



Lowering BAC to 0.05%

Overview

[Senate Bill 5067](#) and [House Bill 1315](#) are similar to those we have seen in previous sessions and propose lowering the per se threshold for Blood Alcohol Concentration (BAC) from 0.08% to 0.05%. This represents a 40% reduction in the legal threshold for BAC.

Our state's current DUI laws already allow for anyone under the influence of alcohol—at any level—to be arrested and convicted of a DUI if they are impaired. Essentially, under current law, a person can already be convicted of a DUI with a BAC of 0.05% if impairment is demonstrated.

Lowering the per se threshold to 0.05% means a person could be guilty of a DUI even without showing signs of impairment. This is why the Washington Hospitality Association is strongly opposed to Senate Bill 5067 and House Bill 1315.

This bill is receiving significant support from law enforcement and public safety groups.

Talking points

- The only state to test this experiment, Utah, now has more traffic fatalities than before the law changed.
- There is no evidence that lowering the BAC limit reduces traffic fatalities. In fact, the opposite trend is observed.
- Washington is a "dram shop" state. This means:
 - Liquor license holders and employees are liable for over-service.
 - Specifically in Washington, liquor licensees have significant liquor liability. Our laws allow for:

- Joint and several liability, meaning we are as liable for serving the first drink as the person who serves the last drink
- Washington has time limit demands and requires operators to respond before any information is available about the claim.
- There are no physical signs of intoxication at 0.05 BAC, leaving employees without the necessary training to address this lower threshold, only adding to our liability.

We need to impress upon lawmakers the understanding that:

- These changes would significantly increase liability for businesses and employees who are already liable for physical damages, property damages, and driving-related incidents.
- The current law already allows for DUI convictions at BAC levels of 0.05 or lower if the driver is impaired.
- Lowering the per se BAC limit is unnecessary and puts our employees at increased risk.

This is why we will once again aggressively oppose these bills.

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