



NEW YORK STATE SENATOR

John C. Liu

Legislators, NYC DOT, advocates push to lower the legal blood alcohol limit in NY state from .08 to .05

JOHN C. LIU February 8, 2023

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**LEGISLATORS, NYC DOT, ADVOCATES PUSH TO LOWER THE LEGAL BLOOD ALCOHOL LIMIT
IN NY STATE FROM .08 TO .05**

Albany, NY – NY State Senator John C. Liu and Assembly Member Jo Anne Simon today joined with the NYC Department of Transportation Commissioner Ydanis Rodriguez, legislators, Mothers Against Drunk Driving, the National Transportation Safety Board, and transportation advocates from around the nation to call for New York State to lower the legal Blood Alcohol Concentration (BAC) from .08% to .05%.

Their legislation [S776](#) (Liu) and [A1627](#) (Simon) would make New York the second state in the nation to lower its DWI threshold to .05 BAC. In 2019, Utah lowered its threshold to .05 BAC and saw its drunk driving deaths reduced by nearly 20 percent while rates around the rest of the nation increased. The National Highway Traffic Safety Association recommends every state lower their BAC to .05 as each year nearly 10,000 people are killed in crashes involving alcohol-impaired drivers, and nearly 173,000 are injured. Other states, including Washington and Hawaii are also preparing legislation to lower the legal BAC to .05.

Studies have shown that lowering legal BAC limits does not lead to an increase in arrests or a burden on the criminal justice system, nor does it cause undue damage to the hospitality industry. In fact, a new Utah study showed state revenues from taxes continue to rise, and tourism increase.

State Senator John Liu stated, “The science and data are clear as day: lowering the BAC to .05 saves lives. The best way to reduce the number of alcohol-related crashes and fatalities is to prevent people from drinking and driving. Lowering the legal blood alcohol limit will make our streets safer and help keep our families whole. Over 100 countries around the world already have this law on the books and all of them have seen improvements, but only Utah has done it here in America. New York needs to lead this effort, and with the partnership from Mayor Adams and the NYC DOT, who have made this legislation part of their priority agenda for safer streets, and with our partners in law enforcement and advocates around the state who have had their lives unalterably affected by drinking and driving, we can do the right thing and make it happen here in New York.”

State Assembly Member Jo Anne Simon stated, “More than a third of crashes in NY State involve alcohol, and the share of traffic fatalities related to DWIs has increased during the pandemic. However, there is a low-cost, straightforward policy change that will save lives - lowering the DWI threshold from .08 to .05%. This bill will lower the blood alcohol content threshold so we can combat reckless driving - and raise awareness - to stop these preventable tragedies. New York was once a leader in combating drunk driving, but we have fallen behind and it’s time to update our standards to align with countries across the world. I’m thankful to my partner, Senator John Liu, and to City DOT Commissioner Rodriguez and the families and advocates for sharing their stories.”

NYC Department of Transportation Commissioner Ydanis Rodriguez stated, “Since the pandemic, we have seen an alarming increase in high-speed car wrecks, especially on highways, very often fueled by the deadly combination of driving under the influence. DOT is working around the clock to reduce fatalities on our roads, and we know there is a simple policy solution to curb this reckless behavior: lowering the BAC threshold for Driving While Intoxicated in New York State from .08% to .05%. This change will both align us better with countries around the world and save lives. I want to thank Mayor Adams, State Senator John Liu, Assembly Member Jo Anne Simon, and the brave advocates – many of whom have lived the tragic consequences of drunk driving -- for taking on this important fight.”

State Senator Brad Hoylman-Sigal stated, “[More than 30%](#) of New York’s fatal vehicle crashes are alcohol-related. It’s time New York follows the guidance of the National Transportation Safety Board and lowers the legal alcohol limit to 0.05 percent. In other jurisdictions where this change has been implemented, the number of fatal crashes has fallen precipitously. I applaud Senator Liu and Assembly Member Simon for championing this legislation that will help make our streets safer.”

State Senator Luis R. Sepulveda stated, “I am thrilled to express my support for Senator Liu's bill S776. I believe it is a crucial step towards promoting road safety and reducing the number of alcohol-related crashes, which continue to pose a significant threat to lives and communities. By adopting a stricter standard for drunk driving, we can help prevent fatalities and injuries on our highways.”

State Senator Toby Stavisky stated, “New York State Police report that more than 30% of deadly crashes across our state are alcohol related. These are tragic and preventable deaths. In many countries, stricter standards for impaired driving have led to a significant drop in highway fatalities. This is literally a matter of life and death and New York should be a leader in setting a higher standard for responsible driving.”

State Senator Robert Jackson stated, “Lowering the allowable BAC to a more stringent level is a practical and necessary step in reducing alcohol-related crashes and setting an example for the rest of the nation. I’m proud to be part of a Senate majority that is leading the way in this important effort. With this bill, New York State has the opportunity to take a stand in the fight against alcohol-related crashes and save many lives; let’s get this done!”

State Assembly Member Jenifer Rajkumar, stated, “I’m here to support the families, many who I know personally, who have gone through unspeakable pain. This legislation is a common sense solution that is proven, and now is the time to get it done. I thank my fellow legislators, Mayor Adams and NYC DOT Commissioner Rodriguez for making this a priority.”

State Assembly Member Jeffrey Dinowitz stated, “There is no question that when this bill becomes law, it will save lives. We've taken many steps already to make our roads safer, and this effort is key to keeping people alive. We'll never know who's lives this bill will save, but we know it'll save lives.”

Mothers Against Drunk Driving National President Tess Rowland, stated, “MADD is grateful for the commitment Senator Liu and Assembly Member Simon have made to safer roads in New York. Lowering New York's BAC to .05 is about saving lives and preventing injuries caused by alcohol-impaired driving, the leading killer on our roads. As we saw in Utah, a .05 BAC law encourages people to make other transportation plans when they are drinking - a much-needed behavior change at a time when drunk driving deaths are increasing and more families and communities are being impacted by this violent, preventable crime.”

National Transportation Safety Board Member Tom Chapman stated, “In countless investigations and studies, the NTSB has seen the devastating toll drunk driving takes on families and communities across our country. Extensive evidence tells us lowering the legal BAC to .05—as proposed by S776—is one of the proven countermeasures that saves lives.”

Thomas M. Louizou, Co-founder of .05 Saves Lives Coalition, stated, “A lower limit DWI law is an evidenced based proven countermeasure that will save lives in New York by deterring people from driving at all BAC levels. It's not about drinking. It's about separating drinking from driving.”

William Aiken, President, Remove Intoxicated Drivers, stated, “In the last 20 years, DWI penalties have gotten more severe. Yet, DWI fatality rates remain stagnant in that period. .05 works where tougher penalties have failed. .05 gets people to consider their sobriety before they get behind the wheel.”

Erica Linn, Sleepy Hollow resident and MADD member, stated, “We are in the midst of an epidemic of drunk driving crashes here in NY. Having lost both of my parents at the hands of a drunk driver I strongly support & advocate for the BAC to be reduced to .05. We know scientifically that drivers are impaired at .05. By reducing the BAC to .05, we have seen a reduction of deaths in states that have adopted this legislation by 19%. We need this legislation passed so others in NY may never know the devastation drunk driving crashes cause for families & communities alike.”

Carole Sears, Larchmont resident and MADD member, stated, “My children and I have lived with the pain and horror, for 20 years, of losing my husband and their father, Andy Sears, to a drunk driver. The pain does not diminish with time and our feeling of injustice grows. Changing the BAC law to .05 will help to ensure that fewer innocent families will suffer the same inexplicable loss that our family has endured.”

Alisa and John McMorris, Wading River residents and MADD members, stated, “We are forever broken after the loss of our 12-year-old son Andrew McMorris. A drunken driver senselessly took our son’s life, in front of his father, while he was hiking with his Boy Scout troop. Andrew was ripped from our family, his sister, friends, teachers and scouts. Impaired driving leads to tragedy every single day on our roads and we want to make our roads safer so no other family has to endure this 100% preventable loss. We can no longer look the other way and need to encourage safer behavior. Lowering the Per Se Blood Alcohol to .05 % can save lives where other measures have failed and we can make drunk driving a relic of the past.”

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