

Establish Stronger Penalties for BAC Test Refusal

IMPAIRED
DRIVING

BAC Test Refusal enforcement imposes stronger penalties on drivers who decline chemical testing, deterring impaired driving and supporting DUI enforcement under implied consent laws.

Implementation Strategy

How and Where to Apply

- Stronger penalties for BAC test refusal should be applied in states with high rates of impaired driving or test refusals, particularly where refusal undermines DUI enforcement.
- These penalties such as administrative license suspension, enhanced fines, or mandatory ignition interlock, are most effective when integrated with existing DUI laws and enforced consistently.
- NHTSA** emphasizes that "reducing BAC test refusals is an important step toward ensuring the effectiveness of impaired driving laws".

Use in a Safe System Approach

Supports the SSA by targeting safer users and closing enforcement gaps. Stronger refusal penalties reduce the likelihood of impaired driving by increasing the perceived consequences of illegal behavior.

Key Stakeholders

Law enforcement agencies,, judicial system, transportation agencies (DOTs), public health and behavioral health agencies, state legislatures

Proactive Implementation

Proactive implementation includes automatic license suspension for BAC test refusal, integration with ignition interlock and substance abuse programs, and data-driven identification of repeat offenders. Supported by officer training and public awareness campaigns, these measures align with national efforts like NHTSA's Impaired Driving Program to strengthen DUI enforcement and deterrence.

Countermeasure Overview

Objective: Prosecute, impose sanctions on, and treat DWI offenders
Strategy: Establish stronger penalties for BAC test refusal than for test failure

Selected Related Countermeasures

- CM1** Enforce DWI Laws
- CM2** Administrative License Revocation (ALR)
- CM3** In-Vehicle Breathe Alcohol Testing

Cost: Low

Service Life: N/A

Targeted Solution



CONTRIBUTING FACTORS

- Misjudgment
- Visibility
- Slower response



TARGET CRASH TYPE

- Speeding
- Aggressive



ROAD FACILITY TYPE

- N/A



AREA TYPE

- All

Safety Linkage



NCHRP 500 Series

Alcohol-Related Collisions

SAFE SYSTEM APPROACH

Safe Road Users



AASHTO'S TOWARD ZERO DEATHS

Safer Drivers and Passengers

SAFE SYSTEM ROADWAY DESIGN

TIER 1
TIER 2
TIER 3
TIER 4

N/A

Breath Test Refusal. Source: NJcriminallawfirm



Discourages impaired driving through active law enforcement.

Resources

- [NHTSA | Countermeasure that Work](#)

