REPORT ON UTAH'S 0.05 BAC LAW

Enforcement Outcomes, Arrests & Alcohol-Related Crash Data

Utah Department of Public Safety

Revised June 30, 2024

BACKGROUND & INTRODUCTION

Despite being below the national average in terms of alcohol and drug-related fatalities, impaired driving remains a problem in Utah. To combat this issue, Utah implemented the country's first .05 BAC law on December 30, 2018. This law aims to encourage people to be more mindful of their actions and make safer decisions, including separating the activity of drinking and driving, with the ultimate goal of reducing fatalities caused by impaired driving on Utah's roads.

The purpose of this document is to provide a resource for stakeholders to evaluate the law's impact on public safety and outcomes resulting from Utah's .05 BAC legislation. The report includes five data tables highlighting alcohol-related fatal crashes, overall crash data by BAC, overall crash data by injury severity, and arrest/enforcement statistics. The data provided is a snapshot as of the publication date and is subject to change. In addition, this report does not include drug-related crash data. Further information can be obtained from the Impaired Driving Program Manager at the Utah Highway Safety Office.

CRASH DATA

IMPACT ON SAFETY (for Alcohol-related Crashes)

- Alcohol-related fatalities accounted for 16% of all traffic fatalities from 2018 to 2022.
- Calendar years 2020, 2021, and 2022 have shown increases in alcohol-related fatal crashes and fatalities, with 2023 data showing a decrease.
- Utah's population has grown significantly over the past five years. Between 2018 and 2022 the population increased from approximately 3,155,000 to 3,380,800.
- The Alcohol-Related Fatal Crash and Fatality Rate have stayed fairly consistent with the Alcohol-Related crash and Fatality Population rates.
- From 2018-2022, crashes with a driver's BAC from 0.05-0.079 have steadily increased, with a decrease in 2023.

Fatal Alcohol-Related Crash Data

	2019 CY	2020 CY	2021 CY	2022 CY	2023 CY	2024 CY YTD 6/30/2024
Total Fatalities (UT)	248	276	332	319	279	123
Total Alcohol-Related Fatalities*	27	48	61	67	47	8
Alcohol-Related Fatality Rate per 100 MVMT	0.084	0.156	0.178	0.195	0.117	0.023
Total Fatal Crashes	225	256	297	296	250	116
Total Alcohol-Related Fatal Crashes**	26	45	55	60	40	7

Alcohol-Related Fatal Crash Rate per 100 MVMT	0.081	0.147	0.161	0.175	0.117	0.020
Alcohol-Related Fatality State Population Rate Per 100,000 People	1.842	1.467	1.831	2.040	1.362	0.231
Alcohol-Related Fatal Crash State Population Rate Per 100,000 People	0.810	1.375	1.651	1.833	1.159	0.202

**Alcohol-related fatalities - include only those incidents where at least one of the drivers tested positive for alcohol and had a BAC of > .05 starting January 1, 2019; (> .08 prior)*
***Alcohol-related fatal crashes show the number of crashes where at least one of the drivers tested positive for alcohol and had a BAC of > .05 starting January 1, 2019; (> .08 prior)*

Overall Alcohol-Related Crash Data - Injury Severity*

	2019 CY	2020 CY	2021 CY	2022 CY	2023 CY	2024 CY YTD 6/30/2024
Total Alcohol-related crashes	938	895	918	908	849	416
No Injury	572	514	550	541	502	223
Possible Injury	190	177	170	157	157	87
Suspected Minor Injury	127	130	124	116	127	71
Suspected Serious Injury	23	29	19	34	23	15
Fatal Crashes	26	45	55	60	40	20
Fatalities	27	48	61	67	47	24

***Alcohol-related crash severities** show the number of crashes resulting from one or more drivers who tested positive for **any level of alcohol**. (These numbers do not include drug-impaired driving crashes/fatalities)*

Overall Crash Data - Driver BAC

	2019 CY	2020 CY	2021 CY	2022 CY	2023 CY	2024 CY YTD 6/30/2024
0.04 Below	20	29	29	29	32	4
0.05 to 0.79	27	35	37	45	37	9
0.08 & above	424	506	529	562	511	126
Alcohol-positive drivers. No BAC recorded*	467	331	324	272	269	277
BAC Crash Totals	938	901	919	908	849	416

***Alcohol-positive driver. No BAC Recorded -** Through 2019, driver BAC information was not required on the crash report. Starting in 2020, the driver's BAC results are required on the crash report to show more accurate data.*

ARRESTS

IMPACT ON SAFETY (Statewide DUI Arrests)

- The table below provides a comparison of statewide DUI arrests and arrests reporting a BAC of .05 to 0.079 over the past five state fiscal years (July 1-June 30).
- The total number of DUI arrests made in the state over the last five years has remained relatively consistent with a notable increase in 2023.
- In FY 2023, the average BAC upon arrest was 0.14.
- It is important to note that BAC data may not be updated for all DUI arrests. If the BAC was not recorded on the original arrest, it must be added after the available toxicology results. At this time, those results have not all been captured. State agencies are developing a better system to ensure BAC results are updated for every arrest record.

Arrests By BAC

	2019 SFY	2020 SFY	2021 SFY	2022 SFY	2023 SFY	2024 SFY*** YTD 6/30/2024
Total Statewide DUI Arrests*	9,995	10,532	10,619	10,412	11,246	10620
.00-.04	202	275	150	463	269	330
.05-.07	370	488	387	320	516	545
.08-.10	661	726	640	503	687	838
.11-.15	1,401	1,386	1,184	975	1,337	1607
.16-.20	1,227	1,173	995	856	993	1511
.21-.25	725	591	514	448	485	881
.26-.47	500	397	271	239	238	549
Refused BAC Test	803	1,194	1,311	1,401	1,449	632
BAC Result Not Reported**	4,106	4,302	5,167	5,208	5,272	3728
Average BAC	0.15	0.16	0.16	0.14	0.14	.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.***

*****SFY 2024 arrest data is preliminary and subject to change.***

ENFORCEMENT

IMPACT ON SAFETY

- The Utah Highway Safety Office analyzes the effectiveness of enforcement shifts by tracking the number of shifts worked, number and type of DUI arrests, as well as the percentage of DUI's per shift. In looking at DUI overtime enforcement shifts worked during state and federal fiscal year 2023, there was a substantial increase in the number of shifts worked by law enforcement agencies statewide. Ultimately, in 2023, more shifts were worked, which led to an increase in the overall number of DUI arrests, with a slight drop in the number of arrests per shift.
- Law enforcement officers continue to make arrests based on observed signs of impairment. By focusing on impairment instead of the BAC level, officers will be able to identify and arrest both alcohol-impaired and drug-impaired drivers on Utah roadways.
- State and federal funds are disbursed to law enforcement agencies for DUI overtime enforcement shifts throughout the year. These overtime shifts are distributed based on several data sets: arrests, crashes, population, alcohol density, and local needs.
- Statewide DUI overtime enforcement events include high-visibility enforcement, DUI blitzes, saturation patrols, and DUI checkpoints. Many law enforcement agencies throughout Utah participate, including local police agencies, sheriff's offices, the Utah Highway Patrol, and university police departments.

DUI Overtime Enforcement Shift Data*

	2019	2020	2021	2022	2023
DUI Overtime Shifts Worked	6,229	5,917	4,191	4,047	5,141
DUI/Alcohol-Related Arrests	1,068	1,139	988	795	873
DUI/Drug-Related Arrests	713	616	542	459	560
DUI/Metabolite Arrests	323	226	96	113	118
Total DUI Arrests	2,104	1,981	1,626	1,367	1,551
DUI Arrests Per Shift	0.338	0.335	0.387	0.338	.301

****Data shown is a combination of state and federal fiscal years. The state fiscal year runs July 1st - June 30th, the federal fiscal year runs October 1st - September 30th.***

PUBLIC SURVEYS & FOCUS GROUPS

- Despite media messaging such as "Drive Sober or Get Pulled Over" and "If you Drink, Don't Drive" people continue to drive while impaired. It is critical that drivers make the decision not to drive while impaired, plan ahead for a sober ride and avoid getting behind the wheel while under the influence of alcohol or drugs.
- The primary goal of the BAC change in Utah is to *separate the activity of drinking from the action of driving* a vehicle, thus saving lives on Utah roadways.
- In 2018, when asked about the new law, 15% of drinkers indicated plans to change drinking behavior.
- In 2019, when asked about the effect of the BAC change, 22% of drinkers indicated they had changed their behavior, favoring overall safety and planning for a sober ride home.
- Only 13% of drinkers are drinking alcohol away from home. More people are aware of the new BAC law and related advertised messaging, and 20% of drinkers are limiting the amount of alcohol consumed when away from home.
- Participants are highly aware of the messaging related to impaired driving. Respondents most commonly stated that they believe the law will increase cognizance of drinking consequences.
- Conversely, when comparing 2018 and 2019 survey data, there has been no change in the percentage of people (20%) who insist on driving home after drinking, and those who do not believe the law will impact change or believe that .05 is dangerous.
- Fortunately, respondents are concerned about jeopardizing their careers and reputations and do not believe that law enforcement has changed their behavior when it comes to enforcement.

PROGRAM IMPROVEMENTS & EVALUATION

- Prior to 2018, BAC results were only captured on the original DUI arrest record in the driver license database if the results were available when the arrest was submitted. Starting in 2019, toxicology results are now added to the arrest record in the driver license database once they become available, showing a more complete picture. While there have been some roadblocks in getting the results updated, state agencies are working together to improve the method of reporting results.
- The Highway Safety Office began funding a position within the Public Health Laboratory in 2020 that includes a no stop-limit testing where DUI arrest cases are tested for drugs, even if the alcohol testing threshold has been met.
- Statewide law enforcement officers completed Standardized Field Sobriety Testing (SFST) and PBT refresher training as part of the legislation. The Utah Highway Patrol made the training available to all law enforcement agencies statewide.
- Utah Highway Patrol updated its model policy for the utilization of Portable Breathalyzer Tests (PBTs), and shared it with agencies statewide.

NHTSA – Summary of Evaluation of Utah's .05 BAC Law

- The study's findings indicate that the passage of the .05 per se law had demonstrably positive impacts on highway safety in Utah.
- While the concerns about the impact of the law change on the State's economy were certainly understandable, the data reviewed for this study indicate none of the potential negative effects of concern came to fruition.
- Alcohol sales, per capita consumption, tourism, and tax revenues appear to have continued to increase under the new law.
- DUI arrests for alcohol did not climb sharply after the law went into effect as some had feared.

Traffic Tech (summary) at NHTSA

This document is presented by the Utah Department of Public Safety's Highway Safety Office in cooperation with the Utah Highway Patrol and Driver License Division. Data listed for the 2021 calendar year (or later) is preliminary and could change at any time. Therefore, submit requests for dissemination to the Department of Public Safety's Public Affairs Office. For questions regarding the data presented in this report, contact the Impaired Driving Program Manager, Lynda Hansen, at 385-290-5305, or via email at lyndahansen@utah.gov.