

NOTICE OF PROPOSED GUIDANCE DOCUMENT

Drunk Driving .08 Law DSP13

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on Drunk Driving .08 Law DSP13, Wis. Stat. ss. 346, a proposed guidance document.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website:

<https://appengine.egov.com/apps/wi/dot/guidance-docs?guidDocId=DSP13>

2. Mailing written comments to:

Division of State Patrol
Wisconsin Department of Transportation
9th Floor South
4822 Madison Yards Way
Madison, WI 53705-9100

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at wisconsin.dot.gov to allow for ongoing comment.

AGENCY CONTACT

DOTDSPGuidanceDocs@DOT.WI.GOV

0.08 BAC law in Wisconsin

Wisconsin Department of Transportation

The new standard

On July 3, 2003, Wisconsin became the 43rd state to enact legislation lowering the prohibited BAC (Blood / Breath Alcohol Concentration) level for OWI (Operating While Intoxicated) to 0.08 percent BAC, thanks to the leadership of Governor Jim Doyle and traffic safety advocates across the state.

- Wisconsin's law is effective September 30, 2003.
- The new 0.08 standard applies to first, second, and third OWI offenses. Fourth and subsequent offenses remain subject to 0.02.

Saving lives, preventing injuries

Scientific studies show that drivers are impaired at and above 0.08. Braking, steering, lane changing, speed control and attentiveness are all compromised at this level.

- Wisconsin had 304 alcohol-related fatalities in 2001.
- 24 lives (8%) could have been saved in 2001 with a 0.08 law (US DOT estimate).

Addressing first-time offenders

An often repeated, but *incorrect*, assertion is that repeat offenders, and those with very high blood or breath alcohol levels constitute the "real" drunk driving problems.

- The truth is, people with NO prior OWI history are involved in the *majority* of alcohol-related crash fatalities and injuries.
- In 2000, the most recent year for which data is available, 68% of drinking drivers involved in fatal and serious injury crashes had no prior OWI history.
- 0.08 encourages the average person to think twice before drinking too much and driving.

Effect on the average social drinker

0.08 does not target the average social drinker who may have a couple of drinks after work or a glass or two of wine with dinner (*see alcohol level charts on the back*).

- The median BAC for people arrested for OWI and who test positive for alcohol in their system is 0.17. In 2001, 82% of those arrested and tested were at 0.10 or above.

Impact on law enforcement

The new 0.08 law will not necessarily lead to more people being stopped for suspicion of OWI. But an increase in the OWI *conviction rate* would be a possible result of the 0.08 law.

- Law enforcement officers in Wisconsin already have authority to arrest and cite motorists for OWI if they suspect a person is impaired, regardless of blood or breath alcohol level.
- Of the 37,077 people *arrested* for OWI in 2001, 990 (2.7%) tested in the 0.080 to 0.099 range.

How many drinks = 0.08?

The following charts can be used to estimate blood or breath alcohol concentration (BAC).

How to use: Given a person's weight and the number of drinks, the chart provides a BAC.

- Subtract from this number the amount of alcohol eliminated since the time of the first drink, using the average of 0.015 per hour (for men), or 0.018 per hour (for women).

Alcohol chart (men)

Body weight	Number of drinks					
	1	2	3	4	5	6
120 lbs.	.031	.063	.094	.125	.156	.188
130 lbs.	.029	.058	.087	.116	.145	.174
140 lbs.	.027	.054	.080	.107	.134	.161
150 lbs.	.025	.050	.075	.100	.125	.151
160 lbs.	.023	.047	.070	.094	.117	.141
170 lbs.	.022	.045	.066	.088	.110	.132
180 lbs.	.021	.042	.063	.083	.104	.125
190 lbs.	.020	.040	.059	.079	.099	.119
200 lbs.	.019	.038	.056	.075	.094	.113
210 lbs.	.018	.036	.053	.071	.090	.107
220 lbs.	.017	.034	.051	.068	.085	.102

Estimates only

- These alcohol charts are general guidelines.
 - Actual alcohol concentrations achieved may vary.
 - All individuals are impaired at levels of 0.08 and greater.
- (See **red bold** text in the charts.)

EXAMPLE: A 180-pound man could have **four** drinks within **one hour** - a considerable amount of drinking - and his BAC would be: .083 (from the chart) minus .015 (.015 x 1 hour) = .068.

Alcohol chart (women)

Body weight	Number of drinks					
	1	2	3	4	5	6
90 lbs.	.053	.106	.159	.212	.265	.318
100 lbs.	.047	.094	.141	.188	.235	.282
110 lbs.	.042	.084	.126	.168	.210	.252
120 lbs.	.038	.076	.114	.152	.190	.228
130 lbs.	.036	.072	.108	.144	.180	.216
140 lbs.	.033	.066	.099	.132	.165	.198
150 lbs.	.031	.062	.093	.124	.155	.186
160 lbs.	.028	.056	.084	.112	.140	.168
170 lbs.	.027	.054	.081	.108	.135	.162
180 lbs.	.026	.052	.078	.104	.130	.156

What is a drink?

For the purposes of these charts, a "drink" is:

- **12 oz. of 4.2% beer**
(a typical "lite" beer)
- **4 oz. of 12-13% wine**
- **1.25 oz. of 80-proof liquor**

EXAMPLE: A 120-pound woman could have **three** drinks within **two hours**, and her BAC would be: .114 (from the chart) minus .036 (.018 per hour x 2 hours) = .078.

NOTE: These BAC figures are for drinking *without* eating. Having something to eat along with a drink may slow alcohol absorption and lead to a lower blood or breath alcohol concentration.