



February 9, 2017

The Honorable Lee B. Perry  
Chair  
Law Enforcement and Criminal Justice Committee  
Utah House of Representatives  
350 North State  
Salt Lake City, Utah 84114

The Honorable Edward H. Redd  
Vice Chair  
Law Enforcement and Criminal Justice Committee  
Utah House of Representatives  
350 North State  
Salt Lake City, Utah 84114

Dear Chairman Perry and Vice Chairman Redd:

Advocates for Highway and Auto Safety (Advocates), an alliance of consumer, safety, medical and public health groups, and insurance companies working together to pass highway and auto safety laws that prevent crashes, save lives, and reduce costs, supports House Bill (HB) 155. This legislation aims to reduce alcohol impaired driving on Utah's roadways by lowering the legal limit of impaired driving to .05 percent blood alcohol content (BAC). This law is already preventing deaths and injuries in more than ninety-one countries around the world, and would help Utah to deter drunk driving and save lives. In 1983, Utah was the first state to enact a .08 percent BAC law. We urge Utah to continue its leadership in reducing impaired driving by being the first state to enact a .05 percent BAC law.

Drunk driving is a deadly and costly threat to Utah's families. In 2015, there were 276 fatalities on the state's roads and nearly twenty percent of those deaths (53) were alcohol-related (National Highway Traffic Safety Administration (NHTSA)). Over the ten-year period from 2006 to 2015, 468 people were killed on Utah's roadways in crashes involving a drunk driver over the legal limit of .08 percent BAC (NHTSA). Drunk driving is a serious problem that requires an effective solution.

The average male (170 pounds) does not reach the current legal limit for alcohol impaired driving until having consumed a marked amount of alcohol, approximately five alcohol drinks within two hours.<sup>i</sup> However, laboratory evidence shows that most adults are significantly impaired at .05 percent BAC.<sup>ii</sup> At .05 percent BAC a person displays exaggerated behavior, may have loss of small-muscle control (focusing eyes), impaired judgement, lowered alertness and release of inhibition. When applied to driving skills, a .05 percent BAC results in reduced coordination, reduced ability to track moving objects, difficulty steering and reduced response to emergency driving situations.<sup>iii</sup> 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.<sup>iv</sup>

In fact, most industrialized nations have established a .05 percent BAC or lower limit for driving. In Europe and Australia, the fatal and injury alcohol-involved crashes decreased at least five to eight percent and up to 18 percent after these countries lowered their legal BAC limit from .08 to .05 percent. Research shows that when states adopt lower BAC limits it results in a reduction in impaired driving fatal crashes. This occurred when states in the U.S. lowered BAC limits from .10 to .08 percent.<sup>v</sup>

Moreover, when states lowered their BAC limits from .10 to .08 percent, there were no adverse impacts on the operation of the criminal justice system. While it is reasonable to expect a slight increase in driving while impaired (DWI) arrests, it should not prove overly burdensome. "Several studies, including a NHTSA-sponsored study in Illinois, examined the impact of lowering the BAC limit from 0.10 to 0.08 percent on enforcement efforts and the criminal justice system. These studies did not find any significant problems for the police or for the court systems in adjusting to a lower limit. The same should happen when the limit is lowered from 0.08 to 0.05 BAC."<sup>vi</sup> Additionally, the change should not require law enforcement officers to learn new protocols for determining

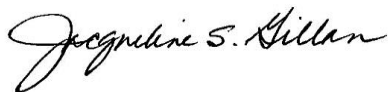
impairment or strain enforcement efforts. Probable cause to stop drivers and to determine if they are impaired will remain, testing technology will be recalibrated to reflect a lower BAC limit, and “the horizontal gaze nystagmus (HGN) test of the three Standardized Field Sobriety Tests (SFSTs) is just as valid at 0.05 BAC as it is at 0.08 BAC and 0.10 BAC.”<sup>vii</sup>

Lowering BAC limits to .05 percent will act as a deterrent for drunk driving. Several studies have shown that .08 laws not only reduce the incidence of impaired driving at lower BACs, they also reduce the incidence of impaired driving at higher BACs (over .10 and over .15).<sup>viii</sup> Lowering the illegal BAC limit from .10 BAC to .08 BAC was associated with an 18 percent decrease in the proportion of fatal crashes with a fatally injured driver whose BAC was .15 or greater. Studies have estimated that if all states were to adopt the .05 BAC limit, and it was enforced, an estimated 500–800 lives could be saved each year in the U.S.<sup>ix</sup>

The data is clear and convincing. Almost every 90 seconds, a person is injured in a drunk driving crash in this country. Impaired driving accounts for nearly a third of all traffic deaths in the U.S. More than 10,000 people died in crashes involving a drunk driver in 2015. This equates to 28 people being killed in drunk driving crashes every day, on average.<sup>x</sup> Additionally, one in three people will be involved in a drunk driving crash in their lifetime.<sup>xi</sup> According to NHTSA data from 2010, these tragic, preventable crashes also resulted in \$201 billion in comprehensive costs to society. Traffic crashes in Utah alone result in \$1.725 billion in yearly costs to taxpayers (NHTSA).

Each person needlessly killed in alcohol-related crashes on Utah’s roads forever changes the lives of families, friends and communities. Advocates urges you to support passage of HB 155.

Sincerely,



Jacqueline Gillan, President

CC: Law Enforcement and Criminal Justice Committee Members

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<sup>i</sup> Fell, Jim C., Voas, Robert B. *The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States*, Pacific Institute for Research and Evaluation. June 2014. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4448946/pdf/nihms692693.pdf>

<sup>ii</sup> Ibid.

<sup>iii</sup> MADD, *What is .08?* Available at: <http://www.madd.org/drunken-driving/about/understanding-08.html>

<sup>iv</sup> Fell, Jim C., Voas, Robert B. *The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States*, Pacific Institute for Research and Evaluation. June 2014. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4448946/pdf/nihms692693.pdf>

<sup>v</sup> Tippetts AS, Voas RB, Fell JC, Nichols JL. A meta-analysis of .08 BAC laws in 19 jurisdictions in the United States. *Accid Anal Prev.* 2005; 37:149–161. Wagenaar A, Maldonado-Molina M, Ma L, Tobler A, Komro K. Effects of legal BAC limits on fatal crash involvement: analyses of 28 states from 1976 through 2002. *J Saf Res.* 2007; 38:493–499; Voas, RB.; Taylor, EP.; Kelley Baker, T.; Tippetts, AS. Washington, DC: National Highway Traffic Safety Administration; 2000 Dec. Effectiveness of the Illinois .08 law. Report no.: Final Report DOT HS 809 186; Hingson R, Heeren T, Winter M. Effects of recent 0.08% legal blood alcohol limits on fatal crash involvement. *Inj Prev.* 2000; 6:109–114. ; and Hingson R, Heeren T, Winter M. Lowering state legal blood alcohol limits to 0.08 percent: The effect on fatal motor vehicle crashes. *Am J Public Health.* 1996; 86:1297–1299.

<sup>vi</sup> Fell JC, Voas RB.. The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States. *Addiction.* 2014;109:869–74. 10.1111/add.12365 (FELL 2014); citing Voas, RB.; Taylor, EP.; Kelley Baker, T.; Tippetts, AS. Washington, DC: National Highway Traffic Safety Administration; 2000 Dec. Effectiveness of the Illinois .08 law. Report no.: Final Report DOT HS 809 186.

<sup>vii</sup> Fell 2014, citing McKnight AJ, Langston E, McKnight AS, Lange J. Sobriety tests for low blood alcohol concentrations. *Accid Anal Prev.* 2002; 34:305–311.

<sup>viii</sup> Brooks & Zaal, 1992; Hingson, et al., 1996; Hingson, Heeren, & Winter, 2000; Tippetts, Voas, Fell, & Nichols, 2005; Wagenaar, et al., 2007. Information available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4448946/>.

<sup>ix</sup> Tippetts AS, Voas RB, Fell JC, Nichols JL. A meta-analysis of .08 BAC laws in 19 jurisdictions in the United States. *Accid Anal Prev.* 2005; 37:149–161, and Wagenaar A, Maldonado-Molina M, Ma L, Tobler A, Komro K. Effects of legal BAC limits on fatal crash involvement: analyses of 28 states from 1976 through 2002. *J Saf Res.* 2007; 38:493–499.

<sup>x</sup> MADD Drunk Driving Statistics. Available at: <http://www.madd.org/drunken-driving/about/drunken-driving-statistics.html>

<sup>xi</sup> Ibid.