

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 tracking 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 DUI offenders.

Strategy: Automatically impose administrative sanctions for refusal equal to 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 SeriesAlcohol-Related
CollisionsSAFE SYSTEM
APPROACHSafe Road
UsersAASHTO'S
TOWARD ZERO
DEATHSSafer Drivers and
PassengersSAFE SYSTEM
ROADWAY DESIGN

TIER 1

TIER 2

TIER 3

TIER 4

N/A

Establish Stronger Penalties for BAC Test Refusal. Source: NHTSA

Safety Benefits



Discourages impaired driving through active law enforcement. Eliminate loophole allowing refusal to avoid sanctions or repeat-offense penalties.

Resources

- NHTSA | Countermeasure that Work

