RESPONSIBILITY.ORG

DRIVING UNDER THE INFLUENCE (DUI) POLICY CHECKLIST FOR LEGISLATORS

The Problem

Drunk driving is an ongoing and critical threat to road safety, resulting in injury and loss of life.

- In 2024, **11,904** people were killed in alcohol-impaired traffic crashes, representing **30%** of all traffic fatalities.[1]
- A disproportionate number of alcohol-impaired traffic fatalities are caused by drivers at high blood alcohol concentration (BAC) levels (0.15 g/dL or above). In 2024, **67%** of those killed in alcohol-impaired crashes involved at least one driver with a BAC of 0.15 g/dL or higher.[1]
- In 2024, **34%** (or 8,478) of drivers killed in motor vehicle crashes had alcohol in their systems and **29%** of drivers killed were alcohol-impaired with a BAC of 0.08 g/dL or higher.[2]
- According to NHTSA, in 2024, an estimated **1,380** (or 2.5%) drivers involved in a fatal crash had a prior DUI offense in the past five years. Among these repeat offenders involved in a fatal crash, **49%** had a BAC of .08.[2]
- About **one out of every 100** DUI episodes results in arrest (NHTSA, 2023).[3]
- Motor vehicle crashes cost the U.S. **$340B** in 2019, including **$58B** from alcohol-impaired driving for costs like medical expenses and property damage.[1]

Preparing to advocate for stronger DUI laws:

Review your state's DUI fatality, crash, and arrest data (contact your state highway safety office and state police agency) to find out the following:

- What is the magnitude of the problem in your state and surrounding states? How has it grown or changed in recent years?
- Which segments of the population are disproportionately at higher risk of driving while alcohol impaired?
- What are the gaps in the data regarding alcohol-impaired driving that need to be filled?
- Are impaired driving data from key systems (e.g., toxicology, motor vehicle agencies, and courts) integrated to provide a comprehensive picture of impaired driving cases?
- What resources are needed to support better DUI data collection?
- What challenges do agencies encounter when reporting DUI data?

Identify legislative gaps in existing DUI laws.

- What are some potential legislative barriers to enhancing the use of ignition interlock devices (IIDs) to prevent impaired driving?
- What are some possible opportunities to expedite breath and blood BAC testing through improved technology (e.g., electronic warrants)?
- What options exist to strengthen laws to better address repeat DUI offenders?
- What mental health and substance use disorder screening and assessment requirements are included in DUI laws?

Collaborate with stakeholders.

- Identify challenges to DUI enforcement, prosecution, sentencing, screening/assessments for all impaired drivers, and treatment.
- Identify legislative changes to assist practitioners, such as law enforcement and toxicologists, in addressing DUI.
- Ask practitioners how to increase system efficiency and improve outcomes.

[1] National Highway Traffic Safety Administration. (2026). Traffic safety facts 2024: Alcohol-impaired driving (Report No. DOT HS 813 815). U.S. Department of Transportation.
[2] National Highway Traffic Safety Administration. (2026, April). Fatality Analysis Reporting System data (Data from 2024).
[3] National Highway Traffic Safety Administration. (2023). Standardized field sobriety testing (SFST) participant manual. U.S. Department of Transportation.

Options to improve DUI laws in your state:

Establish or enhance a state DUI task force.

Adopt legislation or work with your regulatory agency to form or support your existing state impaired driving taskforce that includes every facet of the DUI system, including multiple jurisdictions, advocacy groups, and other interested parties, to develop a strategic plan to prevent and reduce impaired driving.

Provide more tools to law enforcement.

- Legislate funding for officer training to detect and respond to impaired driving occurrences (e.g., Standard Field Sobriety Testing, Advanced Roadside Impaired Driving Enforcement, Drug Recognition Experts).
- Amend your state's impaired driving law to create or enhance a state Electronic Search Warrant system to streamline warrant acquisition enabling faster blood draws when impaired drivers refuse tests.
- Legislate fingerprinting for all DUI offenders at time of arrest to better track repeat offenders as recommended by the Government Accountability Office.

Mandate mental health and substance use disorder screening and assessment for all impaired drivers.

- Ensure that your state law requires all impaired drivers, including first time and repeat offenders, to submit to a mental health and substance use disorder screening/assessment, designed for the impaired driving population. This approach can help identify underlying causes of a DUI offense, inform potential treatment decisions, and reduce recidivism.
- Enact a law that requires treatment completion as a condition for driver's license reinstatement or probation if an assessment indicates the need for treatment.

Increase the number of accountability courts.

Adopt legislation to expand accountability court (e.g., DUI courts, specialty courts, etc.) programs that provide structured treatment, supervision, and accountability for high-risk offenders, including repeat offenders. These programs are evidence-based and highly effective in reducing recidivism and saving costs.

Implement mandatory compliance-based IIDs for all convicted DUI offenders.

One of the most effective countermeasures available to jurisdictions to stop alcohol impaired driving before a trip begins is the IID. State laws should require all DUI offenders, including first-time offenders, to install an IID and adhere to compliance-based removal guidelines, such as refraining from tampering with the device, before it can be removed.

Establish enhanced sanctions for high-BAC drivers and repeat offenders.

High-BAC drivers and repeat offenders pose a public safety threat and should face increased criminal penalties. As of 2026, forty-six states and the District of Columbia have enhanced penalties for drivers with high BACs.

Enhance administrative license revocation/suspension (ALR/ALS) laws.

Every state has adopted some form of an administrative license revocation or suspension law that allows law enforcement or driver licensing authorities to confiscate a driver's license if an individual fails or refuses a chemical test after arrest. Strengthen these laws by permitting limited driving privileges for those with suspended licenses who install an ignition interlock device.

Improve your state's DUI data collection.

- Revise your state's impaired driving law to mandate alcohol and drug testing through blood, breath, or oral fluid collection for all individuals involved in any motor vehicle crash when there is probable cause to suspect impaired driving.
- Enact legislation to mandate that data collection and reporting systems differentiate between the various possible impaired driving offenses (DUI–Alcohol, DUID, and DUI–Alcohol and Drugs).

Resources

Establish or enhance a state DUI state task force.

- Tennessee Impaired Driving Advisory Council
- Washington Impaired Driving Advisory Council
- Best Practices of Successful State Impaired-Driving Task Forces, NHTSA

*State examples are for informational purposes only.

Provide more tools to law enforcement.

- A Guide to Implementing Electronic Warrants, Responsiblity.org
- Fingerprint Use to Identify Repeat Offenders Position Paper, Responsibility.org
- Impaired Driving: Information on Data Used to Identify Repeat Offenders, Government Accountability Office

Mandate mental health and substance use disorder screening and assessment for all impaired drivers.

- Computerized Assessment and Referral System (CARS Connect)
- Impaired Driving Assessment
- Mental Health Resources for Individuals and Families, Responsibility.org
- Mental Health and Substance Use Disorder Screening and Assessment Position Paper, Responsibility.org

Increase the number of accountability courts.

- The Ten Guiding Principles of DWI Courts, All Rise (formerly known as National Center for DWI Courts)
- DWI Courts, NHTSA Countermeasures that Work

Implement mandatory compliance-based IIDs for all convicted DUI offenders.

- State Ignition Interlock Laws Map, Responsiblity.org
- States Identify Effective Ignition Interlock Countermeasures to Fight DUIs, National Conference of State Legislatures
- Ignition Interlock Program Best Practices Guide, American Association of Motor Vehicle Administrators

Establish enhanced sanctions for high-BAC drivers and repeat offenders.

- State Enhanced Penalties for High-BAC Map, Responsibility.org

Enhance administrative license revocation/suspension (ALR/ALS) laws.

- State Administrative License Suspension/Revocation Map, Responsbility.org

Improve your state's DUI data collection.

- Enhance Drugged Driving Data: State Level Recommendations, AAA Foundation for Traffic Safety

To learn more about the DUI laws in your state, visit the **Responsibility.org State Map**. For information on legislative approaches to combat drug-impaired driving, see Responsibility.org's DUID policymaker **checklist** and related policy **position papers**.

To learn how we can support or partner with you, contact our government relations team at **govrelations@responsibility.org**.