



REPORT ON UTAH'S 0.05 BAC LAW

Enforcement Outcomes, Arrests & Alcohol-Related Crash Data

Utah Department of Public Safety

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BACKGROUND & INTRODUCTION

The State of Utah passed HB155, which decreased the per se limit for a driver's Blood Alcohol Concentration from 0.08 to 0.05 BAC. The law became effective on 12/30/2018. 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 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.

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. 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 15% of all traffic fatalities from 2017 to 2021.
- Calendar years 2020 and 2021 show an increase in alcohol-related fatal crashes and fatalities. There could be multiple factors related to this, including an overall increase in risky driving behaviors, fatality rate, and the impacts of the COVID 19 pandemic.
- When comparing 2017-2021 data, 2019 shows decreases in most categories. It is too soon to determine whether or not the past two years' increases are significant. Additional years of data will need to be analyzed to determine whether this shows an upward trend.
- Utah's population has grown significantly over the past 5 years. Between 2017 and 2021 the population increased from 3,101,000 to 3,420,000.
- The Alcohol- Related Fatal Crash and Fatality Rate have stayed fairly consistent with the Alcohol-Related crash and Fatality Population rates.
- Although alcohol-related fatal crashes and fatalities increased in 2020 and 2021, the total number of alcohol-related crashes decreased during that same period.
- From 2017-2021, crashes with a driver's BAC from 0.05-0.079 have remained fairly consistent. However, crashes involving a driver with a BAC of 0.08 or above have increased by 31% since 2017.

Fatal Alcohol-Related Crash Data

	2017 CY	2018 CY	2019 CY	2020 CY	2021 CY	2022 CY YTD 5/09/22
Total Fatalities (UT)	273	260	248	276	328	107
Total Alcohol-Related Fatalities*	36	48	27	48	61	17
Alcohol-Related Fatality Rate per 100	0.114	0.146	0.084	0.156		

MVMT					0.178	0.050
Total Fatal Crashes	247	237	225	256	293	99
Total Alcohol-Related Fatal Crashes**	30	39	26	45	55	10
Alcohol-Related Fatal Crash Rate per 100 MVMT	0.111	0.137	0.096	0.166	0.161	0.029
Alcohol-Related Fatality State Population Rate Per 100,000 People	1.161	1.522	.842	1.467	1.832	0.497
Alcohol-Related Fatal Crash State Population Rate Per 100,000 People	0.967	1.237	0.811	1.375	1.652	0.292

***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*

	2017 CY	2018 CY	2019 CY	2020 CY	2021 CY	2022 CY YTD 05/09/2022
Total Alcohol-related crashes	875	933	938	901	918	285
No Injury	541	558	572	514	551	183
Possible Injury	157	175	190	177	169	46
Suspected Minor Injury	124	134	127	130	124	40
Suspected Serious Injury	18	21	18	29	19	6
Fatal Crashes	35	45	31	51	55	10
Fatalities	41	56	32	54	61	17

***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

	2017 CY	2018 CY	2019 CY	2020 CY	2021 CY	2022 CY YTD 5/09/22
0.04 Below	20	26	20	29	27	7
0.05 to 0.09	30	23	27	35	37	13
0.10 & above	382	417	424	506	530	164

Alcohol-positive drivers. No BAC recorded*	443	467	467	331	324	101
BAC Crash Totals	875	933	938	901	918	285

**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).
- Over the last five years, the total number of statewide DUI arrests has stayed fairly consistent. However, data shows an increasing trend in the number of arrests made at BAC levels of .05 to .079 from 2018 to 2020, with a decrease in 2021.
- In FY 2021, the average BAC upon arrest was 0.16.
- 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 to every arrest record.

Arrests By BAC

	2017 SFY	2018 SFY	2019 SFY	2020 SFY	2021 SFY	2022 SFY YTD 5/9/22
Total Statewide DUI Arrests*	10,762	10,383	9,995	10,532	10,619	8667
.00-.04	132	138	202	275	150	452
.05-.07	228	233	370	488	387	257
.08-.10	724	799	661	726	640	399
.11-.15	1,330	1,616	1,401	1,386	1,184	787
.16-.20	1,032	1,447	1,227	1,173	995	674
.21-.25	495	831	725	591	514	374
.26-.47	277	626	500	397	271	193
Refused BAC Test	1,376	722	803	1,194	1,311	1184
BAC Result Not Reported**	5,168	3,971	4,106	4,302	5,167	5531
Average BAC	0.15	0.16	0.15	0.16	0.16	0.13

**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.*

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 2021, there was a significant decrease in the number of shifts worked by law enforcement agencies statewide. This could be due to multiple factors 452+such as law enforcement shortages, the COVID-19 pandemic, and other pressing societal issues. Although fewer shifts were worked, which resulted in fewer DUI arrests overall, 2021 saw an increase 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*

	2017	2018	2019	2020	2021
DUI Overtime Shifts Worked	5,664	6,352	6,229	5,917	4,191
DUI/Alcohol-Related Arrests	1,021	1,093	1,068	1,139	988
DUI/Drug-Related Arrests	577	748	713	616	542
DUI/Metabolite Arrests	325	344	323	226	96
Total DUI Arrests	1,923	2,185	2,104	1,981	1,626
DUI Arrests Per Shift	.340	0.344	0.338	0.335	0.387

**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

- Standard media messaging: "If you are going to Drink, Don't Drive! Instead, focus on making better decisions on the front end."
- 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.
- In 2020, the Utah Highway Safety Office started funding an additional toxicologist position at the Utah Public Health Laboratory that will specifically focus on DUI law enforcement casework as well as improve and

- expedite screening for alcohol and drug arrests.
- 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.
 - The National Highway Traffic Safety Administration has contracted with a private research company to measure the impact of the .05 BAC law change in Utah. The report will be shared once it is released.

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.