behavior is not observably "drunk." Alcohol causes impairment in reaction time, attention, tracking, comprehension and other skills essential for safe driving. Even when attempting to drive carefully, an impaired driver cannot compensate for those reduced abilities. In addition, alcohol affects your ability to judge whether or not you are impaired.

**MYTH:**

**"The American public does not support .08 because most people have no idea how much alcohol it would take to put them over the legal limit."**

**FACT:** According to several national surveys, most Americans would not drive after having two or three drinks in one hour, an amount that would put them below .08. Most people know how much alcohol it takes to impair their driving ability and they accept lower limits such as .08 for adults.

**MYTH:**

**".08 BAC legislation will not affect problem drinker drivers who have high BAC levels."**

**FACT:** The latest research shows that .08 laws not only reduce the incidence of impaired driving at .08, they also reduce even more the incidence of impaired driving at high BACs over .15 (Hingson, et al., American Journal of Public Health). A .08 law serves as a general deterrent to drinking and driving, sends a message that the state is getting tougher on impaired driving, and makes people think twice about getting behind the wheel after they've had too much to drink. .08 is a key part of a complete package to reduce impaired driving. While problem drinker drivers do account for a significant part of the DWI problem, most fatally injured drinking drivers (70-80%) had no prior alcohol-related offenses. A comprehensive anti-impaired driving program must use all available laws and programs to reduce DWI.

**MYTH:**

**“Lowering the BAC limit to .08 places an unnecessary strain on the law enforcement community by forcing officers to monitor the behavior of currently legal drivers and pay less attention to the real problem, repeat offenders and those with high BACs.”**

FACT: Lowering the *per se* limit to .08 does not place an unnecessary strain on police. Officers still must have probable cause to stop and test drivers to determine if they are impaired. A .08 law will actually make it easier for police to arrest drivers at .10 or .11 BACs because these are no longer “borderline” cases.

**MYTH:**

**“If you start arresting people driving with a .08 BAC, you will clog up the court system.”**

FACT: In the largest state, California, the .08 law has had little impact on the state’s judicial system. No increases have been reported in the proportion of arrested drivers who plead guilty, request jury trials or appeal convictions. .08 is a deterrent to impaired driving, especially when coupled with other effective anti-DWI measures. Anything that reduces the incidence of DWI reduces the overall burden on society, including the judicial system.

**MYTH:**

**“.08 BAC legislation will affect alcohol consumption and, therefore, affect the economy.”**

FACT: There is no evidence that per capita consumption of alcohol was affected in any of the five .08 BAC states examined by NHTSA in a recent analysis. Even a four-state analysis by several alcohol industry organizations showed virtually no affect on overall consumption (see chart at right). In Maine, overall alcohol consumption dipped slightly in 1988, the year .08 went into effect, but restaurant sales actually increased 11%. Concern about impaired driving can lead to increased sales of food and non-alcoholic beverages in bars and

restaurants, and designated driver programs offer a reasonable alternative that has little or no impact on overall alcohol consumption. Smart business owners know that demonstrating concern for their patrons’ safety is a good business practice that encourages customer loyalty.

**MYTH:**

**“.08 is just the first step toward even lower BACs and eventually another attempt at prohibition.”**

FACT: Widely accepted public health research has identified .05 as the BAC level at which driving skills begin to deteriorate. Because of this, some organizations – most notably the American Medical Association – officially support .05 as the safest limit. However, safety professionals generally do not believe such laws would have any reasonable chance politically in this country. Even those organizations that have adopted such policies accept .08 as the best reasonable and acceptable compromise that will save lives, prevent injuries and reduce costs to society. The notion that safety organizations seek a return to prohibition is unfounded.

STATE	BEFORE .08		AFTER .08	COMMENT
	1982	1983	1984	
Utah	1.71	1.52	1.53	No change
Oregon	2.74	2.69	2.63	No change in decreasing trend
Maine	1987	1988	1989	Decreased 4%
	2.55	2.55	2.45	
California	1989	1990		No change
	2.15	2.13		

*Source: Distilled Spirits Council of the U.S., the Beer Institute, the National Institute for Alcohol Abuse and Alcoholism*

## SECTION 6

# Consumer Education and Public Support

## *Polls Support Anti-DWI Efforts*

The American public overwhelmingly supports legislation and programs to curb impaired driving. In a poll conducted for Mothers Against Drunk Driving (MADD), the Gallup Organization found that the vast majority of the American public considers drunk driving the major highway safety problem and most support tough laws and sanctions to reduce impaired driving.

All of the approaches to deal with impaired driving do well in public opinion polls, but the programs that have received more attention in the media and other public forums – ALR, zero tolerance, sobriety checkpoints and vehicle confiscation for repeat offenders – poll higher than .08. The likely reason is that people do not understand the technical aspects of how BACs are determined and what .08 means in real terms. When it comes to their own tolerance for alcohol and their own abilities, however, the American public is certain: most say they would not drive after consuming two or three drinks in one hour.

## **“What You Can Do”**

Around the country, voluntary efforts are underway by concerned citizens who support adoption of .08 BAC laws. To become part of the activities in your state:

**FIND OUT YOUR STATE’S BAC LIMIT, AND WHETHER THERE IS AN ILLEGAL PER SE LAW, BY CALLING YOUR GOVERNOR’S HIGHWAY SAFETY REPRESENTATIVE, YOUR LOCAL SAFETY COUNCIL OR YOUR LOCAL MADD CHAPTER (SEE RESOURCE SECTION);**

**IF YOUR STATE DOESN’T HAVE AN ILLEGAL PER SE LAW OF .08, CONTACT EXISTING GRASSROOTS AND GOVERNMENT ORGANIZATIONS INVOLVED IN PREVENTION EFFORTS TO FIND OUT HOW YOU CAN HELP;**

**JOIN OR HELP FORM A COALITION TO SUPPORT LEGISLATIVE EFFORTS IN YOUR STATE TO LOWER THE BAC LIMIT;**

**SPREAD THE WORD ABOUT THE IMPORTANCE OF .08 LAWS, THROUGH NEWSLETTER ARTICLES, PRESS RELEASES, CONFERENCES, SPEECHES TO LOCAL ORGANIZATIONS, ETC.; COOPERATE WITH STATE HIGHWAY AND PUBLIC HEALTH AGENCIES TO DRAW ATTENTION TO YOUR EFFORT;**

**LET YOUR GOVERNOR AND STATE LEGISLATORS KNOW ABOUT THE EFFECTIVENESS OF .08 LAWS IN SAVING LIVES AND TAXPAYER DOLLARS.**

## *.08 is a Public Health Policy*

The challenge for .08 supporters is to help people make a connection between their own common sense and the public policy that would define impaired driving as .08. Clearly, the more people know about the problem and the potential solutions, the more they support changes to bring about those solutions. .08 is a key part of any public health initiative that aims to reduce society’s burden from impaired driving.

Supporters of .08 have many allies and resources to call upon, both at the national level and in the states. A list of resource organizations is included in the appendix.

## *Help is Available*

NHTSA and several private sector organizations hold workshops, publish idea samplers and planners, and offer other helpful organizing tools

that may help .08 supporters achieve their public policy goals. Contact information on these and other organizations is available in the appendix. Here are just a few suggestions:

**Campaign Safe and Sober** – The National Highway Traffic Safety Administration publishes a quarterly planner with useful facts, tips and suggestions for state and community-based highway safety programs, particularly in the area of impaired driving, occupant protection and speed. For copies of past planners or to receive future quarterly planners, contact your NHTSA Regional Administrator.

**Drunk and Drugged Driving (3D) Prevention Month Program Planner** – The annual 3D planner is chock full of ideas and helpful information on organizing grassroots efforts around the December 3D Month as well as other times of the year. The planner is produced by NHTSA in cooperation with a national coalition of anti-drunk driving organizations and is available through your NHTSA Regional Administrator.

**Mothers Against Drunk Driving** – MADD offers many resources to local activists through chapters in every state, including Impaired Driving Issues Workshops, publications and training materials, victim support services, and community programs such as Project MADD Ribbon, Operation Prom/Graduation and Team Spirit. Contact your local MADD chapter or the national office.

**National Safety Belt Coalition** – Although not directly involved in impaired driving issues, the Coalition and its parent organization, the National Safety Council, have published several useful books for local organizers, including *Patterns for Partnerships – A Guide to Creating and Nurturing Grassroots Coalitions* and *Building Traffic Safety Partnerships – A Guide for State Highway Safety Professionals to Work with Local Government Associations*.

### “What the Hospitality Industry Can Do”

The restaurant and hospitality industries have plenty of incentives to bring customers into their establishments while helping reduce the risk of impaired driving. Here are some of the ideas many establishments already have used successfully:

PROMOTING DESIGNATED DRIVER PROGRAMS BY PROVIDING FREE OR REDUCED-PRICE NON-ALCOHOLIC BEVERAGES TO DESIGNATED DRIVERS;

PROMOTING NON-ALCOHOLIC BEERS AND WINES;

PROVIDING FREE RIDES HOME TO DRIVERS WHO APPEAR IMPAIRED (OR PARTICIPATING IN AND PROMOTING FREE RIDE PROGRAMS SPONSORED BY SAFETY GROUPS, TAXI COMPANIES, ETC.);

ENGAGING IN RESPONSIBLE ALCOHOL SERVICE BY TRAINING SERVERS, MAKING FOOD AVAILABLE TO PATRONS, NOT SERVING INTOXICATED CUSTOMERS, OR THOSE UNDER THE AGE OF 21.

**A MADD/GALLUP POLL FOUND THAT THE VAST MAJORITY OF THE AMERICAN PUBLIC CONSIDERS DRUNK DRIVING THE MAJOR HIGHWAY SAFETY PROBLEM AND MOST SUPPORT TOUGH LAWS AND SANCTIONS TO REDUCE IMPAIRED DRIVING.**

## SECTION 7

## Law Enforcement

**.08 IS SUPPORTED BY MANY LAW ENFORCEMENT ORGANIZATIONS ... [GROUPS THAT] WOULD NOT SUPPORT A LAW THAT IS UNENFORCEABLE, INEFFECTIVE OR BURDENSOME ON POLICE OFFICERS.**

*Enforcing .08*

One of the arguments used against .08 is the impact on the law enforcement and judicial system. However, when the largest state, California, lowered the BAC limit to .08, there was little impact on court administrators or judges.

The main impact in California has been on prosecutors' decisions concerning whether or not cases should be filed. Previously, those arrested for DWI with BACs below .12 typically were allowed to plea to reduced charges. Since the limit was changed, this plea-bargain "cut off" has dropped to about .10 BAC. No increases were reported in the proportion of DWI defendants pleading guilty, requesting jury trials, or appealing convictions.

*Quick and Easy Testing*

Modern breath analysis equipment is easy to use during a roadside stop, whether the legal limit is .08 or any other limit. The devices are small enough and inexpensive enough that every patrol car on traffic duty can be equipped with one. Law enforcement officers can administer the test quickly and easily, without the driver even leaving the car. If the breath test shows the person is not impaired, no additional tests (either roadside physical coordination maneuvers or blood or urine tests in a lab) are usually required. Motorists can be on their way and police can continue their duties. .08 does not change the fact that law enforcement officers can conduct these roadside tests quickly and easily.

*Law Enforcement Supports .08*

.08 is supported by many law enforcement organizations, including two of the largest: the International Association of Chiefs of Police and the National Sheriffs' Association. These organizations and others like them would not support a law that is unenforceable, ineffective or burdensome on police officers.

*Treatment Can Help*

Medical treatment programs for repeat offenders – and sometimes even first time offenders – have become an increasingly popular part of the sentencing process. Some states require certain treatments while others recommend but do not require them.

This leads to concern that programs will be overcrowded with long waiting lists. Most safety organizations recommend that impaired driving programs be self-supporting. Fines and fees paid by offenders should cover the cost of all sentencing, including treatment for alcoholism or alcohol abuse. This reduces the burden on taxpayers while helping to ensure that offenders get the help they need.

Medical treatment for impaired drivers, whether required by law or ordered at the discretion of a judge, correctly positions impaired driving as a public health problem. .08 laws do not contribute to burdens on society but help to identify those with a problem and get them into programs to reduce the chance they will eventually kill or injure themselves or someone else.

## SECTION 8

## Summary

*.08 is Reasonable*

.08 is a reasonable BAC level. A .08 BAC is not reached with a couple of beers after work or a glass or two of wine with dinner. The public supports .08, and surveys show that most people would not drive after consuming two or three drinks.

*.08 Works*

As a public health initiative and a traffic safety policy, .08 works and works well. A .08 BAC *per se* law will:

- INCREASE THE ARREST AND CONVICTION RATES FOR IMPAIRED DRIVERS AT .10 AND ABOVE;
- RAISE THE PERCEIVED RISK OF ARREST FOR DRIVING AFTER DRINKING;
- IMPROVE PUBLIC AWARENESS ABOUT HOW MUCH ALCOHOL IT TAKES TO BE DANGEROUSLY IMPAIRED; AND
- BRING THE U.S. CLOSER TO *PER SE* LIMITS OF MOST INDUSTRIALIZED NATIONS.

*.08 Could Save Your Life*

If every state adopted a .08 *per se* law, hundreds of lives would be saved every year, with thousands of injuries prevented and millions of dollars saved. But even more important would be all the extra birthday candles that would get blown out, the graduation ceremonies that would be attended, the weddings that would be celebrated and the millions of everyday smiles that would be exchanged.

No one will ever know if they or one of their loved ones will be the next victim of impaired driving, just as no one will ever know if they are the one who was spared thanks to good public policy. .08 is sensible, reasonable and effective. It's time to adopt .08 in every state.

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DOLLARS SAVED.**

## APPENDIX A

# Facts on The Impaired Driving Problem

According to the US Department of Transportation's Fatal Accident Reporting System and the National Highway Traffic Safety Administration's National Center for Statistical Analysis:

- In 1995, 41,798 people were killed in highway crashes. Another 3 million were injured. These crashes cost society \$150 billion every year.
- Of those killed on our highways in 1995, 17,274 died in alcohol-related crashes (41%).
- Approximately one million people are injured in alcohol-related traffic crashes annually.
- Alcohol involvement is the single greatest factor in motor vehicle deaths and injuries. Only 4% of all crashes involve the use of alcohol, but 41% of fatal crashes do.
- Anti-impaired driving efforts work. From 1986 to 1995, alcohol-related fatalities dropped 28%. This drop is generally attributed to stronger laws, tougher enforcement, and good consumer education.
- However, fatalities in alcohol-related crashes rose by 4% from 1994 to 1995, the first increase in a decade. All of this increase involved alcohol-impaired adult drivers over the age of 21.
- Among fatally injured motor vehicle drivers in 1995, 36% had BACs at or above .10. Since 1992, this percentage has remained in the 35-38% range.
- Many states now are lowering the BAC defining impaired driving from .10 to .08. A BAC as low as .02 has been shown to affect driving ability and crash likelihood.
- The probability of a crash increases significantly at .05 and even more rapidly at .08.
- Among drivers with BACs above .15 on weekend nights, the likelihood of death in a single-vehicle crash is more than 380 times higher than it is for nondrinking drivers.
- The highest proportion of driver deaths involving BACs at or above .10 in 1995 occurred in passenger vehicles. The group of drivers with the lowest proportion was tractor-trailer drivers.
- Among fatally injured car drivers in 1995, 41% of the males and 20% of the females had BACs at or above .10. Alcohol involvement in crashes is highest among men age 21-30.
- Alcohol involvement in crashes peaks at night and is higher on weekends than on weekdays. Among passenger vehicle drivers fatally injured between 9 pm and 6 am in 1995, 58% had BACs at or above .10, compared with 20% during other hours.

# Facts on the Economic Issues

According to the National Highway Traffic Safety Administration:

- In 1995, 41,798 people were killed in highway crashes. Another 3 million were injured.
- Motor vehicle crashes cost society \$150 billion each year in emergency and acute health care costs, long-term care and rehabilitation, police and judicial services, insurance, disability and workers compensation, lost productivity, and social services for those who cannot return to work and support their families.
- Alcohol-related crashes cost society over \$45 billion every year. Just one alcohol-related fatality is estimated to cost society about \$950,000. Each alcohol-related injury averages about \$20,000.
- Almost a quarter of first-year medical costs for persons hospitalized as a result of a crash are paid by tax dollars, about two-thirds through Medicaid and one-third through Medicare.
- Employers pay for approximately half the cost of motor vehicle crashes, through insurance, disability, worker's compensation, and lost productivity. Eventually, we all bear the costs through tax-payer supported services and programs, higher insurance costs, and higher prices on goods and services.

According to a 1994 study by economist Ted R. Miller of the National Public Services Research Institute:

- *The indirect costs of alcohol-related crashes (pain, suffering and lost quality of life) increase the toll for alcohol-related crashes to \$134 billion a year.*
- *Alcohol-related crashes cost society \$1.00 per drink or \$2.20 per ounce of alcohol consumed. This figure includes drinks consumed in the home.*
- *Crash costs are \$5.54 for every mile driven drunk. This includes \$2.34 to people other than the drunk driver. By comparison, crash costs are \$.10 per mile driven while sober.*
- *Alcohol-related crashes account for 19% of auto insurance payments in 1993 (a decline from 26% in 1990).*
- *A drunk driving crash costs each innocent victim \$36,000. Comparable crime costs per victim are: assault – \$30,000; robbery – \$16,000; motor vehicle theft – \$4,000. Yet, the drunk driving crash is the only one of these crimes that is often not considered a felony upon the first offense.*

## The Facts About .08

- A law making .08 BAC the legal limit is a reasonable, sensible approach to the problem of impaired driving.
- .08 laws increase the arrest and conviction rates for impaired drivers at .10 and above while raising the perceived risk of arrest for driving after drinking.
- .08 laws raise public awareness about how much alcohol it takes to be dangerously impaired.
- Most other industrial nations already set their legal limit at .08 or lower.
- Supporters of .08 BAC laws at the state level include federal agencies, consumer and victim's organizations, highway safety groups, law enforcement organizations, medical and public health groups, insurance companies and other business interests, and many others.
- According to a recent poll by the Gallup Organization for Mothers Against Drunk Driving, 97% of Americans believe drunk driving is a major highway safety problem.
- If every state adopted a .08 *per se* law, between 500-600 lives could be saved every year, according to a recent study conducted by researchers at Boston University.
- It takes about 3-4 drinks in one hour on an empty stomach to reach a .08 BAC. This does not affect the casual, social drinker who may have a couple of beers after work or a glass or two of wine with dinner once in a while.
- On average, alcohol metabolizes in the body and dissipates from the blood at a rate of about .015 BAC per hour.
- At .08, everyone is impaired to the point that critical driving skills such as reaction time, attention, tracking, and comprehension are degraded.

# What You Can Do About Impaired Driving

Mothers Against Drunk Driving (MADD) offers the following suggestions to help fight impaired driving:

- *Your best defense against a drunk driver is to wear your safety belt and be sure children are properly secured in child safety seats.*
- *Be a responsible host. Serve food and have non-alcoholic drinks available. Don't let your guests drive after drinking alcohol and never serve alcohol to someone under the age of 21.*
- *Write letters to the editor of local newspapers expressing your concern over drunk driving and underage drinking in your community.*
- *Never ride in a car operated by someone who has been drinking - call a cab or ask a friend to drive you home.*
- *Support measures to strengthen drunk driving and victims rights laws by contacting elected officials.*

- *Report drunk drivers immediately to area law enforcement from a car phone or pay phone with the license plate number, description of the vehicle, and the direction in which it was traveling. Keep a safe distance from anyone driving erratically and do not try to intervene yourself.*

If you or someone you love becomes the victim of a drunk driving crash, call 800-GET-MADD or your local MADD chapter for victim assistance and support.

## APPENDIX B

## Resources

***The Federal Government***

The National Highway Traffic Safety Administration (NHTSA), an agency of the US Department of Transportation, is responsible for anti-impaired driving and other highway safety programs. NHTSA maintains statistics and fact sheets, and provides information to the media, grassroots organizations, other government agencies, and the general public. Check out their homepage on the World Wide Web (<http://www.nhtsa.dot.gov>) for more information about the agency's services and publications, as well as highway safety facts.

NHTSA also has ten regional offices to serve the safety community and the general public. The NHTSA regional administrator that serves your state is a great resource for those working to fight impaired driving.

**NHTSA Region I**

*(Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont)*

Volpe National Transportation Systems Center  
Kendall Square, Code 903  
Cambridge, MA 02142  
Phone 617/494-3427  
Fax 617/494-3636

**NHTSA Region II**

*(New Jersey, New York, Puerto Rico, Virgin Islands)*

222 Mamaroneck Avenue, Suite 204  
White Plains, NY 10605  
Phone 914/682-6162  
Fax 914/682-6239

**NHTSA Region III**

*(Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia)*

BWI Commerce Park  
7526 Connelley Drive, Suite L  
Hanover, MD 21076  
Phone 410/768-7111  
Fax 410/768-7118

**NHTSA Region IV**

*(Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)*

Atlanta Federal Center  
100 Alabama Street, SW, Suite 17T30  
Atlanta, GA 30303-3106  
Phone 404/562-3739  
Fax 404/562-3763

**NHTSA Region V**

*(Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)*

19900 Governor Drive, Suite 201  
Olympia Fields, IL 60461  
Phone 708/503-8822  
Fax 708/503-8991

**NHTSA Region VI**

*(Arkansas, Louisiana, New Mexico, Oklahoma, Texas, Indian Nations)*

819 Taylor Street, Room 8A38  
Fort Worth, TX 76102  
Phone 817/334-3653  
Fax 817/334-8339

**NHTSA Region VII**

*(Iowa, Kansas, Missouri, Nebraska)*

6301 Rockhill Road,  
Room 100  
Kansas City, MO 64131  
Phone 816/822-7233  
Fax 816/822-2069

**NHTSA Region VIII**

*(Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)*

555 Zang Street, 4th Floor  
Lakewood, CO 80228  
Phone 303/969-6917  
Fax 303/969-6294

**NHTSA Region IX**

*(Arizona, California, Hawaii, Nevada, American Samoa, Guam, Northern Mariana Islands)*

201 Mission Street, Suite 2230  
San Francisco, CA 94105  
Phone 415/744-3089  
Fax 415/744-2532

**NHTSA Region X***(Alaska, Idaho, Oregon, Washington)*

3140 Jackson Federal Building  
 915 Second Street  
 Seattle, WA 98174  
 Phone 206/220-7640  
 Fax 206/220-7651

Two other federal agencies are also good sources of information:

**National Clearinghouse for Alcohol and Drug Information**  
**Center for Substance Abuse Prevention**  
**US Department of Health and Human Services**  
**PO Box 2345**  
**Rockville, MD 20847-2345**  
**Phone: 800/729-6686**  
**Web site: <http://www.health.org>**

**National Transportation Safety Board**  
**490 L'Enfant Plaza, SW**  
**Washington, DC 20594**  
**Phone: 202/314-6000**  
**Web site: <http://www.nts.gov>**

***State Governments***

Each governor appoints a highway safety representative to manage the state's highway safety program, including administration of the federal Highway Safety Community Grant program.

The governor's representative also serves as a liaison between the governor and the highway safety community. These professionals and their staffs are a great resource on all highway safety issues, particularly impaired driving. The governor's representatives have a national organization in Washington:

**National Association of Governors' Highway Safety Representatives**  
 750 First Street, NE, Suite 720  
 Washington, DC 20002  
 Phone: 202/789-0942  
 Fax: 202/789-0946

The following are the offices of the governors' highway safety representatives:

**Alabama Department of Economic & Community Affairs**  
**Law Enforcement/Traffic Safety Division**  
 PO Box 5690  
 Department of Economic & Community Affairs  
 401 Adams Avenue, Suite 580  
 Montgomery, AL 36103-5690  
 Phone: 334/242-5803  
 Fax: 334/242-0712

**Highway Safety Planning Agency**  
**Alaska Department of Public Safety**  
 PO Box 111200  
 Juneau, AK 99811-1200  
 Phone: 907/465-4374  
 Fax: 907/463-5860

**Governor's Representative/Commissioner of Public Safety**  
**American Samoa Government**  
 PO Box 1086  
 Pago Pago, AS 96799  
 Phone: 011-684-633-1111  
 Fax: 011-684-633-5111

**Governor's Office of Community and Highway Safety**  
**Arizona Department of Public Safety**  
 3010 N. Second Street, Suite 105  
 Phoenix, AZ 85012  
 Phone: 602/255-3216  
 Fax: 602/255-1265

**Highway Safety Program**  
**Arkansas Highway & Transportation Department**  
 PO Box 2261  
 11300 Baseline Road  
 Little Rock, AR 72203  
 Phone: 501/569-2648  
 Fax: 501/569-2651

**Office of Traffic Safety California Business, Transportation, & Housing Agency**  
 7000 Franklin Boulevard, Suite 440  
 Sacramento, CA 95823  
 Phone: 916/262-0990  
 Fax: 916/262-2960

**Colorado Office of Transportation Safety**  
**Department of Transportation**  
 Headquarters Complex  
 4201 East Arkansas Avenue  
 Denver, CO 80222  
 Phone: 303/757-9381  
 Fax: 303/757-9439

**Division of Highway Safety**  
**Connecticut Department of Transportation**  
 2800 Berlin Turnpike  
 PO Box 317546  
 Newington, CT 06131-7546  
 Phone: 860/594-2363  
 Fax: 860/594-2374

**Office of Highway Safety**  
**Delaware Department of Public Safety**  
 PO Box 1321  
 Dover, DE 19903-1321  
 Phone: 302/739-3295  
 Fax: 302/739-5995

**Transportation Safety Branch**  
**DC Department of Public Works**  
 2000 14th Street, NW, 7th Floor  
 Washington, DC 20009  
 Phone: 202/939-8018  
 Fax: 202/939-7185

**Safety Office Florida Department of Transportation**  
605 Suwannee Street, MS 53  
Tallahassee, FL 32399-0450  
Phone: 904/488-3546  
Fax: 904/922-2935

**Georgia Governor's Office of Highway Safety**  
Equitable Building  
100 Peachtree Street, Suite 2000  
Atlanta, GA 30303  
Phone: 404/656-6996  
Fax: 404/651-9107

**Highway Safety Coordinator**  
**Guam Department of Public Works**  
PO Box 2950  
Agana, GU 96910  
Phone: 011-671-646-3211  
Fax: 011-671-649-3733

**Operator Assisted Calls: 01-671-646-3211**  
**Motor Vehicle Safety Office**  
**Hawaii Department of Transportation**  
1505 Dillingham Blvd., Suite 214  
Honolulu, HI 96817  
Phone: 808/832-5820  
Fax: 808/832-5830

**Office of Highway Safety**  
**Idaho Transportation Department**  
PO Box 7129, 3311 West State Street  
Boise, ID 83707-1129  
Phone: 208/334-8101  
Fax: 208/334-3858

**Division of Traffic Safety**  
**Illinois Department of Transportation**  
PO Box 19245  
3215 Executive Park Drive  
Springfield, IL 62794-9245  
Phone: 217/782-4972  
Fax: 217/782-9159

**Indiana Governor's Council on Impaired and Dangerous Driving**  
150 West Market Street, Suite 330  
Indianapolis, IN 46204  
Phone: 317/232-1299  
Fax: 317/232-5150

**Indian Highway Safety Program**  
**Bureau of Indian Affairs**  
Department of the Interior  
PO Box 2006  
Albuquerque, NM 87103  
Phone: 505/248-5053  
Fax: 505/248-5064

**Governor's Traffic Safety Bureau**  
**Iowa Department of Public Safety**  
307 East 7th Street  
Des Moines, IA 50319-0248  
Phone: 515/281-3907  
Fax: 515/281-6190

**Kansas Bureau of Traffic Safety**  
Thacher Building, 2nd Floor  
217 S.E. 4th  
Topeka, KS 66603-3504  
Phone: 913/296-3756  
Fax: 913/291-3010

**Highway Safety Standards Branch**  
**Kentucky State Police Headquarters**  
919 Versailles Road  
Frankfort, KY 40601  
Phone: 502/695-6356  
Fax: 502/573-1634

**Highway Safety Commission**  
**Louisiana Department of Public Safety**  
PO Box 66336  
Baton Rouge, LA 70896  
Phone: 504/925-6991  
Fax: 504/922-0083

**Bureau of Highway Safety**  
**Maine Department of Public Safety**  
Station #42  
Augusta, ME 04333  
Phone: 207/624-8756  
Fax: 207/624-8768

**Northern Mariana Islands**  
**Department of Public Safety**  
PO Box 791  
Saipan, M.P. 96950  
Phone: 011-670-034-6505  
Fax: 011-670-234-8531

**Office of Traffic & Safety**  
**Maryland State Highway Administration**  
7491 Connelley Drive  
Hanover, MD 21076  
Phone: 410/787-5822  
Fax: 410/787-5823

**Massachusetts Governor's Highway Safety Bureau**  
100 Cambridge Street, Room 2104  
Boston, MA 02202  
Phone: 617/727-5073  
Fax: 617/727-5077

**Michigan Office of Highway Safety Planning**  
4000 Collins Road, PO Box 30633  
Lansing, MI 48909-8133  
Phone: 517/333-5291  
Fax: 517/333-5756

**Office of Traffic Safety**  
**Minnesota Department of Public Safety**  
Town Square, Suite 100-B  
444 Cedar Street  
St. Paul, MN 55101-2128  
Phone: 612/296-3804  
Fax: 612/297-4844

**Highway Safety Office**  
**Mississippi Department of Public Safety**  
PO Box 23039  
401 North West Street, 8th Floor  
Jackson, MS 39225-3039  
Phone: 601/359-7842  
Fax: 601/359-7832

**Missouri Division of Highway Safety**  
PO Box 104808  
Jefferson City, MO 65110-4808  
Phone: 573/751-7643  
Fax: 573/634-5977

**Highway Traffic Safety**  
**Montana Department of Justice**  
 1310 East Lockett  
 Helena, MT 59620  
 Phone: 406/444-3412  
 Fax: 406/444-7303

**Office of Highway Safety**  
**Nebraska Department of Motor Vehicles**  
 PO Box 94612  
 301 Centennial Mall South  
 Lincoln, NE 68509-4789  
 Phone: 402/471-3900  
 Fax: 402/471-3865

**Office of Traffic Safety Nevada Department of**  
**Motor Vehicles & Public Safety**  
 555 Wright Way  
 Carson City, NV 89711-0900  
 Phone: 702/687-3243  
 Fax: 702/687-5328

**New Hampshire Highway Safety Agency**  
 Pine Inn Plaza  
 117 Manchester Street  
 Concord, NH 03301  
 Phone: 603/271-2131  
 Fax: 603/271-3790

**Division of Highway Traffic Safety**  
**New Jersey Dept. of Law & Public Safety, CN 048**  
 Trenton, NJ 08625  
 Phone: 609/633-9300  
 Fax: 609/633-9020

**Traffic Safety Bureau New Mexico State Highway &**  
**Transportation Department**  
 PO Box 1149  
 Santa Fe, NM 87504-1149  
 Phone: 505/827-0429  
 Fax: 505/827-0431

**New York State Governor's Traffic Safety Committee**  
 Empire State Plaza, Swan St. Bldg., Room 521  
 Albany, NY 12228  
 Phone: 518/474-0858  
 Fax: 518/473-0041

**North Carolina Governor's Highway Safety Program**  
 215 East Lane Street  
 Raleigh, NC 27601  
 Phone: 919/733-3083  
 Fax: 919/733-0604

**Driver Licensing & Traffic Safety**  
**North Dakota Department of Transportation**  
 608 East Boulevard Avenue  
 Bismarck, ND 58505-0700  
 Phone: 701/328-2601  
 Fax: 701/328-4545

**Office of the Ohio Governor's Highway Safety**  
**Representative**  
 PO Box 7167  
 240 Parsons Avenue  
 Columbus, OH 43205-0167  
 Phone: 614/466-3250  
 Fax: 614/466-0433

**Highway Safety Office**  
**Oklahoma Department of Public Safety**  
 3223 N. Lincoln  
 Oklahoma City, OK 73105  
 Phone: 405/521-3314  
 Fax: 405/524-4906

**Transportation Safety Section**  
**Oregon Department of Transportation**  
 555 13th Street, N.E.  
 Salem, OR 97310-1333  
 Phone: 503/986-4192  
 Fax: 503/986-4189

**Pennsylvania Bureau of Highway & Traffic Engineering**  
 PO Box 2047  
 Harrisburg, PA 17105-2047  
 Phone: 717/787-7350  
 Fax: 717/783-8012

**Traffic Safety Commission**  
**Puerto Rico Department of Public Works**  
 Box 41289, Minillas Station  
 Santurce, PR 00940  
 Phone: 809/723-3590  
 Fax: 809/727-0486

**Rhode Island Governor's Office of Highway Safety**  
 345 Harris Avenue  
 Providence, RI 02909  
 Phone: 401/277-3024  
 Fax: 401/277-2086

**South Carolina Department of Public Safety**  
**Office of Safety & Grants**  
 5400 Broad River Road  
 Columbia, SC 29210  
 Phone: 803/896-7896  
 Fax: 803/896-8393

**South Dakota Office of Highway Safety**  
 500 E. Capital  
 Pierre, SD 57501  
 Phone: 605/773-3178  
 Fax: 605/773-3018

**Tennessee Governor's Highway Safety Program**  
**Department of Transportation**  
 505 Deaderick Street, Suite 600  
 James K. Polk State Office Bldg.  
 Nashville, TN 37243-0341  
 Phone: 615/741-7590  
 Fax: 615/741-9673

**Traffic Operations Division**  
**Texas Department of Transportation**  
 125 E. 11th Street  
 Austin, TX 78701-2483  
 Phone: 512/416-3167  
 Fax: 512/416-3349

**Utah Department of Public Safety**  
**Highway Safety Office**  
 411 West 7200 South, Suite 300  
 Salt Lake City, UT 84047-1016  
 Phone: 801/225-0573  
 Fax: 801/225-0823

**Governor's Highway Safety Program**  
**Vermont Department of Public Safety**  
 103 South Main Street  
 Waterbury, VT 05671-2101  
 Phone: 802/244-1317  
 Fax: 802/244-1106

**Virginia Department of Motor Vehicles  
Transportation Safety Office**  
PO Box 27412  
2300 West Broad Street  
Richmond, VA 23269  
Phone: 804/367-8140  
Fax: 804/367-6631

**Governor's Representative  
Virgin Islands Office of Highway Safety**  
Lagoon Street Complex, Fredricksted  
St. Croix, VI 00840  
Phone: 809/776-5820  
Fax: 809/772-2626

**Washington Traffic Safety Commission**  
PO Box 40944  
1000 South Cherry Street  
Olympia, WA 98504-0944  
Phone: 360/753-6197  
Fax: 360/586-6489

**Governor's Highway Safety Program West Virginia  
Criminal Justice & Highway Safety Division**  
1204 Kanawha Boulevard, East  
Charleston, WV 25301  
Phone: 304/558-8814  
Fax: 304/558-0391

**Bureau of Transportation Safety  
Wisconsin Department of Transportation**  
PO Box 7936  
4802 Sheboygan Avenue, Room 809  
Madison, WI 53707  
Phone: 608/266-0402  
Fax: 608/267-0441

**Highway Safety Program  
Wyoming Transportation Department**  
PO Box 1708  
Cheyenne, WY 82003-1708  
Phone: 307/777-4450  
Fax: 307/777-4250

### *The Private Sector*

The National Safety Council, with chapters all over the country, can provide information on a wide range of occupational, home and traffic safety issues. The Council produces dozens of publications and provides services and educational opportunities in these areas.

**National Safety Council**  
1121 Spring Lake Drive  
Itasca, IL 60143  
Phone: 630/285-1121  
Fax: 630/285-1315  
Web site: <http://www.nsc.org>

**Mothers Against Drunk Driving is a non-profit, grass roots organization with more than 400 chapters nationwide. It "is not a crusade against alcohol consumption;" its focus is "to look for effective solutions to the drunk driving and underage drinking problems, while supporting those who have already experienced the pain of these senseless crimes." To join, find a chapter in your area or for more information, contact the National Office at:**

**Mothers Against Drunk Driving**  
511 E. John Carpenter Freeway., #700  
Irving, Texas 75062  
Phone: 214/744-MADD (6233)  
Fax: 972/869-2206/2207  
Web site: <http://www.gran-net.com/madd/>

Other private sector groups may be helpful. Here is a list of some of the national organizations that support .08 BAC laws.

**Advocates for Highway and Auto Safety**  
750 First Street, NE, Suite 901  
Washington, DC 20002  
Phone: 202/408-1711  
Web site: <http://www.saferoads.org>

**American Automobile Association**  
1000 AAA Drive  
Heathrow, FL 32746  
Phone: 407/444-7000  
Web site: <http://www.aaa.com>

**American Automobile Manufacturers Association**  
1401 H Street, NW, Suite 900  
Washington, DC 20005  
Phone: 202/326-5500  
Web site: <http://aama.com>

**American Coalition for Traffic Safety**  
1110 N. Glebe Road, Suite 1020  
Arlington, VA 22201  
Phone: 703/243-7501

**American Insurance Association**  
1130 Connecticut Avenue, Suite 1000  
Washington, DC 20036  
Phone: 202/828-7100  
Web site: <http://www.aiadc.org>

**American Medical Association**  
515 North State Street  
Chicago, IL 60610-4379  
312/464-5000  
Web site: <http://www.ama-assn.org>

**Insurance Institute for Highway Safety**  
1005 North Glebe Road  
Arlington, VA 22201  
Phone: 703/247-1500  
Web site: <http://www.hwysafety.org>

**International Association of Chiefs of Police**  
515 North Washington Street  
Alexandria, VA 22314  
Phone: 703/836-6767  
Web site: <http://www.internationalchiefs.org> (as of March 1997)

**National Commission Against Drunk Driving**  
1900 L Street NW, Suite 705  
Washington, DC 20036  
Phone: 202/452-6004  
Web site: <http://www.ncadd.com>

**Remove Intoxicated Drivers (RID)**  
PO Box 520  
Schenectady, NY 12301  
Phone: 518/393-4357  
Web site: TBA

**Students Against Driving Drunk (SADD)**  
PO Box 800  
Marlboro, MA 01752  
Phone: 508/481-3568

## APPENDIX C

## Model Law

The Uniform Vehicle Code, published by the National Committee on Uniform Traffic Laws and Ordinances, is a document developed by transportation and highway safety professionals to serve as a guideline for those developing state motor vehicle legislation. Inclusion of this model law here should not be interpreted as a formal endorsement by the National Safety Council or the National Highway Traffic Safety Administration. The entire Uniform Vehicle Code is available on the World Wide Web at <http://www.ncutlo.org>.

**CHAPTER 11 - Rules of the Road**

ARTICLE IX – SERIOUS TRAFFIC OFFENSES  
11-902 – *Driving while under the influence of alcohol or drugs*

***(a) A person shall not drive or be in actual physical control of any vehicle while:***

1. The alcohol concentration in such person's blood or breath is 0.08 or more based on the definition of blood and breath units in [Section 11-903(a)(5)].

Optional 1. The alcohol concentration in such person's blood or breath as measured within three hours of the time of driving or being in the actual physical control is 0.08 or more based on the definition of blood and breath units in [Section 11-903]. If proven by a preponderance of evidence, it shall be an affirmative defense to a violation of this subsection that the defendant consumed a sufficient quantity of alcohol after the time of driving or actual physical control of a

vehicle and before the administration of the evidentiary test to cause the defendant's alcohol concentration to be 0.08 or more. The foregoing provision shall not limit the introduction of any other competent evidence bearing upon the question whether or not the person violated this section, including tests obtained more than three hours after such alleged violation.

2. Under the influence of alcohol;

3. Under the influence of any other drug or combination of other drugs to a degree which renders such person incapable of safely driving; or

4. Under the combined influence of alcohol and any other drug or drugs to a degree which renders such person incapable of safely driving.

(b) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or other drug shall not constitute a defense against any charge of violating this section.

(c) In addition to the provisions of [Section 11-904], every person convicted of violating this section shall be punished by imprisonment for not less than 10 days or more than one year, or by fine of not less than \$100 nor more than \$1,000, or by both such fine and imprisonment and on a second or subsequent conviction, such person shall be punished by imprisonment for not less than 90 days nor more than one year, and, in the discretion of the court, a fine of not more than \$1,000.

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