



MADD
IMPAIRED
DRIVING
ENDS HERE.

0.05 BAC Per Se Law

Resources and Tools

Frequently Asked Questions:

1. Why lower the legal limit to 0.05 BAC when most states are already at 0.08?

Scientific consensus is clear: most drivers begin to experience significant impairment—slower reaction time, reduced coordination, and increased crash risk—at 0.05 BAC. Countries that adopted 0.05 saw immediate drops in alcohol-related deaths, and Utah, the first U.S. state to adopt the standard, experienced the *same* result.

2. Won't lowering the limit overwhelm courts with minor offenders?

No. Utah saw no increase in DUI arrests or court caseloads after moving to 0.05. Instead, it saw fewer impaired drivers on the road, proving the law functions primarily as a deterrent, not a mass-enforcement tool. And it's important to remember that no drunk driving offense is a minor offense.

3. Will this hurt restaurants, bars, and alcohol sales?

Evidence says no. In Utah, alcohol sales actually *increased* after the 0.05 law took effect. Most people don't stop drinking—they simply plan smarter, using designated drivers or ride-hailing services.

4. Will tourism suffer if visitors fear being unfairly targeted?

Again, real-world data disproves this concern. Utah's tourism numbers held strong and even grew, proving that safer roads *enhance* a state's reputation rather than deter visitors.

5. Isn't 0.05 an attack on responsible social drinkers?

Not at all. A 0.05 limit targets high-risk decision-making, not casual drinking. Most people can stay under 0.05 with one standard drink over an hour—and the law simply encourages safer choices before impairment sets in.

6. Does focusing on 0.05 ignore the worst offenders?

History has shown that lowering the legal limit affects drunk drivers at all levels. A 0.05 law has been shown to have a broad deterrent effect because it helps prevent drinking drivers from getting behind the wheel in the first place (not by producing more DUI arrests). Since drivers generally do not know their BAC unless they are stopped, lowering the BAC limit can help encourage drivers not to drive if they have been drinking.

7. Will police be able to enforce a BAC of 0.05 with the existing standard field sobriety test (SFST)?

Lowering the per se limit to 0.05 should not affect law enforcement's ability to use the existing standard field sobriety test (SFST). The SFST was not designed to detect an exact BAC level, but rather to detect impairment at any BAC level. Additionally, lowering the BAC limit would not change how law enforcement decides to stop a driver suspected of being impaired.

8. How many drinks does it take for someone to have a 0.05 BAC?

Having a 0.05 BAC takes more than just 1 or 2 drinks at a happy hour for most people. Though an individual's BAC depends on a person's age, gender, and weight as well as the food in their stomach and their metabolism rate, it takes at least four drinks for an average 170-pound male to exceed 0.05 BAC in 2 hours on an empty stomach (three drinks for a 137-pound female).

Additional Resources:

- 1) NHTSA
 - a) [Report: Evaluation of Utah's .05 BAC Per Se Law](#)
 - b) [Summary: Evaluation of Utah's .05 BAC Per Se Law \(Traffic Tech\)](#)
 - c) [Legislative History of .08 Per Se Laws](#)
- 2) NTSB
 - a) [.05 BAC per se Limit](#)
 - b) [NTSB Recommendation of .05 BAC Further Proved by NHTSA Study](#)
- 3) Utah
 - a) [20th Annual DUI Report to the Utah Legislature](#)
 - b) [Utah Department of Public Safety | FAQ – New .05 BAC Law](#)
 - c) [Rep. Norm Thurston DUI site](#)
- 4) Washington
 - a) [0.05 Saves Lives: Alcohol impaired driving is a public health and safety epidemic](#)
- 5) NORC at the University of Chicago
 - a) [Point/Counterpoint: Potential Statements and Questions by Opponents of .05 BAC Laws](#)