



Impaired Driving State Landscape

REGION

9

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Impaired Driving State Landscape Overview

The purpose of the “Impaired Driving State Landscape” is to provide an overview of impaired driving fatality rates, legislation, and prevention mechanisms of each State. Impaired driving prevention is complex and incorporates multiple countermeasures to combat the problem, which includes both drunk and drugged driving. States have differing impaired driving legislation and prevention methods. To better understand the complexities and recognize differences between States the “Impaired Driving State Landscape” provides an overview of impaired driving countermeasure engagement, legislation, and trends for each State. The landscape also provides a summary of each State compared to other States within their respective National Highway Traffic Safety Administration (NHTSA) region.

Limitations: It is important to note the overview is not comprehensive of all impaired driving related statistics, legislation, and programs for each State. Yet provides insight into some areas of impaired driving prevention to give readers a basic understanding of the severity of impaired driving and what is being done to reduce the problem.

What you will find in each State’s overview of impaired driving:

- Important statistics
 - Fatality rate per 100 million vehicle miles traveled (VMT) in alcohol-impaired driving crashes
 - Fatalities in alcohol-impaired driving crashes
 - Number of drivers age 16 to 20 years old involved in a fatal crash with a blood alcohol concentration (BAC) above 0
 - Five-year (yr) trend showing percentage of total fatalities in alcohol-impaired driving crashes
- Impaired driving legislation
 - Compliance of open alcohol container laws compared to NHTSA guidelines
 - Administrative license suspension or revocation (ALS/ALR) legislation enacted
 - Underage impaired driving zero tolerance legislation authorization
 - Description of sobriety checkpoint authorization
 - Descriptions of thresholds considered high BAC levels, at which there is an associated escalation of penalties
 - Ignition interlock device legislation
- Drug-impaired driving
 - Leading drug identified by DRE toxicology results
 - Zero tolerance drug-impaired driving laws enacted
 - Comprehensive cannabis use regulation
- Professionals combatting impaired driving
 - Active professionals/programs in the roles of...
 - State judicial outreach liaisons (SJOLs)
 - Drug recognition expert (DRE) officers
 - Law enforcement liaison (LEL)
 - Traffic safety resource prosecutor (TSRP)

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Significant Terminology and Background Information

Administrative license suspension/revocation: NHTSA explains administrative license suspension (ALS) legislation is enacted by States and, “allow law enforcement and driver licensing authorities to suspend a driver’s license if the driver fails or refuses to take a BAC test”. Administrative license revocation (ALR) laws are similar but differ in that this type of law requires offenders to re-apply for a license after the determined period of suspension. ALS/ALR laws are recommended in [NHTSA’s Countermeasures That Work](#). This landscape document provides information as to whether a State has an ALS/ALR law meeting the above definitions.

Alcohol ignition interlocks: Per NHTSA, an alcohol ignition interlock device prevents a vehicle from being operated unless the driver provides a breath sample with a breath alcohol concentration (BrAC) lower than a pre-set level, usually .02. Ignition interlocks typically are used as a condition of probation for driving while impaired (DWI) offenders, to prevent them from driving while impaired by alcohol after their driver’s license has been reinstated. All 50 States allow for ignition interlocks to be used for DWI offenders, although mandatory requirements vary by State. To gain an understanding of States’ ignition interlock legislation and which types of DWI offenders are mandated to install an ignition interlock, this document categorizes each State into one of five categories.

Note that there are nuances between how States enact and enforce ignition interlock laws among DWI offenders in their State, refer to the NHTSA’s [Digest of Impaired Driving and Selected Beverage Control Laws](#) or State legislation for more information on a specific State.

Categories

- Mandatory for all offenders: State has legislation mandating first and repeat DWI offenders install an ignition interlock on their vehicle(s)
- Mandatory for high-BAC and repeat offenders: State has legislation mandating DWI high-BAC (as defined by State) and repeat offenders install an ignition interlock on their vehicle(s)
- Mandatory for aggravated and repeat offenders: State has legislation mandating DWI aggravated (as defined by State) and repeat offenders install an ignition interlock on their vehicle(s)
- Mandatory for injury involved and repeat offenders: State has legislation mandating DWI offenders involved in a crash resulting in injuries to other occupants and repeat offenders install an ignition interlock on their vehicle(s)
- Mandatory for repeat offenders: State has legislation mandating repeat DWI offenders install an ignition interlock on their vehicle(s)
- Permissive: State has legislation but that legislation does not mandate DWI offenders to install an ignition interlock on their vehicle(s)

Alcohol-impaired driving crash: Drivers in 49 out of 50 States are considered to be alcohol-impaired when their BAC is .08 grams per deciliter (g/dL) or higher. The one difference to this is drivers in the State of Utah, where the State law is stricter; drivers in Utah are considered to be alcohol-impaired when their BAC is .05 g/dL. Thus, any fatal crash involving a driver with a BAC of .08 g/dL (.05 g/dL in Utah) or higher is considered to be an alcohol-impaired driving crash, and fatalities occurring in those crashes are recognized as alcohol-impaired driving fatalities. The term “driver” refers to the operator of any motor vehicle, including a motorcycle. This definition is utilized by the Fatalitiy Analysis Reporting System (FARS), which reports data on fatal motor vehicle crashes on U.S. roadways and was used to gather data for this State landscape document. More information on FARS can be found [here](#).

DRE: Per the International Association of Chiefs of Police (IACP), a drug recognition expert (DRE) is, a police officer trained to recognize and articulate impairment in drivers under the influence of drugs other than, or in addition to, alcohol. To become a DRE an officer must complete and pass the Drug Evaluation and Classification (DEC) Program's extensive training. To learn more about DREs visit the [IACP](#). *Note: The DRE data presented in this landscape document represents the number of active DRE's in each State at the end 2020. The COVID-19 Pandemic impacted the DRE program and number of active DRE's. The pandemic precluded some States from holding DRE Schools. In addition, DRE's are required to re-certify every two years and many re-certification sites are at jails or prisons where extensive protocols were in place due to the pandemic, limiting the re-certification of DREs.*

Drug-impaired driving zero tolerance laws: Zero tolerance laws make it illegal to drive a vehicle with any measurable amount of one or more specified drugs. The document provides information on zero tolerance laws, prohibiting driving with any amount of THC and/or its metabolites in the body.

High BAC: A high blood alcohol concentration (BAC) is a specified amount greater than .08 g/dL (or .05 g/dL in Utah) of which State law specifies at the pre-determined high BAC amount or greater an offender will face increased sanctions for driving impaired by alcohol.

Leading drug identified by DRE toxicology results: The leading drugs by toxicology results, demonstrates the drug type identified most often by DRE officers and confirmed through toxicology results in drug-impaired driving cases. The Drug Recognition Expert Data System houses this information located on NHTSA's website. *Note: The District of Columbia (D.C.), Missouri, and Washington did not report data for the year reported in this landscape document. The Drug Recognition Expert Data System is not publicly available, but for more information you can contact DREDataSupport@dot.gov*

LEL: The National Law Enforcement Liaison Program (NLELP) explains a Law Enforcement Liaison (LEL) is a retired or sworn police officer who serves as a link between the State Highway Safety Office (SHSO) and the State's law enforcement community to advocate for engagement in national highway safety programs. LELs contribute to an increase in law enforcement agencies engaged in traffic safety activities and decreases in crashes. This landscape document reports which States have active programs and includes States with vacant LEL positions, at the time this document was written, as being non-active. Visit [NLELP](#) for more.

Open container laws: State's must have open container laws meeting Federal requirements to avoid the transfer of Federal-aid highway construction funds to alcohol-impaired driving countermeasure programming. The purpose of an open container law is to control access to alcohol while driving and reduce alcohol-impaired driving. The legislation must meet the following six requirements: (1) prohibit possession of any open alcoholic beverage container and the consumption of any alcoholic beverage in a motor vehicle, (2) specify the passenger area of any motor vehicle, (3) apply to all alcoholic beverages, (4) apply to all occupants, (5) specify on a public highway or the right-of-way of a public highway and (6) specify primary enforcement. More information on the Federal requirements can be found [here](#). This landscape document recognizes if a State complied with the requirements above in Fiscal Year 2020.

SJOL: NHTSA explains a State Judicial Outreach Liaison (SJOL) is a sitting or retired member of the State judiciary. The SJOL serves as "a statewide resource for the judiciary and other members of the highway safety community dealing with highway-safety-related court cases, particularly involving impaired driving." They provide education, training, court case interpretations, guidance, and serve as a liaison between the judiciary and highway safety community. For more information on SJOLs visit the, [Best Practices for Implementing a State Judicial Outreach Liaison Program](#) guide.

Sobriety checkpoints: As defined by NHTSA, a sobriety checkpoint is “the stopping of vehicles, or a specific sequence of vehicles, at a predetermined fixed location to detect drivers who are impaired by alcohol or other drugs.” Checkpoints deter drivers from driving impaired, because they reduce the confidence of a driver that they will be able to avoid detection. Visit [NHTSA’s Countermeasures That Work](#) for more information. This landscape document recognizes if a State has permitted, prohibited or has no law regarding sobriety checkpoints in their State. States who have not legally permitted or prohibited sobriety checkpoints are classified as prohibited for the purposes of this document.

Comprehensive cannabis use regulations: There are different State cannabis use regulations and programs including the following, which was used as categorization in this document. It is important to recognize State cannabis use regulations and programs are evolving across the United States and changing rapidly. More information on State cannabis policies can be found [here](#). For information on specific State laws and conditions included in regulation programs refer to State legislation.

Categories

- CBD/low THC program: cannabidiol (CBD) and low THC products are regulated
- Medical use program: cannabis is regulated for medicinal purposes
- Adult and medical use program: cannabis is regulated for medical and recreational purposes

TSRP: Traffic Safety Resource Prosecutors (TSRP), facilitate a coordinated, multidisciplinary approach to the prosecution of impaired driving and other traffic crimes. TSRPs are current or former prosecutors and serve as a resource for traffic crimes prosecutors and law enforcement agencies by providing training, education, and technical support. This landscape document reports which States have active programs and includes States with vacant TSRP positions, at the time this document was written, as being non-active. To learn more about TSRPs utilize the [TSRP Manual](#).

Underage zero tolerance laws: Underage zero tolerance laws make it illegal for young people under 21 years of age (the national minimum drinking age) to operate a vehicle with alcohol in their system. Some States specify this as “zero tolerance, <.02” meaning BAC must be under .02 or .01 g/dL whereas other States specify zero tolerance as no BAC above .00 g/dL. Zero tolerance laws create specific penalties for people under 21 years of age found to be driving impaired at these levels. This landscape documents specifies at what concentration level young people’s BAC must be under, as determined by State legislation.



Important acronyms used throughout the document



ALS- Administrative License Suspension
ALR- Administrative License Revocation
BAC- Blood Alcohol Concentration
DRE- Drug Recognition Expert
DWI- Driving While Intoxicated

LEL- Law Enforcement Liaison
MVC- Motor Vehicle Crash
SJOL- State Judicial Outreach Liaison
TSRP- Traffic Safety Resource Prosecutor
VMT- Vehicle Miles Traveled

Fatalities in Alcohol-Impaired Driving Crashes (2019)



Fatality Rate per 100 Million VMT in Alcohol-Impaired Driving Crashes (2019)



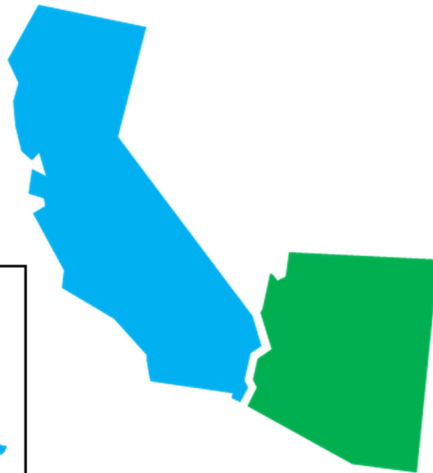
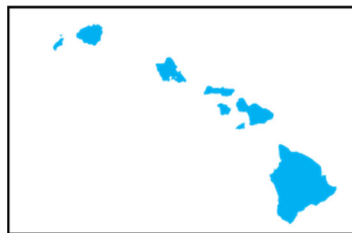
Arizona California Hawaii

	Open Container Compliant	ALS/ALR Law	Checkpoints Permitted	SJOL	DRE	LEL	TSRP
Arizona	✓	✓	✓	✗	✓	✗	✓
California	✓	✓	✓	✓	✓	✓	✓
Hawaii	✗	✓	✓	✗	✓	✓	✓

✓=Yes ✗=No

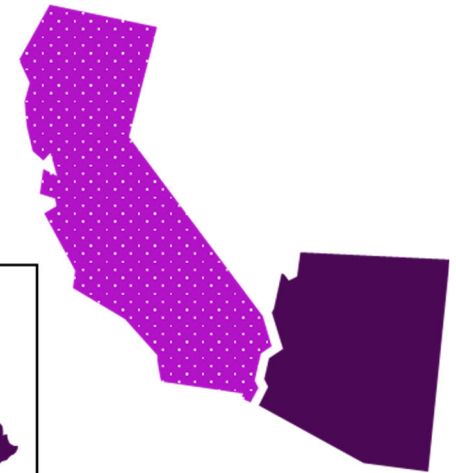
Leading Drug Identified by DRE Toxicology Results

- Stimulants
- Cannabis



Ignition Interlock Legislation

- Mandatory for all offenders
- Mandatory for injury involved and repeat offenders
- **Pilot Program in CA



Region 9

Arizona

0.37

Fatality rate per 100 million VMT in alcohol-impaired driving crashes (2019)¹¹

Impaired Driving Legislation



- Open container laws: Yes NHTSA compliant¹
- ALS/ALR law: Yes²
- Underage impaired driving law: Zero tolerance²

Impaired Driving Legislation



- Sobriety checkpoints: Permitted²
- Increased penalties for high BAC at .15 g/dL³
- Ignition interlock legislation: Mandatory for all offenders²

260 Fatalities
in alcohol-impaired driving crashes (2019)¹¹



16 drivers
age 16-20yrs old with a BAC \geq .01 were involved in a fatal crash (2019)¹²

Drug-Impaired Driving



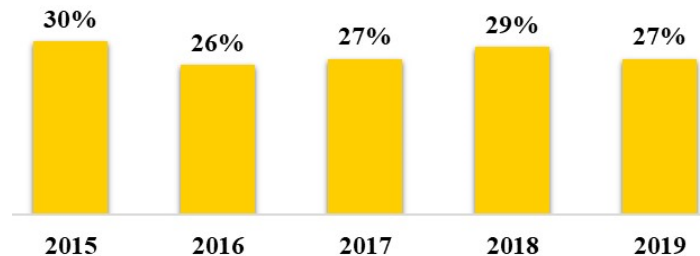
- Leading drug identified by DRE toxicology results: Cannabis⁴
- Drug-impaired driving: Zero tolerance for THC and/or its metabolites⁵
- Comprehensive cannabis use regulation: Adult and medical use program⁶

Professionals Combatting Impaired Driving



- ✗ SJOL⁷
- ✓ DRE⁸
- ✗ LEL⁹
- ✓ TSRP¹⁰

Percentage of all MVC Fatalities which are Alcohol-Impaired Driving Crashes¹¹



California

Impaired Driving Legislation



- Open container laws: Yes NHTSA compliant ¹
- ALS/ALR law: Yes ²
- Underage impaired driving law: Zero tolerance, BAC < .01 ²

Impaired Driving Legislation



- Sobriety checkpoints: Permitted ²
- Increased penalties for high BAC at .15 g/dL ³
- Ignition interlock legislation: Pilot Program– Mandatory for all injury involved and repeat offenders ⁴

0.28

Fatality rate per 100 million VMT in alcohol-impaired driving crashes (2019) ¹²

949 Fatalities
in alcohol-impaired driving crashes (2019) ¹²



66 drivers
age 16-20yrs old with a BAC ≥.01 were involved in a fatal crash (2019) ¹³

Drug-Impaired Driving



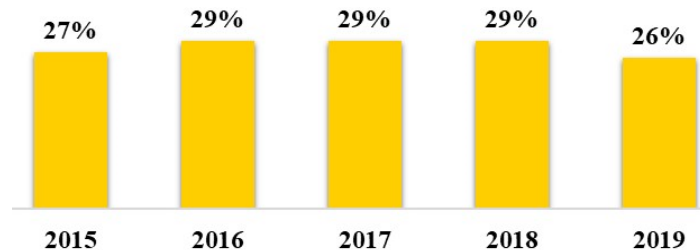
- Leading drug identified by DRE toxicology results: Stimulants ⁵
- Drug-impaired driving: No zero tolerance laws ⁶
- Comprehensive cannabis use regulation: Adult and medical use program ⁷

Professionals Combatting Impaired Driving



- ✓ SJOL ⁸
- ✓ DRE ⁹
- ✓ LEL ¹⁰
- ✓ TSRP ¹¹

Percentage of all MVC Fatalities which are Alcohol-Impaired Driving Crashes ¹²



Hawaii

0.33

Fatality rate per 100 million VMT in alcohol-impaired driving crashes (2019)¹¹

Impaired Driving Legislation



- Open container laws: Not NHTSA compliant¹
- ALS/ALR law: Yes²
- Underage impaired driving law: Zero tolerance, BAC <.02²

Impaired Driving Legislation



- Sobriety checkpoints: Permitted²
- Increased penalties for high BAC: None³
- Ignition interlock legislation: Mandatory for all offenders²

36 Fatalities

in alcohol-impaired driving crashes (2019)¹¹



4 drivers

age 16-20yrs old with a BAC ≥.01 were involved in a fatal crash (2019)¹²

Drug-Impaired Driving



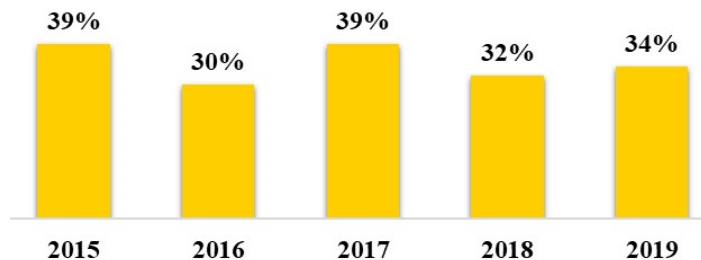
- Leading drug identified by DRE toxicology results: Stimulants⁴
- Drug-impaired driving: No zero tolerance laws⁵
- Comprehensive cannabis use regulation: Medical use program⁶

Professionals Combatting Impaired Driving



- ✗ SJOL⁷
- ✓ DRE⁸
- ✓ LEL⁹
- ✓ TSRP¹⁰

Percentage of all MVC Fatalities which are Alcohol-Impaired Driving Crashes¹¹



Arizona References

- ¹ National Highway Traffic Safety Administration, Office of Grants Management and Operations. (2020, March). *FY 2020 S. Full Year 402 405 1906 154/164 Authorized Grant Amounts* [PDF].
- ² National Highway Traffic Safety Administration. (2017, June). *Digest of impaired driving and selected beverage control laws, 30th edition, Current as of December 31, 2015* (Report No. DOT HS 812 394). Washington, DC. Author.
- ³ A.R.S §28-1382
- ⁴ Sobriety Testing Resource Center. (n.d.). *Top Drug Identified by DRE Toxicology Results: 2018*.
- ⁵ National Conference of State Legislatures. (2020, November). *Drugged Driving, Marijuana Impaired Driving*. Retrieved from <https://www.ncsl.org/research/transportation/drugged-driving-overview.aspx>
- ⁶ 36 A.R.S. §§ 28.1, 28.2
- ⁷ National Highway Traffic Safety Administration, Cash, Caroline. (2020). *ABA/NHTSA Program Contact Information*.
- ⁸ International Association of Chiefs of Police. (2021). *2019 Drug Evaluation and Classification Program*. Retrieved on 2020, December 30.
- ⁹ National Law Enforcement Liaison Program. (n.d.) *LEL Directory: Arizona*. Retrieved from <https://www.nlelp.org/about-lel/lel-directory/az>
- ¹⁰ National District Attorney's Association. (2021, January) Traffic Safety Resource Prosecutors. Retrieved from <http://ndaa.org/wp-content/uploads/TSRP-LIST-1.29.21-1.pdf>
- ¹¹ National Highway Traffic Safety Administration, National Center for Statistics and Analysis. (2020). State Traffic Safety Information: Arizona. Retrieved from <https://cdan.nhtsa.gov/stsi.htm#>
- ¹² National Highway Traffic Safety Administration's National Center for Statistics and Analysis. (2020). "Drivers Involved in Motor Vehicle Crashes; Person type: Driver; 16 <= Age <= 20 Years: 2019; Highest Driver BAC" Part of: *Fatality Analysis Reporting System (FARS): 2005-2018 Final File and 2019 Annual Report File (ARF)*. Available at <https://cdan.dot.gov/query>

California References

¹ National Highway Traffic Safety Administration, Office of Grants Management and Operations. (2020, March). *FY 2020 S. Full Year 402 405 1906 154/164 Authorized Grant Amounts* [PDF].

² National Highway Traffic Safety Administration. (2017, June). *Digest of impaired driving and selected beverage control laws, 30th edition, Current as of December 31, 2015* (Report No. DOT HS 812 394). Washington, DC. Author.

³ Cal. Vehicle Code §§23578, 23538, 23575

⁴ California Department of Motor Vehicles. (n.d). *State Ignition Interlock Device Pilot Program*. Retrieved from <https://www.dmv.ca.gov/portal/driver-education-and-safety/dmv-safety-guidelines-actions/driving-under-the-influence/statewide-ignition-interlock-device-pilot-program/>

⁵ Sobriety Testing Resource Center. (n.d.). *Top Drug Identified by DRE Toxicology Results: 2018*.

⁶ National Conference of State Legislatures. (2020, November). *Drugged Driving, Marijuana Impaired Driving*. Retrieved from <https://www.ncsl.org/research/transportation/drugged-driving-overview.aspx>

⁷ 16 CCR 42

⁸ National Highway Traffic Safety Administration, Cash, Caroline. (2020). *ABA/NHTSA Program Contact Information*.

⁹ International Association of Chiefs of Police. (2021). *2019 Drug Evaluation and Classification Program*. Retrieved on 2020, December 30.

¹⁰ National Law Enforcement Liaison Program. (n.d.) *LEL Directory: California*. Retrieved from <https://www.nlelp.org/about-lel/lel-directory/ca>

¹¹ National District Attorney's Association. (2021, January) Traffic Safety Resource Prosecutors. Retrieved from <http://ndaa.org/wp-content/uploads/TSRP-LIST-1.29.21-1.pdf>

¹² National Highway Traffic Safety Administration, National Center for Statistics and Analysis. (2020). State Traffic Safety Information: California. Retrieved from <https://cdan.nhtsa.gov/stsi.htm#>

¹³ National Highway Traffic Safety Administration's National Center for Statistics and Analysis. (2020). "Drivers Involved in Motor Vehicle Crashes; Person type: Driver; 16 <= Age <= 20 Years; Highest Driver BAC" Part of: *Fatality Analysis Reporting System (FARS): 2005-2018 Final File and 2019 Annual Report File (ARF)*. Available at <https://cdan.dot.gov/query>

Hawaii References

- ¹ National Highway Traffic Safety Administration, Office of Grants Management and Operations. (2020, March). *FY 2020 S. Full Year 402 405 1906 154/164 Authorized Grant Amounts* [PDF].
- ² National Highway Traffic Safety Administration. (2017, June). *Digest of impaired driving and selected beverage control laws, 30th edition, Current as of December 31, 2015* (Report No. DOT HS 812 394). Washington, DC. Author.
- ³ HRS §291E
- ⁴ Sobriety Testing Resource Center. (n.d.). *Top Drug Identified by DRE Toxicology Results: 2018*.
- ⁵ National Conference of State Legislatures. (2020, November). *Drugged Driving, Marijuana Impaired Driving*. Retrieved from <https://www.ncsl.org/research/transportation/drugged-driving-overview.aspx>
- ⁶ Haw. Rev. Stat. §§ 329-121 to 329-128
- ⁷ National Highway Traffic Safety Administration, Cash, Caroline. (2020). *ABA/NHTSA Program Contact Information*.
- ⁸ International Association of Chiefs of Police. (2021). *2019 Drug Evaluation and Classification Program*. Retrieved on 2020, December 30.
- ⁹ National Law Enforcement Liaison Program. (n.d.) *LEL Directory: Hawaii*. Retrieved from <https://www.nlelp.org/about-lel/lel-directory/hi>
- ¹⁰ National District Attorney's Association. (2021, January) Traffic Safety Resource Prosecutors. Retrieved from <http://ndaa.org/wp-content/uploads/TSRP-LIST-1.29.21-1.pdf>
- ¹¹ National Highway Traffic Safety Administration, National Center for Statistics and Analysis. (2020). State Traffic Safety Information: Hawaii. Retrieved from <https://cdan.nhtsa.gov/stsi.htm#>
- ¹² National Highway Traffic Safety Administration's National Center for Statistics and Analysis. (2020). "Drivers Involved in Motor Vehicle Crashes; Person type: Driver; 16 <= Age <= 20 Years: 2019; Highest Driver BAC" Part of: *Fatality Analysis Reporting System (FARS): 2005-2018 Final File and 2019 Annual Report File (ARF)*. Available at <https://cdan.dot.gov/query>