

UTAH LEGISLATIVE PRIMER: MYTHS ABOUT 0.05 BAC

Traffic fatalities have been on the decline since the 1970s, but the proportion caused by drunk drivers continues to hover around 30 percent nationwide. Supporters of Utah's .05 per se law have accepted flawed arguments in the hope that a lower BAC arrest threshold will save lives. The American Beverage Institute supports the .08 per se limit currently in place nationwide, and advocates for programs proven to keep dangerous drivers off the roads, like extended ignition interlock device sentences for high BAC and repeat drunk drivers.

MYTH 1

DRIVERS ARE TOO IMPAIRED TO DRIVE AT 0.05 BAC

In science, "significant" means "nonrandom." When researchers describe 0.05 BAC as causing "significant" impairment, it means there's some measurable difference between sober drivers and drivers at 0.05 BAC. **It does not mean drivers at 0.05 BAC are meaningfully impaired.** Any activity has the potential to cause impairment, but it's the amount of impairment that truly matters when it comes to crash risk:

1.2x

Adjusting Fan:
1.2x more impairing

2.03x

0.05 BAC:
2.03x more impairing

2.59x

Driver Age 65+:
2.59x more impairing

4.03x

.08 BAC:
4.03 more impairing

5.36x

Bluetooth Cellphone:
5.36x more impairing

MYTH 2

LOWERING THE BAC ARREST THRESHOLD COULD SAVE 1,790 LIVES EACH YEAR

The "1,790 lives saved" claim relies on bad data that doesn't account for variables like seatbelt use or traffic laws. The report even cites drivers drinking underage to show how .05 will save lives – but the drivers in that study were all subject to zero tolerance laws and still drank before driving just like high BAC offenders would continue to do under .05.

The authors claim that determining the effects of a 0.05 law is too complex to use better data. Research is inconclusive, but supporters treat the "deterrent effect" as unquestioned fact. **If drunk drivers aren't actually deterred, lives can't be saved.**

MYTH 3

DRUNK DRIVING INCIDENTS DECREASED WHEN OTHER COUNTRIES ADOPTED .05

Most studies evaluating .05 abroad find the law is ineffective alone. Lower limits only work in conjunction with high visibility enforcement policies like random roadside breath testing (which is illegal in the US) and elevated public awareness—although the effect can disappear after the policy ceases to make headlines. **If the unsubstantiated rumors of .05 reducing fatalities in Utah before even being enforced are true, the reduction would be due to awareness generated by the high profile conversation around the law, not the law itself.**

Other countries also observe tiered penalties so drivers at 0.05 BAC only face a traffic ticket or minor fine. Heavy DUI punishments are reserved for the higher BAC drivers who present a real danger on the road.

Most European countries also allow teenagers to drink. Studies show that alcohol affects young and novice drivers more severely than adults. In the US, zero tolerance laws already apply to drivers under 21.

.05 per se laws won't save lives if they can't get the most dangerous drivers off the road.