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# DUI/DWI Fact Sheet

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Drinking and driving regulations should be based on reasonable standards that differentiate between responsible, reasonable behavior and reckless, dangerous behavior.

The National Motorists Association (NMA) does not support “zero tolerance” concepts, nor does it endorse unconstitutional enforcement and judicial procedures that violate motorists’ rights.

**The NMA does not support, encourage, or condone drunk driving.**

The NMA supports constructive and effective solutions to the drunk driving problem that are fair, equitable, and respectful of fundamental rights.

## 4 Basic Tenets

1. We believe that penalties for DUI/DWI should be related to the degree of risk involved, and that these penalties be equated with penalties for equal-risk violations of other traffic safety laws.
2. We support those legislative and enforcement initiatives that are effective in achieving stated goals of deterrence and removal of impaired drivers. We do not support initiatives based on revenge, political expedience, or emotional hyperbole.
3. We believe that all Americans should enjoy the same Constitutional rights and privileges. Legislative or enforcement initiatives denying these rights and privileges to motorists violate this uniform application of Constitutional standards.
4. We believe in basing laws and penalties on actual evidence of impairment whenever possible. Blood alcohol content should only be used as prima facie evidence of impairment, and there should be flexibility in laws that base penalties on blood alcohol content.

To better explain the position of our association on this emotionally charged issue, it is important that the problem be properly defined. Thoughtful, objective discussion of this subject in the popular media has been sadly lacking.

The press has been content to reprint whatever they receive from self-serving and vested interests. The result has been a misinformation campaign of staggering magnitude. Claims such as “50% of all highway fatalities are caused by drunk drivers” are unmitigated propaganda. The public officials and special interest groups that perpetuate this myth know it is a lie but persist in this kind of gross deception.

A far more likely estimate of “drunk-driver-caused” fatal accidents is 10%, still a very large and unacceptable number, but not quite the national crisis championed by anti-drinking advocates.

A zero tolerance approach to drinking and driving will not work. Moreover, it will expose motorists to a rash of officially sanctioned abuses that will exceed any of those we currently endure. That brings us back full circle to the establishment of a reasonable standard that can be recognized, understood, and complied with by reasonable people. The standard that meets that criteria is one based on discernable impairment.

Discernable impairment need not be BAC dependent. Different people experience different levels of impairment at the same BAC levels. If a person’s driving indicates impairment (e.g., erratic maneuvers of speeds, or running into fixed objects) and they have alcohol in their systems, they should be a candidate for a DUI citation.

If a single standard BAC is to be established as the automatic threshold for a DUI citation, it should be high enough to reflect discernable impairment among the general population. An appropriate and enforceable BAC of .12% would represent a reasonable standard.