

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2014**

Bill Number: H.707 Name of Bill: Motor vehicles; driving under the influence of alcohol

Agency/Dept: Public Safety Author of Bill Review: Lt. John Flannigan

Date of Bill Review: February 7, 2014 Status of Bill: (check one):

Upon Introduction       As passed by 1<sup>st</sup> body       As passed by both bodies

Recommended Position:

Support       Oppose       Remain Neutral       Support with modifications identified in # 8 below

**Analysis of Bill**

1. **Summary of bill and issue it addresses.** *Describe what the bill is intended to accomplish and why.*  
This bill proposes to lower the permissible blood alcohol concentration limit for purposes of being charged with operating a vehicle while under the influence of alcohol from 0.08 to 0.05.
2. **Is there a need for this bill?** *Please explain why or why not.*  
Impaired driving injures and kills many people in Vermont each year. There is substantial research to indicate that impairment levels start much lower than .08% BAC. In 2006, it is estimated that alcohol-involved traffic crashes costs were \$129.7 billion (monetary & quality of life losses).
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?**  
There would likely be implications in relation to significant training for members of the Dept to recognize signs of impairment at a lower threshold that would have both programmatic and fiscal implications. This may also lead to an increase in the number of arrests of the motoring public for violating this law.
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?**  
Courts, Corrections and DMV for law changes and potentially and increase in case loads.
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** *(for example, public, municipalities, organizations, business, regulated entities, etc)*  
I believe many in the business of selling and serving alcoholic beverages would oppose such legislation as it would likely impact their business.
6. **Other Stakeholders:**
  - 6.1 **Who else is likely to support the proposal and why?**  
This is a new concept in the US and there has been mixed reviews by highway safety advocates, law enforcement and others who would normally support highway safety issues.
  - 6.2 **Who else is likely to oppose the proposal and why?**  
Likely business, much of the public and defense bar.
7. **Rationale for recommendation:** *Justify recommendation stated above.*  
In May 2013, the National Transportation Safety Board (NTSB) published recommendations that the national impaired driving threshold should be reduced from .08 to .05. It has been long known through research that impairment starts at lower levels below .08, that can affect a person's ability to operate a

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vehicle safely. The idea that even, "slight impairment" is impairment and increases operator (and other) risks on our highways.

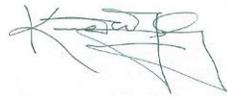
According to the Center for Disease Control (CDC) effects at .05% BAC include; Exaggerated behavior, may have loss of small-muscle control (e.g., focusing your eyes), impaired judgment, usually good feeling, lowered alertness, release of inhibition. Additionally, predictable effects on driving at this levels include; reduced coordination, reduced ability to track moving objects, difficulty steering, reduced response to emergency driving situations: All important functions to operate a vehicle safely.

However, law enforcement officers have been trained to detect alcohol for decades at a .10% BAC, even though several field validation studies were conducted with high arrest / no arrest decision rates throughout the county in the 1990's at a .08% BAC level. It is believed that the accuracy for arrest vs. no arrest decisions would be difficult with the current Standardized Field Sobriety Tests (SFST) at a lower level at .05% without research and a field validation study to determine their accuracy in determining impairment.

It is highly likely that a reduced BAC level would reduce the number of impaired driving crashes, injuries and fatalities.

8. **Specific modifications that would be needed to recommend support of this bill:** *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*  
None.

Secretary/Commissioner has reviewed this document



Date: 2/11/14