

Zero-Tolerance Laws To Reduce Alcohol-Impaired Driving By Youth

The U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) encourages States to enact zero tolerance laws designed to reduce drinking and driving among younger drivers. Such laws should:

- establish that **any measurable amount (a maximum of 0.02)** of alcohol in the blood, breath, or urine of a driver under age 21 would be an "illegal per se" offense; and,
- provide for **immediate driver license suspension** periods for those under age 21 who exceed the applicable blood alcohol concentration (BAC) limit.

All 50 States and the District of Columbia now have laws that prohibit the purchase and public possession of alcoholic beverages by those under the age of 21. Therefore, it would seem reasonable to expect drivers under the age of 21 to have **no** alcohol in their systems, and the appropriate BAC for these drivers would be zero. However, for enforcement purposes, some States have enacted laws that establish a BAC level of 0.02, at which it is illegal for those under the age of 21 to operate a motor vehicle. NHTSA supports those laws.

Younger drivers place a high value on their drivers' licenses, and the threat of license revocation has proved to be an especially effective sanction for this age group.

Key Facts

- More than 32 percent of all deaths of 15 through 20 year olds result from motor vehicle crashes. In 1995, 35.5 percent of the 6,220 traffic fatalities of 15 through 20 year olds were alcohol-related. The percentage translates to 2,206 traffic fatalities in this age group that were alcohol-related last year.
- In 1995, 20 percent of 15 to 20 year old drivers involved in fatal crashes had some alcohol in their blood. The alcohol involvement rate for young drivers, based on the total licensed driver population, is about twice that of the over 21 age driver.
- NHTSA estimates that 851 lives were saved in 1995 by minimum drinking age laws. Since 1975, it is estimated that almost 15,667 lives have been saved by these laws. However, young people are still greatly over-represented in alcohol-related crashes and fatalities.

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Key Facts *(continued)*

- Driver license revocation or suspension has proven to be an effective deterrent in reducing crashes and the reoccurrence of alcohol-related driver offenses in the general population. Some State licensing officials believe sanctions have an even greater effect on younger drivers, since they value their drivers' licenses so highly.

States with Special Laws for Youth

Thirty-seven States and the District of Columbia have set the BAC limit at .02 or lower for drivers under age 21: Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Virginia, Washington, and West Virginia. To correspond to age 21 alcohol purchase laws, NHTSA supports the use of age 21 as an appropriate threshold for lower BAC limits and longer suspension periods.

How The Laws Work

Typically, zero tolerance laws provide that any amount of alcohol in the body of a driver under age 21 (generally measured as 0.02 percent BAC or greater) is an offense for which the driver's license may be suspended for a period of time. These laws

should allow a police officer to require a breath test from any driver under the age of 21, if the officer has probable cause to believe that the individual has been drinking (and should **not** require that the officer have probable cause to suspect actual impairment). Refusal to take such a test should result in license suspension under implied consent or administrative license revocation (ALR) laws.

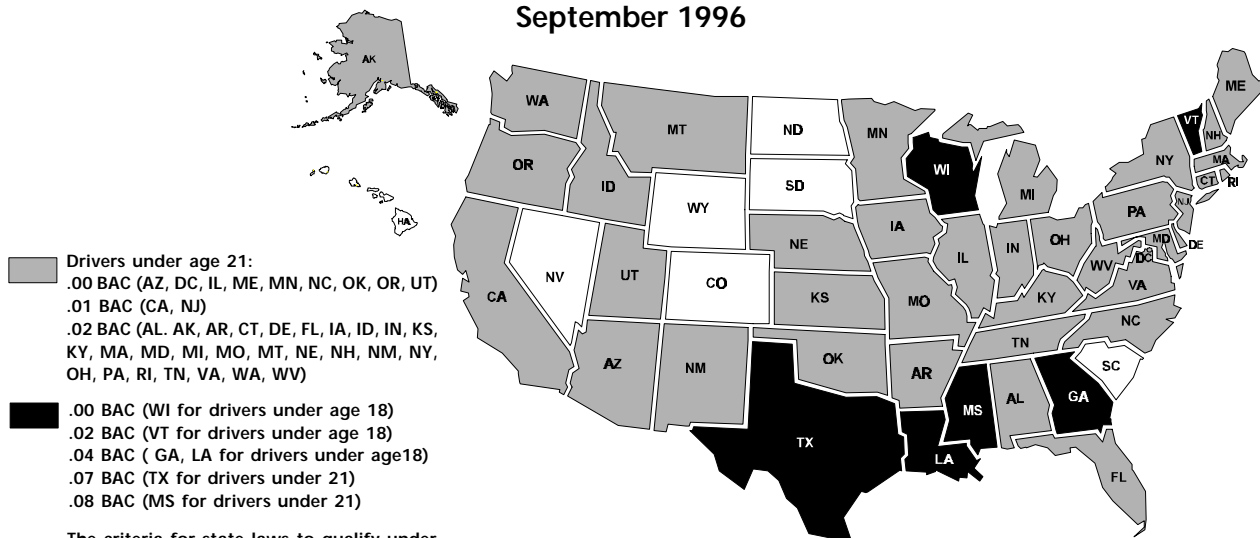
Benefits

Several studies show conclusively that zero tolerance laws save lives. For example:

- Maryland's zero tolerance law produced an 11 percent decrease in drinking drivers under age 21 involved in crashes.
- In a study of four other States, fatal crashes at night involving young drivers dropped by eight percent more than comparison States after zero tolerance laws were adopted.
- A recent study compared fatal crashes in 12 states that enacted zero tolerance laws for some young drivers to crashes in 12 nearby states without these laws. In the 12 zero tolerance States, single vehicle nighttime fatal crashes involving young drivers dropped 16 percent, while in the comparison states they rose one percent.

Making any amount of alcohol in the body of an underage person an offense can make the

States with Lower BAC Levels for Youthful DWI Offenders September 1996



The criteria for state laws to qualify under the National Highway Systems Designation Act of 1995 are listed on the following page. Some states with lower BAC levels for youthful DWI offenders must amend their laws if they are to meet the federal criteria.

Benefits *(continued)*

enforcement effort easier. If the officer has any reason to suspect that the individual has been drinking, he or she can demand a breath test and take action to arrest the underage driver. Passive sensors, which can detect low BACs, permit the police to identify individuals with small amounts of alcohol in their bodies. This has the potential to reduce enforcement and adjudication time and expense, particularly if handled in an administrative process.

National Highway Systems Designation Act of 1995

States that do not consider a 0.02 BAC (or less) to be driving while intoxicated, for drivers under age 21, will be subject to the withholding of Federal-Aid Highway Funds beginning in fiscal year 1999. To comply with the Federal law, State laws must:

- Apply to all persons under the age of 21;
- Set 0.02 percent BAC or less as the legal limit;
- Establish 0.02 as a "per se" offense (without having to prove intoxication);
- Provide for primary enforcement; and
- Provide that license suspensions or revocations are authorized as sanctions for any violation of the State zero tolerance law.

Section 410 of the Highway Safety Act

States that consider a 0.02 BAC (or less) to be driving while intoxicated, for drivers under age 21, may be eligible for Section 410 drunk driving incentive grant funds. To qualify for a basic incentive grant under Section 410, a State must comply with at least five out of seven criteria. The criteria include:

- An expedited system for suspending the license of drunk drivers;
- A law that deems a 0.10 blood alcohol concentration to be driving while intoxicated (after three years, it must drop to 0.08);
- A statewide program for stopping motor vehicles;

- A self-sustaining drunk driving prevention program;
- A program to prevent drivers under age 21 from obtaining alcoholic beverages;
- A mandatory sentence of 48 consecutive hours in jail or not less than 10 days of community service for any person convicted of DWI more than once in any five year period; and
- A law that deems a "0.02 BAC (or less)" to be driving while intoxicated for drivers under 21 years of age.

To comply with the 0.02 BAC criterion, the State law must:

- Apply to all persons under the age of 21;
- Set 0.02 percent BAC or less as the legal limit;
- Establish 0.02 as a "per se" offense (without having to prove intoxication);
- Provide for primary enforcement; and
- Provide for a mandatory "hard" driver's license suspension or revocation for any violation of the State "0.02 BAC" law of not less than 30 days.

Information Sources

A number of national organizations and reports have supported legislation of this type. The organizations and reports are as follows:

[Lower BAC Limits For Youth: Evaluation of the Maryland .02 Law.](#) NHTSA Report Number DOT HS 807 860, March 1992. ([Technical Summary.](#) DOT HS 807 859, March 1992.)

"Reduced BAC Limits for Young People (Impact on Night Fatal Crashes)", [Alcohol, Drugs, and Driving.](#) R. Hingson, et al., Vol. 7 No. 2, pp 117-127.

"Lower Legal Blood Alcohol Limits for Young/Drivers". R. Hingson, et. al. [Public Health Reports](#), January 1994.

"NHTSALINE - Zero Tolerance", 11-minute video produced by USAA.

These reports and additional information are available through your State Office of Highway Safety, the NHTSA Regional Office serving your state, or from NHTSA Headquarters, Traffic Safety Programs, NTS-21, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-366-9588.