

# The Facts: Zero Tolerance

**What is Zero Tolerance?** It is illegal in every state for persons under the age of 21 to purchase and publicly possess alcoholic beverages. In support of these laws, it should be illegal for persons under 21 who have been drinking to drive. A zero tolerance law makes it illegal *per se* (in and of itself) for persons under the age of 21 to drive with any measurable amount of alcohol in their blood.

As of June 1997, 46 states and the District of Columbia have established lower blood alcohol concentration (BAC) levels for youthful drivers. Forty-four states and the District of Columbia have established illegal *per se* levels of .00, .01, or .02 BAC for drivers under 21. (Some states use .01 or .02 BAC to define zero tolerance to allow for variation in alcohol testing instruments.)

To be effective, a zero tolerance law should allow a police officer to require a breath test from a driver under the age of 21 if the officer has probable cause to believe that the driver has been drinking. If the driver refuses the test or the test reveals an alcohol level, then the driver should be subject to sanctions, including loss of his or her driver's license.

President Clinton continues to stress the importance of all states passing zero tolerance laws: "Zero tolerance will save lives. It's time to have zero tolerance for under-age drunk driving all across America, not just in some states."



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Nearly **one-third** of all deaths of 15- to 20-year-olds **result from motor vehicle crashes**. About 35 percent of these fatalities are **alcohol-related**.

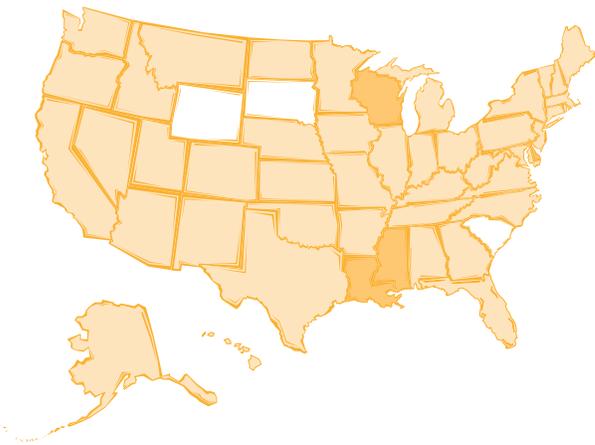
**Why are Zero Tolerance Laws Needed?** The alcohol involvement rate for young drivers, based on the total licensed driver population, is twice that of the over 21 age driver. The relative risk of a fatal crash for drivers under 21 is greater at low alcohol levels than it is for older drivers.

Young drivers place a high value on their driver's licenses, and the threat of license revocation has proved to be an effective sanction for this age group. Studies also show that zero tolerance laws leading to the loss of a driver's license can reduce total alcohol-related fatalities. Zero tolerance laws also complement existing state laws prohibiting alcohol sales and service to youth.

A recent study compared 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.



# States with Lower BAC levels for Youth DWI Offenders



Drivers under age 21:

.00 BAC (AZ, DC, IL, ME, MN, NC, OK, OR, TX, UT)

.01 BAC (CA, NJ)

.02 BAC (AL, AR, AK, CO, CT, DE, FL, GA, HI, IA, ID, IN, KS, KY, MA, MD, MI, MO, MT, ND, NE, NH, NM, NV, NY, OH, PA, RI, TN, VA, VT, WA, WV)

Others:

.00 BAC (WI for drivers under age 18)

.04 BAC (LA for drivers under age 18)

.08 BAC (MS for drivers under age 21)

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

## National Highway Systems Designation Act of 1995

States that do not consider a .02 BAC (or less) for drivers under age 21 to be driving while intoxicated are subject to the withholding of Federal-Aid Highway Funds beginning in fiscal year 1999.

### To comply with the Federal law, states must:

- Apply zero tolerance laws to all persons under the age of 21;
- Set .02 BAC or less as the legal limit;
- Establish .02 as a *per se* offense (without having to prove intoxication);
- Provide for primary enforcement; and
- Provide that license suspensions or revocations are authorized for any violation of the state zero tolerance law.

# Additional Sources of Information

- Mothers Against Drunk Driving (MADD), (214) 744-MADD
- Remove Intoxicated Drivers (RID), (518) 372-0034
- Students Against Destructive Decisions (SADD), (508) 481-3568
- National Highway Traffic Safety Administration (NHTSA), (202) 366-9588

A number of reports that have supported zero tolerance legislation are available from NHTSA:

*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., 73rd Meeting, Transportation Research Board, January 1994.

*NHTSA Line – Zero Tolerance.* 11-minute video produced by USAA.

## For more information on zero tolerance,

see NHTSA's State Legislative Fact Sheet on Zero Tolerance and *Setting Limits, Saving Lives – The Case for .08 BAC Laws*. The most recent statistical information on youth and alcohol involvement in traffic fatalities is available from the National Center for Statistics and Analysis, NRD-31, NHTSA, 400 7th Street, SW, Washington, DC 20590. General information on highway traffic safety can be accessed by Internet users at <http://www.nhtsa.dot.gov/people/nca>.

All reports and additional information are available through your State Highway Safety Office, the NHTSA Regional Office serving your state, or from NHTSA Headquarters, Traffic Safety Programs, NTS-11, 400 7th Street, SW, Washington, DC 20590, (202) 366-9588.

