

Zero Tolerance QS & AS

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ZERO TOLERANCE
Selected Questions and Answers
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What are Zero Tolerance Laws?

Zero tolerance laws refer to state laws that consider a driver under age 21 to be driving under the influence if his or her blood/alcohol content (BAC) is .02 or above. These laws are called zero tolerance because they deem youths to be impaired if they have had just one full drink of alcohol. Drivers in Zero Tolerance jurisdictions lose their drivers licenses for several months and possibly face other penalties as well if they are found to have alcohol in their systems when they are behind the wheel. These laws are meant to complement 21 minimum drinking age laws which have been enacted in all 50 states.

President Reagan signed legislation in 1984 giving states a strong incentive to raise their drinking age to 21. Many states had already taken that step, but federal leadership was needed to bring along the rest. The minimum drinking age is now the law of the land. Federal leadership was needed to eliminate blood borders -- borders between states with dissimilar drinking ages. Young people under age 21 used to drive across these borders to take advantage of lower drinking ages, often with tragic consequences when they would drive home drunk.

Minimum drinking age laws have saved some 14,000 lives in the last ten years. Alcohol-related deaths under the age of 21 have been cut in half since 1984. Yet even with the minimum drinking age, last year nearly 2,200 were killed in crashes involving young drivers who were drinking and driving. Of that group, 1,600 were young people themselves. We have made tremendous progress in fighting underage drinking, but we can do more as a nation to protect young people. Some states already are saving hundreds of young lives through Zero Tolerance Laws. Federal leadership is needed to bring aboard the rest.

How many states have adopted Zero Tolerance Laws?

Currently, 24 states plus the District of Columbia have .02 BAC laws. Five of those states enacted their laws this past legislative session. In 2 other states, laws are awaiting governor's signature. Four other states have youth BAC laws between .04 and .07. Four other states have .02 BAC laws for drivers under age 18 only.

Incentives for states to adopt zero tolerance laws are limited. Under current law, adopting a .02 law, by itself, does not qualify a state for any federal funds. However, states which qualify for the National Highway Traffic Safety Administration's Section 410 alcohol incentive program are entitled to a supplemental grant of up to 5% for passing a .02 law. To qualify for a 410 grant, a state must adopt 5 of 6 qualifying programs and laws. The 410 program is funded at \$25 million/year, which is split among the qualifying states based on a population and road mileage-based formula. Last year, 25 states + the District of Columbia qualified for this funding. (Note: .02 laws are only 1 of 7 laws and programs that, when adopted, qualify a state for supplemental funds.)

Do Zero Tolerance Laws work?

Zero Tolerance Laws save lives. Alcohol-related crashes involving teenage drivers are down substantially in those states -- between 10 and 20 percent overall. If all states had such laws, hundreds more lives could be saved and thousands of injuries could be prevented.

Leading organizations throughout America, including Mothers Against Drunk Driving, AAA, and the National Safety Council support Zero Tolerance Laws.

How does Zero Tolerance enforcement differ from other highway safety laws?

The treatment of .02 laws differs from the treatment the federal law gives to other highway safety programs. States that fail to adopt both seat belt and motorcycle helmet laws have a portion of their highway construction funds shifted to safety programs. (Currently, 48 states do have mandatory seat belt laws, but 23 states do not have both laws in place.)

In addition, states that do not adopt federal speed limit laws or the minimum 21-age drinking limit law lose a portion of their federal highway funds altogether (opposed to having them redirected). States that fail to enforce the speed limit face redirection of funds. Currently, all 50 states have enacted both the speed limit and drinking age laws. Sanctions of lost funds for failing to enact these highway safety measures have proved highly effective in states. Redirection has proved somewhat, yet less, effective. States face no penalties for failing to adopt a .02 or other lower-for-youth BAC laws.

What is President Clinton's calling for?

The President is calling on Congress to adopt legislation which will result in all 50 states enacting zero tolerance laws. Options for such Congressional legislation range from additional positive incentives for states which do enact zero tolerance laws to sanctions or redirection of funds for states which do not. Other options may be considered as well. The administration intends to work with Congress and other interested parties to develop an appropriate solution.

Just as we as a nation decided that the drinking age should be 21, the President believes also that we must decide not to tolerate any alcohol use by teenage drivers. If it's illegal for people under 21 to drink, it should be illegal for them to drink and drive. It's common sense.

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