



0.05% BLOOD ALCOHOL CONCENTRATION (BAC)

Mark McKechnie, WA Traffic Safety Commission

Content also provided by:

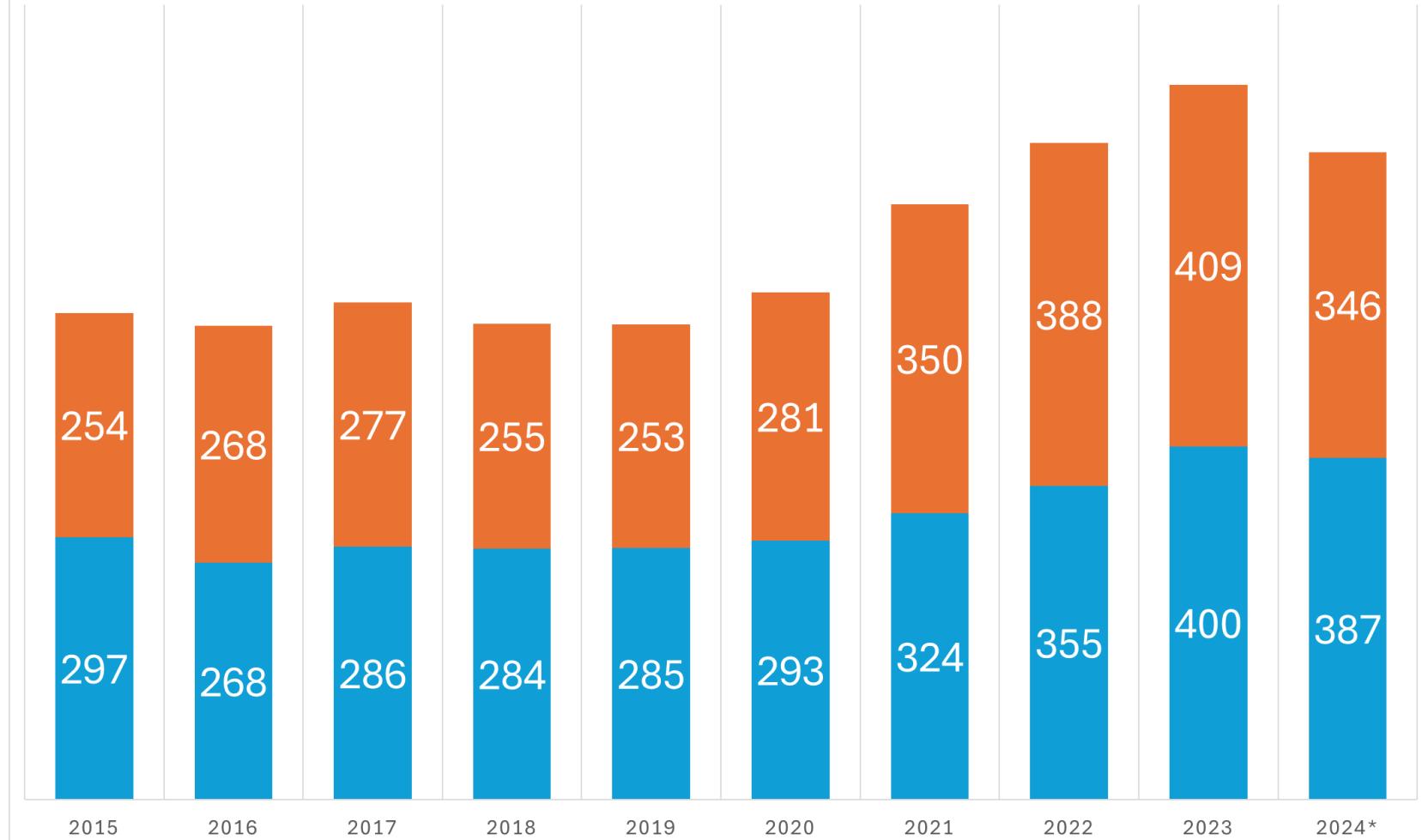
DHM Research & Desautel Hegge (DH)

Lt. Jeff Leonard, Washington State Patrol

WASHINGTON DEATHS INVOLVING IMPAIRED DRIVERS (2015-2024*)

TRAFFIC FATALITIES IN WASHINGTON INVOLVING IMPAIRED AND NON-IMPAIRED DRIVERS, 2015-2024*

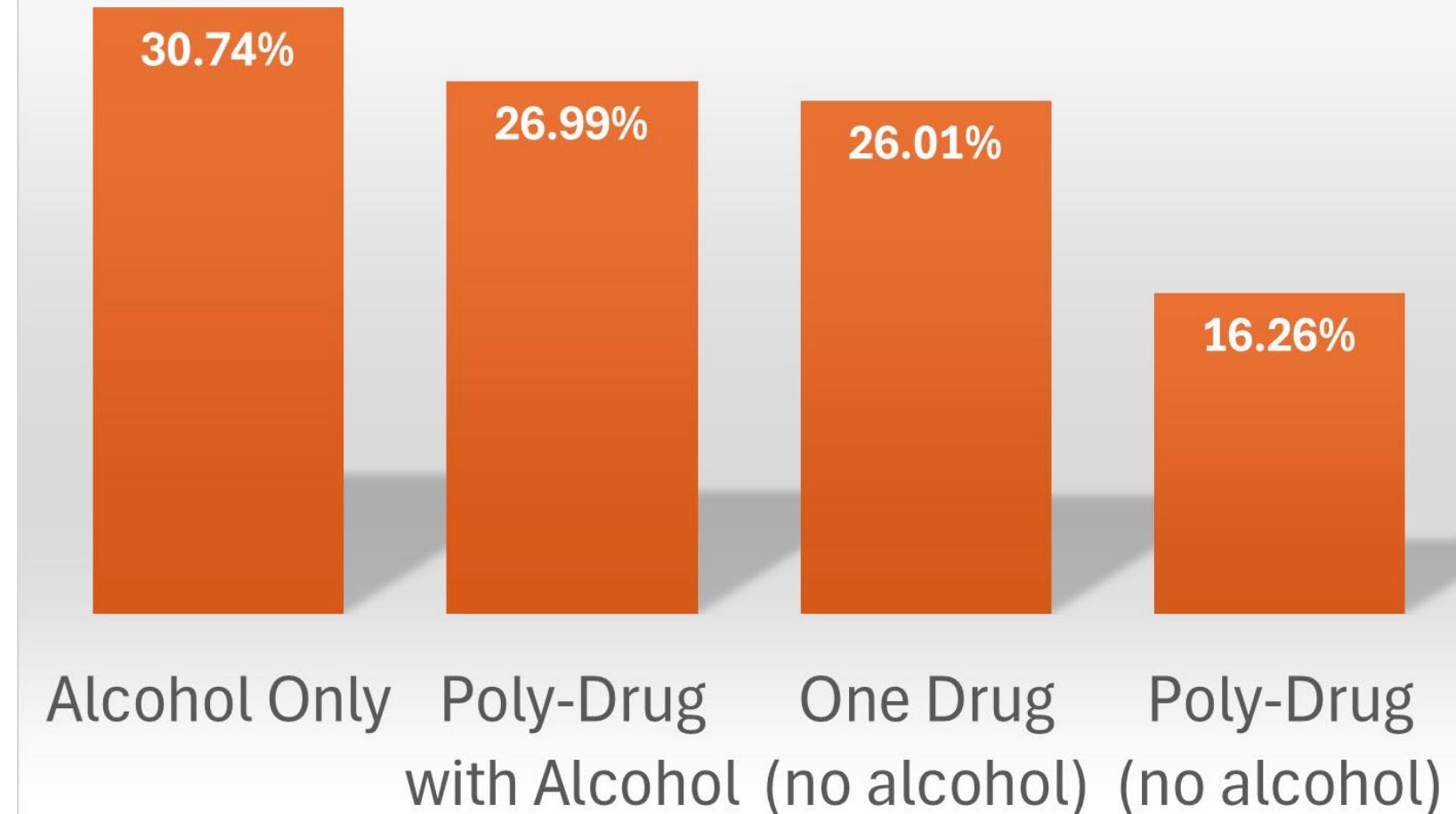
■ Non-Impaired Drivers ■ Impaired Driver Involved



*2024 data are still preliminary

ALCOHOL IS THE MOST COMMON DRUG, ALONE OR IN COMBINATION, DETECTED IN IMPAIRED DRIVERS INVOLVED IN FATAL CRASHES

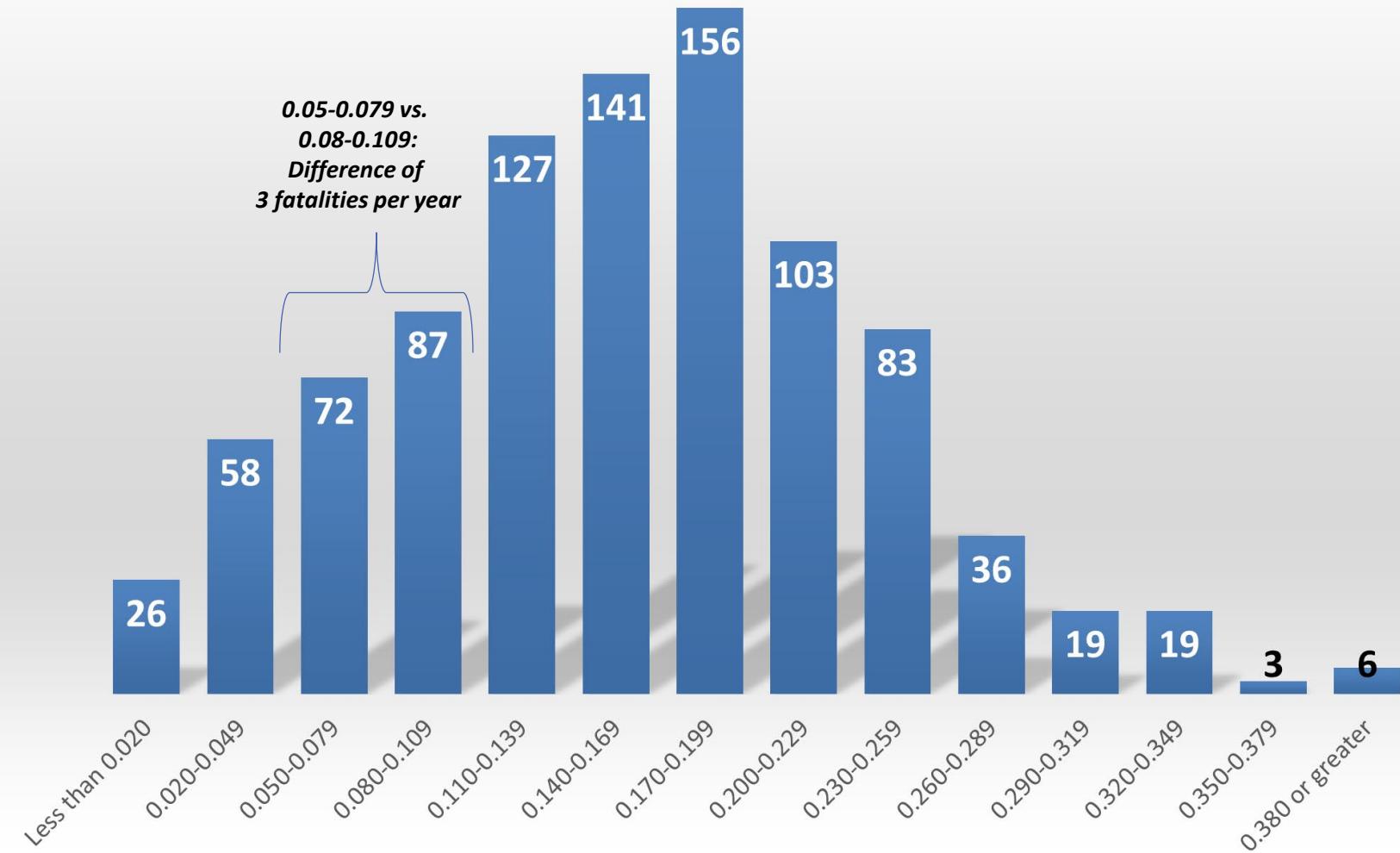
Alcohol/Drug profiles of Impaired Drivers Involved in Fatal Crashes,
Washington: 2015-2024



Total Alcohol impaired: 57.7%

DEATHS BY DRIVER BAC LEVEL, 2020-2024 (WHEN KNOWN)

Number of Deaths Involving Alcohol Affected or Impaired Drivers by
Driver Blood Alcohol Concentration (Washington, 2020-2024)



Total fatalities with known driver BAC > 0.00: 936

INCREASE IN HIGH-RISK BEHAVIORS: SPEEDING AND BAC IN FATAL CRASHES (2015-2024*)

Alcohol Levels of drivers involved in a fatal crash (includes alcohol only and poly-drug impairment)	Drivers who were speeding (%)
0.00 BAC and no other drugs detected	11%
0.00 BAC, but impaired by one or more other drugs	30%
0.01 - 0.049	38%
0.05 - 0.079	42%
0.08 - 0.119	46%
0.12 - 0.159	48%
0.16 - 0.199	51%
0.200 or higher	46%

Source: WTSC Fatal Crash Files, [Impairment-Involved Fatal Crashes dashboard](#)

WTSC AGENCY REQUEST LEGISLATION: SB 5067 (2025-2026)

IMPACT OF 0.05 *PER SE* LAWS

Drivers change behavior



Through public education, drivers are more aware of the risks of driving after drinking:

More people plan ahead (sober driver, transit, rideshare, etc.)

Existing DUI enforcement provides deterrence (“It’s just not worth it.”)

Effects:

Fewer impaired drivers on the road

Lower average BACs among drivers decrease crash risks

Fewer crashes from impaired driving

SB 5067: WHAT IT DOES

- Changes *per se* BAC limit in DUI and physical control statutes from 0.08 to 0.05 percent.
- Requires WTSC to conduct public education campaign.
- Legislative statement: “civil liability to third persons under the civil law does not depend upon a finding of the blood or breath alcohol concentration. Therefore, nothing in this act shall be construed to change current civil law for civil liability of a licensed commercial vendor or quasi-commercial vendor.
- Requires evaluation by Washington State Institute for Public Policy to consider the impact on:
 - Serious and fatal traffic crashes
 - DUI and physical control arrests
 - Impact on demographic groups and overburdened communities
 - Sales and other business effects for hospitality businesses, wineries, breweries, and distilleries in WA.

SB 5067 PROGRESS

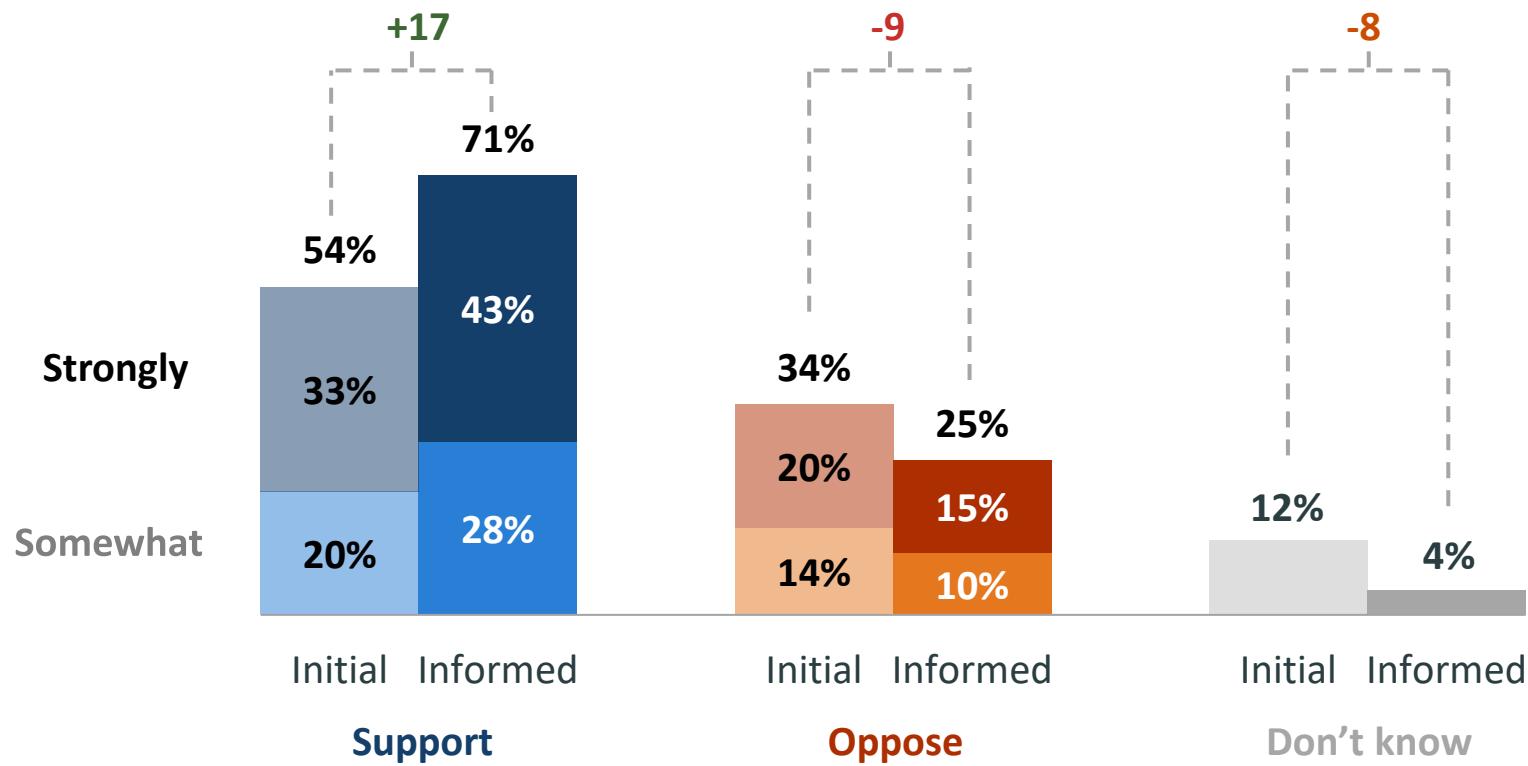
- Passed Senate Law and Justice Committee, 5-4.
- Passed Senate Transportation Committee, 11-8
- Passed Senate Rules Committee
- Was not placed on 3rd Reading for floor vote
- Will be reintroduced in 2026 by rule and presumably be considered again by Senate Rules

SURVEY, NOVEMBER 2025

METHODOLOGY

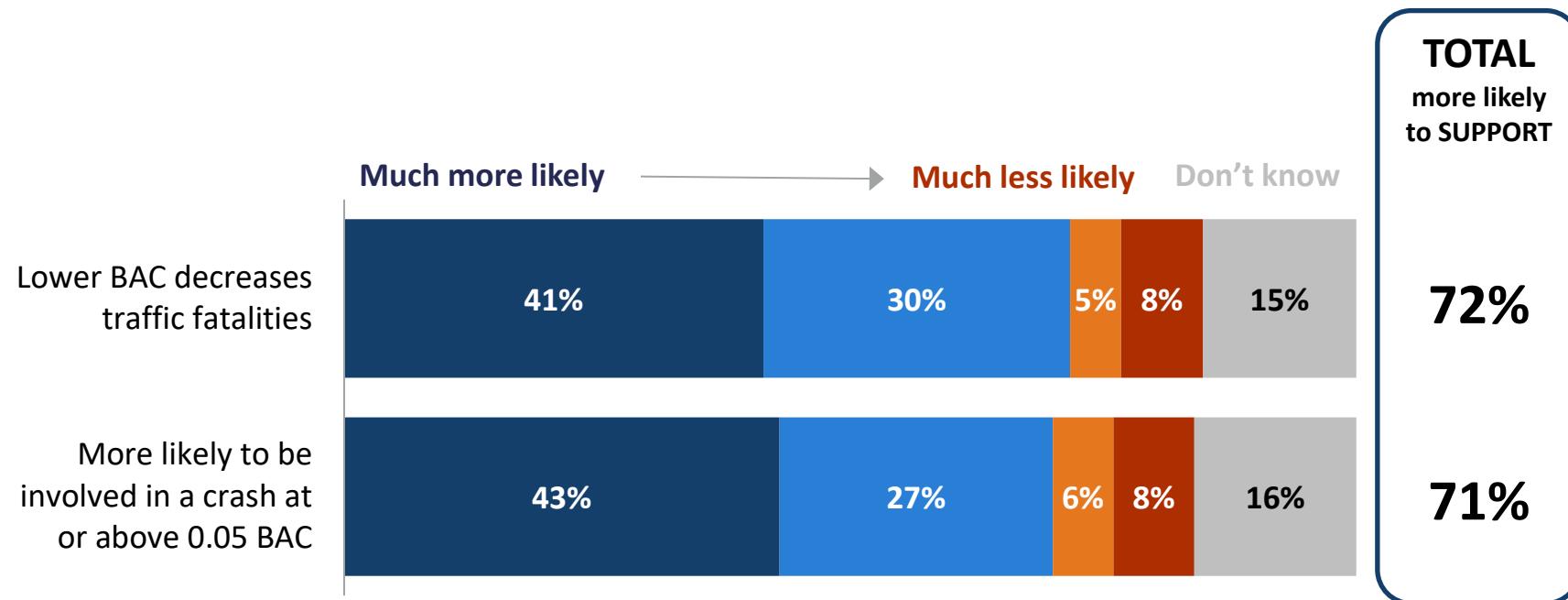
- Mixed-mode (phone and text-to-online) survey of N=850 Washington residents (ages 21+)
- Conducted November 1-8, 2025; 12 minutes to complete
- Quotas were set by gender, age, area of the state, education, race and income to ensure a representative sample
- Margin of error $\pm 3.4\%$
- Due to rounding, some totals may differ by ± 1 from the sum of separate responses

After sharing facts, support for lowering the per se BAC limit increases and is stronger.

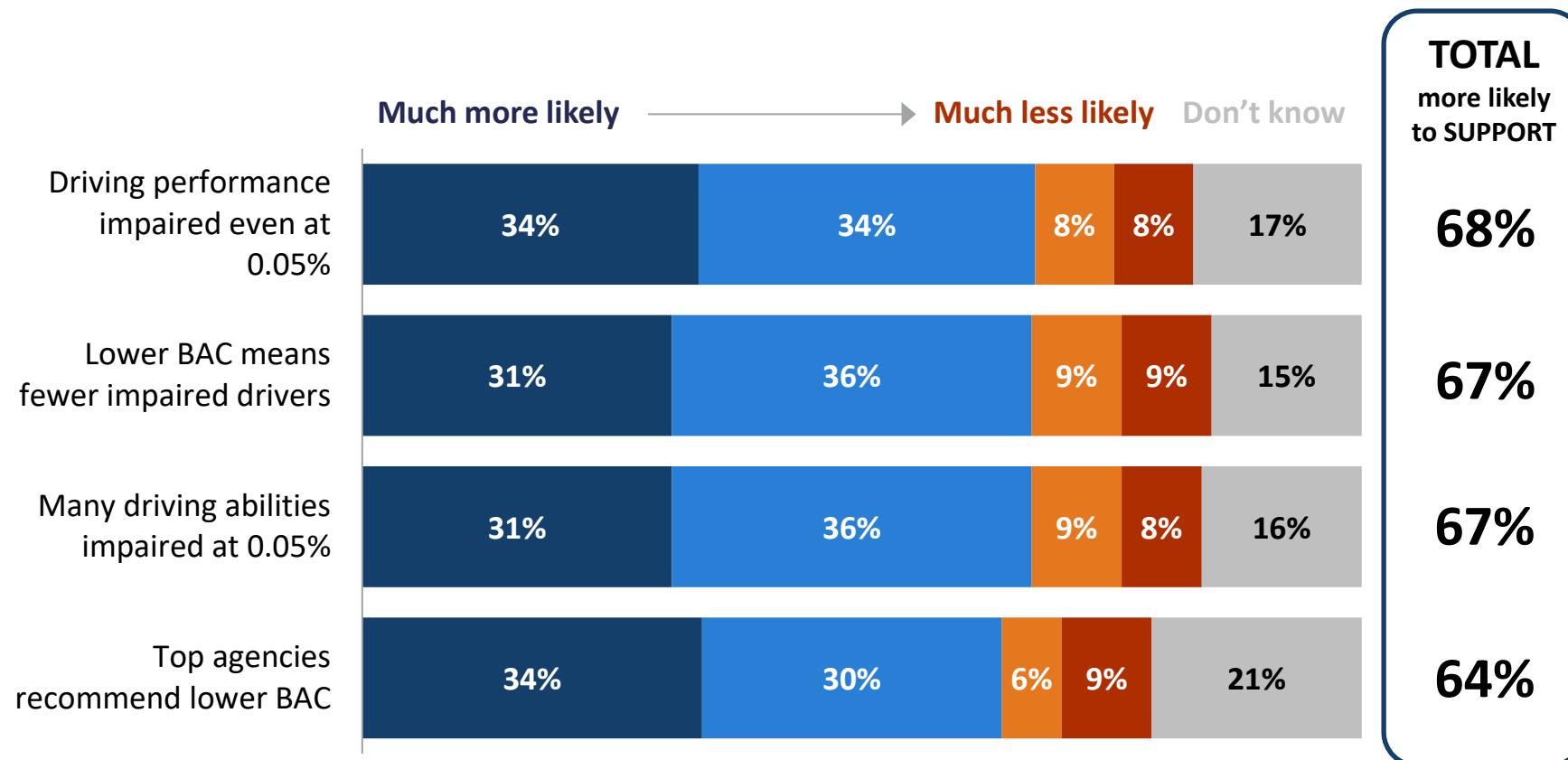


Shorthand	Full message statement shown to respondents
BAC is lower in other countries	150 countries, eleven Canadian Provinces, nine Mexican states, and the state of Utah all have BAC limits of 0.05% or lower. Their combined population is 6.5 billion people.
Lower BAC decreases traffic fatalities	Researchers have found that countries or states that reduce the BAC limit for driving from 0.08% to 0.05% see an average 11% decrease in traffic fatalities involving alcohol-impaired driving.
<i>Lower BAC means fewer impaired drivers</i>	In states and countries that have reduced their BAC levels, they find that fewer people drive under the influence of alcohol and the level of alcohol among people who do drive is reduced.
Driving performance impaired even at 0.05%	Research has found that driving performance declines between 25% and 55% for a person with a BAC of 0.05%.
Many driving abilities impaired at 0.05%	Impairment at 0.05% BAC means that a person's abilities to drive are reduced in terms of reaction time, visual functioning, ability to shift attention, steering, emergency responses, and coordination.
Can consume 2-3 drinks and stay below 0.05%	An average male can drink three standard drinks and an average female can consume two standard drinks on an empty stomach within two hours and remain below 0.05% BAC. [Note: a standard drink is one serving of the following in size and alcohol content: 12 ounces of beer, 5%; 5 ounces of wine, 12%; 1.5 ounces of hard alcohol, 40%.]
<i>More likely to be involved in a crash at or above 0.05 BAC</i>	With a BAC level of 0.05% - 0.079%, a driver (ages 21-34) is nearly 5 times more likely to be involved in a fatal crash compared to a driver with no alcohol in their system.
Lower BAC does not affect tourism or sales	After adopting 0.05%, Utah did not experience any decreases in tourism or alcohol sales.
Other countries with lower BAC consume more alcohol	Many countries with lower BAC limits for driving consume more alcohol than Americans do, including Austria, France, Germany, Ireland, Portugal, and Spain.
Top agencies recommend lower BAC	Many national and international health and safety organizations have recommended that the United States adopt a BAC limit of 0.05% for driving, including the National Transportation Safety Board, National Academies of Science, the American Medical Association, the Insurance Institute for Highway Safety, Mothers Against Drunk Driving (MADD), and AAA.
Lower BAC does not affect police procedures	Police procedures for stopping, assessing, and arresting suspected impaired drivers do not change based upon a lower BAC limit.

Arguments that highlight preventing crashes and fatalities are the most impactful.

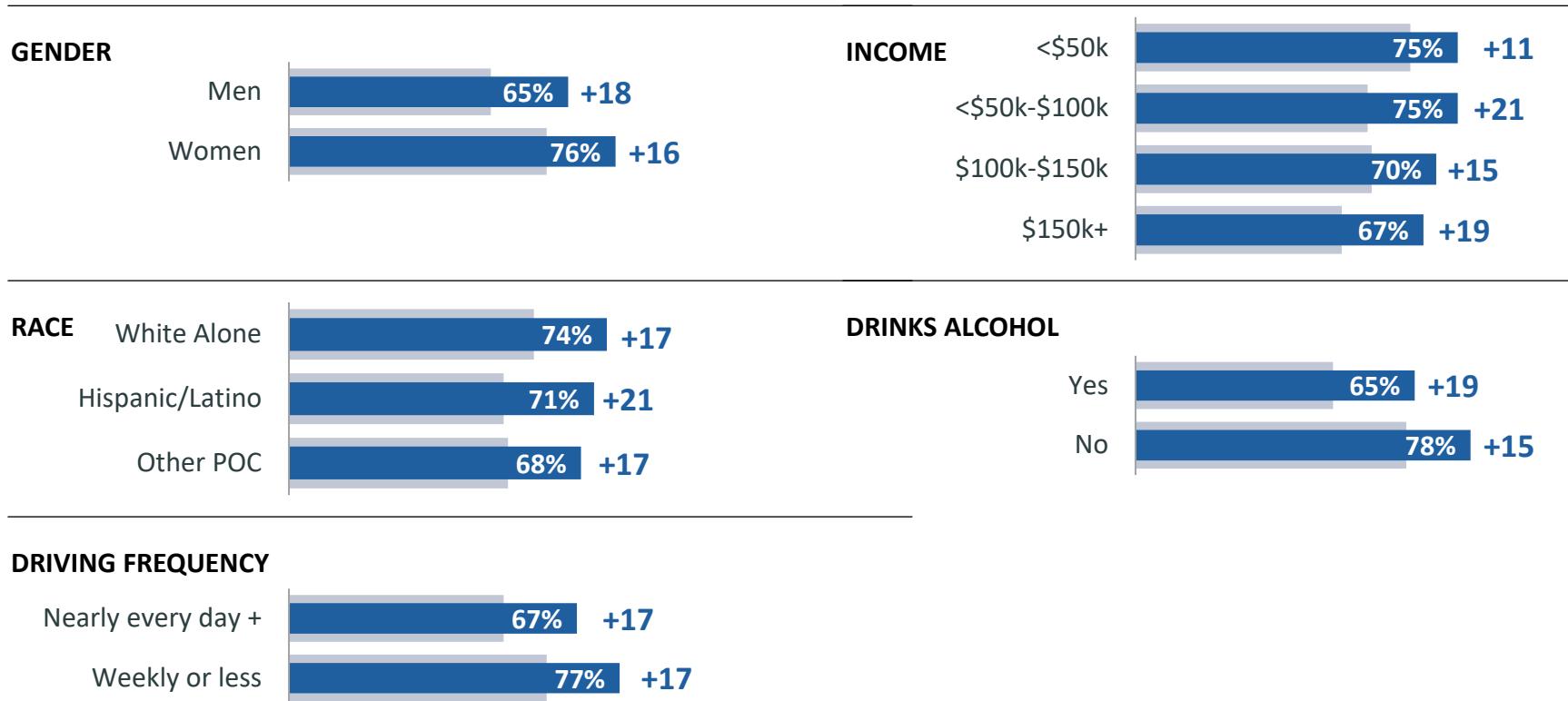


Facts related to impact on driving performance or endorsement from reputable sources are also helpful.



Support for lowering the per se BAC limit is widespread and increases among all groups.

% support lowering the BAC limit to 0.05 (Initial vs Informed)



WHY A LOWER PER SE BAC LIMIT WILL NOT INCREASE ARRESTS

IMPAIRED DRIVING ENFORCEMENT – THE PROCESS

Impaired Driving Enforcement includes Three Phases

– Vehicle in Motion, Personal Contact and Pre-arrest Screening

Possible Outcomes

- Yes
- Wait (more information needed)
- No

“Impaired drivers are more likely than other drivers to take excessive risks such as speeding or turning abruptly” (NHTSA, Student Guide, 2000).

IMPAIRED DRIVING ENFORCEMENT – THE PROCESS

Phase One – Vehicle in Motion

- Is there *Reasonable Suspicion* to stop the vehicle?
 - Moving Traffic Violation?
 - Unusual Driving Actions?
- 24 researched and identified cues
 - Problems Maintaining Proper Lane Position
 - Speed and Braking Problems
 - Vigilance Problems
 - Judgement Problems

IMPAIRED DRIVING ENFORCEMENT – THE PROCESS

Phase Two – Personal Contact

- Observe and speak with the driver – face to face.
- Officer observations – see, hear, smell.
 - Speech, attitude, clothing, etc.
 - Driver statements
 - Behavior/response

IMPAIRED DRIVING ENFORCEMENT – THE PROCESS

Phase Three – Pre-Arrest Screening

- Administration of *Voluntary* – Standardized Field Sobriety Tests
 - Provide officer with more information to determine if impaired
- Administration of Preliminary Breath Test (final roadside step)
 - Provide officer with information to support arrest decision/additional investigation steps

What is causing the suspected Impairment? Alcohol, and/or Drugs – or a Medical impairment?

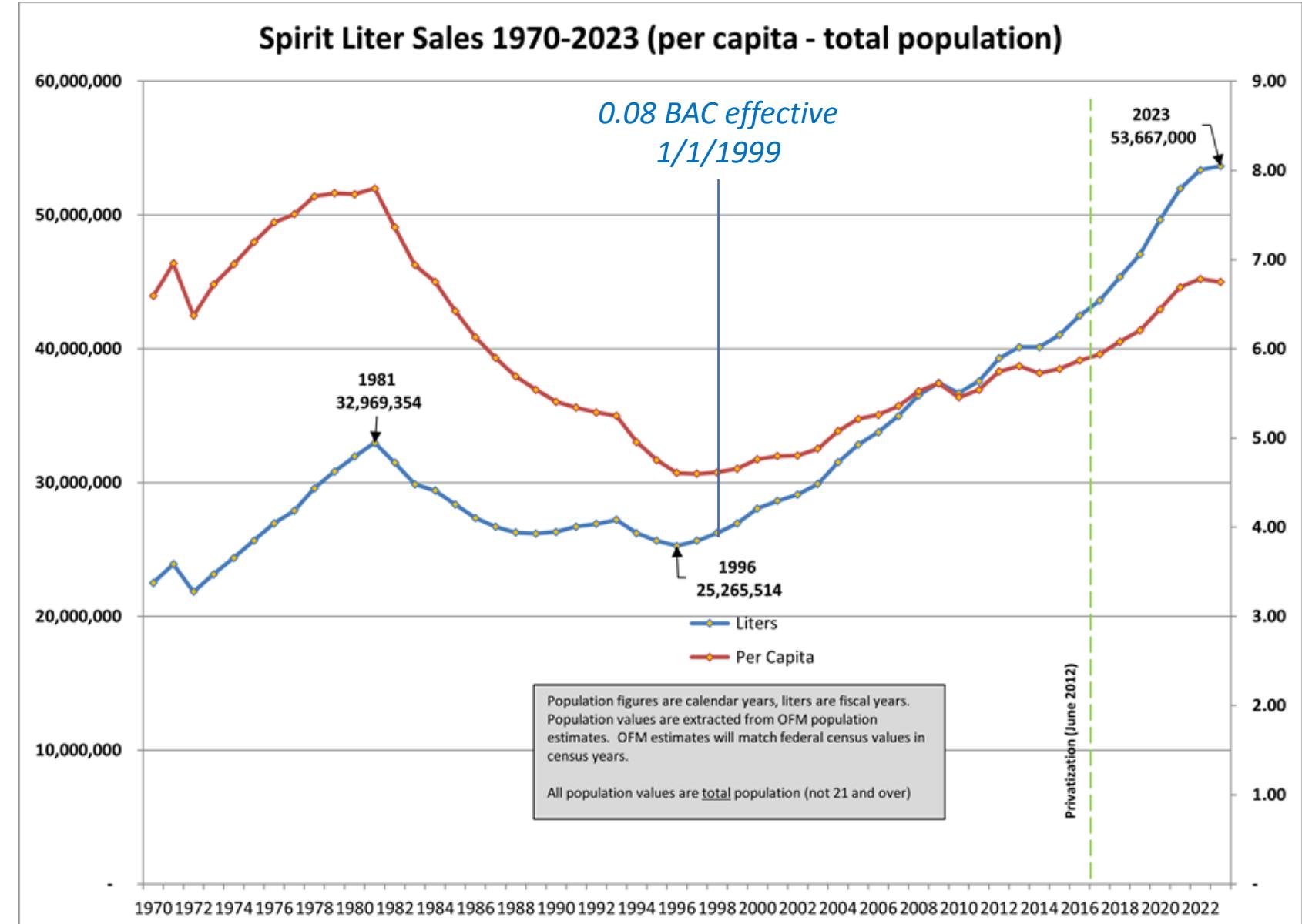
WHY 0.05 BAC WON'T HURT THE HOSPITALITY INDUSTRY

LIQUOR SALES IN WASHINGTON HAVE INCREASED SIGNIFICANTLY SINCE 0.08 BAC WAS ADOPTED

Spirit liter sales by total units and liters per capita (total population of WA), 1970-2023

Source:

WA Liquor and Cannabis Board (LCB), 2025



SEPARATING DRINKING FROM DRIVING REDUCES FATALITIES (WE CAN REDUCE FATALITIES WITHOUT REDUCING CONSUMPTION.)

Country/State	Fatality Rate per 1,000,000	BAC Limit (adult)	Alcohol Consumption (annual liters/person)
USA	129	0.08	8.93
Washington	94.5	0.08	8.59
Portugal	63	0.05	10.37
France	49	0.05	11.44
Austria	41	0.05	11.9
Germany	34	0.05	10.56
Finland	34	0.05	8.23
Spain	36	0.05	10.72
Ireland	31	0.05	10.91

Questions

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