

UTAH DUI ENFORCEMENT

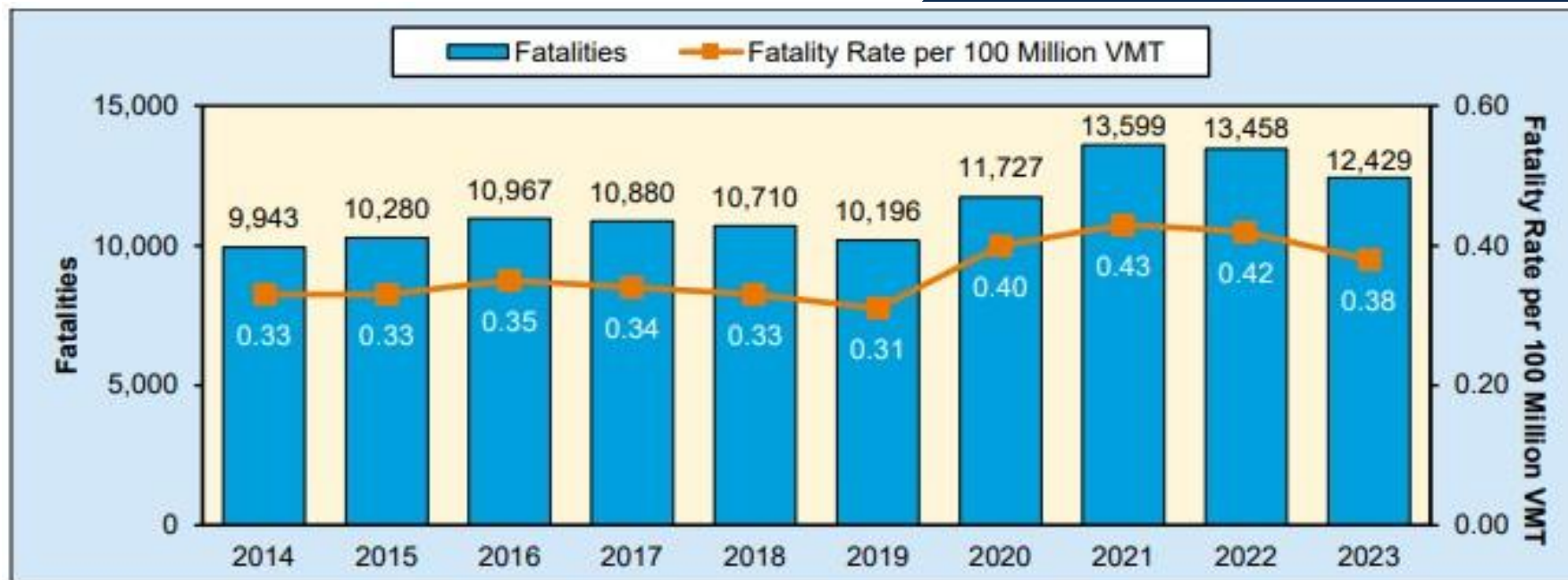
.05 BAC LAW

Colonel Michael Rapich
Utah Highway Patrol



DUI is a nationwide problem

Traffic Fatalities and Fatality Rate per 100 Million VMT in Alcohol-Impaired-Driving Crashes, 2014–2023



Sources: FARS 2014–2022 Final File, 2023 Annual Report File (ARF); VMT – Federal Highway Administration (FHWA)

Notes: NHTSA estimates BACs when alcohol test results are unknown. Due to amendments in the 2021 FARS Final File, the 2021 alcohol-impaired-driving fatalities changed from 13,617 to 13,599.

0.05 BAC Limit is recommended by:

- Sutherland Institute
- National Transportation Safety Board (NTSB)
- National Academies of Sciences, Engineering, and Medicines
- American Medical Association
- World Health Organization
- National Safety Council
- Advocates for Highway and Auto Safety
- Association for the Advancement of Automotive Medicine

Why 0.05?

- Crash risk approximately doubles at 0.05 BAC
- Nations that lowered to 0.05 saw 8-12% reductions in alcohol-related fatalities
- At 0.05, a person can experience:
 - Reduced coordination
 - Reduced ability to track moving objects
 - Difficulty steering
 - Reduced response to emergency driving situations
 - Decline in visual function
 - Decline in ability to perform multiple tasks simultaneously

Background: How did we get here?

- Background
- *Future Effective Date
- Critical Considerations
 - Effects on Hospitality/Tourism
 - Enforcement Challenges
 - Court/Prosecution Challenges
- Ideal Outcomes

*HB 155 in 2017 Legislative Session, Amended Statute 41-6a-502
le.utah.gov

UTAH:

COME FOR VACATION, LEAVE ON PROBATION



Utah recently passed a law making it the first state to lower its drunk driving arrest threshold from .08 BAC to .05 BAC.

If you're planning to visit Utah for vacation, be aware:

As little as one drink with dinner before driving home could possibly land you in jail.

Time for Idahoans to rethink their vacation plans!

FOR MORE INFORMATION VISIT:

RESPONSIBLELIMITS.COM

Goals of the .05 BAC law change

- Separate the activity of drinking, from the action of driving a vehicle
- Focus is on *prevention*, not arrests

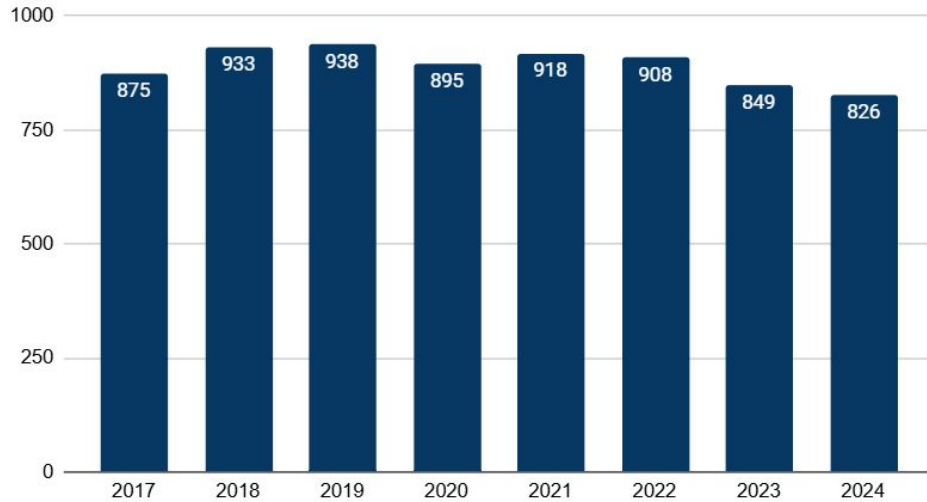
Public Surveys & Focus Groups

- 15% of drinkers planned to change their current behavior when the law took effect
- 22% more drinkers favored sober rides home, following the law change
- In 2024, 56% of drinkers knew of the .05 BAC limit



Alcohol-Related Crashes & Fatalities 2017-2024

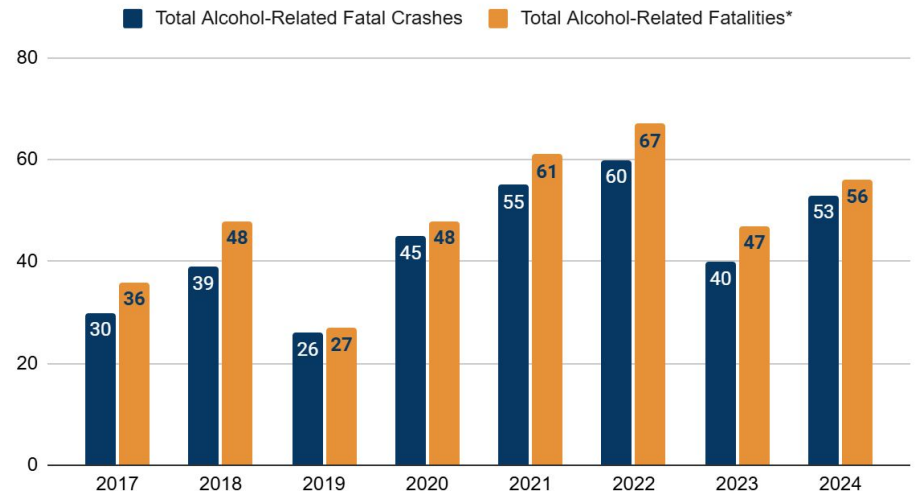
Total Alcohol Related Crashes



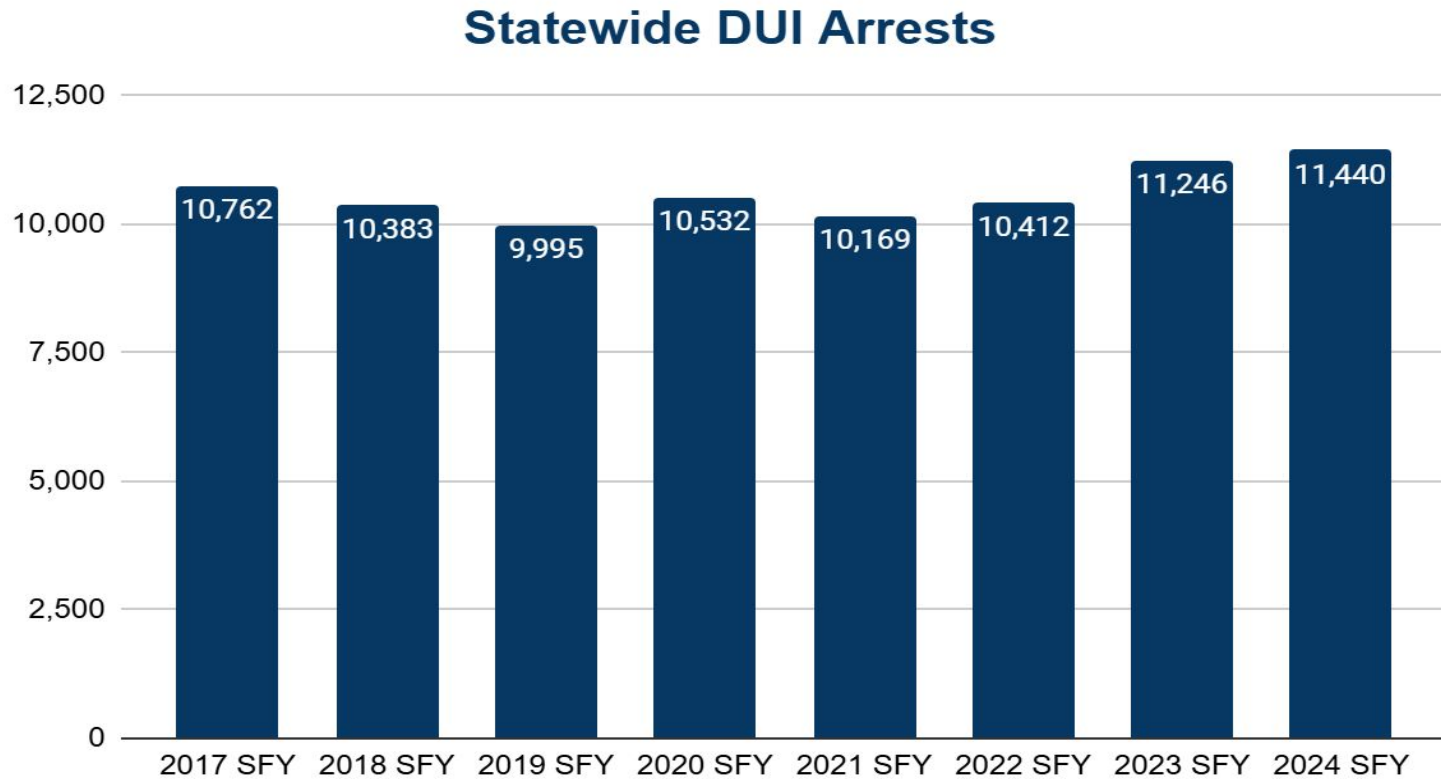
Alcohol-Related crashes include incidents where a driver tested positive for any level of alcohol.

Alcohol-Related fatal crashes and fatalities show the number of crashes where at least one of the drivers tested positive for alcohol and had a BAC of > 0.05 percent starting December 31, 2018 or > 0.08 percent prior to that date.

Alcohol-Related Fatal Crashes



Statewide DUI Arrests 2017-2024



*Arrest data is presented in the State Fiscal Year. (July 1st - June 30th)

DUI Arrests by BAC

	2020 SFY	2021 SFY	2022 SFY	2023 SFY	2024 SFY
Total Statewide DUI Arrests*	10,532	10,619	10,412	11,246	11,440
.00-.04	275	150	463	269	418
.05-.07	488	387	320	516	717
.08-.10	726	640	503	687	1,009
.11-.15	1,386	1,184	975	1,337	1,929
.16-.20	1,173	995	856	993	1,580
.21-.25	591	514	448	485	783
.26-.48	397	271	239	238	536
Refused BAC Test	1,194	1,311	1,401	1,449	780
BAC Result Not Reported**	4,302	5,167	5,208	5,272	3,688
Average BAC	0.16	0.16	0.14	0.14	0.15

**Arrest data is presented in the State Fiscal Year. (July 1st - June 30th)*

***Arrestee may have submitted to a blood test, but the Driver License Division never received the results, or this was a DUI/drug-related arrest, and there was no BAC.*

Due to new Legislation, in SFY24 the Driver License Division began to receive more DUI arrest data from the Public Health Laboratory. This is why there is a reduction in BACs not reported.

.05 BAC Limit Legislation Passed

Proactive Preparation

- SFST & PBT Refresher training & updated policies
- Made training available to statewide LE
- All UHP Troopers completed this training

Issue Is Impairment

- Always arrest based on observed impairment
- Mellanby Effect

If you choose to drink, don't drive!

- Capitalize on the Broad Deterrent Effect
- Public messaging



STATEWIDE ENFORCEMENT EFFORTS

- \$1 Million in state & federal funding
- High Visibility Enforcement
- Aggressive Sentencing Matrix

“I’M F!NE”



OVERCONFIDENCE. THE LEADING CAUSE OF IMPAIRED DRIVING.



Totality Of DUI Efforts

HB 137 (2021) DUI Amendments:

- Refusal
- Extreme DUI law (DUI that is .16 or above, above .05, including other drugs) Also includes DUI crash with injuries.

HB 143 (2022) DUI Penalty Amendments:

- Enhancements on penalties for subsequent DUI. Immediate progression. Class B misdemeanor, Class A misdemeanor, Felony.

Upcoming Improvements:

- Utah is in the process of evaluating and enhancing our ignition interlock statutes

WRONG WAY DRIVER STATUTE

- Increased Penalty
- Average 25+ crashes/yr
- Majority are DUI
- Wrong Way Task Force 2022



HB 295 in 2018 Legislative Session
Amended Statute 41-6a-503
le.utah.gov

24/7 Sobriety Program

- Background
- Reduce Recidivism
- Statewide Implementation



OPPORTUNITIES FOR POSITIVE IMPACT

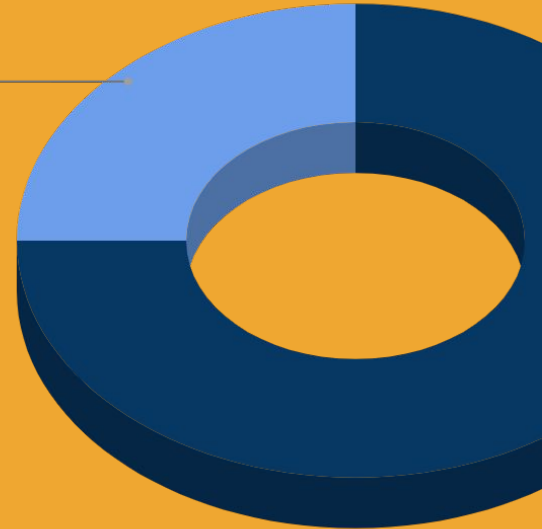
.05 □ 75%

- **Broad Deterrent Effect**
- **75% of DUI arrests are first time offenders**

24/7 □ 25%

- **25% of DUI arrests are repeat offenders**
- **Intensive monitoring program**

24/7 Program
25.0%



← NEWS

NHTSA: Utah's .05% Law Shows Promise to Save Lives, Improve Road Safety

New study shows lowering impaired driving legal limit reduced fatalities with limited increase in arrests, no economic losses in 2019

Share:    

February 11, 2022 | Washington, DC

The National Highway Traffic Safety Administration has found that traffic deaths in Utah decreased, and more drivers said they arranged for sober rides home, when the State lowered its impaired driving legal limit to .05%.

In a [new study](#) published today, NHTSA found Utah's fatal crash rate dropped by 19.8% in 2019, the first year under the lower legal limit, and the fatality rate decreased by 18.3%. The fatality rate measures the number of fatalities over total vehicle miles traveled, whereas the fatal crash rate measures the number of crashes involving a fatality over total vehicle miles traveled.

**For more information, contact the Utah Highway Safety Office
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