

0.05 BAC Per Se

Possible Lives Saved Nationally

1,302

Economic Impact

\$17,837,400,000

Background

In October 2000, the federal government enacted a law requiring states to adopt a blood alcohol concentration (BAC) per se law of 0.08 grams of alcohol per deciliter of blood by 2004 or have a percentage of their federal highway construction funds withheld. At the time, only 18 states and Washington, D.C. had enacted a 0.08 BAC per se law, with the remaining states and D.C. having a 0.10 BAC per se law. By 2004, every state and Washington, D.C. had passed a 0.08 BAC limit. This change was estimated to save 500 lives a year.

However, today, scientific evidence shows that impairment behind the wheel starts before 0.08 BAC. People with a 0.05 BAC will exhibit exaggerated behavior, possible loss of small-muscle control (e.g., eye focus), impaired judgment, lowered alertness, and release of inhibition. This has led many safety organizations, including the National Transportation Safety Board (NTSB) and the National Safety Council, to support a 0.05 BAC per se limit. In 2018, Utah became the first state to adopt a 0.05 BAC limit.

While 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, a 0.05 BAC is not typically reached with a couple of beers or glasses of wine. It takes at least four drinks for an average 170-pound male to exceed 0.05 BAC in two hours on an empty stomach (three drinks for a 137-pound female).

Data and Research

Lowering the per se limit to 0.05 BAC is a highly effective countermeasure. Not only will these laws remove more impaired drivers from the road, but they will also provide a deterrent effect that helps prevent drinking drivers from getting behind the wheel in the first place, leading to lower levels of impaired drivers at all levels. Historically, legislation lowering the BAC limit has been shown to significantly reduce fatal crashes at all BAC levels.

- **Impairment** at 0.05 BAC includes reduced coordination, decreased ability to track moving objects, difficulty steering, and a diminished response to emergency driving situations.¹⁸



- The risk of being killed in a **single-vehicle crash** for drivers with BACs between **0.05 and 0.079** is at least **seven times higher** than for sober drivers.¹⁹
- **Estimated Lives Saved:** If all U.S. states adopted a 0.05 BAC limit, approximately **1,302 lives could be saved annually**.
- **Economic Impact:** This estimates how much money society saves when policies prevent deaths and injuries in car crashes. If all states enacted a 0.05 BAC limit, almost 18 billion dollars would be saved.
- **International Success:** Over 100 countries, including most industrialized nations like Australia and many in Europe, have set their BAC limits at 0.05 or lower. These countries have seen an associated decline in fatal alcohol-related crashes. A meta-analysis of international studies found an **11.1% decline** in fatal alcohol-related crashes associated with lowering the limit to 0.05 or lower.²⁰
- **Public Opinion:** The public largely supports the measure, with surveys from organizations like the AAA Foundation for Traffic Safety showing that a majority of Americans support lowering the legal limit.²¹

Policy Recommendation

States should lower their per se limit for impairment to 0.05 BAC.

This policy recommendation is supported by AAA, MADD, National Safety Council, and the NTSB.

Relevant Research

For more resources and tools visit newsroom.aaa.com/impaireddriving.

