

# Traffic Safety Facts

## Laws

DOT HS 810 722W

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## High-BAC Laws

### Background

NHTSA 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 one 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 and \$13,200 per patient for motorcycle injuries.

- For 2005, the most frequently recorded BAC level among drinking drivers involved in fatal crashes was .17 g/dL.
- In 2005, there were 16,885 alcohol-related fatalities in motor vehicle crashes.
- In 2005, 39 percent of fatal motor vehicle crashes nationwide were alcohol-related.
- In 2005, 60 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, 40 States have enacted high-BAC laws. Alabama, Kansas, Maryland, Michigan, Mississippi, New Jersey, Oregon, Vermont, West Virginia, and Wyoming do not have enhanced sanctions for high BAC offenders.
- The adopted high-BAC levels vary from State to State, from .15 to .20.
- A variety of organizations, including Mothers Against Drunk Driving, 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).

### Incentive Grant Program

In 2005, Congress enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Section 2007 of SAFETEA-LU amends the alcohol-impaired driving countermeasures incentive grant program (under Section 410 of chapter 4 of Title 23) to encourage 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 impaired driving activities in accordance with the Federal statute.

The High-Risk Drivers provision of Section 410, as revised by SAFETEA-LU, provides that high-risk driver laws must include stronger sanctions or additional

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penalties for individuals who, in any five-year period after June 9, 1998, are convicted of DWI with a BAC of .15 or more, than for individuals convicted of the same offense but with a lower BAC. SAFETEA-LU provides that these additional penalties must include:

- a one-year suspension of license, provided 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 statutory provisions of the Section 410 program have been implemented by a NHTSA regulation in 23 CFR Part 1313.

## References

Compton, R., Blomberg, R., Moskowitz, H., Burns, M., Peck, R., and Fiorentino, D. *Crash Risk of Alcohol Impaired Driving*. Proceedings of the 16th International Conference on Alcohol, Drugs, and Traffic Safety. (Eds. Mayhew, D.R., and Dussault, C.), vol 2, pgs. 673-678, Quebec, Canada: Societe de l'assurance automobile du Quebec; 2002.

*Countermeasures that Work. A Highway Safety Countermeasures Guide for State Highway Safety Offices*. DOT HS 809 980. National Highway Traffic Safety Administration, Washington, DC, 2006.

*Enhanced Sanctions for Higher BACs: Evaluation of Minnesota's High BAC Law*. National Highway Traffic Safety Administration, Washington, DC, DOT HS 809 677, May 2004.

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

*Rehabilitation Costs and Long-Term Consequences of Motor Vehicle Injury*. National Highway Traffic Safety Administration, Washington DC, DOT HS 810 581, March 2006.



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Reports and additional information are available from your State Highway Safety Office, the NHTSA Regional Office serving your State, NHTSA Headquarters, Impaired Driving and Occupant Protection Office, ATTN: NTI-111, 400 Seventh Street SW., Washington, DC 20590; 202-366-2683; or NHTSA's Web site at [www.nhtsa.gov](http://www.nhtsa.gov)