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16. Abstract <p>Much of the progress that has been made in impaired driving in the last decade or more has been facilitated by lessons learned from other countries. It is therefore both timely and appropriate for the National Highway Traffic Safety Administration to sponsor a systematic effort to gather information about impaired driving laws from countries around the world. The primary purpose of this project was to provide comparisons with the United States, and therefore possible guidance in the development and implementation of impaired driving policies in this country. Information on DWI laws was collected from the following countries: member of the European Union, including Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, The Netherlands, Portugal, Spain, Sweden, and the United Kingdom, Norway, Switzerland, Canada, Mexico, Australia, New Zealand, and Japan. The specific DWI laws included were the illegal blood alcohol content (BAC) levels for various classes of drivers, the minimum purchase age for alcohol, age of driving licensure, standard sanctions for first offenses and multiple offenses, the imposition of more severe sanctions for drivers with higher BACs, graduated licensing systems, and systems for the regranting of licenses. Additionally, social attitudes about drinking and driving was obtained, and the potential impact of international free trade agreements on laws and policies related to traffic safety was discussed.</p>					
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Table of Contents

Executive Summary	2
Countries Included.....	2
Laws Included.....	3
Methodology.....	3
Results.....	3
Background and Introduction.....	5
Countries Included.....	5
Laws Included.....	6
Methodology.....	6
Comparison of Impaired Driving and Related Laws	7
Impaired Driving Laws.....	7
Illegal BAC.....	7
Sanctions.....	8
Drivers Licensing Laws.....	35
Enforcement.....	40
Alcohol Use	49
Laws Related to Youth	50
Social Attitudes about Drinking and Driving in Europe	54
The Impact of International Trade Agreements	56
Other Research Needed	57
References	59

Executive Summary

Much of the progress that has been made in impaired driving in the last decade or more has been facilitated by lessons learned from other countries. It is therefore both timely and appropriate for the National Highway Traffic Safety Administration to sponsor a systematic effort to gather information about impaired driving laws from countries around the world. The intent of this effort is to contribute to our understanding of impaired driving countermeasures and of how the current situation in the United States compares to other countries. The parameters of the report are described below.

Countries Included

The primary purpose of this project is to provide comparisons with the United States, and therefore possible guidance in the development and implementation of impaired driving policies in this country. Therefore, the main focus of data collection was on countries that would be considered most directly comparable to the United States, economically and demographically, as well as those countries with which we have the most direct dealings. These countries include:

- Members of the European Union, including Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, The Netherlands, Portugal, Spain, Sweden, and the United Kingdom
- Other western European countries, including Norway and Switzerland
- Canada
- Mexico
- Australia
- New Zealand
- Japan

Other countries of possible interest were included as data were available.

Laws Included

While many different laws are relevant to impaired driving, this project focused on several of the most important laws. These laws include:

- Illegal blood alcohol content (BAC) levels for various classes of drivers;
- The minimum purchase age for alcohol;
- Age of driving licensure;
- Standard sanctions for first offenses and multiple offenses;
- The imposition of more severe sanctions for drivers with higher BACs
- Graduated licensing systems;
- Systems for the regranting of licenses.

Methodology

Most of the information for this report was gathered through inquiries from key informants identified in each of the countries of interest. Inquiries were made through phone contacts, email, and face-to-face discussions. When information proved to be unobtainable through the above procedure(s), the information was sought from published sources. Most informants were from government transportation agencies (e.g., Federal Office of Road Safety in Australia; Canadian Council of Motor Transport Administrators). Some informants were from relevant university departments (e.g., Dept. Farmacologia y Terapeutica, Universidad Valladolid of Spain). In some cases, available information was collected from other published (e.g., Law Library of Congress) or unpublished sources (e.g., internal reports from agencies; personal contacts through the Director General 7 of the European Union). Appendix A indicates the source(s) of information for each country.

Results

The results of the overview of laws indicate some of the major differences across countries and some of the contrasts between the United States and other countries. Major findings include:

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- The illegal BAC for most of the United States is higher than for any of the other countries studied.
 - The minimum purchase age for alcohol is older in the United States than for almost all other countries studied.
 - Licensing age for most countries is some years older than the minimum purchase age for alcohol.
 - Sanctions in other countries tend to be based primarily on arrest BAC.

The potential impact of international free trade agreements on laws and policies related to traffic safety must be considered in this context. Another important factor in international comparisons is the cultural differences reflected in public attitudes towards impaired driving and towards relevant laws.

Analysis of the relationship between laws related to impaired driving and the proportion of alcohol-related crashes is a logical next step. This analysis must be undertaken with caution because of the complicated measurement issues inherent in reporting of alcohol involvement in traffic crashes.

Background and Introduction

Much of the progress that has been made in impaired driving in the last decade or more has been facilitated by lessons learned from other countries. For example, the United States drew valuable lessons regarding deterrence from analyzing the results of the British Road Safety Act of 1967. Similarly, we have learned about alcohol policy and serious enforcement and penalties from some of the Scandinavian countries. The Australian experience with random breath testing has influenced some of our own enforcement efforts. It is therefore both timely and appropriate for the National Highway Traffic Safety Administration to sponsor a systematic effort to gather information about impaired driving laws from countries around the world. The intent of this effort is to contribute to our understanding of impaired driving countermeasures and of how the current situation in the United States compares to other countries. The parameters of the report are described below.

Countries Included

The primary purpose of this project is to provide comparisons with the United States, and therefore possible guidance in the development and implementation of impaired driving policies in this country. Therefore, the main focus of data collection was on countries that would be considered most directly comparable to the US, economically and demographically, as well as those countries with which we have the most direct dealings. These countries include:

- Members of the European Union, including Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, The Netherlands, Portugal, Spain, Sweden, and the United Kingdom
- Other western European countries, including Norway and Switzerland
- Canada
- Mexico
- Australia
- New Zealand
- Japan

Other countries of possible interest were included as data were available. These include Brazil, the Czech Republic, and Russia.

Laws Included

While many different laws are relevant to impaired driving, this project focused on several of the most important laws. These laws include:

- Illegal blood alcohol content (BAC) levels for various classes of drivers;
- The minimum purchase age for alcohol;
- Age of driving licensure;
- Standard sanctions for first offenses and multiple offenses;
- The imposition of more severe sanctions for drivers with higher BACs
- Graduated licensing systems;
- Systems for the regranting of licenses.

For some countries, of course, laws are not standard nation-wide, but rather vary by state or province. Where this is the case, information about each sub-national entity is reported separately.

Each of these areas of legislation, policy, and practice is discussed below. In addition, Appendix B provides information for each country.

Methodology

Most of the information for this report was gathered through inquiries from key informants identified in each of the countries of interest. Inquiries were made through phone contacts, email, and face-to-face discussions. When information proved to be unobtainable through the above procedure(s), the information was sought from published sources. Most informants were from government transportation agencies (e.g., Federal Office of Road Safety in Australia; Canadian Council of Motor Transport Administrators). Some informants were from relevant university departments (e.g., Dept. Farmacologia y Terapeutica, Universidad Valladolid of Spain). In some cases, available information was collected from other published (e.g., Law Library of Congress) or unpublished sources (e.g., internal reports from agencies; personal contact through the Director General 7 of the European Union). Appendix A indicates the source(s) of information for each country.

Comparison of Impaired Driving and Related Laws

Impaired Driving Laws

Several types of legislation may play key roles in controlling impaired driving. These include the BAC level established as illegal, the sanctions imposed for impaired driving under different circumstances, the use of rehabilitation programs for offenders, and the system for regranting the licenses of offenders whose driving privilege has been suspended or revoked. Existing laws in each of these areas are described below.

Illegal BAC

All countries included in the study have established a blood alcohol content that is considered either per se or preemptive evidence of impairment. The illegal BAC level has been found to have an effect on impaired driving crashes (Johnson and Fell 1995, Åberg 1995).

As can be seen in Table 1, all of the countries studied had a BAC level lower than that established in most of the United States (.10).

The lowest illegal BAC level is in Sweden (.02). The majority of countries have established .05 as the illegal BAC, with the remaining countries maintaining an illegal level of .08. The trend has been downward in recent years, with nine countries having reduced the illegal BAC level within the past five years or with new lower limits about to be implemented. These recent reductions in illegal BAC levels have resulted in some pre-post evaluations of the effects of the change. Belgium lowered its limit to .05 in December of 1994, reporting a 14 percent reduction in fatalities in the following year. The legal limit in France was lowered to .05 in December of 1995. Fatal crashes in 1996 were reduced by 4 percent (ETSC 1997).

As mentioned above for driver licensing laws, a few countries have established a lower BAC for young drivers. Such laws have been found to be effective in the United States in reducing alcohol-related crashes among young drivers (Hingson et al. 1994, Blomberg 1992).

Interestingly, few countries have established lower BACs for drivers of commercial vehicles or vehicles used in public transportation. This is in contrast to laws in the United States regarding commercial drivers in which any alcohol present removes the driver from service for 24 hours and a BAC of .04 is a legal violation.

Sanctions

Research has found that the nature and severity of sanctions can have an effect on impaired driving crashes.

As can be seen in Table 2, most countries have established fines and licensing sanctions for impaired driving offenses. Jail sentences are also possible in most countries. Fines in some countries (e.g., Finland and Sweden) are based in part on the offender's income. License sanctions vary widely. For example, in the United Kingdom, first offenders rarely receive license penalties. In Italy, the suspension is for 15 days for a first offense and one month for a repeat offense. License suspensions more typically run three months or more.

A key difference among countries is the basis upon which more severe penalties apply. In the United States, most states establish penalties based on whether the offender had one or more previous offenses. Penalties may also depend on whether the impaired driving incident resulted in a crash and whether the crash resulted in an injury or death. In the majority of other countries, by contrast, the arrest BAC is of primary importance in determining the penalty.

Table 1: BAC Limits for Categories of Drivers

Country	BAC Limit	Date Enacted	BAC for Younger Drivers	BAC for Others
Australia	.05	See State detail	See State detail	See State detail
Australian Capitol Territory		Since January 1, 1991	.02 for learners, provisional licenses; for new drivers under the age of 25; for the first 3 years of driving.	.02 for drivers of vehicles over 15 GVMt plus dangerous goods. .02 for drivers of licensed public vehicles
New South Wales		.05 since December 17, 1982; .02 for learner since April 2, 1985, .02 for younger drivers, passenger or heavy vehicles since January 1, 1991	.02 for learners, provisional licenses (since 4/2/85); .02 for new drivers under the age of 25; for the first 3 years of driving (since 1/1/91)	.02 for drivers of heavy vehicles > 13.9GVMt and dangerous or radioactive goods vehicles, buses, taxi cabs, hire cars (passenger vehicles >13.9t)
Northern Territory		.05 passed in 1992, implemented in 1994; .00 for new drivers in 1985; .00 for certain vehicles passed in 1992, but commencement pending	.00 (.02 tolerance) for unlicensed, learner and provisional license drivers (1985)	.02 for drivers of vehicles >15GVMt + dangerous goods; of buses with more than 12 seats and vehicles with passengers in load space.
Queensland		.05 since December 20, 1982. .00 for young drivers and drivers of buses or heavy vehicles since January 1, 1991	.00 (.02 tolerance) for drivers under 21.	.02 tolerance for drivers of vehicles > 4.5GVMt, and for drivers of buses.
South Australia		.05 since July 1, 1992. .02 for young drivers and drivers of certain vehicles since June 1, 1992	.02 for drivers up to 19 years.	.02 for drivers of vehicles > 15 GVMt; drivers of buses with more than 12 seats, taxis, and hire cars
Tasmania		.05 since January 6, 1983; .00 for new drivers and drivers of certain vehicles since May 1992	.00 (.02 tolerance) for 3 years for new drivers and those not holding a license for 12 months.	.00 (.02 tolerance) for drivers of vehicles >4.5+ >7.5 combination; for buses with more than 12 seats and licensed public vehicles.
Victoria		.05 since June 1976. .00 (.02 tolerance) for new drivers and drivers of heavy or passenger vehicles since January 1, 1992.	.00 (.02 tolerance) for 1st year probationary and unlicensed drivers. Zero limit extended for first three years of license. (8/2/90)	.02 tolerance for drivers of vehicles >15GVMt, and drivers of buses with 12 or more passengers.

Table 1 – Continued.

Country	BAC Limit	Date Enacted	BAC for Younger Drivers	BAC for Others
Western Australia		.05 since September 1988; .02 for probationary drivers since August 1982.	.02 for probationary drivers for 12 months	Legislation proposed but not yet passed: .02 BAC limit for drivers of vehicles >15 and for drivers of buses with more than 8 seats, taxis, hire cars
Austria	.05 or 0.25 mg/l in breath	Since January 1, 1998 (BAC for novice drivers since 1992)	0.01 or .05 mg/l in breath for novice drivers during a 2-year probation period and for riders of motorcycles and other vehicles age 20 or less	0.01 or .05 mg/l in breath for drivers of vehicles over 7.5 tons or buses.
Belgium	.05 or 0.22 mg/liter of breath	Since December 1, 1994	No difference.	No difference.
Brazil	.08	Not available	Not available	Not available
Canada	.08	1969	See details by Province.	See details by Province.
Alberta			No difference.	No difference.
British Columbia			No difference, but under review.	No difference.
Manitoba			No difference, but under review.	No difference.
New Brunswick			For new drivers, the BAC limit is .00 for a minimum of 27 months.	No difference.
Newfoundland		.05 regulations that suspend driving privileges at lower levels of alcohol than the Federal laws.	No difference.	No difference.
Northwest Territories			No difference.	No difference.
Nova Scotia			For new drivers, the BAC limit is .00 for a minimum of 27 months.	No difference.
Ontario			All new drivers are subject to a BAC limit of .00 for 20 months. Penalty is a 30 day suspension and \$90 fine.	No difference.
Prince Edward Island			For drivers under age 19, BAC limit is .01.	No difference.
Quebec			For new drivers, .00 BAC for the first 24 months. Penalty is an immediate suspension of 15 days and 3 months suspension upon conviction.	No difference.
Saskatchewan			BAC limit of .04.	No difference.

Table 1 – Continued.

Country	BAC Limit	Date Enacted	BAC for Younger Drivers	BAC for Others
Yukon			No difference.	No difference.
Czech Republic	.00	Not available	Not applicable.	Not applicable.
Denmark	.05	Since March 1, 1998. Denmark plans to evaluate the new legal limit next year.	No difference.	No difference.
Finland	There are two limits: .05 or 0.25 mg/l for breath; 0.12 or 0.6 mg/l for breath for severe drunken driving	Since 1994	No difference.	No difference.
France	.05 for a simple offense; .08 is a penal offense	Since September, 1995	No difference.	No difference.
Germany	.05, 0.11 for criminal offense	.08 since 1973; .05 and 1.10 for criminal offense since April 1998	No difference.	No difference.
Greece	.05	Not available	Not available	Not available
Ireland	.08	Not available	Not available	Not available
Italy	.08	Since 1988	No difference.	No difference.
Japan	.00 in practice	Since 1970	Not applicable.	Not applicable.
Luxembourg	.08	Since 1972	No difference.	No difference.
Netherlands	.05 BAC or 220 mg/l BrAC	Since 1994	No difference.	No difference.
New Zealand	.08 for drivers 20 or older (80 mg alcohol per 100 mls blood or 400 micrograms alcohol/litre breath)	.08 limit introduced in 1978; legal breath alcohol limit of 400 mgs/litre in 1988; lower limits for under 20 in 1992	.03 percent for drivers aged less than 20 (30 mg alcohol/100 mls blood or 150 micrograms alcohol/litre breath)	No difference.
Norway	.05	The Norwegian government plans to propose an amendment to the Road Traffic Act to lower the BAC limit to .02 with an equivalent limit in breath.	Not available	Not available
Portugal	.05	Since January 3, 1998	Not available	Not available

Table 1 – Continued.

Country	BAC Limit	Date Enacted	BAC for Younger Drivers	BAC for Others
Russia	.02	Not available	Not available	Not available
Spain	.08 (will be .05 as of May 6, 1999)	New legislation will be in force on May 6, 1999	No difference	.05 for vehicles over 3,500; .03 for passenger vehicles (will be .03 for both as of May 6, 1999).
Sweden	.02 for drunken driving and 0.10 for gross drunken driving	A BAC level of .08 was established in 1941. The limit was lowered to .05 in 1957, and to .02 in 1990.	No difference.	No difference.
Switzerland	.08	Not available	Not available	Not available
United Kingdom	.08; Breath alcohol limit 35 microgrammes/100 ml (0.35 male); urine alcohol limits 107 mg/100 ml (1.07 g/e)	Since 1967. The UK Government is currently considering lowering the BAC limit to .05.	No difference.	No difference.
United States	.08 in 17 States .10 in 33 States	Varies from State to State	.00 to .02 in all States	.04 for commercial driving license (Any alcohol is grounds for removal from service for 24 hours.)

Table 2: Summary of Sanctions for First and Multiple Offenses

Country	Sanctions for First Offense	Sanctions for Multiple Offenses	Other Relevant Information
<p>Australia</p> <p>Australian Capitol Territory</p>	<p>See State detail.</p> <p>Fines are graduated according to BAC level, beginning with .02 and are combined with some suspension of license and possible imprisonment for higher BAC levels.</p> <p>License suspension increases with BAC level, beginning with a possible 3 month suspension for a BAC of .02 to .05, and increasing to a maximum of 36 months for a BAC of over 1.5.</p> <p>For .08 to .15, the offender is fined up to 10 penalty units and/or 6 months maximum gaol and 12 months maximum suspension. For BAC over .15, fines up to 15 penalty units and/or 9 months maximum gaol and 36 month maximum suspension.</p>	<p>Fines follow the same graduated scale according to BAC level but amounts are increased for multiple offenses.</p> <p>License suspensions are graduated according to BAC level as with first offense, but length of suspension is increased for multiple offenses.</p> <p>Length of sentence increases for multiple offenses.</p>	
<p>New South Wales</p>	<p>Fines are graduated based on BAC level. For drivers under 25 and professional drivers with BAC between .02 and .05, maximum fine of \$550 (\$345.95 US) and automatic 3 month disqualification. Fines increase with BAC level</p> <p>All BAC levels over .02 for drivers under 25 and professional drivers, and over .05 for all other drivers incur an automatic disqualification of the license. The length increases with increased BAC level. Immediate suspension of license for a high range PCA offence.</p> <p>Up to 6 months imprisonment possible for BAC of .08 to .15; increasing to up to 9 months for BAC greater than .15.</p>	<p>Fines for multiple offenses follow a similar graduated scale according to BAC level, but amounts are increased.</p> <p>Length of period of disqualification increases with multiple offenses.</p> <p>Up to 9 months for BAC of .08 to .15; 12 months for BAC greater than .15.</p>	

Table 2 – Continued.

Country	Sanctions for First Offense	Sanctions for Multiple Offenses	Other Relevant Information
Northern Territory	<p>Fines are graduated according to BAC level and combined with license suspension and possible imprisonment. Range is from \$500 to \$1,000 (\$314.50 to \$629.00 US).</p> <p>Length of license suspension for drivers who are under 18 or who have a learner or provisional license and a BAC level over .00 is a minimum 3 month license loss. Length of suspension is graduated for increasing BAC levels up to a 12 month minimum immediate suspension for a BAC of over .15.</p> <p>Possible imprisonment terms ranging from 3 months to 12 months maximum, graduated by BAC level.</p>	<p>Fines follow a similar schedule as with first offense according to BAC level, but amounts and length of license suspension and imprisonment increases for multiple offenses. Range is from \$750 to \$2,000 (\$471.75 to \$1,258.00 US).</p> <p>Length of suspension follows a similar schedule as with first offense, but length is increased for multiple offenses. Range is 6 month minimum to 5+ years.</p> <p>Length of imprisonment follows a similar schedule as with first offence, but length is increased for multiple offenses Range is from 6 month minimum to 12 months maximum.</p>	<p>Repeat offenders with BAC of .08 to .15 may be sentenced to a 14 hour course for repeat offenders.</p> <p>Refusing a blood test carries the same penalties as a BAC of over .15.</p>
Queensland	<p>\$1050 (\$660.45 US) maximum fine for drivers under 25 and drivers of specified vehicles for BAC level up to .05. Fines increase with BAC level up to a maximum of \$2,100 (\$1,320.90 US) for a BAC of over .15. (See detail.)</p> <p>There is an automatic suspension of 24 hours for all BAC levels. Disqualification of license for 3 to 9 months depending on BAC level.</p> <p>Possible 3 to 9 months imprisonment depending on BAC level.</p>	<p>Maximum \$1,500 (\$943.50 US) fine for BAC between .05 and .15. Fines increase with BAC level up to a maximum of \$2,550 (\$1,603.95 US) for BAC of over .15.</p> <p>3 months to 2 years disqualification of license depending on BAC level and number of offenses.</p> <p>6 to 18 months imprisonment depending on BAC level and number of offenses.</p>	<p>After numerous drink driving offenses, it can be made a condition of conviction to undergo a rehabilitation course conducted by the Queensland Corrective Services Commission.</p>

Table 2 – Continued.

Country	Sanctions for First Offense	Sanctions for Multiple Offenses	Other Relevant Information
South Australia	<p>Fine for learners or probationary drivers with BAC over .00 is a maximum \$1,000 (\$629.00 US): Fines for other drivers range from \$114 to \$1,200 (\$71.71 to \$754.80 US) depending on BAC level and circumstances of adjudication. Learners or probationary drivers with BAC over .00 receive 6 month disqualification. Other drivers can be disqualified for periods of 6 to 12 months depending on BAC level. Demerit points on the license are also given depending on BAC level. For BAC over .15 (DUI), 3 month maximum gaol</p>	<p>Range is \$700 to \$2,500 (\$440.70 to \$1,572.50 US) depending on BAC level. Range is 12 months to 3 years depending on BAC level. For BAC over .15 (DUI), 6 month maximum gaol.</p>	<p>If convicted of 2 or more drink driving offenses within 3 years in the metropolitan area, then the court orders that the driver must be referred for Drink Driver Assessment.</p>
Tasmania	<p>Fines range from \$200 to \$3,000 (\$125.80 to \$1,887.00 US) depending on BAC level. License suspension ranges from 3 to 36 months depending on BAC level. Prison sentences range from 3 to 12 months depending on BAC level.</p>	<p>Fines range from \$400 to \$6,000 (\$251.60 to \$3,774.00 US) depending on BAC level. License suspension ranges from 6 to 72 months depending on BAC level. Prison sentences range from 6 to 24 months depending on BAC level.</p>	<p>An offender considered to be alcohol dependent (i.e. very high BAC levels or multiple drink driving offenses) can be required to attend rehabilitation.</p>

Table 2 – Continued.

Country	Sanctions for First Offense	Sanctions for Multiple Offenses	Other Relevant Information
Victoria	<p>\$1,200 (\$754.80 US) maximum fine.</p> <p>For learners or probationary drivers with BAC over .00, disqualification of license for 6 months maximum, 1 month minimum with extension of probationary period for up to 7 months.</p> <p>For other drivers with BAC over .05, length of disqualification begins at 6 months and increases with each point of increased BAC.</p> <p>Police have power to suspend the license on the spot until the case is heard for BAC of .15 or greater.</p> <p>For culpable DUI, up to 15 years gaol and/or \$180,000 (\$113,220.00 US) maximum fine plus 2 years minimum disqualification. For DUI liquor or drug, \$2500 (\$1,572.50 US) maximum fine or 3 months gaol plus 2 years minimum disqualification.</p>	<p>\$2,500 (\$1,572.50 US) maximum fine.</p> <p>For all 2nd offenders, police have the power to suspend the license on the spot until the case is heard.</p>	<p>In March 1987, police were given the power to suspend the license on the spot until the case is heard, where a BAC is .15 or more. In June 1991, the power was extended to include all 2nd offenders.</p>
Western Australia	<p>Fines range from \$100 to \$800 (\$69.90 to \$503.20 US) depending on age and BAC level. \$600 (\$377.40 US) minimum fine for failure to provide a breath test.</p> <p>For BAC greater than .08, a fine of \$500 to \$800 (\$314.50 to \$503.20 US) with a 3 month minimum license disqualification. For failure to provide breath test when requested, a minimum fine of \$600 or 6 months suspension.</p>	<p>For BAC over .08, fines for multiple offenses range from \$600 to \$2,500 (\$377.40 to \$1,572.50 US) depending of the number of offenses.</p> <p>Period of disqualification for multiple offenses ranges from 6 months to permanent disqualification depending onf the number of offenses.</p> <p>For second offense of driving under the influence of alcohol or drugs, \$1,000 to \$1,800 (\$629.00 to \$1,132.20 US) fine or 6 months gaol with a 2 year minimum disqualification. For third offense, fine is \$1,200 to \$2,500 (\$754.80 to \$1,572.50 US) or 18 months gaol with permanent disqualification of license.</p>	<p>The penalties for traffic offenses in Western Australia have recently undergone a major review. Regulatory and legislative changes are currently being progressed. The drink driving penalties require legislative changes and are currently in the Western Australian Parliament.</p>

Table 2 – Continued.

Country	Sanctions for First Offense	Sanctions for Multiple Offenses	Other Relevant Information
Austria	<p>Fines increase incrementally according to BAC level. Range of fines is from 3,000 ATS (\$240.15 US) for a BAC level of .05 to 80,000 ATS (\$6,403.93 US) for a BAC of .16 or greater.</p> <p>For a BAC level of .08 to .12, the license is suspended for at least 4 weeks. The length of suspension increases with higher BAC levels.</p> <p>Involvement in an accident will also increase the length of the suspension.</p> <p>If the driver causes an accident involving injuries, the court may order imprisonment. The length of sentence depends upon the seriousness of the injury.</p>	<p>For multiple offenses the amount of the fine is increased. The amount of the increase depends on the seriousness of the offense.</p> <p>For a BAC of .05 to .08, license is suspended only after repeated offenses. On the second offense, the license is suspended for 3 weeks; after the third offense in one year, the suspension is not less than 4 weeks. For repeated offenses and accident involvement the periods may be considerably longer, depending on the case and the responsible authority.</p>	<p>Novice drivers (during their first two years) have to undergo a compulsory additional course.</p> <p>Community service can be imposed after accidents instead of imprisonment (mainly for younger drivers). For BAC level of .12 to .16 a psychological driver-improvement course for drunk drivers is required. For BAC level over .16 an additional driving test (both medical and psychological) is conducted.</p> <p>The costs of driver-improvement must be paid from the driver (between 6,600 and 7,400 ATS [\$528.32 to \$592.36 US])</p> <p>If the driver refuses a breath-check for alcohol or blood-test a .16 BAC is assumed with all its legal consequences: fine, license suspension after immediate taking off the license on position, additional psychological course for drunk drivers and an additional driving-test (medical and psychological) - established in law since 1997.</p>
Belgium	<p>For .05 to .08 BAC (.22 to .35 mg/l) a minimum fine of 5,000 BEF (\$136.53 US); for greater than .08 BAC (.35mg/l) a minimum fine of 400,000 BEF (\$10,922.20 US).</p> <p>Immediate withdrawal of the license is possible; forfeiture with ticket of penalty.</p> <p>Possible imprisonment for 15 days to 6 months.</p>	<p>For the second offense within 3 years, 80,000 to 1,000,000 BEF (\$2,184.44 to \$27,305.47 US) (fine is doubled for subsequent offense within 3 years.)</p> <p>Immediate withdrawal of license for 15 days plus possible additional 15 days after judicial decision. Forfeiture for eight days to 5 years for repeat offense within three years.</p> <p>Possible imprisonment for 1 month to 2 years (penalty is doubled for third offense within three years).</p>	<p>Community service is possible.</p>
Brazil	<i>Information not available</i>		

Table 2 – Continued.

Country	Sanctions for First Offense	Sanctions for Multiple Offenses	Other Relevant Information
Canada	Set by provincial law.		
Alberta	For a BAC greater than .05, a 24 hour roadside suspension may be given along with a warning. For Criminal Code offenses, 1 year suspension for the first offense.	For the second Criminal Code offense, 3 year suspension of license; for the third offense, 5 year suspension. These may be reduced according to circumstances and with the installation of an ignition interlock device.	Term of license suspension may be shortened with the installation of an ignition interlock device costing \$125 (\$82.79 US) for installation, and \$95 (\$62.92 US) per month for service. Administrative sanctions are under review. Vehicle may be impounded for 30 days for driving with a suspended license.
British Columbia	A 24-hour roadside suspension may be given for BAC greater than .05. Administrative suspension of license for 90 days may be imposed for a BAC over .08. For Criminal Code offenses, license is suspended for 1 year for the first offense.	For second Criminal Code offense within 10 years, a 3 year suspension of license. Third time offenders may receive an indefinite suspension of license.	Vehicle impoundment for 30 days for driving with a suspended license; 60 days for multiple offenders. Use of ignition interlock devices also under review.
Manitoba	A 6-hour roadside suspension can be issued for BAC greater than .05. An administrative suspension of 3 months may be imposed for a BAC greater than .08 or for refusal to allow a test. For Criminal Code offenses, 1 year suspension for first offense (this can be reduced.)	For second Criminal Code violation within 5 years, 1 year suspension (this may be reduced.) For the third violation, a suspension of 3 years (this can be reduced).	Assessment and treatment required for repeat offenders in order to regain the driver's license. Under review: extended the roadside suspension to 12 hours for a BAC over .05. Vehicle impoundment for 30 days for driving with a suspended license; 60 days for multiple offenders.

Table 2 – Continued.

Country	Sanctions for First Offense	Sanctions for Multiple Offenses	Other Relevant Information
New Brunswick	<p>Fines for an offense under the graduated license (.00 to .08) range from a minimum of \$84.00 to a maximum of \$1,200 (\$55.63 to \$794.75 US). For Criminal Code offenses of impaired or refusal, minimum fine is \$300 (\$198.69 US).</p> <p>Six months suspension of license for BAC over .08 on first offense. New drivers caught with BAC between .00 and .08 have an automatic one year suspension and are required to recommence the graduated licensing program. For Criminal Code offenses of impaired or refusal, a 3 month court prohibition is concurrent with a 6 month Motor Vehicle Act suspension.</p> <p>Imprisonment is not usual on first offense.</p>	<p>For BAC over .08, 1 year suspension for subsequent offenses.</p> <p>For Criminal Code offenses of impaired or refusal, from 6 months to 1 year.</p> <p>For Criminal Code offenses of impaired or refusal, 14 days for second offense; 90 days for third.</p>	<p>Assessment and treatment required for repeat offenders in order to regain the driver's license. Roadside suspensions can be enacted at all levels between .05 and .08 and are for a period of 24 hours.</p>
Newfoundland	<p>For Criminal Code offenses, 1 year suspension for first offense. A 24-hour roadside suspension is possible for a BAC greater than .05.</p>	<p>For Criminal Code offenses, 2 year suspension for second offense in 5 years; 3 year suspension for third offense in 5 years.</p> <p>Administrative suspensions for multiple roadside suspensions within 2 years:</p> <p>Third suspension: 2 month suspension and DWI education;</p> <p>Fourth suspension: 4 month suspension and DWI education.</p> <p>Five or more: 6 month suspension and assessment and treatment.</p>	<p>Assessment and treatment required for repeat offenders in order to regain the driver's license. License plates can be invalidated for driving with a suspended license.</p>
Northwest Territories	<p>A roadside suspension of 4 to 24 hours is possible with the presence of alcohol. The BAC level is not specified. For first offense under the Criminal Code, license is suspended for 3 months.</p>	<p>For the second Criminal Code offense within 5 years, the license is suspended for 6 months; for the third offense, it is suspended for 1 year.</p>	

Nova Scotia	For Criminal Code offenses, 1 year suspension for first offense.	For Criminal Code offenses, for second offense within 5 years, a 2 year suspension of license; for third offense, a 5 year suspension (this may be reduced.)	Assessment and treatment required for repeat offenders in order to regain the driver's license. License plate invalidated for driving with a suspended license.
Ontario	Fines may range from \$300 to \$2,000 (\$198.69 to \$1,324.50 US) provided the offense did not cause bodily harm or injury. For new drivers with BAC over .00, usually a \$90 (\$59.61 US) fine. A 12-hour roadside suspension is possible for a BAC over .05. Administrative suspension of license of 90 days possible for BAC over .08 or refusal to be tested. For Criminal Code offenses, 1 year suspension of license. For new drivers with BAC over .00, penalty is a 30 day suspension and \$90 (\$59.61 US) fine. Imprisonment is not usual on first offense.	Fines may range from \$300 to \$2,000 (\$198.69 to \$1,324.59 US) provided the offense did not cause bodily harm or injury. For a second Criminal Code offense within 10 years (under the new legislation), license is suspended for 3 years. For a third conviction, offenders are subject to a lifetime suspension that may be reduced to 10 years upon successful completion of remedial training and installation of a vehicle interlock device. For fourth conviction, offender will be suspended for life with no possibility of reinstatement. Driver convicted of a second offense may be sentenced to a minimum of 14 days. Jail term for third offense is a minimum of 90 days.	On September 30, 1998, Ontario introduced new measures aimed at drivers who commit Criminal Code offenses. Upon conviction, offenders will be subject to mandatory remedial measures programs; longer suspension periods, including life suspensions, and a longer search period for previous Criminal Code convictions. The search period will gradually be extended to a minimum of 10 years, increased from 5 years. On November 29, 2006, the Ministry of Transportation introduced the Administrative Driver's License Suspension (ADLS) program to help reduce impaired driving in the province. A motorist who blows over the legal limit of .08 or who refuses an alcohol breath test will have his or her driver's license immediately suspended for 90 days. This suspension is independent from any court proceeding and is applied to the driver regardless of the number of previous offenses. If the driver does not blow over the legal limit but there is a presence of alcohol, a police officer may issue a 12-hour license suspension.

Table 2 – Continued.

Country	Sanctions for First Offense	Sanctions for Multiple Offenses	Other Relevant Information
Prince Edward Island	<p>Fines are not established by law, but are at the judge's discretion. For drivers under 19 with BAC greater than .01, fine of \$500 (\$331.15 US).</p> <p>A 24-hour roadside suspension may be imposed for BAC over .05. Effective May 1997, a 90 day administrative suspension may be imposed. For drivers under 19 with a BAC greater than .01, a 3 month suspension plus a fine. For Criminal Code offenses, license suspension for first offense is 1 year.</p>	<p>For drivers under 19 with a BAC greater than .01, a 6 month suspension. For Criminal Code offenses, for second offense within 5 years, a 2 year license suspension; for the third offense within 5 years a suspension of 3 years (this can be reduced.)</p>	<p>Assessment and treatment required for repeat offenders in order to regain the driver's license. Vehicle impoundment for driving with a suspended license.</p>
Quebec	<p>Administrative suspension of 2 weeks for first offense with BAC greater than .08. For Criminal Code offenses, license suspension of 1 year for first offense (may be reduced.) For new drivers with BAC greater than .00, penalty is an on the spot suspension of 15 days and 3 months suspension upon conviction.</p>	<p>Administrative suspension of 1 month for BAC greater than .08 on second offense. For Criminal Code offenses, license suspension of 2 years for second offense within 5 years; 3 years for third offense.</p>	<p>Assessment and treatment required for repeat offenders in order to regain the driver's license. Effective December 1, 1997, vehicle impoundment for 30 days for driving with a suspended license.</p>
Saskatchewan	<p>240-hour roadside suspension is possible for BAC greater than .04. For Criminal Code offenses, a 1 year license suspension for the first offense (may be reduced.)</p>	<p>90 day administrative suspension for third offense plus assessment and treatment. For second Criminal Code offense within 5 years, a 3 year suspension of license (may be reduced); a 5 year suspension for the third offense (may be reduced.)</p> <p>For second offense of BAC greater than .04, the driver may be required to take a DWI course. For the third offense of BAC over .04, the driver must undergo assessment and treatment.</p>	
Yukon	<p>A 24-hour roadside suspension is possible for BAC greater than .08. Administrative suspension of license is also possible. For Criminal Code offenses, first offenders receive a 1 year suspension of license.</p>	<p>For second Criminal Code offense within 5 years, a 3 year suspension of license. Third time offenders receive a lifetime suspension of license.</p>	<p>Under review: vehicle impoundment for driving with a suspended license; 30 days for first offense, 60 days for 2nd offense, confiscation for 3rd offense.</p>
Czech Republic	<p>Information not available</p>		

Table 2 – Continued.

Country	Sanctions for First Offense	Sanctions for Multiple Offenses	Other Relevant Information
Denmark	<p>For BAC level between .05 and .08, fines are imposed. Actual praxis DKK 4000 (\$592.98 US). Fines are imposed for higher BAC levels in combination with license suspension. The amount of the fine depends on the character of the infringement.</p> <p>For BAC level between .08 and .12, conditional disqualification of driver's license. For BAC level over .12, unconditional disqualification of driver's license for a period of at least 1 year. For BAC level over .20, unconditional disqualification of driver's license for a period not less than 2 1/2 years.</p> <p>For BAC level over .20, detention or imprisonment for not less than 14 days.</p>	<p>Second offense, without aggravating circumstances: For BAC level between .08 and .15, Fine of DKK 500 (\$74.12 US) with conditional disqualification of license.</p> <p>Second offense, without aggravating circumstances: For BAC level between .08 and .15, conditional disqualification of driver's license in addition to fine. For BAC level between .15 and .20, unconditional disqualification of driver's license for a period of 5 years and detention or imprisonment of 14 days. For BAC level over .20, unconditional disqualification of driver's license for a period of 5 years and detention or imprisonment of not less than 20 days.</p>	<p>Fines, detention and imprisonment, and the period of disqualification of driver's license may be increased if there are aggravating circumstances such as: the driver has been disqualified earlier from driving, or has, through gross disregard of road safety, caused personal injury or damage to property or exposed persons or property to such injury or damages.</p>
Finland	<p>The amount of fine is tied to BAC level and also to income level. Minimum fine for BAC of .05 to .075 is 30-40 days (1 day fine is equal to 1/90 monthly salary.) Fines increase with BAC level and are also combined with license suspension and possible imprisonment.</p> <p>Suspension of license occurs on the first offense for a BAC level of .10 or greater. The length of the suspension is tied to BAC level.</p> <p>For a BAC level of .12 to .149, a possible 20-50 days imprisonment in addition to fine and license suspension. Sentence may be conditional according to the circumstances. Length of imprisonment increases with BAC level.</p>	<p>Sanctions are not affected by multiple offenses unless there are several within a short time.</p>	<p>Community service is a possible sanction.</p>

Table 2 – Continued.

Country	Sanctions for First Offense	Sanctions for Multiple Offenses	Other Relevant Information
<p>France</p>	<p>For BAC level between .05 and .08, a fine of FF 900 (\$151.13 US) (FF 600 [\$100.75 US] if paid within the week) combined with 3 points on the driver's license.</p> <p>For a BAC greater than .08, administrative rates for the length of suspension are graduated depending on BAC level. The courts may impose a length of suspension ranging from the lower level of the administrative rate up to revocation depending on the circumstances (accident, injuries, fatalites).</p> <p>For BAC greater than .08, a sentence of 8 days to 1 year imprisonment may be imposed depending on the circumstances.</p>	<p>The same graduated scale as for the first offense, but higher amounts in the case of recidivism.</p> <p>Multiple offenses incur an automatic suspension of license for a periods of 1 to 3 years before being allowed to apply for a new license.</p> <p>Length of prison sentences follows the same scale as for first offense, but may be longer for recidivists.</p>	<p>Community service may be an alternative to a fine or jail, proposed by the judge. A fine per day, for example a fine of FF 500/day (\$83.96 US), could be paid in lieu of jail time.</p> <p>Mandatory medical treatment may be required.</p>
<p>Germany</p>	<p>A person with a BAC level between .03 and .079 may be deemed incapable of driving if there is additional evidence that alcohol is present (e.g. swerving while driving, ignoring red traffic lights, walking unsteadily.) A driver with a BAC between .08 and .109 commits a regulatory offense under the Road Traffic Act. A BAC level between .05 and .079 also constitutes a regulatory offense, but carries a less severe penalty. A person with a BAC level of .11 is deemed completely incapable of driving and commits a criminal offense.</p> <p>Suspension of driver's license is obligatory in the case of a criminal offense; otherwise driving is prohibited for several months (individually determined by the authorities depending on BAC and other legal offenses).</p> <p>Maximum 5 years imprisonment in the case of a criminal offense or an equivalent financial penalty.</p>		
<p>Greece</p>	<p><i>Information not available</i></p>		

Table 2 – Continued.

Country	Sanctions for First Offense	Sanctions for Multiple Offenses	Other Relevant Information
Ireland	<i>Information not available</i>		
Italy	Article 186 of the Italian Road User Code states that all drivers driving under the influence of alcohol shall be arrested for a period of up to a maximum of 1 month and shall be subject to a fine varying from 500,000 to 2,000,000 (\$284.44 to \$1,137.75 US) Italian lire, unless other more serious crimes are involved. The arrest is accompanied by an accessory measure consisting of the withdrawal of the driving license for a period varying from 15 days to 3 months, or from 1 to 6 months, if the same driver is guilty of more offenses during 1 year.	Withdrawal of driver's license from 1 to 6 months, if the same driver is guilty of more offenses during 1 year.	
Japan	<i>Information not available</i>		
Luxembourg	<i>Information not available</i>		

Table 2 – Continued.

Country	Sanctions for First Offense	Sanctions for Multiple Offenses	Other Relevant Information
<p>Netherlands</p>	<p>For first offenders not involved in a traffic accident, fines are graduated according to BAC level. Fines range from a minimum of f390 for BAC of 54-80 mg/100 ml to 2,200 for BAC of 211-250 mg/100 ml (\$194.94 to \$1,099.65 US). Suspension of license for BAC level greater than 131 mg/100 ml. Length of suspension increases with BAC level.</p> <p>2 week imprisonment may be given for BAC over 211 mg/100 ml. Motorists refusing to take evidential breath test incur a penalty equal to that given for BAC level of 211-250 mg/100 ml.</p>	<p>Against repeat offenders and offenders involved in accidents, a penalty is requested belonging to a BAC category which is one or two categories higher than the actual BAC category.</p>	<p>First offenders with a BAC level between .13 and .21 are obliged to follow a 3-day course at their own expense. If they were involved in a road accident, they are not allowed to follow the course, but must undergo a medical examination in order to establish their driving ability. First offenders with a BAC level greater than .21 also must undergo a medical examination.</p> <p>Recidivists with a BAC level between .08 and .21 promise are obliged to follow a 3-day course at their own expense. If they were involved in a road accident, they are not allowed to follow the course, but must undergo a medical examination in order to establish their driving ability. Multiple recidivists must also undergo a medical examination.</p> <p>The police are allowed to impose a temporary driving ban on drivers suspected of being under the influence (as a result of the preliminary breath test or otherwise).</p> <p>Separate penalty guidelines exist for alcohol-impaired cyclists and moped riders, the requested penalties being less severe than for motorists.</p>

Table 2 – Continued.

Country	Sanctions for First Offense	Sanctions for Multiple Offenses	Other Relevant Information
<p>New Zealand</p>	<p>For standard drink-drive offence (exceeding .08 percent limit) a fine of up to and including \$4,500 (\$2,521.00 US). For under 20 year olds exceeding the .03 percent limit, a fine of up to and including \$2,250 (\$1,210.50 US). For exceeding the .08 limit, a mandatory disqualification of license of least 6 months. Courts may impose longer as they see fit. For under 20 year olds exceeding .03, a mandatory disqualification of at least 3 months. If the disqualification is less than 6 months, 50 demerit points are applied to their record. The Court may impose a longer period.</p> <p>For exceeding the .08 limit, the law allows a maximum term of imprisonment of 3 months imposed at the discretion of the Court. For under 20 year olds exceeding the .03 limit, the law allows a maximum term of imprisonment of 3 months imposed at the discretion of the Court.</p>	<p>A new law which will take effect May 1, 1999 allows the Court to impose more severe penalties for the 3rd offense. 3rd offense fine is up to \$6,000 (\$3,228.00 US). For 3rd offense, a mandatory disqualification of license of at least 1 year. The Courts may imposed a longer time period.</p> <p>For 3rd offense, a term of imprisonment of up to and including 2 years may be imposed at the discretion of the Court.</p>	<p>A community-based sentence may be substituted for the fine or imprisonment at the discretion of the Court.</p> <p>If a driver is convicted of any one of a range of serious traffic offenses (including drink-drive) and then, within a 4 year period, commits another offense on the specified list, the law contains a presumption in favour of confiscation of the vehicle the offender was driving at the time of the offense. Confiscation can only be ordered if the offender is the owner of the vehicle or has financial interest in it. Seizure costs, outstanding fines and any other monies owed on the vehicle are removed from the proceeds of the sale before the remainder (if any) is returned to the owner. The owner may be forbidden to own a vehicle for up to a year. Any vehicle purchased in defiance of this order may be liable for confiscation also.</p> <p>Parliament has recently passed a law to allow road-side license suspension to be applied administratively by the police to grossly intoxicated drivers and those who drive at excessive speeds. A further law recently passed by Parliament which will take effect next year allows the police to immediately impound a vehicle for 12 hours with a possible extension of up to 24 hours on the grounds of public safety.</p>
<p>Norway</p>	<p>Disqualification of the driving license is a possibility for all BAC levels above .05.</p>		

Table 2 – Continued.

Country	Sanctions for First Offense	Sanctions for Multiple Offenses	Other Relevant Information
Portugal	<p>Fines are graduated according to BAC level ranging from ESC 20,000 for BAC between .05 and .08 and ESC 200,000 for BAC between .08 and .12 (\$109.89 to \$1,098.85 US). Fines are combined with license suspension.</p> <p>Length of suspension is graduated according to BAC level ranging from one month to two years.</p> <p>Drivers with BAC of over .12 commit a crime punishable under the Code of Criminal Procedure with up to one year's imprisonment or with a fine plus up to 120 days' imprisonment.</p>		<p>Offenders who pay the fine voluntarily always pay the minimum amount and receive the minimum additional penalty. If the fine is not paid voluntarily by the time limit laid down by law, the amount payable and the duration of the associated ban on driving may be increased up to the maximum laid down, taking into account the circumstances of the offense, the BAC level and the offender's past record.</p>
Russia	<i>Information not available</i>		
Spain	<p>Fine of 50,000 to 100,000 pesetas (\$331.00 to \$662.00 US);</p> <p>License suspension of 3 months on first offense.</p>	<p>200 to 50,000 pesetas/day (\$1.32 to \$331.00 US);</p> <p>License suspension for 1-4 years;</p> <p>Imprisonment only if the driver does pay the fine.</p>	
Sweden	<p>For first offense with no aggravating circumstances, fines are imposed. For a BAC level between .02 and .10, the amount of the fine is determined by income level as well as BAC level and the circumstances.</p> <p>For BAC level between .03 and .10, licenses may be revoked for 2 to 12 months depending on the circumstances and the BAC level. Above .10, a minimum 12 months and a maximum 36 months loss of license.</p> <p>If BAC level is greater than .10, imprisonment for 1 to 2 months. A drunk driver who causes an accident involving a fatality can be imprisoned up to 6 years.</p>	<p>Fines are usually not applicable for repeat offenders. Heavy fines if applied.</p> <p>License suspension for repeat offenders: Below .10 BAC, close to 12 months; and above .10, well above 12 months.</p>	<p>The driver may be imprisoned in a facility designed especially for drunken drivers, and may be required to undergo a treatment program for alcohol dependency. Recently, more and more drunk drivers are given formal prison sentences but serve them at home under electronic surveillance.</p>
Switzerland	<i>Information not available</i>		

Table 2 – Continued.

Country	Sanctions for First Offense	Sanctions for Multiple Offenses	Other Relevant Information
United Kingdom	<p>Fine of up to 5,000 pounds (\$8,005.00 US). The average is 300 pounds (\$480.30 US).</p> <p>Suspension of license is possible, though rare for first offense.</p> <p>Imprisonment for up to 6 months is possible, though rare for first offense.</p>	<p>Fines are the same as for first offense: up to 5,000 pounds; average is 300 pounds.</p> <p>3 years minimum license suspension if there has been a previous drink/drive offence within 10 years of the latest.</p> <p>Possible imprisonment for up to 6 months.</p>	<p>Vehicle forfeiture is possible for repeat offenders, though rarely used.</p> <p>The UK has a scheme for medical screening of high risk offenders, those whose blood alcohol is over .20 or who have been convicted two or more times within 10 years, or who have refused to provide a specimen. If the screening shows an alcohol problem, a license can be refused, or restricted for a short period, on medical grounds.</p>
United States	<p>Varies from State to State. All include fines and license penalties. Some include jail or other penalties such as vehicle impoundment or community service.</p>	<p>Varies from State to State. Increases in severity over first offense.</p>	<p>Penalties usually based on number of offenses, not on arrest BAC.</p>

As can be seen in Table 3, rehabilitation programs are available in many countries, but required in fewer. Often, they are subject to the judge's discretion. Here again, the arrest BAC is often the deciding factor in whether a rehabilitation program will be required and what the nature of that program will be. This is in contrast with the United States, in which most if not all states require a rehabilitation program, usually of a standard nature depending on the number of offenses. Most states do not base the nature of the program on arrest BAC, although some states require an assessment and assign offenders to a program based on the findings of the assessment.

Licenses in many countries are not re-granted automatically upon completion of the suspension or revocation period. Several countries require some sort of judicial or medical certification under some circumstances before the offender may receive the driving license. Some countries require that the offender retake the driving test. The requirements for relicensing are often determined by the BAC at arrest.

Table 3: Rehabilitation and Regranting of Licenses

Country	Rehabilitation Programs	System for Regranting Licenses
Australia		
Australian Capitol Territory	No legislation, but court may order attendance at course	Not known
New South Wales	<i>Information not available</i>	Any driver convicted of a drink driving offence and over .15 range must undergo medical assessment and receive positive results before re-issue of license.
Northern Territory	No legislation requiring rehabilitation, but registrar of motor vehicles may impose conditions on return of license	No legislation requiring rehabilitation, but registrar of motor vehicles may impose conditions on return of license
Queensland	After numerous drink driving offenses, if can be made a condition of conviction to undergo a rehabilitation course conducted by the Queensland Corrective Services Commission.	Not known
South Australia	If convicted of 2 or more drink driving offenses within 3 years in the metropolitan area, then the court orders that the driver must be referred for Drink Driver Assessment.	Not known
Tasmania	An offender considered to be alcohol dependent (I.e. very high BAC levels or multiple drink driving offenses) can be required to attend rehabilitation.	Currently (as of November 1997) considering a range of options as standard condition for reissue of license following disqualification
Victoria	Rehabilitation requirements as a precondition of relicensing exist for multiple categories of convicted dring drivers. Exact requirements depend on age, license category, BAC range of the offender.	Full license holders who are convicted or found guilty of a drink driving offence and are re-licensed after obtaining a court order are restricted to a .00 BAC for 3 years (Z condition license.)
Western Australia	No requirement for rehabilitation program	Not known
Austria	For a BAC level of .12 to .16, a psychological driver-improvement course is required. Novice drivers must attend the psychological course for drunk drivers in any case of driving under the influence of alcohol (more than .01 BAC). In case of serious traffic offenses they must attend a psychological course for <i>conspicuous</i> drivers. The courses are established in law. If the driver refuses to attend the course he or she will loose the driving license.	After the suspension, period the driving license has to be regranting on request if all additional required courses or tests have been accomplished and the duration of suspension was not more than 18 month and no further reasons for suspension exist.
Belgium	Rehabilitation programs may be required at the judge's discretion.	The driver's license is restored when the forfeiture ends if the holder passes the examination which may be imposed by the judge.
Brazil	<i>Information not available</i>	

Table 3 – Continued.

Country	Rehabilitation Programs	System for Regranting Licenses
Canada		
Alberta	First offenders must take an alcohol information course (fee \$90 [\$56.60 US]). Second and third offenders must undergo a more intensive alcohol awareness education course (fee \$190 [\$125.84 US]).	Alcohol education course plus reinstatement fee of \$140 (\$92.72 US)
British Columbia	Not known	Reinstatement fee of \$100 (\$66.23 US)
Manitoba	For all Criminal Code convictions, offender must undergo assessment and treatment (fee \$270 [\$178.82 US]).	Driver must undergo assessment and treatment (fee \$270 [\$178.82 US]) and pay a reinstatement fee of \$40 (\$26.49 US).
New Brunswick	First offenders must take a DWI education course. Second and third offenders must take a more intensive DWI course.	Drivers must attend a DWI education course and pay a reinstatement fee of \$200 (\$132.46 US) for first offenders, and \$412 (\$272.87 US) for second and third offenders.
Newfoundland	For multiple 24-hour roadside suspensions, driver may be required to complete DWI education. If suspended five or more times within 2 years, driver is required to undergo assessment and treatment. For Criminal Code convictions, a DWI course is required on the first offense (fee \$100 [\$66.23 US]); assessment and treatment is required for the second and third offenses.	Drivers must attend a DWI education course, or undergo assessment and treatment, depending on the circumstances, and pay a reinstatement fee of \$100 (\$66.23 US).
Northwest Territories	Not required	Not known
Nova Scotia	On the first conviction, a DWI education course is required (fee \$120 [\$79.48 US]). On the second and third convictions, the offender must undergo assessment and treatment (fee \$300 [\$198.69 US]).	DWI education course or assessment and treatment, depending on the circumstances, plus a reinstatement fee of \$100 (\$66.23 US)
Ontario	First offenders must take a DWI education course. Second and third offenders must undergo assessment and treatment.	DWI education course or assessment and treatment, depending on the circumstances, plus a reinstatement fee of \$100 (\$66.23 US)
Prince Edward Island	On the first conviction, a DWI education course is required. On the second and third convictions, the offender must undergo assessment and treatment.	DWI education course or assessment and treatment, depending on the circumstances, plus a reinstatement fee of \$200 (\$132.46 US)
Quebec	First offenders must take a DWI education course. Second and third offenders must undergo assessment and treatment.	DWI education course or assessment and treatment, depending on the circumstances, plus a reinstatement fee of \$300 (\$198.69 US)
Saskatchewan	For all Criminal Code convictions, offender must undergo assessment and treatment and pay a DWI education course fee of \$150 (\$99.34 US).	Not known

Table 3 – Continued.

Country	Rehabilitation Programs	System for Regranting Licenses
Yukon	First offenders must attend an education course (fee \$35 [\$23.18 US]). With second conviction, the offender receives an indefinite suspension and must apply to Driver Control Board (DCB) for reinstatement.	First offenders must attend an education course. With second conviction, the offender receives an indefinite suspension and must apply to the DCB for reinstatement. With the third conviction, the offender must attend a 35 hour education course and apply to the DCB for reinstatement.
Czech Republic	<i>Information not available</i>	
Denmark	Offered but not required.	The person must pass a driving test, both a theoretical and a practical test. In some cases, it is possible for the driver to get the license back after half of the period, if he or she has followed a special treatment, but he or she still has to pass the test.
Finland		Finnish licensing and relicensing practice, including systematic evaluation of an alcohol or drug problem and rehabilitation when needed, is in preparation.
France	Not required, but often decided by the judge. It is not a rehabilitation program, but a medical commission responsible for regranting of driving license. Medical assessments are made for drivers involved in alcohol related accidents or positive BAC over .08.	Evaluation by the medical commission is made in the case of alcohol-related suspension of driver's license or revocation of the driving license. Regranting of license has the following steps: <ol style="list-style-type: none"> 1. Medical examination by a medical commission before regranting. 2. Probationary period of one year, followed by a further examination by the medical commission. 3. Another probationary period if necessary (decided by the medical commission.)
Germany	Requiring rehabilitation programs depends on the severity of the offence. If the BAC at the first offense was .16 or higher, a medical-psychological investigation is obligatory for regranting the driving license. In some cases, participation in a rehabilitation program is recommended as a result of this investigation.	If the BAC was below .16, the driving license can be regranting on request after an individually determined period of time. If the BAC at the first offense was .16 or higher, a medical-psychological investigation is obligatory for regranting the driving license.
Greece	<i>Information not available</i>	
Ireland	<i>Information not available</i>	
Italy	<i>Information not available</i>	
Japan	<i>Information not available</i>	
Luxembourg	Such programs do not exist yet. However, it is planned to introduce rehabilitation programs in the context of the planned point system to be attached to the driver's license.	No general process exists, but regranting of drivers' licenses might be submitted to a new test, theoretical and/or practical.

Table 3 – Continued.

Country	Rehabilitation Programs	System for Regranting Licenses
Netherlands	Several ongoing driver training courses are offered on a voluntary basis, including a general refresher course, economical driving, environmentally friendly driving, skid courses, and defensive driving. First offenders with a BAC level between .13 and .21 are obliged to follow a 3-day course at their own expense. If they were involved in a road accident, they are not allowed to follow the course, but must undergo a medical examination in order to establish their driving ability.	If an offender takes the 3-day rehabilitation course, he or she can get the license back. If disqualified from taking the course (by BAC level or involvement in an accident) the person must undergo a medical examination.
New Zealand	Drivers who obtain two or more drink-drive convictions in 5 years are disqualified indefinitely from holding or obtaining a driver license and order by the Courts to attend an approved alcohol/drug assessment center. This order is mandatory if the qualifying offense criteria are met. While the disqualification is indefinite, the offender can apply to the Director of Land Transport Safety after 2 years to have the indefinite disqualification removed. The indefinite disqualification will not be removed until the offender attends the assessment center and is able to provide a satisfactory assessment report. This section of the legislation is currently under review as it has some problems especially with regard to significant numbers of offender who never attend the assessment center and remain disqualified although may continue to drive.	If the disqualification or suspension is a year or less, the driver can apply for a replacement license and resume driving immediately when the suspension or disqualification has ended. If the person has been continuously disqualified for more than one year, they will be required to resit and pass all the driver licensing tests before being allowed to drive again.
Norway	Ongoing training is offered, namely driving at night. It is only compulsory if it has not been completed before the issue of the license.	Not known.
Portugal	<i>Information not available</i>	
Russia	<i>Information not available</i>	
Spain	Aspects are under study, but at present are not carried out.	Not known.
Sweden	In practice, in order to be able to get a medical certificate (see notes on regranting of license), a problem drinker must attend a rehabilitation program.	If license is suspended for less than 12 months, the offender's license is reinstated automatically after the stipulated period of time but if suspended for more than 12 months, licensing tests must be taken again. To be relicensed after conviction of gross drunken driving, the driver must get a medical certificate to prove he or she is not dependent on alcohol or other drugs. This certification involves several checkups and liver enzyme testing. The license is conditional for 24 months.

Switzerland	<i>Information not available</i>	
United Kingdom	<p>Since 1993, the UK has made experimental use of rehabilitation courses for drink-drive offenders. They are available in certain areas only and if the court orders the offender to attend the course. Disqualification is reduced by 25%. The scheme may become permanent and nationwide in 2000 subject to a Parliamentary approval.</p>	<p>They must apply and pay a fee. If they are repeat offenders or had blood alcohol of 200 mg/100 ml (2.0 g/l) they must also provide medical evidence that they are not physically invalid to drive through alcohol dependency. Courts may order a driving test, but this is rare.</p>
United States	<p>Required in most States. Characteristics of programs vary.</p>	<p>Usually automatically eligible for reinstatement after period of suspension ends.</p>

Drivers Licensing Laws

The laws and rules regarding the licensing of drivers can be important as they relate to the type of person permitted to drive as well as possible sanctions that can be imposed against the driving license. In particular, because of the special vulnerability of young and novice drivers, the minimum age of licensure is important. As can be seen in Table 4, this age ranges from a low of 15 in New Zealand to the much more common 18 in Australia and most European countries.

Of particular importance in this regard is the application of a system of provisional or graduated licensing in which the driving privileges of young and novice drivers are granted gradually, thus providing the opportunity for the new driver to practice skills in relatively safe conditions before moving on to more challenging situations (e.g., driving at night or with several passengers). These graduated licensing schemes often provide a simple administrative system of penalties that can be applied to the novice driver if violations occur before the full license is granted. Graduated licensing systems have been found to be effective in reducing crashes among novice drivers (National Transportation Safety Board 1993).

As shown in Table 4, several of the countries studied report having some form of provisional or graduated licensing system. Table 5 shows the principal features of each system. Most of these systems have fairly limited provisions, with Austria and New Zealand having more extensive and elaborate systems.

Table 4: Minimum Age for Driving Licensure and Provision for Graduated Licensing

Country	Minimum Licensing Age	Graduated Licensing
Australia	18 (all States)	Yes (all States)
Austria	17	Yes
Belgium	18	No
Brazil	18, 21 for commercial or heavy vehicles	No
Canada	Set by provincial law	10 of 12 provinces
Alberta	16	Yes
British Columbia	16	Yes
Manitoba	16	Yes
New Brunswick	18 (16, instructional permit with parental consent)	Yes
Newfoundland	17 (16 for learner's stage)	Yes
Northwest Territories	16	No
Nova Scotia	16	Yes

Table 4 – Continued.

Country	Minimum Licensing Age	Graduated Licensing
Ontario	16	Yes
Prince Edward Island	16	Yes
Quebec	16	Yes
Saskatchewan	16 (15 for learner's permit if enrolled in course)	Yes
Yukon	16	No
Czech Republic	<i>Information not available</i>	
Denmark	18	No
Finland	18	No
France	18	Yes
Germany	18	No
Greece	<i>Information not available</i>	
Ireland	<i>Information not available</i>	
Italy	18	No
Japan	<i>Information not available</i>	
Luxembourg	18	Yes
Netherlands	18	No
New Zealand	15	Yes
Norway	18	Yes
Portugal	18	Yes
Russia	18	No
Spain	18	No
Sweden	18	Yes
Switzerland	18	No
United Kingdom	17	No
United States	Ranges from 14 to 17	18 States have some sort of graduated licensing system. 6 States have some elements of a graduated licensing system.

Table 5 – Continued.

Table 5: Descriptions of Graduated Licensing Systems

Country	Graduated Licensing Program Description
Australia	<p>All 8 States have graduated licensing programs. Details of programs are set by State law, however, the following characteristics are typical:</p> <ul style="list-style-type: none"> ▪ The program applies to all new drivers regardless of age. ▪ Young drivers may receive a learner's permit at age 16. The permit must be held for at least 12 months before progressing to the probationary stage (but the applicant must be at least 18 years old to receive a probationary license). ▪ The probationary phase lasts 3 years. Probationary licensees are limited to a lower BAC (see table 1) and to lower speeds. They must display a special license plate.
Austria	<p>It is possible to start with the theoretical and practical education at the age of 16, if you apply for an advanced driving license. A probational license is issued for a period of two years, after which it is automatically converted to a permanent license. Holders of a probational license are limited to a maximum of .01 BAC and must continue training if they demonstrate poor behaviour. It is not possible to shorten the probationary period, but authorities may prolong it for various reasons including alcohol-related offenses. The probationary period can be extended for 1 year, up to 3 times. If the driver commits an offense after the third extension, the license can be withdrawn. (See detail)</p>
Belgium	<p><i>Not applicable</i></p>
Brazil	<p><i>Information not available</i></p>
Canada	<p>All but two provinces, the Northwest Territories and the Yukon, have graduated licensing programs. Details of programs set by provincial law.</p>
Alberta	<p>The learner's permit has no minimum length. During this period, the candidate must be accompanied by a fully licensed driver. After passing a road test, the candidate receives a probationary license which lasts for 24 months. This becomes a full license if there are no convictions, demerit points, or "at fault" collisions within the 24 months probationary period.</p>
British Columbia	<p>Must be in Learner's Stage for 6 months (or 3 months with course) and be accompanied by a fully licensed driver. A "LEARNER" sign must be displayed. A maximum of two passengers are allowed, one of which must be a fully licensed driver. Driving permitted from 5 am to midnight only. The learner must pass a level 1 road test to pass to the next stage. The Intermediate Stage lasts for 18 months. A "NOVICE" sign must be displayed on the vehicle. The novice must pass an advanced road test to become fully licensed. BAC limit for both stages is .00.</p>
Manitoba	<p>Candidate may obtain a learner's permit at age 15½ if enrolled in a high school driver education course. Learner's permit must be held for 2 weeks minimum. Probationary license is not restricted. However, a maximum suspension of 1 year may be imposed if convicted of a moving violation. The probationary period will be extended for one year after the suspension expires. Candidate is fully licensed after 12 months probationary period with no convictions or at-fault accidents.</p>
New Brunswick	<p>Graduated licensing program effective January 1, 1996. In Stage 1, the candidate must be accompanied by a fully licensed driver and no other passengers. After 12 months (or 4 months with approved course) the candidate may take a government road test to proceed to Stage 2. To exit Stage 2, it must be at least 24 month since the issue of the Stage 1 license, and the candidate must have been in Stage 2 for a minimum of 12 months. The BAC limit for both stages is .00. (See detail.)</p>

Table 5 – Continued.

Country	Graduated Licensing Program Description
Newfoundland	Effective January 1999. The Learner's Stage extends for 12 months, but may be reduced to 8 months if driver education programs are completed. Learner must be accompanied by a fully licensed driver with a minimum 4 years experience. No passengers are permitted and no driving between midnight and 5 am. After successful completion of the road test, candidate must remain in the Newly Licensed Driver Stage for 12 months and have no suspensions. Restrictions in this stage include no driving between midnight and 5 am unless accompanied by a fully licensed driver. (See details.)
Northwest Territories	Graduated licensing program not presently in place but is being considered.
Nova Scotia	The Learner's Stage is for 3 months with an approved course or 6 months without an approved course. Learner must be accompanied by a fully licensed driver and no other passengers. Must pass a government road test to proceed to the Newly Licensed Stage. In this stage, the newly licensed driver may not drive between midnight and 5 am unless accompanied by a fully licensed driver. The number of passengers is limited to the number of available seatbelts. To exit this stage, the candidate must have been in the Newly Licensed stage for 24 months and must attend a 6 hour defensive driving course. BAC limit of .00 for candidate and for co-driver.
Ontario	Stage G1 lasts for 8 months with approved training and for 12 months without training. Co-driver must be fully licensed for a minimum of 4 years. Both co-driver and G1 driver have a .05 BAC limit. G1 driver may do no freeway driving unless accompanied by an instructor. Only one passenger in front, and the number of rear-seat passengers cannot exceed the number of available seatbelts. G1 drivers may not drive between midnight and 5 am. Candidates must pass the G1 test to pass to the G2 Stage. In this stage, the driver may operate passenger cars only and all passengers must wear seat belts. After 24 months in G2, the driver must pass a vigorous G2 test to become fully licensed.
Prince Edward Island	Candidate may apply for a learner's permit at age 15½ if enrolled in a novice driver course. The Learner's Stage is for 12 months. Th driver must be accompanied by a fully licensed co-driver and must complete a novice driver or driver's education course 90 days prior to the road test. The Newly Licensed State extends for 24 months. Candidates must be free of driving convictions. BAC limit of .00 in both stages.
Quebec	Learner's Stage lasts for 8 to 12 months and driver must be accompanied by a fully licensed driver. In the Probationary Stage, driver has a .00 BAC limit and the license may be suspended after 4 demerit points (15 for fully licensed drivers). Candidate can become fully licensed after 24 months in the probationary stage or at age 25 (providing there are less than 4 demerit points.)
Saskatchewan	Candidate must have a learner's permit for a minimum of 6 months. Learner's permit can be obtained at age 15 if enrolled in a high school driver education course. The probationary license period lasts for 24 months but may be extended 12 months if the candidate has accumulated demerit points and is required to attend a driver interview. BAC limit of .04.
Yukon	Graduated licensing program not presently in place but is being considered.
Czech Republic	<i>Information not available</i>
Denmark	<i>Not applicable</i>
Finland	<i>Not applicable</i>
France	At age 16, the driver can begin training with an adult ("conduite accompagnée.") The first year of the driving license, the driver is considered a novice driver.
Germany	<i>Not applicable</i>

Table 5 – Continued.

Country	Graduated Licensing Program Description
Greece	<i>Information not available</i>
Ireland	<i>Information not available</i>
Italy	<i>Not applicable</i>
Japan	<i>Information not available</i>
Luxembourg	Driver's licenses of categories A and B are issued for a limited time period of two years. These licenses are considered as provisional. After this two-year period of instruction and after having participated in a one-day course held in an approved training center, the driver may apply to have his or her license validated for the legal duration.
Netherlands	<i>Not applicable</i>
New Zealand	New Zealand has had a Graduated Driver Licensing System (GDLS) for private cars and motorcycles since 1987. The graduated system has three levels: a Learner License for which the minimum age is 15 and which must be held for a minimum of 6 months (or 3 months with a certificate of competency from an approved driving school); a Restricted License which must be held for at least 18 months (this can be reduced to 9 months on successful completion of an approved course); and a Full License which the holder of a Restricted License may acquire after serving the minimum time requirements and paying an appropriate fee. The licensing system is being reviewed and a number of changes have been proposed. (See detail)
Norway	A probational license is valid for two years; after which it will automatically be converted into a full driving license. This period cannot be shortened. If the probational license holder causes a serious traffic offence, his or her license is withdrawn, and he or she must pass another theory test and practical test. The probational period is then extended for another two years.
Portugal	A probationary system exists for the first license a candidate obtains. The probationary license is valid for two years, after which one automatically gets a permanent license. This period cannot be shortened nor extended. There are no limitations driving with a probational license.
Russia	<i>Not applicable</i>
Spain	<i>Not applicable</i>
Sweden	It is easier to lose the license during the first two years and it is not suspended, meaning that the driver must take all licensing tests again to get a new license.
Switzerland	<i>Not applicable</i>
United Kingdom	<i>Not applicable</i>
United States	<i>Provisions vary from State to State</i>

Enforcement

Enforcement practices, especially random breath testing or sobriety checkpoints, have been found to have a significant influence on impaired driving. The experience of the Australian states of New South Wales and Victoria provide dramatic examples of the effectiveness of random breath testing (RBT). (Homel, McKay, and Henstridge 1995; Moloney 1995) Sobriety checkpoints have also been shown to reduce alcohol-related traffic crashes (Foss 1997, Lacey, in press).

Table 6 summarizes some of the enforcement practices in use in the countries studied.

Most countries use some form of random breath testing or sobriety checkpoints. The intensity of these enforcement campaigns varies. The countries in which random breath testing is reportedly most intensively used include France, The Netherlands, New Zealand, Sweden and some states in Australia.

Countries vary in their laws regarding testing of drivers for the presence of alcohol under various circumstances. Table 7 summarizes some of these laws.

Unlike the United States, many countries do not require a suspicion of intoxication before testing can be done. Many countries require testing of all drivers involved in a traffic crash. Most countries require a driver to submit to testing under prescribed circumstances and impose significant penalties for refusal to submit to testing. In Sweden, if the driver refuses to be tested, a test can be done by force. In Norway, a driver involved in a crash is prohibited from consuming alcohol after the crash until a test has taken place. Therefore, even if time elapses between the crash and testing, the driver cannot claim that the BAC measured resulted from having ingested more alcohol.

Australia	See State detail.	See State detail.
Australian Capitol Territory	RBT used frequently Introduced December 1982	Not known
New South Wales	RBT used frequently . Introduced 12/17/82	In New South Wales, the annual number of RBT tests is well over half the number of licensed drivers, an estimated 59 tests per 100 drivers per year.
Northern Territory	RBT used frequently Introduced February 1980	Not known
Queensland	RBT used frequently	There were 760,000 RBT tests in Queensland in 1994-95 for about two million licensed drivers, a ratio of 38 tests per 100 drivers.
South Australia	RBT used frequently In 1995, in South Australia, there were 220,001 RBTs conducted for 965,000 licenses. In 1997, SA doubled the number of breath tests carried out to more than 600,000.	600,000 in 1997.
Tasmania	RBT used frequently The number of random breath tests in Tasmania has increased in recent years to approximately 83 per 100 drivers in 1997.	Approximately 83 per 100 drivers in 1997
Victoria	RBT used frequently With about 2.9 million drivers, Victoria now conducts over 2.4 million tests annually, giving a test:driver ratio of .83.	2.4 million annually
Western Australia	RBT used frequently The number of random breath tests in Western Australia increased from 52 per 100 drivers in 1994-95 to 85 per 100 in 1995-96.	Approximately 85 per 100 drivers in 1995-96

Table 6 – Continued.

Country	Random Breath Testing (RBT)/Sobriety Checkpoints	Intensity of Enforcement
Austria	<p>RBT used occasionally</p> <p>Since 1988 the Austrian traffic police has been supplied with breathalyzers. The results of the testing have the same witness at court as a blood sample. Concerted action at certain times in certain regions: depends on the wanted offense for the action- in case of drunk driving enforcement, as many cars as possible are stopped and the driver's breath alcohol concentration will be checked.</p>	<p>Approximately 94,973</p> <p>There have been a lot of changes in driving laws the last years and the decreased accident rates, number of persons injured or killed show the positive effects of these changes. In 1997, there were 94,973 breath checks for alcohol and 1,118 blood tests, most of the breath tests taken randomly.</p>
Belgium	<p>RBT used frequently</p>	<p>234,964 stops carried out by police</p> <p>Enforcement is high.</p>
Brazil	<p><i>Information unknown</i></p>	
Canada	<p>Random stopping of vehicles by police is allowed in Canada, but to request a breath or blood sample the officer must have "probable grounds" that the driver had been using alcohol. The use of random stops varies across the country, but the Criminal Code of Canada rules with respect to probable grounds are uniform.</p>	<p>Frequency of use of sobriety checkpoints and random stops varies by province/territory. Some jurisdictions deploy them year round while others only seem to use them during the Christmas holiday period. Much of the enforcement done is based on secondary enforcement as the result of an incident such as a collision, or from standard patrols observing erratic driving.</p>
Czech Republic	<p><i>Information unknown</i></p>	
Denmark	<p>RBT used occasionally</p>	<p>Could be more efficient. In December, there is a high degree of enforcement (due to Christmas parties).</p>
Finland	<p>RBT used frequently</p>	<p>1.5 to 2.0 million stops</p> <p>It is at a good level, only suspension times for driving license are short.</p>
France	<p>RBT used frequently</p>	<p>Enforcement is high:</p> <p>Of 677,808 random tests at check points in 1997, 88,587 were positive.</p> <p>Of 1,522,785 tests conducted in 1997 as a result of traffic violation, 95,115 were positive.</p> <p>Of 791,155 tests conducted as a result of accidents, 16,121 were positive.</p>
Germany	<p>RBT not permitted</p>	<p>Estimations of the probability of detection of driving while intoxicated range between 1/50 and 1/500.</p>

Table 6 – Continued.

Country	Random Breath Testing (RBT)/Sobriety Checkpoints	Intensity of Enforcement
Greece	<i>Information unknown</i>	
Ireland	<i>Information unknown</i>	
Italy	Used occasionally.	Not known
Japan	<i>Information unknown</i>	
Luxembourg	Used occasionally.	Not known
Netherlands	RBT used frequently	In the Amsterdam police region, approximately 90,000 motorists are tested at random annually. This is the equivalent of one test in every five driver's license holders in the Amsterdam region. Testing varies greatly by region. Estimated 500,000 random tests per year nationwide.
New Zealand	RBT used frequently New Zealand operates a random breath testing program called "compulsory breath testing" (CBT). CBT laws give the police the power to test any driver, anytime, and anywhere without first having a good cause to suspect that the driver has been drinking. CBT is usually conducted at check-points although the law also allows mobile patrols to stop and test any driver. Each police district is contracted to deliver a certain number of hours of alcohol enforcement in their local communities. Standards for the level and types of alcohol enforcement activities are specified including CBT operations.	1.25–1.5MM at CBT checkpoints; 380,000 mobile test New Zealand's Road Safety Program for 1998-1999 accounts for approximately 20 percent of the total NZ police budget. Strategic outputs of speed control, drink or drugged driver control, restraint device control and visible road safety enforcement are delivered according to Risk Targeted Patrol Plans which allocate police strategic hours to known road safety risks, days of the week, times of the day, areas, routes and localities. The plans ensure that traffic patrols are optimally targeted and utilized, and provide support for both locally and nationally planned road safety promotion campaigns.
Norway	<i>Information unknown</i>	
Portugal	<i>Information unknown</i>	
Russia	<i>Information unknown</i>	
Spain	RBT used frequently	Level of enforcement is poor. Note on number of tests: For a population of 39,000,000 and 17,000,000 drivers, only approximately 1,300,000 breath tests were performed in 1997.
Sweden	RBT used frequently Any police officer can stop any driver at any time and any place and request a screening breath sample. A positive sample = suspicion which leads to evidentiary testing which can be either blood or breath.	Enforcement has high priority. About 1.2 million random breath tests per year in a population of approximately 4.5 million drivers.
Switzerland	<i>Information unknown</i>	

Table 6 – Continued.

Country	Random Breath Testing (RBT)/Sobriety Checkpoints	Intensity of Enforcement
United Kingdom	RBT not permitted, although random stopping is permitted and can lead to testing on suspicion.	Enforcement is reasonable and increasing. The drink-drive limit has remained unchanged since it was first introduced, along with roadside breath testing, in 1967. Evidential breath testing was introduced in 1983 as an alternative to the taking of blood samples. By streamlining the prosecution procedure, this has encouraged a large increase in roadside enforcement. Better roadside screening devices have also increased enforcement. In 1996 over 780,000 roadside tests were carried out in England and Wales alone, compared with 241,000 in 1983.
United States	RBT not permitted Sobriety checkpoints are permitted in most States. Their use varies greatly from locality to locality and over time.	Varies from locality to locality.

Table 7: BAC Testing Rules

Country	Testing Rules
Australia	
Australian Capitol Territory	Compulsory blood testing for drivers, cyclists, and pedestrians aged 15 or older attending hospital after crash
New South Wales	For drivers, riders, and pedestrians over 15 years in hospitals after road crash. (12/17/82)
Northern Territory	Compulsory blood testing for drivers, riders and pedestrians over age 15. (Not clear if this refers to those involved in road crash)
Queensland	Legislation for compulsory blood testing passed in 1974 but was not proclaimed
South Australia	Not available
Tasmania	No legislation on compulsory testing
Victoria	Compulsory blood testing of all people older than 15 years who have been taken to hospital after a road crash. In 1991, changed to Code of Practice
Western Australia	No legislation on compulsory breath testing
Austria	<p>It is compulsory to submit to the testing. If the driver refuses testing, the police act as if a BAC of .16 is confirmed.</p> <p>Until 1994 the police could carry out breath testing only in case of reasonable suspicion of intoxication. Now they can carry out breath testing in every case without reasonable excuse. The driver has to undergo the test.</p> <p>Used always if people get injured, because the drivers will be ordered to court. If cars are little damaged and it's possible for the drivers to remove the cars from the street, it's not necessary to call the police. If the police come to the accident site because the damaged cars impede traffic, they use breath testing occasionally (in case of suspicion). There is no law which demands breath testing. Mostly the police check breath BAC in cases of suspicion of intoxication independent from the reason for stopping the car (traffic control, traffic violation, accident, etc.) Most times breath testing is used. If the driver is injured and comes to hospital, a blood test is used.</p>
Belgium	<p>The police may require a breath test of any person who is presumed to have caused a traffic accident, even if that person is a victim; any person driving a commercial vehicle or accompanying an apprentice driver; or any persons prepare to drive a vehicle or machine in a public place.</p> <p>Testing upon arrest is used frequently. Breath testing is given, but a blood test is taken if the result of the breath test is a minimum 0.22 mg/l, or when the breath analysis can not be executed or when the driver is apparently in an intoxicated state(due to either alcohol or drugs.)</p>
Brazil	<i>Information not available</i>

Table 7 – Continued.

Country	Testing Rules
Canada	<p>There needs to be a reasonable suspicion that alcohol is present before a request for breath or blood can be made. Even in the breath checkpoints, requests for a sample must be based on a suspicion of alcohol. This is consistent across the country, as the legislation that covers drinking and driving is the Criminal Code of Canada and is applicable across the country.</p> <p>Drivers involved in crashes are not routinely tested. Depending on the class (fatal, injury, or property damage) of collision, the officer may not see the driver soon after the collision. In the case of injured drivers, there are a number of problems. In the case of an injured driver who can not provide a breath sample, the officer may request a blood sample. There is a process of obtaining a tele-warrant to subpoena blood from unconscious drivers. The actual practice is not simple or straightforward as it raises other issues related to the chain of evidence, the patient's health and patient confidentiality. In addition, some health care professionals have concerns, real and perceived, about their legal liability and whether it is their job to do alcohol enforcement with their patients. However, testing on fatally injured drivers tends to be high and fairly consistent across the country.</p>
Czech Republic	<i>Information not available</i>
Denmark	<p>Testing is always compulsory when the police require a test.</p> <p>Breath test at the roadside, followed by a blood test at the police station in case the breath test indicates an illegal blood alcohol concentration</p>
Finland	Testing is always compulsory if police officer suspects alcohol.
France	Breath testing is frequently mandatory for accidents that require a police report. Both blood or breath tests are permitted. Breath is taken if the driver is able to blow; blood if injured or unable to blow. Of 791,155 tests conducted as a result of accidents, 16,121 were positive.
Germany	Blood testing is compulsory if there is a founded suspicion of intoxication.
Greece	<i>Information not available</i>
Ireland	<i>Information not available</i>
Italy	The blood alcohol content is checked by means of breath tests. A BAC equal to or greater than .08 per litre must be proven by at least two concordant tests performed 5 minutes apart. The equipment used for BAC measurement is called "etilometro" (ethylometre.) BAC tests are usually carried out by the police patrolling the streets, roads and highways, or they may be performed at sanitary facilities (in which case the BAC may also be checked by means of blood tests.)
Japan	<i>Information not available</i>
Luxembourg	The alcohol test is mandatory for drivers involved in an accident with casualties. Testing is optional when nobody has been injured. If a public prosecutor orders the police to carry out random roadside checks, all drivers during these checks must take a mandatory alcohol test. If the breath test is positive, the driver has to submit to a blood test. Both breath and blood testing are permitted.

Table 7 – Continued.

Country	Testing Rules
Netherlands	Drivers are obliged to comply with a preliminary breath test for alcohol (screening test) when asked by the police. The police are allowed to impose a temporary driving ban on drivers suspected of being under the influence (as a result of the preliminary breath test or otherwise.) A driver suspected of being under the influence is obliged to comply to evidential breath testing (for alcohol) or evidential blood testing (for alcohol or other impairing substances) at the police station. Refusing the evidential breath or blood test is a criminal offense. If the evidential test is refused by the driver, the result of the preliminary breath test will be used as evidence in the subsequent criminal procedure. Refusing the preliminary breath test is a violation of administrative law.
New Zealand	<p>Breath and blood testing are conducted depending on the levels and breath testing device used. If the person returns an evidential breath test result that is between 400 and 600 micrograms alcohol/litre breath on a conclusive breath-testing device, he or she can elect to have a blood test. However, if their breath alcohol level is over 600 micrograms/litre on a conclusive device, they do not have the right to have a blood test and will be prosecuted on the basis on the evidential breath test results. If the alcohol testing is conducted on a non-conclusive device, the person has the right to elect a blood test at all alcohol levels. It is not an offense to refuse to submit to an evidential breath test. However, any person who refuses an evidential breath test will almost certainly be asked to supply a blood specimen. If the person refuses to comply with this request, he or she can be charged with refusing to supply a blood specimen. This offense has the same penalties as an excess breath or blood alcohol offence.</p> <p>As the police have the power under New Zealand's CBT laws to test any driver, these laws allow them to test where there is suspicion of intoxication or when a traffic violation has been committed. It is highly likely that all drivers who are suspected of being intoxicated will be tested. The laws allowing CBT will cover drivers involved in crashes. In most serious crashes attended by the police, it is highly likely that drivers will be tested for alcohol, especially if there is a suspicion that any of the parties were involved in drinking. In fatal crashes, it is usual practice for blood samples to be taken from deceased drivers for blood alcohol analysis as part of the post mortem procedure. Breath and blood alcohol tests can be conducted on drivers involved in crashes if the driver is capable of undertaking a breath test. If the driver is injured or unconscious, a blood specimen can be taken at the hospital at the request of the police.</p>
Norway	<i>Information not available</i>
Portugal	The blood alcohol concentration may be determined by a breathalyser or blood test. The Highway Code lays down a conversion formula of 1 mg of alcohol per liter of air exhaled equals 2.3 mg of alcohol per liter of blood. Drivers unwilling to take a breathalyser test may opt for a blood test instead. Blood tests are conducted on all road accident victims suffering injuries requiring hospital treatment.
Russia	<i>Information not available</i>
Spain	The law is not well enforced. If the road accident is not so dangerous, the drivers are usually tested. If there is a person injured and removed to the hospital, they are usually not tested. People who are killed in traffic accidents should be screened for alcohol in the blood, but this is quite rare.
Sweden	A driver cannot refuse. If he or she refuses a breath test, blood will be taken with force if necessary.
Switzerland	<i>Information not available</i>

United Kingdom	In the UK the police have virtually unlimited powers to stop a driver, but may only administer a breath test if a) the driver has been in an accident, b) the driver is believed to have committed a traffic offense, or c) the police officer has a reasonable suspicion that the driver has been drinking. In any cases, breath testing is used for screening at roadside; breath, blood or urine for evidential purposes.
United States	Varies from State to State Drivers in crashes are often not tested. Testing of fatally injured drivers varies greatly from State to State. Drivers must submit to testing if there is probable cause. Most States have penalties equal to or greater than those for impaired driving if the driver refuses to submit to testing.

Alcohol Use

As can be seen from Table 8, the per capita consumption of alcohol varies greatly from country to country.

Table 8: Per Capita Consumption (in liters) of Ethanol.

Country	Per Capita Alcohol Consumption
Australia	7.6 (1994/5)
Austria	9.8 (1995)
Belgium	9.1 (1995)
Brazil	3.6 (1995)
Canada	6.2
Czech Republic	10.1 (1995)
Denmark	10.0 (1995)
Finland	6.6 (1995)
France	11.5 (1995)
Germany	9.9 (1995)
Greece	9.0 (1995)
Ireland	9.2 (1995)
Italy	8.8 (1995)
Japan	6.6 (1995)
Luxembourg	11.6 (1995)
Netherlands	8.0 (1995)
New Zealand	7.0 (1994/5)
Norway	4.1 (1995)
Portugal	11.0 (1995)
Russia	5.8 (1995)
Spain	10.2 (1995)
Sweden	5.3 (1995)
Switzerland	9.4 (1995)
United Kingdom	7.3 (1995)
United States	6.4 (1996)

Source: 1996 World Drink Trends published by NTC Publications

Among countries included in the table, the lowest consuming countries include Brazil, Norway, and Sweden (less than five liters per capita). The highest consuming countries, drink at more than twice that rate and include France, Luxembourg, Portugal, Spain, Denmark, and the Czech Republic.

Laws Related to Youth

Table 9 shows the minimum purchase age for alcohol as well as other laws related to youth.

Many countries set a different age for consumption than for purchase. The minimum consumption or purchase age varies from as low as 14 to a high of 21. Some countries report having no minimum age. Even in countries that have a legally established minimum purchase age, reports of informants in some countries indicate that this law is widely ignored and that many people are unaware that any such limit exists. The United States is very unusual in having a minimum purchase age of 21. Interestingly, in most countries the minimum age for driving licensure is older than or equal to the drinking age, unlike the United States, in which all states allow licensure well before drinking is permitted.

Table 9: Laws Related to Youth

Country	Minimum Drinking Age	Minimum Purchase Age	Minimum Driving Age	Graduated Licensing	BAC Limit
Australia	18	18	18	Yes	.05
Australian Capitol Territory	18	18	18	Yes	.05
New South Wales	18	18	18	Yes	.05
Northern Territory	18	18	18	Yes	.05
Queensland	18	18	18	Yes	.05
South Australia	18	18	18	Yes	.05
Tasmania	18	18	18	Yes	.05
Victoria	18	18	18	Yes	.05
Western Australia	18	18	18	Yes	.05
Austria	16	16 for beer and wine; 18 for all	17	Yes	.05 or .25 mg/l in breath
Belgium	15	No limit	18	No	.05 or .22 mg/liter of breath
Brazil	18	Not available	18, 21 for commercial or heavy vehicles	Not available	.08
Canada	19 in Alberta and Quebec, 18 in all others	Not available	Set by provincial law	Yes	.08
Alberta	19		16	Yes	.08
British Columbia	18		16	Yes	.08
Manitoba	18		16	Yes	.08
New Brunswick	18		18 (16, instructional permit with parental consent)	Yes	.08
Newfoundland	18		17 (16 for learner's stage)	Yes	.08
Northwest Territories	18		16	No	.08
Nova Scotia	18		16	Yes	.08
Ontario	18		16	Yes	.08

Table 9 – Continued.

Country	Minimum Drinking Age	Minimum Purchase Age	Minimum Driving Age	Graduated Licensing	BAC Limit
Prince Edward Island	18		16	Yes	.08
Quebec	19		16	Yes	.08
Saskatchewan	18		16 (15 for learner's permit if enrolled in course)	Yes	.08
Yukon	18		16	No	.08
Czech Republic	<i>Information not available</i>				
Denmark	18	18	18	No	.05
Finland	18	18	18	No	There are two limits: .05 or .25 mg/l for breath; .12 or .6 mg/l for breath for severe drunken driving
France	16	16	18	Yes	.05 for a simple offense; .08 is a penal offense
Germany	16	16, 18	18	No	.05, .11 for criminal offense
Greece	Not available	18	Not available	Not available	.05
Ireland	18	18	Not available	Not available	.08
Italy	16	16	Not available	No	.08
Japan	Not available	21	Not available	Not available	.00 in practice
Luxembourg	17, 18	None	18	Yes	.08
Netherlands	Not available	16, 18	18	0	.05 BAC or 220 mg/l BrAC
New Zealand	20	20	15	Yes	.08 percent for drivers aged 20 or older (80 mg alcohol per 100 mls blood or 400 micrograms alcohol/litre breath)
Norway	18, 20	18, 20	18	Yes	.05
Portugal	None	Not known	18	Yes	.05
Russia	21	Not known	18	Not available	.02
Spain	16	16	18	No	.08 (will be .05 as of May 6, 1999)
Sweden	18	18 in restaurants; 20 in monopoly stores	18	Yes	.02 for drunken driving and .10 for gross drunken driving
Switzerland	14-16, 18 for spirits	14-16, 18 for spirits	18	Not available	.08

Table 9 – Continued.

Country	Minimum Drinking Age	Minimum Purchase Age	Minimum Driving Age	Graduated Licensing	BAC Limit
United Kingdom	18	18 (though no effective control of consumption)	17	No	.08; Breath alcohol limit 35 microgrammes/100 ml (.35 male); urine alcohol limits 107 mg/100 ml (1.07 g/e)
United States	Varies from State to State	21 in all States	Varies from 14 to 17	18 States have graduated licensing systems. 6 States have some elements of a graduated licensing system.	.00 to .02 in all States

Social Attitudes about Drinking and Driving in Europe

In 1996, a consortium of European traffic safety agencies sponsored the second survey regarding Social Attitudes to Road Traffic Risk in Europe (SARTRE). Fifteen European countries participated in the survey (SARTRE 1998). Survey agencies in each country interviewed a representative sample of approximately 1,000 licensed drivers (who had driven a motor vehicle in the last year) regarding their attitudes and behavior in driving, seat belt use, speeding, alcohol use, and other related topics.

The results of the survey highlight some of the wide variations in attitudes and behaviors from country to country and culture to culture—even within Europe. Perceptions of risk, attitudes toward enforcement and penalties, and drinking and driving behaviors vary in interesting and significant ways. While similar survey results are not available for all of the countries covered in this report, the variations observed in Europe indicate the importance of the relationship between the attitudes and behaviors of drivers and the nature of laws and enforcement in the country. The level of agreement between stringent laws and supportive attitudes and behavior can be very influential in determining the degree to which existing laws will be enforced and whether these laws are likely to be further strengthened or eroded.

The full report includes detailed analysis of many different issues on a country-by-country basis, but a brief summary of some of the issues most relevant to the current project may be of interest for selected countries:

Table 10. Social Attitudes about Drinking and Driving in Europe

Country	Social Attitudes
Austria	Alcohol is not frequently regarded as a main cause of crashes. The recent law banning alcohol use for new drivers finds great support. Driving after drinking small amounts is often reported. There is also a larger than average percentage of drivers who report driving when over the legal limit and a larger number of drivers who believe that they can drink a large quantity before driving.
Belgium	A high proportion of drivers in Belgium favor raising the illegal BAC limit (it was recently lowered to .05). Driving when over the limit is frequently reported, as is high consumption before driving.
Finland	Many drivers support a full ban on alcohol on the roads. Drivers in Finland do not drink often, but when they do, they drink a lot. They do not drive after drinking and perceive that they have a high chance to be breathalyzed. Drivers do not believe that alcohol is a frequent cause of crashes.

Table 10.—Continued.

Country	Social Attitudes
France	French drivers drink often, but they drink small amounts and they drive afterwards (obeying the limits). They reject a ban of alcohol on the roads and support raising the limit (it was recently lowered). Drivers believe that alcohol is a frequent cause of crashes in France.
Germany	German drivers tended to respond to the survey in ways similar to the average European respondents.
Greece	Greek drivers report in high proportion that they drink and drive and they say that they drink a considerable amount before driving. They perceive that their chances of being breathalyzed are very low and they support a lower BAC limit. Greek drivers believe that alcohol is a frequent cause of crashes.
Ireland	Few Irish drivers drink daily, but they drink large quantities and drive after drinking. They would like to see the BAC limit raised. (It was lowered recently to .08.) They believe that they are very unlikely to be breathalyzed.
Italy	Many drivers in Italy drink often but not in large quantities. They believe that their chances of being breathalyzed are low, but they tend to adhere to the legal limit of .08. Many Italian drivers favor lowering the BAC limit and prohibiting drinking among young drivers.
Netherlands	High proportions of drivers drink daily and drink lightly. Few drivers report driving after drinking and many drivers support a ban of alcohol on the road and for young drivers. Drivers do not perceive that alcohol is a frequent cause of crashes in the Netherlands.
Portugal	Drivers in Portugal drink often and in small amounts and tend to drive after drinking. The number of alcoholic drinks they believe to be permitted is higher than average and they are in favor of lowering the BAC limit (currently .05).
Spain	Spanish drivers believe that the number of drinks permitted before driving is high and often report driving after drinking, although they believe that they adhere to the limit. The rate of abstention is higher than average in Europe. Drivers believe that their chances of being breathalyzed are low.
Sweden	Drivers report infrequent consumption, but heavy consumption per occasion. They do not drive after drinking and support a ban on alcohol on the roads. Alcohol is perceived as a frequent cause of crashes in Sweden.
Switzerland	Swiss drivers believe that the chance of being breathalyzed is low. At the same time a high proportion adhere to the limit. A significant proportion, however, exceed the limit. There is little support for a ban on alcohol while driving. Alcohol consumption is moderate, for the most part. There may be differences, however, among the French, German, and Italian-speaking parts of the country.
United Kingdom	If drivers from the UK drink, they drink many units of alcohol and believe that drinking many units before driving is permissible. Alcohol is regarded as the most frequent cause of traffic crashes and the likelihood of being breathalyzed is considered low. At the same time, many drivers do not drive after consuming even small amounts of alcohol. There is also considerable support for a complete ban on alcohol on the roads. The UK currently has one of the highest BAC limits (.08) in Europe.

The Impact of International Trade Agreements

Many countries are currently involved in international trade agreements. The North American Free Trade Agreement and the European Union have the potential to have an impact on alcohol policy and laws related to impaired driving (Vingilis, Lote, and Seeley 1998). For example, policies that restrict the availability of alcohol and impose high taxes in some Scandinavian countries are threatened by free trade agreements. The elimination of alcohol monopolies in Sweden, Norway, and Finland is projected to increase consumption by nearly 100%, with a dramatic increase in alcohol-related traffic fatalities. BAC laws are also subject to change by trade agreements. In 1989, the European Commission proposed harmonizing the maximum BAC to .05%. This would require lowering the limit in some countries and raising it in others. Similarly, laws related to commercial transport are subject to harmonization. These laws include regulations regarding drug and alcohol use by commercial drivers and required random and for-cause testing of drivers. In any study of current laws, the potential impact of free trade agreements must be considered.

Other Research Needed

Having more complete and current information regarding the range of impaired driving laws in countries around the world is interesting in itself. It would be even more useful; however, to be able to examine the alcohol-related crash rates in these same countries and examine possible relationships between existing laws and crash rates. This task would not be simple or straightforward. One major complication is that officially reported alcohol-related crash rates are subject to major differences in measurement and reporting methodology, which can make comparisons inaccurate. They may also be prone to error. For example, some recent official alcohol related crash rates in Europe appear in Table 11.

Table 11: Officially Reported Proportion of Fatal Crashes Involving Alcohol*

Italy	1%
Luxembourg	4%
Belgium	8%
The Netherlands	8%
Sweden	9%
United Kingdom	15%
Germany	20%
Finland	25%
Spain	26%
Denmark	29%
France	40%

Source: Directorate General for Transport of the European Commission 1995

*The rate for 1995 reported in the US was 41.2%

It is highly unlikely that some of these reported rates are accurate reflections of what the rates would be if measured using methods similar to those used in the United States. For example, the officially reported rate in Sweden of 9% is based on police reports of alcohol involvement. Because of the nature of duties of police officers at the scene of fatal crashes, they are frequently not in a position to judge whether alcohol was involved. Autopsies carried out on all fatally-injured drivers find a rate of 18% alcohol involvement (Laurell 1999). This discrepancy illustrates some of the serious reporting and measurement problems that may distort alcohol-related fatality rates and make comparisons across countries difficult and possibly misleading.

The DG7 of the European Union is currently carrying out a project to describe the measurement and data collection methodology and maintain a database for all of the EU member states. The measurement and data collection variables reported in the data base include:

- Who is tested (e.g., all drivers in injury crashes, all passengers or pedestrians in injury crashes, only drivers suspected of being under the influence);
- The form of testing – blood or breath;
- What proportion of those who are supposed to be tested are actually tested;
- How a refusal to be tested is coded;
- What qualifies as an alcohol-related crash (e.g., over the legal limit, any alcohol present, some other limit);
- What the legal limits are for different classes of vehicle operators.

The draft database includes extensive notations on the figures reported for each country indicating special circumstances, caveats, and difficulties in data interpretation. Thus, it is clear that to collect and attempt to interpret alcohol-related crash data and compare the data across countries will be challenging and will require careful interpretation.

Further work is needed to collect and interpret information on laws, alcohol-related crashes, and data quality. By carefully analyzing this information, the relationship between laws related to impaired driving and alcohol-related traffic crashes can be better understood. This analysis can contribute to improvements in laws and policies.

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Appendix A

Country	Information Source
Australia	Federal Office of Road Safety
Austria	Kuratorium fur Verkehrsicherheit
Belgium	Ministere Communications et Infrastructure
Brazil	Copy of legal code from Law Library of Congress
Canada	Canadian Council of Motor Transport Administrators
Czech Republic	Law Library of Congress
Denmark	Danish Council of Road Safety Research
Finland	National Public Health Institute
France	Centre d'Etudes et de Recherches en Medecine du Trafic
Germany	Bundesanstalt fur Strassenwesen
Greece	Law Library of Congress
Ireland	Law Library of Congress
Italy	Ministero dei Trasporti e della Navigazione
Japan	Published articles 1
Luxembourg	Ministere des Transports Dir. Circulation Routiere
Netherlands	Min. Verkeer en Waterstaat
New Zealand	Land Transport Safety Agency
Norway	Law Library of Congress
Portugal	Law Library of Congress and copy of relevant statutes
Russia	Law Library of Congress
Spain	Dept. Farmacologia y Terapeutica, Universidad Valladolid
Sweden	Swedish National Road Safety Administration
Switzerland	Law Library of Congress
United Kingdom	Dept. of Enviornment, Transport, and Regions
United States	National Highway Traffic Safety Administration

1 E.B.R. Desapriya, and Nobutada Iwase (1997), *Accident Analysis and Prevention*, Vol. 28, No.6, 721-731; and E.B.R. Desapriya (1998), *Substance Use and Misuse*, 33(14) 279-290.

Appendix B:

Drinking and Driving Laws

Australia

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

- All 8 States have graduated licensing programs. Details of programs are set by State law, however, the following characteristics are common to all:
- The program applies to all new drivers regardless of age.
- Young drivers may receive a learner's permit at age 16. The permit must be held for at least 12 months before progressing to the probationary stage (but the applicant must be at least 18 years old to receive a probationary license).
- The probationary phase lasts 3 years. Probationary licensees are limited to a lower BAC (see table 3) and to lower speeds. They must display a special license plate.

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

What is the minimum purchase age for alcoholic beverages?

18

Per Capita Consumption (in litres of absolute alcohol):

7.6 (1994/5)

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.05

What is the BAC limit for younger drivers, if different?

See State detail.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

See State detail.

How long has the present BAC limit been in effect?

See State detail.

Are local governments (cities, provinces, etc.) permitted to establish laws or ordinances regulating impaired driving?

Yes

Sanctions

See State detail.

Rehabilitation and Regranting of Licenses

See State detail.

Enforcement

See State detail

Drinking and Driving Laws by State or Province

Australian Capitol Territory

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

Yes

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

What is the minimum purchase age for alcoholic beverages?

18

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.05

What is the BAC limit for younger drivers, if different?

.02 for learners and provisional licenses for new drivers under the age of 25 for the first 3 years of driving.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

.02 for drivers of vehicles over 15 GVMt plus dangerous goods. .02 for drivers of licensed public vehicles.

How long has the present BAC limit been in effect?

Since January 1, 1991

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- **Fine:** Fines are graduated according to BAC level, beginning with .02 and are combined with some suspension of license and possible imprisonment for higher BAC levels.
- **Suspension of drivers license:** License suspension time increases with BAC level, beginning with a possible 3 month suspension for a BAC of .02 to .05, and increasing to a maximum of 36 months for a BAC of over .15.
- **Imprisonment:** For .08 to .15, fined up to 10 penalty units and/or 6 month maximum gaol and 12 month maximum suspension. For BAC over .15, fined up to 15 penalty units and/or 9 month maximum gaol and 36 month maximum suspension.

What are the sanctions for multiple offenses?

- **Fine:** Fines follow the same graduated scale according to BAC level but amounts are increased for multiple offenses.
- **Suspension or revocation of drivers license:** License suspensions graduated according to BAC level as with first offense, but length of suspension is increased for multiple offenses.
- **Imprisonment:** Length of sentence increases for multiple offenses.

Details on Sanctions:

For first offense:

For BAC of .02 to .05, fined up to 5 penalty units, 3 month maximum suspension of license.

For .05 to .08, fined up to 5 penalty units, 6 month maximum suspension.

For .08 to .15, fined up to 10 penalty units and/or 6 month maximum gaol and 12 month maximum suspension.

For BAC over .15, fined up to 15 penalty units and/or 9 month maximum gaol and 36 month maximum suspension.

For multiple offenses:

For .08 to .15, fined up to 10 penalty units and/or 6 month maximum gaol and 12 month maximum suspension.

For BAC over .15, fined up to 15 penalty units and/or 9 month maximum gaol and 36 month maximum suspension.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

No legislation, but court may order attendance at course

What is the process for regranting drivers licenses that have been suspended or revoked?

Not available.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Used frequently. Introduced December 1982.
Testing only if suspicion of intoxication	
Testing only on arrest or commission of a traffic violation	
Testing when driver is involved in a crash.	Used occasionally. Compulsory blood testing for drivers, cyclists, and pedestrians aged 15 or older attending hospital after crash.

Under what circumstances is it compulsory for a driver to submit to testing?

Compulsory blood testing for drivers, cyclists, and pedestrians aged 15 or older attending hospital after crash.

Number of random tests conducted annually, if known:

Not known.

Drinking and Driving Laws by State or Province

New South Wales

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

Yes

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

What is the minimum purchase age for alcoholic beverages?

18

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.05

What is the BAC limit for younger drivers, if different?

.02 for learners, provisional licenses (since 4/2/85); .02 for new drivers under the age of 25; and .02 for the first 3 years of driving (since 1/1/91).

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

.02 for drivers of heavy vehicles > 13.9GVMt and dangerous or radioactive goods vehicles, buses, taxi cabs, hire cars (passenger vehicles >13.9t).

How long has the present BAC limit been in effect?

.05 since December 17, 1982; .02 for learner since April 2, 1985, .02 for younger drivers, passenger or heavy vehicles since January 1, 1991.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- Fine: Fines are graduated based on BAC level. For drivers under 25 and professional drivers with BAC between .02 and .05, maximum fine of \$550 (\$345.95 US) and automatic 3 month disqualification. Fines increase with BAC level.
- Suspension of drivers license: All BAC levels over .02 for drivers under 25 and professional drivers, and over .05 for all other drivers incur an automatic disqualification of the license. The length increases with increased BAC level. Immediate suspension of license for a higher level offense.
- Imprisonment: Up to 6 month imprisonment possible for BAC of .08 to .15; increasing to up to 9 months for BACs greater than .15.

What are the sanctions for multiple offenses?

- Fine: Fines for multiple offenses follow a similar graduated scale according to BAC level, but amounts are increased.
- Suspension or revocation of drivers license: Length of period of disqualification increases with multiple offenses. (See detail)
- Imprisonment: Up to 9 months for BAC of .08 to .15; 12 months for BAC greater than .15.

Details on Sanctions:

For first offense:

For BAC of .02 to .05 for under 25 or professional drivers, \$550 (\$345.95 US) maximum fine plus automatic 3 month disqualification.

For .05 to .08, \$550 (\$345.95 US) maximum fine plus automatic 6 month disqualification.

For .08 to .15, \$1,100 (\$691.90 US) maximum fine and/or 6 month maximum gaol plus disqualification for 3 month minimum, 12 month automatic (the court has the power to order a shorter or longer period), no maximum disqualification.

For BAC greater than .15, immediate suspension of license, \$1,650 (\$1,037.85 US) maximum fine and/or 9 month gaol plus 6 month minimum, 3 years automatic disqualification, no maximum disqualification.

For multiple offenses:

For BAC of .02 to .05 for under 25 or professional drivers, \$1,100 (\$691.90 US) maximum fine plus automatic 12 month disqualification, 3 month minimum, no maximum disqualification.

For .05 to .08, \$1,100 (\$691.90 US) maximum fine plus automatic 12 month, 3 month minimum, no maximum disqualification.

For .08 to .15, \$1,100 (\$691.90 US) maximum fine and/or 6 month maximum gaol plus disqualification for 6 month minimum, 3 years, no maximum disqualification.

For a BAC greater than .15, immediate suspension of license, \$2,200 (\$1,383.80 US) maximum fine and/or 12 month maximum gaol plus 1 year minimum, 5 years, no maximum disqualification.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

Not known.

What is the process for regranting drivers licenses that have been suspended or revoked?

Any driver convicted of a drink driving offence and over .15 range must undergo medical assessment and receive positive results before re-issue of license.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Used frequently. Introduced 12/17/82.
Testing only if suspicion of intoxication	
Testing only on arrest or commission of a traffic violation	
Testing when driver is involved in a crash.	Mandatory.

Under what circumstances is it compulsory for a driver to submit to testing?

For drivers, riders, and pedestrians over 15 years in hospitals after road crash.

(12/17/82)

Notes on the level of enforcement of Impaired Driving Laws:

In New South Wales, the annual number of RBT tests is well over half the number of licensed drivers, an estimated 59 tests per 100 drivers per year.

Number of random tests conducted annually, if known:

59 per 100 drivers annually

Drinking and Driving Laws by State or Province

Northern Territory

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

Yes

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

What is the minimum purchase age for alcoholic beverages?

18

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.05

What is the BAC limit for younger drivers, if different?

.00 (.02 tolerance) for unlicensed, learner and provisional license drivers (1985).

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

.00 (.02 tolerance) for drivers of vehicles >15GVMt + dangerous goods; for buses with more than 12 seats and vehicles with passengers in load space.

How long has the present BAC limit been in effect?

.05 passed in 1992, implemented in 1994; .00 for new drivers in 1985; .00 for certain vehicles passed in 1992, but commencement pending

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- **Fine:** Fines are graduated according to BAC level and combined with license suspension and possible imprisonment. Range is from \$500 to \$1,000 (\$314.50 to \$629.00 US).
- **Suspension of drivers license:** Length of license suspension for drivers who are under 18 or who have a learner or provisional license and a BAC level over .00 is a minimum 3 month license loss. Length of suspension is graduated for increasing BAC levels up to a 12 month minimum immediate suspension for a BAC of over .15.
- **Imprisonment:** Possible imprisonment terms ranging from 3 month to 12 month maximum, graduated by BAC level.

What are the sanctions for multiple offenses?

- **Fine:** Fines follow a similar schedule as with first offense according to BAC level, but amounts and length of license suspension and imprisonment increases for multiple offenses. Range is from \$750 to \$2,000 (\$471.75 to \$1,258.00 US).
- **Suspension or revocation of drivers license:** Length of suspension follows a similar schedule as with first offense, but length is increase for multiple offenses. Range is 6 month minimum to 5+ years.
- **Imprisonment:** Length of sentence follows a similar schedule as with first offence, but length is increased for multiple offenses. Range is from 6 month minimum to 12 month maximum.
- **Other:** Repeat offenders with BAC of .08 to .15 may be sentenced to a 14-hour course for repeat offenders.
- Refusing a blood test carries the same penalties as a BAC of over .15.

Details on Sanctions:

For first offense:

For BAC over .00 and driver who is under 18, or has a learner or provisional license, or unlicensed a fine of \$500 (\$314.50 US), 3 month maximum gaol with 3 month minimum license loss.

For BAC of .00 to .05 and driver of specified vehicles or under 25, fine of \$500 (\$314.50 US), 3 month maximum gaol and Traffic Infringement Notice (TIN).

For BAC of .05 to .08, TIN plus a fine of \$500 (\$314.50 US), 3 month maximum gaol.

For BAC between .08 and .15, a fine of \$750 (\$471.75 US), 6 month minimum license loss, 6 month maximum gaol, and a 10-hour course.

For BAC over .15, fine of \$1000 (\$629.00 US), 12 month maximum gaol, minimum 12 month immediate suspension, 14-hour course.

For multiple offenses:

For a BAC over .00 and under 18, learner or provisional license, or unlicensed, a fine of \$750 (\$471.75 US), 6 month maximum gaol, 6 month minimum license loss.

For a BAC of .00 to .05 and a driver of specified vehicles or under 25, \$750 (\$471.75 US) fine, 6 month maximum gaol, TIN.

For a BAC between .05 and .08, TIN, \$750 (\$471.75 US) fine, 6 month maximum gaol, 6 month minimum suspension.

For a BAC between .08 and .15, \$2,000 (\$1,258.00 US) fine, 12 month maximum gaol, 12 month minimum suspension. Immediate suspension if previous offense within 10 years, 14-hour course for repeat offenders.

For a BAC over .15, \$2,000 (\$1,258.00 US) fine, 12 month maximum gaol, 5 year minimum suspension. Within 3 years of previous offense of >.15, or 2 or more offenses, 18 month immediate suspension.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

No legislation requiring rehabilitation, but registrar of motor vehicles may impose conditions on return of license.

What is the process for regranting drivers licenses that have been suspended or revoked?

Registrar of motor vehicles may impose conditions on return of license.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Used frequently. Introduced February 1980.
Testing only if suspicion of intoxication	
Testing only on arrest or commission of a traffic violation	
Testing when driver is involved in a crash.	

Under what circumstances is it compulsory for a driver to submit to testing?

Compulsory blood testing for drivers, riders and pedestrians over age 15 involved in road crash.

Number of random tests conducted annually, if known:

Not known.

Drinking and Driving Laws by State or Province

Queensland

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

Yes

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

What is the minimum purchase age for alcoholic beverages?

18

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.05

What is the BAC limit for younger drivers, if different?

.00 (.02 tolerance) for drivers under 21.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

.00 (.02 tolerance) for drivers of vehicles > 4.5GVMt, and for drivers of buses.

How long has the present BAC limit been in effect?

.05 since December 20, 1982. A BAC of .00 for young drivers and drivers of buses or heavy vehicles since January 1, 1991.

Other comments on BAC provisions of the law:

Immediate 24 hour license suspension for all BAC offenses.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- Fine: \$1,050 (\$660.45 US) maximum fine for drivers under 25 and drivers of specified vehicles for BAC level up to .05. Fines increase with BAC level up to a maximum of \$2,100 (\$1,320.90 US) for a BAC of over .15.
- Suspension of drivers license: There is an automatic suspension of 24 hours for all BAC levels. Disqualification of license for 3 to 9 months depending on BAC level.
- Imprisonment: Possible 3 to 9 months depending on BAC level.

What are the sanctions for multiple offenses?

- Fine: Maximum \$1,500 (\$943.50 US) fine for BAC between .05 and .15. Fines increase with BAC level up to a maximum of \$2,550 (\$1,603.95 US) for BAC of over .15.
- Suspension or revocation of drivers license: 3 month to 2 years disqualification depending on BAC level and number of offenses.
- Imprisonment: 6 to 18 months depending on BAC level and number of offenses.
- Other: After numerous drink driving offenses, it can be made a condition of conviction to undergo a rehabilitation course conducted by the Queensland Corrective Services Commission.

Details on Sanctions:

For first offense:

For a BAC up to .05 in learners and probationary drivers under 25, unlicensed drivers, and drivers of heavy vehicles, public transport, dangerous goods, fine for first offense is \$1,050 (\$660.45 US) maximum or 3 month gaol with 3 to 9 months disqualification.

For other drivers with BAC between .05 and .15 there is a ticket system which is optional for the police to use with a minimum fine of \$100 (\$62.90 US) for BAC of .05, and increasing with BAC level. For BAC over .15, \$2,100 (\$1,320.90 US) maximum or 9 month gaol with 6 month disqualification. Penalty for refusal of blood or breath test is \$2,100 (\$1,320.90 US) maximum fine or 9 month gaol with 6 month disqualification.

For multiple offenses:

For second offence BAC between .05 and .15, maximum fine of \$1,500 (\$942.50 US) or six month gaol with 3 to 18 month disqualification. A subsequent BAC between .05 and .15 carries a \$2,100 (\$1,320.90 US) maximum fine or 9 month maximum gaol with 6 month disqualification. For a second offense BAC over .15, or for refusal to take a blood

or breath test, the penalty is a maximum fine of \$2,550 (\$1,572.50 US) or 18 month gaol with 12 month disqualification. A third or subsequent offence between .05 and .15 carries a \$2,100 (\$1,320,90 US) maximum fine or 9 month maximum gaol with 6 month disqualification.

For a second offense BAC over .15, or for refusal to take a blood or breath test, the penalty is a maximum fine of \$2,550 (\$1,572.50 US) or 18 month gaol with 12 month disqualification. For a subsequent offense of BAC over .15, imprisonment must form part of the sentence with a 2 years disqualification. For subsequent refusals to take a blood or breath test, imprisonment may form all or part of the punishment with a 2 year disqualification.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

After numerous drink driving offenses, it can be made a condition of conviction to undergo a rehabilitation course conducted by the Queensland Corrective Services Commission.

What is the process for regranting drivers licenses that have been suspended or revoked?

Not available.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Used frequently.
Testing only if suspicion of intoxication	
Testing only on arrest or commission of a traffic violation	
Testing when driver is involved in a crash.	

Under what circumstances is it compulsory for a driver to submit to testing?

Legislation for compulsory blood testing passed in 1974 but was not proclaimed.

Notes on the level of enforcement of Impaired Driving Laws:

There were 760,000 RBT tests in Queensland in 1994-95 for about two million licensed drivers, a ratio of 38 tests per 100 drivers.

Number of random tests conducted annually, if known:

760,000 (1994-95)

Drinking and Driving Laws by State or Province

South Australia

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

Yes

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

What is the minimum purchase age for alcoholic beverages?

18

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.05

What is the BAC limit for younger drivers, if different?

.02 for drivers up to 19 years.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

.02 for drivers of vehicles > 15 GVMt; drivers of buses with more than 12 seats, taxis, and hire cars.

How long has the present BAC limit been in effect?

.05 since July 1, 1992. .02 for young drivers and drivers of certain vehicles since June 1, 1992

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- Fine: Fine for learners or probationary drivers with BAC over .00 is a maximum \$1,000 (\$629.00 US). Fines for other drivers range from \$114 to \$1,200 (\$71.71 to \$754.80 US) depending on BAC level and circumstances of adjudication.
- Suspension of drivers license: Learners or probationary drivers with BAC over .00 receive 6 month disqualification. Other drivers can be disqualified for period of 6 to 12 months depending on BAC level. Demerit points on the license are also given depending on BAC level.
- Imprisonment: For BAC over .15 (DUI), 3 month maximum gaol.

What are the sanctions for multiple offenses?

- Fine: Range is \$700 to \$2,500 (\$440.70 to \$1,572.50 US) depending on BAC level.
- Suspension or revocation of drivers license: Range is 12 months to 3 years depending on BAC level.
- Imprisonment: For BAC over .15 (DUI), 6 month maximum gaol.
- Other: If convicted of 2 or more drink driving offenses within 3 years in the metropolitan area, then the court orders that the driver must be referred for Drink Driver Assessment.

Details on Sanctions:

For BAC > .00 for learners and probationary drivers, \$1,000 (\$629.00 US) maximum fine plus 6 month disqualification.

For drivers with BAC between .05 and .08, a Traffic Infringement Notice, \$114 (\$71.71 US) fine and 3 demerits. If court decision, \$700 (\$440.70 US) maximum fine plus \$7 (\$4.40 US) victims of crime levy.

For drivers with BAC between .08 and .15, \$500 (\$314.00 US) minimum, \$900 (\$566.10 US) maximum fine plus 6 month disqualification and 5 demerit points.

For BAC over .15 (DUI), \$700 (\$440.70 US) minimum, \$1,200 (\$1,572.50 US) maximum fine or 3 month maximum gaol plus 12 month minimum disqualification and 6 demerit points.

For refusal to take blood or breath test, \$700 (\$440.70 US) minimum, \$1,200 (\$1,572.50 US) maximum fine plus 12 month minimum disqualification and 6 demerit points.

For multiple offenses:

For BAC between .00 (for learners and probationary drivers) and .08, penalty is same as for first offense.

For BAC between .08 and .15, fine of \$700 (\$440.70 US) minimum, \$1,200 (\$1,572.50 US) maximum plus 12 month minimum disqualification and 6 demerit points. Susequent offense carries a fine of \$1500 to \$2500 with a maximum 3 years disqualification.

For BAC over .15 (DUI), penalty is a fine of \$1,500 to \$2,500 (\$943.50 to \$1,320.90 US) or 6 month maximum gaol with a minimum 3 years disqualification and 6 demerit points.

The penalty for second offense of refusal to take a blood or breath test is a fine of \$1,500 to \$2,500 (\$943.50 to \$1,320.90 US) with a minimum 3 years disqualification and 6 demerit points.

Rehabllitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

If convicted of 2 or more drink driving offenses within 3 years in the metropolitan area, then the court orders that the driver must be referred for Drink Driver Assessment.

What is the process for regranting drivers licenses that have been suspended or revoked?

Not available.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Used frequently. In 1995, in South Australia, there were 220,001 RBTs conducted for 965,000 licenses. In 1997, SA doubled the number of breath tests carried out to more than 600,000.
Testing only if suspicion of intoxication	
Testing only on arrest or commission of a traffic violation	
Testing when driver is involved in a crash.	

Under what circumstances is it compulsory for a driver to submit to testing?

Not known.

Number of random tests conducted annually, if known:

600,000 in 1997

Drinking and Driving Laws by State or Province

Tasmania

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

Yes

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

What is the minimum purchase age for alcoholic beverages?

18

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.05

What is the BAC limit for younger drivers, if different?

.00 (.02 tolerance) for 3 years for new drivers and those not holding a license for 12 months.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

.00 (.02 tolerance) for drivers of vehicles >4.5+ >7.5 combination; for buses with more than 12 seats and licensed public vehicles.

How long has the present BAC limit been in effect?

.05 since January 6, 1983; .00 for new drivers and drivers of certain vehicles since May 1992

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- Fine: Fines range from \$200 to \$3,000 (\$125.80 to \$1,887.00 US) depending on BAC level.
- Suspension of drivers license: Suspension ranges from 3 to 36 months depending on BAC level.
- Imprisonment: Sentences range from 3 to 12 months depending on BAC level.

What are the sanctions for multiple offenses?

- Fine: Fines range from \$400 to \$6,000 (\$251.60 to \$3,774.00 US) depending on BAC level.
- Suspension or revocation of drivers license: Suspension ranges from 6 to 72 months depending on BAC level.
- Imprisonment: Sentences range from 6 to 24 months depending on BAC level.
- Other: An offender considered to be alcohol dependent (i.e., very high BAC levels or multiple drink driving offenses) can be required to attend rehabilitation.

Details on Sanctions:

BAC < .05, 2-10 penalty units, 3 month maximum gaol, 3-12 month disqualification.

BAC between .05 and .10, 2-10 penalty units, 3 month maximum gaol, 3-12 month disqualification

BAC between .1 and .15, 4-20 penalty units, 6 month maximum gaol, 6-18 month disqualification

BAC > .15, 5-30 penalty units, 12 month maximum gaol, 12-36 month disqualification

Failure to comply, 5-30 penalty units, 12 month maximum gaol, 12-36 month disqualification

(Note, each penalty unit equals \$100)

For multiple offenses:

BAC < .05, 4-20 penalty units, 6 month maximum gaol, 6-24 month disqualification.

BAC between .05 and .10, 4-20 penalty units, 6 month maximum gaol, 6-24 month disqualification

BAC between .10 and .15, 8-40 penalty units, 12 month maximum gaol, 12-36 month disqualification

BAC > .15, 10-60 penalty units, 24 month maximum gaol, 24-72 month disqualification

Failure to comply, 10-60 penalty units, 24 month maximum gaol, 24-72 month disqualification

(Note, each penalty unit equals \$100)

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

An offender considered to be alcohol dependent (i.e., very high BAC levels or multiple drink driving offenses) can be required to attend rehabilitation.

What is the process for regranting drivers licenses that have been suspended or revoked?

Currently (as of November 1997) considering a range of options as standard condition for reissue of license following disqualification.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Used frequently. The number of random breath tests in Tasmania has increased in recent years to approximately 83 per 100 drivers in 1997.
Testing only if suspicion of intoxication	
Testing only on arrest or commission of a traffic violation	
Testing when driver is involved in a crash.	

Under what circumstances is it compulsory for a driver to submit to testing?

No legislation on compulsory testing.

Number of random tests conducted annually, if known:

Approximately 83 per 100 drivers in 1997

Drinking and Driving Laws by State or Province

Victoria

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

Yes

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

What is the minimum purchase age for alcoholic beverages?

18

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.05

What is the BAC limit for younger drivers, if different?

.00 (.02 tolerance) for 1st year probationary and unlicensed drivers. Zero limit extended for first three years of license (8/2/90).

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

.00 (.02 tolerance) for drivers of vehicles >15GVMt, and drivers of buses with 12 or more passengers.

How long has the present BAC limit been in effect?

The limit has been .05 since June 1976. For new drivers and drivers of heavy or passenger vehicles the limit has been .02 since January 1, 1992.

Other comments on BAC provisions of the law:

Full license holders who are convicted or found guilty of a drink driving offense and are re-licensed after obtaining a court order are restricted to a zero BAC for 3 years (Z condition license.)

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- Fine: \$1,200 (\$754.80 US) maximum fine
- Suspension of drivers license: For learners or probationary drivers with BAC over .00, disqualification for 6 month maximum, 1 month minimum with extension of probationary period for up to 7 months.
- For other drivers with BAC over .05, length of disqualification begins at 6 months and increases with each point of increased BAC.
- Police have power to suspend the license on the spot until the case is heard for BAC of .15 or greater.
- Imprisonment: For culpable DUI, up to 15 years gaol and/or \$180,000 (\$113,220.00 US) maximum fine plus 2 years minimum disqualification. For DUI liquor or drug, \$2,500 (\$1,572.50 US) maximum fine or 3 month gaol plus 2 years minimum disqualification.

What are the sanctions for multiple offenses?

- Fine: \$2,500 (\$1,572.50 US) maximum fine.
- Suspension or revocation of drivers license: Police have the power to suspend the license on the spot until the case is heard for all 2nd offenders.
- In March 1987, police were given the power to suspend the license on the spot until the case is heard, where a BAC is .15 or more. In June 1991, the power was extended to include all 2nd offenders.

Details on Sanctions:

For BAC of .00 to .05 for probationary, learner, or unlicensed drivers, \$1,200 (\$754.80 US) maximum fine and possible 6 month maximum disqualification, one month minimum suspension and extension of probationary period for 7 months for probationers.

For BAC of .05 to .10, \$1,200 (\$754.80 US) fine plus disqualification for 6 month minimum.

For .10 to .11, \$1,200 (\$754.80 US) fine plus disqualification for 10 month minimum.

For .11 to .12, \$1,200 (\$754.80 US) fine plus disqualification for 11 months, and so on, increasing the period of disqualification by one month per point BAC.

For multiple offenses:

For BAC of .00 to .05 for probationary, learner, and unlicensed drivers, \$2,500 (\$1,572.50 US) maximum or 3 month maximum gaol plus 12 month minimum disqualification.

For BAC over .05, \$2,500 (\$1,572.50 US) maximum fine or 3 month gaol plus disqualification for 12 month minimum for .05 to .07, 14 months for .07 to .08, 16 months for .08 to .09 and so on with the period of disqualification increasing by 2 months for every point of increased BAC.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

Rehabilitation requirements as a precondition of relicensing exist for multiple categories of convicted dring drivers. Exact requirements depend on age, license category, BAC range of the offender.

What is the process for regranting drivers licenses that have been suspended or revoked?

Full license holders who are convicted or found guilty of a drink driving offence and are re-licensed after obtaining a court order are restricted to a .00 BAC for 3 years (Z condition license.)

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Used frequently. With about 2.9 million drivers, Victoria now conducts over 2.4 million tests annually, giving a test:driver ratio of .83.
Testing only if suspicion of intoxication	
Testing only on arrest or commission of a traffic violation	
Testing when driver is involved in a crash	

Under what circumstances is it compulsory for a driver to submit to testing?

Compulsory blood testing of all people older than 15 years who have been taken to hospital after a road crash. In 1991, changed to Code of Practice.

Number of random tests conducted annually, if known:

2.4 million annually

Drinking and Driving Laws by State or Province

Western Australia

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

Yes

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

What is the minimum purchase age for alcoholic beverages?

18

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.05

What is the BAC limit for younger drivers, if different?

.02 for probationary drivers for 12 months

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

Legislation proposed but not yet passed: .02 BAC limit for drivers of vehicles >15 and for drivers of buses with more than 8 seats, taxis, hire cars.

How long has the present BAC limit been in effect?

.05 since September 1988; .02 for probationary drivers since August 1982.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

-
- *Fine: Fines range from \$100 to \$800 (\$62.90 to 503.20 US) depending on age and BAC level. \$600 (\$377.40 US) minimum fine for failure to provide a breath test.*
 - *Suspension of drivers license: For BAC greater than .08, a fine of \$500 to \$800 (\$314.50 to \$503.20 US) with a 3 month minimum license disqualification. For failure to provide breath test when requested, a minimum fine of \$600 (\$377.40 US) or 6 month suspension.*

What are the sanctions for multiple offenses?

- *Fine: For BAC over .08, fines for multiple offenses range from \$600 to \$2,500 (\$377.40 to \$1,572.50 US) depending of the number of offenses.*
- *Suspension or revocation of drivers license: Period of disqualification for multiple offenses ranges from 6 months to permanent disqualification depending onf the number of offenses.*
- *Imprisonment: For second offense of driving under the influence of alcohol or drugs, \$1,000 to \$1,800 (\$629.00 to \$1,132,20 US) fine or 6 months gaol with a 2 year minimum disqualification. For third offense, fine is \$1,200 to \$2,500 (\$754.80 to \$1,572.50 US) or 18 months gaol with permanent disqualification of license.*

Note on sanctions: The penalties for traffic offenses in Western Australia have recently undergone a major review. Regulatory and legislative changes are currently being progressed. The drink driving penalties require legislative changes and are currently in the Western Australian Parliament.

Details on Sanctions:

Over .02, under 18, P's or L's, unlicensed-fine of \$100 to \$300 (\$62.90 to 188.70 US).

For BAC between .05 and .08, a maximum \$500 (\$314.50 US) fine.

For BAC greater than .08, a fine of \$500 to \$800 (\$314.50 to \$503.20 US)with a 3 month minimum license disqualification.

For failure to provide breath test when requested, a minimum fine of \$600 (\$377.40 US) or 6 month suspension.

For multiple offenses:

For second and subsequent offenses of BAC over .08, fine of \$600 to \$1,200 (\$377.40 to 754.80 US) with 6 month minimum disqualification.

For second offense of driving under the influence of alcohol or drugs, \$1,000 to \$1,800 (\$629.00 to 1,132.20 US) fine or 6 month gaol with a 2 year minimum disqualification.

For third offense, fine is \$1,200 to \$2,500 (\$754.80 to \$1,572.50 US) or 18 months gaol with permanent disqualification of license.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

No requirement for rehabilitation program.

What is the process for regranting drivers licenses that have been suspended or revoked?

Not available.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Used frequently. The number of random breath tests in Western Australia increased from 52 per 100 drivers in 1994-95 to 85 per 100 in 1995-96.
Testing only if suspicion of intoxication	
Testing only on arrest or commission of a traffic violation	
Testing when driver is involved in a crash	

Under what circumstances is it compulsory for a driver to submit to testing?

No legislation on compulsory breath testing.

Number of random tests conducted annually, if known:

Approximately 85 per 100 drivers in 1995-96

Drinking and Driving Laws

Austria

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

17 (Category B: automobile)

Is there a system of graduated licensing for new drivers?

It is possible to start with the theoretical and practical education at the age of 16, if you apply for an advanced driving license. A probational license is issued for a period of two years, after which it is automatically converted to a permanent license. Holders of a probational license are limited to a maximum of .01 and must continue training if they demonstrate poor behaviour. It is not possible to shorten the probationary period, but authorities may prolong it for various reasons including alcohol-related offenses. The probationary period can be extended for 1 year, up to 3 times. If the driver commits an offense after the third extension, the license can be withdrawn.

Details of graduated licensing program:

The candidate must

- Be qualified for traffic
- Show necessary physical and mental maturity
- Show health qualification
- Have one or two authorized accompanists for driving.

After the theoretical and practical training at driving school the accompanists must ask for permission to drive on public roads together with the candidate.

During accompanied driving the BAC limit is .01 BAC or 0.05 mg/l in breath for both accompanist and candidate. There are also specific restrictions concerning speed limits (80km/h on country roads - instead of 100 km/h, 100km/h on highways - instead of 130km/h). The car must be labeled for accompanied driving.

The candidate has to keep records of all driving lessons. Every 1,000 driven kilometers accompanist and candidate must attend a special training at driving school. After 3,000 driven kilometers and another perfection training at driving school, but not before the 17th birthday, the candidate can take the driving test.

If the candidate passes driving test he or she is allowed to drive special labeled cars. Until his or her 18th birthday he or she has to observe the same speed-limits like during his or her education. The driving license is under probation until his or her 20th birthday.

Category B (under probation for two years)

The driving license is on probation for two years (Driving license on probation is established as law since 1/1/92).

In case of serious offenses (like hit-and-run offences, driving in wrong direction, overtaking in dangerous situations or overtaking if prohibited, speeding of 20 km/h more in town-areas or 40km/h more on country roads, etc.) during the 2-year-probation time the novice driver has to attend an additional psychological course for conspicuous drivers (driver has to pay the costs of the course). The duration of probation time will hold over for one year more.

If there is another serious traffic offense after a third prolongation of probation time the driving license will be suspended.

The limit of BAC is .01 or 0.05 mg/l in breath. Drinking while driving is not allowed. For drinking and driving the novice driver must attend an additional psychological course for drunk drivers (driver has to pay the costs of the course). The duration of probation time will hold over for one year more.

Alcohol Purchase and Consumption

What is the minimum drinking age?

16

What is the minimum purchase age for alcoholic beverages?

16 for beer and wine; 18 for all

Per Capita Consumption (in litres of absolute alcohol):

9.8 (1995)

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.05 or .25 mg/l in breath

What is the BAC limit for younger drivers, if different?

.01 or .05 mg/l in breath for novice drivers during a 2-year probation period and for riders of motorcycles and other vehicles age 20 or less.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)? .01 or .05 mg/l in breath for drivers of vehicles over 7.5 tons or buses.

How long has the present BAC limit been in effect?

Since January 1, 1998 (BAC for novice drivers since 1992)

Are local governments (cities, provinces, etc.) permitted to establish laws or ordinances regulating impaired driving?

No

Other comments on BAC provisions of the law:

Effects of driving license on probation: Since the limit of .01 was established for probationary drivers was established in law, the number of crashes caused by drunk driving of novice drivers (mainly drivers aged 18 and 19) has decreased about 30.9%. In consideration of the general reduction by new driving licenses there remains an effect of 16.8% less crashes caused by drunk driving.

Effects of .05:

- Number of breath checks for alcohol increased from 45,783 to 59,551 (30.1%) during the first six months of 1998.
- The number of fines for drunk driving reduced from 23,957 to 19,969 (16.6%).
- The number of license suspensions in case of drunk driving decreased from 14,186 to 11,003 (22.4%).
-

Reduction of fatalities in cases of drunk driving:

- January - May 97: 42 fatalities, 887 crashes with 1,279 people injured;
- January - May 98: 20 fatalities, 722 crashes with 1,006 people injured.

This means a recession of crashes caused by drunk driving of 18.6%. Reduction of crashes in general: January - May 98, 12,939 crashes with personal injury, on that occasions 16,868 people got injured, 315 people have been killed. These facts mean a reduction of crashes of 2.6%, of people injured of 3.3% and of people killed of 19.8%.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- Fine: Fines increase incrementally according to BAC level. Range of fines is from 3,000 ATS (\$240.15 US) for a BAC level of .05 to 80,000 ATS (\$6,403.93 US) for a BAC of .16 or greater. (See detail)

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- **Suspension of drivers license:** For a BAC level of .08 to .12, the license is suspended for at least 4 weeks. The length of suspension increases with higher BAC levels. Involvement in a crash will also increase the length of the suspension. (See detail)
 - **Imprisonment:** If the driver causes a crash involving injuries, the court may order imprisonment. The length of sentence depends upon the seriousness of the injury. (See detail)
 - **Other:** Novice drivers (during their first two years) have to undergo a compulsory additional course. Community service can be imposed after crashes instead of imprisonment (mainly for younger drivers). For a BAC level of .12 to .16, a psychological driver-improvement course for drunk drivers is required. For a BAC level over .16, an additional driving test (both medical and psychological) is conducted.
 - The costs of driver-improvement must be paid from the driver (between 6,600 and 7,400 ATS [\$528.32 to \$592.36 US])

What are the sanctions for multiple offenses?

- **Fine:** For multiple offenses the amount of the fine is increased. The amount of the increase depends on the seriousness of the offense.
- **Suspension or revocation of drivers license:** For a BAC of .05 to .08, the license is suspended only after repeated offenses. On the second offense, the license is suspended for 3 weeks; after the third offense in one year, the suspension is not less than 4 weeks. For repeated offenses and crashes involvement, the periods may be considerably longer, depending on the case and the responsible authority.
- **Other:** For a BAC level of .12 to .16, a psychological driver-improvement course for drunk drivers is required. For a BAC level over .16, an additional driving test (both medical and psychological) is conducted. The costs of driver-improvement must be paid from the driver (between 6,600 and 7,400 ATS [\$528.32 to \$592.36 US]). If the driver refuses a breath-check for alcohol or blood-test, we assume a .16 BAC with all its legal consequences: fine, license suspension after immediate taking off the license on position, additional psychological course for drunk drivers and an additional driving-test (medical and psychological) - established in law since 1997.

Details on Sanctions:

Fine

.05 or more - the fine is from 3,000 to 50,000 ATS (\$240.15 to \$4,002.46 US)

.08 or more - the fine is from 8,000 to 5,000 ATS (\$640.39 to \$4,002.46 US)

.12 or more - the fine is from 12,000 to 60,000 ATS (\$960.59 to \$4,802.95 US)

.16 or more - the fine is from 16,000 to 80,000 ATS (\$1,280.79 to \$6,403.94 US)

If the driver refuses a breath-check for alcohol or a blood-test, we assume a .16 BAC with all its legal consequences: fine, license suspension after immediate taking off the license on position, additional psychological course for drunk drivers and an additional driving-test (medical and psychological) - established in law since 1997.

Additional amounts added for multiple offenses:

-100,-- to 10.000,-- ATS for slight offences

-500,-- to 30.000,-- ATS for serious offences

If the driver causes a crash with persons injured, the driver will be ordered by the court and imprisonment is possible. The length of sentence depends on the seriousness of injury:

- Slight (bodily) injury - up to three months imprisonment or 180 daily-rates fine (the daily rate depends on the offender's wages).
- Serious (bodily) injury - up to six months imprisonment or 360 daily rates fine.
- Careless killing - up to one year imprisonment; there is no possibility for court to decide on a fine instead of imprisonment.

It's possible to impose a suspended sentence: the offender must fulfill some community work additional to the psychological driver improvement course. During the suspended sentence time the offender must not cause another crash, or he/she must serve both the first and the new sentence.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

For a BAC level of .12 to .16, a psychological driver-improvement course is required. Novice drivers must attend the psychological course for drunk drivers in any case of driving under the influence of alcohol (more than .01 BAC). In the case of serious traffic offenses, they must attend a psychological course for conspicuous drivers. The courses are established in law. If the driver refuses to attend the course he/she will lose the driving license.

What is the process for regranting drivers licenses that have been suspended or revoked?

After the suspension period, the driving license has to be regranting on request if all additional required courses or tests have been accomplished and the duration of suspension was not more than 18 months, and no further reasons for suspension exist.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Used occasionally. Since 1988 the Austrian traffic police has been supplied with breathalyzers. The results of the testing have the same witness at court as a blood sample. Concerted action at certain times in certain regions: depends on the wanted offense for the action- in case of drunk driving enforcement, as many cars as possible are stopped and the driver's breath alcohol concentration will be checked.
Testing only if suspicion of intoxication	Used frequently. Until 1994 the police could carry out breath testing only in case of reasonable suspicion of intoxication. Now they can carry out breath testing in every case without reasonable excuse. The driver has to undergo the test.
Testing only on arrest or commission of a traffic violation	Used occasionally.
Testing when driver is involved in a crash	Used frequently. Used always if people get injured, because the drivers will be ordered to court. If cars are little damaged and it's possible for the drivers to remove the cars from the street, it's not necessary to call the police. If the police come to the crash site because the damaged cars impede traffic, they use breath testing occasionally (in case of suspicion). There is no law which demands breath testing. Mostly the police check breath alcohol content (AC) in case of suspicion of intoxication independent from the reason for stopping the car (traffic control, traffic violation, crash, etc.) Most times breath testing is used. If the driver is injured and comes to hospital, a blood test is used.

Under what circumstances is it compulsory for a driver to submit to testing?

It is compulsory to submit to the testing when requested. If the driver refuses testing, the police act as if a BAC of .16 is confirmed.

Notes on the level of enforcement of Impaired Driving Laws:

There have been a lot of changes in driving laws the last years and the decreased crash rates, number of persons injured or killed show the positive effects of these changes. In 1997, there were 94,973 breath checks for alcohol and 1,118 blood tests; most of the breath tests taken randomly.

Number of random tests conducted annually, if known:

Approximately 94,973

Drinking and Driving Laws

Belgium

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

No, but there is a system of provisional licensing during 3 to 18 months depending on the amount of lessons taken at a driving school.

Alcohol Purchase and Consumption

What is the minimum drinking age?

15

What is the minimum purchase age for alcoholic beverages?

No limit

Per Capita Consumption (in litres of absolute alcohol):

9.1 (1995)

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.05 or .22 mg/liter of breath

What is the BAC limit for younger drivers, if different?

No difference.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

How long has the present BAC limit been in effect?

Since December 1, 1994

Are local governments (cities, provinces, etc.) permitted to establish laws or ordinances regulating impaired driving?

No

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- **Fine:** For .05 to .08 BAC (.22 to .35 mg/l) a minimum of 5,000 BEF (\$136.53 US); for greater than .08 BAC (.35mg/l) a minimum of 400,000 BEF (\$10,922.20 US).
- **Suspension of drivers license:** Immediate withdrawal of the license is possible; forfeiture with ticket of penalty.
- **Imprisonment:** Possible sentence of 15 days to 6 months.
- **Other:** Community service is possible.

What are the sanctions for multiple offenses?

- **Fine:** For second offense within 3 years, 80,000 to 1,000,000 BEF (\$2,184.44 to \$27,305.47 US)(fine is doubled for subsequent offense within 3 years)
- **Suspension or revocation of drivers license:** Immediate withdrawal of license for 15 days plus possible additional 15 days after judicial decision. Forfeiture for 8 days to 5 years for repeat offense within 3 years.
- **Imprisonment:** 1 month to 2 years (penalty is doubled for third offense within three years).

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

Rehabilitation programs may be required at the judge's discretion.

What is the process for regranting drivers licenses that have been suspended or revoked?

The driver's license is restored when the forfeiture ends if the driver passes the examination which may be imposed by the judge.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Used frequently.
Testing only if suspicion of intoxication	Used frequently.
Testing only on arrest or commission of a traffic violation	Used frequently. Breath testing is given, but a blood test is taken if the result of the breath test is a minimum 0.22 mg/l, or when the breath analysis can not be executed or when the driver is apparently in an intoxicated state (due to either alcohol or drugs).
Testing when driver is involved in a crash	Used frequently. Breath testing and blood testing in the circumstances mentioned in the previous answer.

Under what circumstances is it compulsory for a driver to submit to testing?

The police may require a breath test of any person who is presumed to have caused a traffic crash, even if that person is a victim; any person driving a commercial vehicle or accompanying an apprentice driver; or any persons prepared to drive a vehicle or machine in a public place.

Notes on the level of enforcement of Impaired Driving Laws:

Enforcement is high.

Number of random tests conducted annually, if known:

234,964 for the police only

Drinking and Driving Laws

Canada

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

Set by provincial law.

Is there a system of graduated licensing for new drivers?

All but two provinces, the Northwest Territories and the Yukon, have graduated licensing programs. Details of programs are set by provincial law.

Alcohol Purchase and Consumption

What is the minimum drinking age?

19 in Alberta & Quebec, 18 in all others

What is the minimum purchase age for alcoholic beverages?

Set by provincial law

Per Capita Consumption (in litres of absolute alcohol):

6.2

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.08

What is the BAC limit for younger drivers, if different?

See details by Province.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

See details by Province.

How long has the present BAC limit been in effect?

See details by Province

Are local governments (cities, provinces, etc.) permitted to establish laws or ordinances regulating impaired driving?

Yes

Sanctions

See details by Province.

Rehabilitation and Regranting of Licenses

See details by Province.

Enforcement

Random stopping of vehicles by police is allowed in Canada, but to request a breath or blood sample the officer must have "probable grounds" that the driver had been using alcohol. The use of random stops varies across the country, but the Criminal Code of Canada rules with respect to probable grounds are uniform. Quite often a police service will have a certain amount of resources assigned to random stops, but additional ones can be deployed if outside funding can be found from the government or sponsored by private groups.

Frequency of use of sobriety checkpoints and random stops varies by province/territory. Some jurisdictions deploy them year round while others only seem to use them during the Christmas holiday period. Much of the enforcement done is based on secondary enforcement as the result of an incident such as a collision, or from standard patrols observing erratic driving.

Under what circumstances it is compulsory for a driver to submit to testing?

There needs to be a reasonable suspicion that alcohol is present before a request for breath or blood can be made. Even in the breath checkpoints, requests for a sample must be based on a suspicion of alcohol. This is consistent across the country, as the legislation that covers drinking and driving is the Criminal Code of Canada and is applicable across the country.

Drivers involved in crashes are not routinely tested. Depending on the class (fatal, injury, or property damage) of collision, the officer may not see the driver soon after the collision. In the case of injured drivers, there are a number of problems. In the case of an injured driver who can not provide a breath sample, the officer may request a blood sample. There is a process of obtaining a tele-warrant to subpoena blood from unconscious drivers. The actual practice is not simple or straightforward as it raises other issues related to the chain of evidence, the patient's health and patient confidentiality. In addition, some health care professionals have concerns, real and perceived, about their legal liability and whether it is their job to do alcohol enforcement with their patients. However, testing on fatally injured drivers tends to be high and fairly consistent across the country.

Drinking and Driving Laws by State or Province

Alberta

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

16

Is there a system of graduated licensing for new drivers?

Yes. The learner's permit has no minimum length. During this period, the candidate must be accompanied by a fully licensed driver. After passing a road test, the candidate receives a probationary license which lasts for 24 months. This becomes a full license if there are no convictions, demerit points, or "at fault" collisions within the 24 months probationary period.

Alcohol Purchase and Consumption

What is the minimum drinking age?

19

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.08

What is the BAC limit for younger drivers, if different?

No difference.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- Suspension of drivers license: For a BAC greater than .05, a 24-hour roadside suspension may be given along with a warning. For Criminal Code offenses, 1 year suspension for the first offense.

What are the sanctions for multiple offenses?

- Suspension or revocation of drivers license: For the second Criminal Code offense, 3 year suspension of license; for the third offense, 5 year suspension. These may be reduced according to circumstances and with the installation of an ignition interlock device.
- Other: Term of license suspension may be shortened with the installation of an ignition interlock device costing \$125 (\$82.79 US) for installation, and \$95 (\$62.92 US) per month for service.

Administrative sanctions are under review. Vehicle may be impounded for 30 days for driving with a suspended license.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

First offenders must take an alcohol information course (fee \$90 [\$59.60 US]). Second and third offenders must undergo a more intensive alcohol awareness education course (fee \$190 [\$125.84 US]).

What is the process for regranting drivers licenses that have been suspended or revoked?

Alcohol education course plus reinstatement fee of \$140 (\$92.72 US).

Drinking and Driving Laws by State or Province

British Columbia

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

16

Is there a system of graduated licensing for new drivers?

Yes. Must be in Learner's Stage for 6 months (or 3 months with course) and be accompanied by a fully licensed driver. A "LEARNER" sign must be displayed. A maximum of two passengers are allowed, one of which must be a fully licensed driver. Driving permitted from 5 am to midnight only. The learner must pass a level 1 road test to pass to the next stage. The Intermediate Stage lasts for 18 months. A "NOVICE" sign must be displayed on the vehicle. The novice must pass an advanced road test to become fully licensed. BAC limit for both stages is .00.

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.08

What is the BAC limit for younger drivers, if different?

.00 for learner or novice drivers.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

Other comments on BAC provisions of the law:

Lower BAC limits for younger and new drivers are under review as part of the graduated licensation program.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- Suspension of drivers license: A 24-hour roadside suspension may be given for a BAC greater than .05. Administrative suspension of license for 90 days may be imposed for a BAC over .08. For Criminal Code offenses, license is suspended for 1 year for the first offense.

What are the sanctions for multiple offenses?

- Suspension or revocation of drivers license: For second Criminal Code offense within 10 years, a 3 year suspension of license. Third time offenders may receive an indefinite suspension of license.
- Other: Vehicle impoundment for 30 days for driving with a suspended license; 60 days for multiple offenders. Use of ignition interlock devices is also under review.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

Not known.

What is the process for regranting drivers licenses that have been suspended or revoked?

Reinstatement fee of \$100 (\$66.23 US).

Drinking and Driving Laws by State or Province

Manitoba

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

16

Is there a system of graduated licensing for new drivers?

Yes. Candidate may obtain a learner's permit at age 15½ if enrolled in a high school driver education course. Learner's permit must be held for 2 weeks minimum. Probationary license is not restricted. However, a maximum suspension of 1 year may be imposed if convicted of a moving violation. The probationary period will be extended for one year after the suspension expires. Candidate is fully licensed after 12 months probationary period with no convictions or at fault crashes.

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.08

What is the BAC limit for younger drivers, if different?

No difference, but under review.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

Other comments on BAC provisions of the law:

Provision under review to have lower BAC limits for younger drivers.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- Suspension of drivers license: A 6-hour roadside suspension can be issued for BAC greater than .05. An administrative suspension of 3 months may be imposed for a BAC greater than .08 or for refusal to allow a test. For Criminal Code offenses, 1 year suspension for first offense (this can be reduced.)

What are the sanctions for multiple offenses?

- Suspension or revocation of drivers license: For second Criminal Code violation within 5 years, 1 year suspension (this may be reduced.) For the third violation, a suspension of 3 years (this can be reduced.)
- Other: Assessment and treatment.
- Under review: extended the roadside suspension to 12 hours for a BAC over .05. Vehicle impoundment for 30 days for driving with a suspended license; 60 days for multiple offenders.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

For all Criminal Code convictions, offender must undergo assessment and treatment (fee \$270 [\$178.82 US]).

What is the process for regranting drivers licenses that have been suspended or revoked?

Driver must undergo assessment and treatment (fee \$270 [\$178.82 US]) and pay a reinstatement fee of \$40 (\$26.44 US).

Drinking and Driving Laws by State or Province

New Brunswick

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18 (16, instructional permit with parental consent)

Is there a system of graduated licensing for new drivers?

Yes. A graduated licensing program became effective January 1, 1996. In Stage 1, the candidate must be accompanied by a fully licensed driver and no other passengers. After 12 months (or 4 months with approved course) the candidate may take a government road test to proceed to Stage 2. To exit Stage 2, it must be at least 24 months since the issue of the Stage 1 license, and the candidate must have been in Stage 2 for a minimum of 12 months. The BAC limit for both stages is .00.

Details of graduated licensing program:

Stage 1:

- Duration of 4 months with approved course, 12 months without approved course. Requirements are
- A BAC limit of .00;
- Accompaniment by a fully licensed co-driver with no other passengers;
- Must pass a government road test to pass to Stage 2
- No driving offenses under Criminal Code or be suspended for loss of points.

Stage 2:

- Must be 24 months since issued Stage 1 license
- Must be in Stage 2 for a minimum of 12 months
- A BAC limit of .00
- No driving offenses under Criminal Code or be suspended for loss of points

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.08

What is the BAC limit for younger drivers, if different?

For new drivers, the BAC limit is .00 for a minimum of 27 months.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- **Fine:** Fines for an offense under the graduated license (.00 to .08) range from a minimum of \$84 to a maximum of \$1,200 (\$55.63 to \$794.75 US). For Criminal Code offenses of impaired or refusal, the minimum fine is \$300 (\$198.69 US).
- **Suspension of drivers license:** Six months suspension for BAC over .08 on a first offense. New drivers caught with a BAC between .00 and .08 have an automatic one year suspension and are required to recommence the graduated licensing program. For Criminal Code offenses of impaired or refusal, a 3 months court prohibition is concurrent with a 6 months Motor Vehicle Act suspension.
- **Imprisonment:** Not usual on first offense.

What are the sanctions for multiple offenses?

- **Suspension or revocation of drivers license:** For BAC over .08, 1 year suspension for subsequent offenses.
- **For Criminal Code offenses of impaired or refusal,** from 6 months to 1 year.
- **Imprisonment:** For Criminal Code offenses of impaired or refusal, 14 days for second offense; 90 days for third.
- **Other:** Assessment and treatment.

Note: Roadside suspensions can be enacted at all levels between .05 and .08 and are for a period of 24 hours.

Details on Sanctions:

For BAC over .08:

6 months suspension for first offense; 1 year suspension for any subsequent offenses.

For Criminal Code offenses of impaired or refusal:

For first offense, a 3 months court prohibition concurrent with a 6 month Motor Vehicle Act suspension and minimum fine of \$300 (\$198.69 US).

For second offense, a 6 month Criminal Code prohibition with concurrent 1 year Motor Vehicle Act suspension and jail term of 14 days.

For third offense, a 1 year Criminal Code prohibition with concurrent 1 year Motor Vehicle Act suspension and jail term of 90 days.

Rehabilitation and Regranting of Licenses**Are rehabilitation programs offered to impaired driving offenders? Are they required?**

First offenders must take a DWI education course. Second and third offenders must take a more intensive DWI course.

What is the process for regranting drivers licenses that have been suspended or revoked?

Drivers must attend a DWI education course and pay a reinstatement fee of \$200 (\$132.46 US) for first offenders, and \$412 (\$272.87 US) for second and third offenders.

Drinking and Driving Laws by State or Province

Newfoundland

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

17 (16 for learner's stage)

Is there a system of graduated licensing for new drivers?

Yes, effective January 1999. The Learner's Stage extends for 12 months, but may be reduced to 8 months if driver education programs are completed. Learner must be accompanied by a fully licensed driver with a minimum 4 years experience. No passengers are permitted and no driving between midnight and 5 am. After successful completion of the road test, candidate must remain in the Newly Licensed Driver Stage for 12 months and have no suspensions. Restrictions in this stage include no driving between midnight and 5 am unless accompanied by a fully licensed driver.

Details of graduated licensing program:

Learner's Stage

- 16 years of age
- 12 months duration, may be reduced to 8 months if driver education program completed
- .00 BAC
- Must be accompanied by fully licensed driver with minimum 4 years experience
- No passengers
- No driving midnight to 5 am
- 6 demerit points. Program must be begun again.
- No suspension
- Must pass road test to proceed to next stage

Newly Licensed Driver Stage

- 12 months
- .00 BAC

-
- Driving between midnight and 5 am must be accompanied by fully licensed driver with minimum 4 years experience
 - Cannot apply for commercial class license
 - 6 demerit points. Program must be begun again.
 - No suspensions

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.08, although Newfoundland has .05 regulations that suspend driving privileges at lower levels of alcohol than the Federal laws.

What is the BAC limit for younger drivers, if different?

No difference.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- Suspension of drivers license: For Criminal Code offenses, 1 year for first offense. A 24-hour roadside suspension is possible for a BAC greater than .05.

What are the sanctions for multiple offenses?

- Suspension or revocation of drivers license: For Criminal Code offenses, 1 year suspension for the first offense; 2 year suspension for second offense in 5 years; 3 year suspension for third offense in 5 years. Administrative suspensions for multiple roadside suspensions within 2 years:
- Third : 2 month suspension and DWI education;
- Fourth: 4 month suspension and DWI education.
- Five or more: 6 month suspension and assessment and treatment.
- Other: Assessment and treatment. License plates can be invalidated for driving with a suspended license.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

For multiple 24-hour roadside suspensions, driver may be required to complete DWI education. If suspended five or more times within 2 years, driver is required to undergo assessment and treatment. For Criminal Code convictions, a DWI course is required on the first offense (fee \$100 [\$66.23 US]); assessment and treatment is required for the second and third offenses.

What is the process for regranting drivers licenses that have been suspended or revoked?

Drivers must attend a DWI education course, or undergo assessment and treatment, depending on the circumstances, and pay a reinstatement fee of \$100 (\$66.23 US).

Drinking and Driving Laws by State or Province

Northwest Territories

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

16

Is there a system of graduated licensing for new drivers?

Graduated licensing program not presently in place but is being considered.

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.08

What is the BAC limit for younger drivers, if different?

No difference.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

Other comments on BAC provisions of the law:

Lower BAC limits for younger drivers under review.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- Suspension of drivers license: A roadside suspension of 4 to 24 hours is possible with the presence of alcohol. The BAC level is not specified. For first offense under the Criminal Code, license is suspended for 3 months.

What are the sanctions for multiple offenses?

- Suspension or revocation of driver's license: For the second Criminal Code offense within 5 years, the license is suspended for 6 months; for the third offense, it is suspended for 1 year.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

Not required.

What is the process for regranting drivers licenses that have been suspended or revoked?

Not available.

Drinking and Driving Laws by State or Province

Nova Scotia

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

16

Is there a system of graduated licensing for new drivers?

The Learner's Stage is for 3 months with an approved course or 6 months without an approved course. Learner must be accompanied by a fully licensed driver and no other passengers. Must pass a government road test to proceed to the Newly Licensed Stage. In this stage, the newly licensed driver may not drive between midnight and 5 am unless accompanied by a fully licensed driver. The number of passengers is limited to the number of available seatbelts. To exit this stage, the candidate must have been in the Newly Licensed stage for 24 months and must attend a 6 hour defensive driving course. BAC limit of .00 for candidate and for co-driver.

Details of graduated licensing program:

Learner's Stage

- 3 months with approved course
- 6 months without approved course
- .00 BAC limit
- Only fully licensed driver with .00 BAC limit and no other passengers
- Must pass government test to proceed to next stage

Newly Licensed Stage

- 24 months in this stage
- .00 BAC
- Number of passengers limited to number of available seatbelts
- No driving between midnight and 5 am unless accompanied by fully licensed driver (employment exceptions possible)
- Must attend 6 hour defensive driving course.

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.08

What is the BAC limit for younger drivers, if different?

For new drivers, the BAC limit is .00 for a minimum of 27 months.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- Suspension of drivers license: For Criminal Code offenses, 1 year suspension for first offense.

What are the sanctions for multiple offenses?

- Suspension or revocation of drivers license: For Criminal Code offenses, for second offense within 5 years, a 2 year suspension of license; for third offense, a 5 year suspension (this may be reduced.)
- Other: Assessment and treatment. License plate invalidated for driving with a suspended license.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

On the first conviction, a DWI education course is required (fee \$120 [\$79.48 US]) . On the second and third convictions, the offender must undergo assessment and treatment (fee \$300 [\$198.69 US]).

What is the process for regranting drivers licenses that have been suspended or revoked?

DWI education course or assessment and treatment, depending on the circumstances, plus a reinstatement fee of \$100 (\$66.23 US).

Drinking and Driving Laws by State or Province

Ontario

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

16

Is there a system of graduated licensing for new drivers?

Stage G1 lasts for 8 months with approved training and for 12 months without training. Co-driver must be fully licensed for a minimum of 4 years and has a .05 BAC limit. G1 driver may do no freeway driving unless accompanied by an instructor. Only one passenger in front, and the number of rear-seat passengers cannot exceed the number of available seatbelts. G1 drivers may not drive between midnight and 5 am. Candidates must pass the G1 test to pass to the G2 Stage. In this stage, the driver may operate passenger cars only and all passengers must wear seat belts. After 24 months in G2, the driver must pass a vigorous G2 test to become fully licensed.

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.08

What is the BAC limit for younger drivers, if different?

All new drivers are subject to a BAC limit of .00 for 20 months. Penalty is a 30 day suspension and \$90 fine.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- Fine: Fines may range from \$300 to \$2,000 (\$198.69 to \$1,324.59 US) provided the offense did not cause bodily harm or injury. For new drivers with a BAC over .00, usually a \$90 (\$59.61 US) fine.
- Suspension of drivers license: 12-hour roadside suspension is possible for a BAC over .05. Administrative suspension of license of 90 days possible for BAC over .08 or refusal to be tested. For Criminal Code offenses, 1 year suspension of license. For new drivers with BAC over .00, penalty is a 30 day suspension and \$90 (\$59.61 US) fine.
- Imprisonment: Not usual on first offense.

What are the sanctions for multiple offenses?

- Fine: Fines may range from \$300 to \$2,000 (\$198.69 to \$1,324.59 US) provided the offense did not cause bodily harm or injury.
- Suspension or revocation of drivers license: For a second Criminal Code offense within 10 years (under the new legislation), license is suspended for 3 years. For a third conviction, offenders are subject to a lifetime suspension that may be reduced to 10 years upon successful completion of remedial training and installation of a vehicle interlock device. For fourth conviction, offender will be suspended for life with no possibility of reinstatement.
- Imprisonment: Driver convicted of a second offense may be sentenced to a minimum of 14 days. Jail term for third offense is a minimum of 90 days.
- Other: Remedial training and use of vehicle interlock device.

On September 30, 1998, Ontario introduced new measures aimed at drivers who commit Criminal Code offenses. Upon conviction, offenders will be subject to mandatory remedial measures programs; longer suspension periods, including life suspensions, and a longer search period for previous Criminal Code convictions. The search period will gradually be extended to a minimum of 10 years, increased from 5 years. On November 29, 1996, the Ministry of Transportation introduced the Administrative Driver's License Suspension (ADLS) program to help reduce impaired driving in the province. A motorist who blows over the legal limit of .08 or who refuses an alcohol breath test will have his or her driver's license immediately suspended for 90 days. This suspension is independent from any court proceeding and is applied to the driver regardless of the number of previous offenses. If the driver does not blow over the legal limit but there is a presence of alcohol, a police officer may issue a 12 hour license suspension.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

First offenders must take a DWI education course. Second and third offenders must undergo assessment and treatment.

What is the process for regranting drivers licenses that have been suspended or revoked?

DWI education course or assessment and treatment, depending on the circumstances, plus a reinstatement fee of \$100 (\$66.23).

Drinking and Driving Laws by State or Province

Prince Edward Island

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

16

Is there a system of graduated licensing for new drivers?

Candidate may apply for a learner's permit at age 15½ if enrolled in a novice driver course. The Learner's Stage is for 12 months. The driver must be accompanied by a fully licensed co-driver and must complete a novice driver or driver's education course 90 days prior to the road test. The Newly Licensed State extends for 24 months. Candidates must be free of driving convictions. BAC limit of .00 in both stages.

Details of graduated licensing program:

Learner's Stage

- 12 months
- Can apply for learner's permit at age 15½ if enrolled in a novice driver course
- Co-pilot program available for parents (not mandatory)
- Must be accompanied by fully licensed driver 90 days prior to road test
- .00 BAC

Newly Licensed Driver Stage

- 24 months
- Fewer demerit points for license suspension than for fully licensed drivers
- .00 BAC

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.08

What is the BAC limit for younger drivers, if different?

For drivers under age 19, BAC limit is .01. Learner or novice driver have a BAC limit of .00.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- **Fine:** Fines are not established by law, but are at the judge's discretion. For drivers under 19 with BAC greater than .01, fine of \$500 (\$331.15 US).
- **Suspension of drivers license:** A 24-hour roadside suspension may be imposed for a BAC over .05. Effective May 1997, a 90 day administrative suspension may be imposed. For drivers under 19 with a BAC greater than .01, a 3 month suspension plus a fine. For Criminal Code offenses, license suspension for first offense is 1 year.

What are the sanctions for multiple offenses?

- **Suspension or revocation of drivers license:** For drivers under 19 with a BAC greater than .01, a 6 month suspension. For Criminal Code offenses, for second offense within 5 years, a 2 year license suspension; for the third offense within 5 years a suspension of 3 years (this can be reduced.)
- **Other:** Assessment and treatment. Vehicle impoundment for driving with a suspended license.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

On the first conviction, a DWI education course is required. On the second and third convictions, the offender must undergo assessment and treatment.

What is the process for regranting drivers licenses that have been suspended or revoked?

DWI education course or assessment and treatment, depending on the circumstances, plus a reinstatement fee of \$200 (\$132.46 US).

Drinking and Driving Laws by State or Province

Quebec

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

16

Is there a system of graduated licensing for new drivers?

Learner's Stage lasts for 8 to 12 months and driver must be accompanied by a fully licensed driver. In the Probationary Stage, driver has a .00 BAC limit and the license may be suspended after 4 demerit points (15 for fully licensed drivers). Candidate can become fully licensed after 24 months in the probationary stage or at age 25 (providing there are less than 4 demerit points.)

Alcohol Purchase and Consumption

What is the minimum drinking age?

19

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.08

What is the BAC limit for younger drivers, if different?

For new drivers, .00 BAC for the first 24 months. Penalty is an on the spot suspension of 15 days and 3 month suspension upon conviction.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- Suspension of drivers license: Administrative suspension of 2 weeks for first offense with BAC greater than .08. For Criminal Code offenses, license suspension of 1 year for first offense (may be reduced.) For new drivers with BAC greater than .00, penalty is an on the spot suspension of 15 days and 3 month suspension upon conviction.

What are the sanctions for multiple offenses?

- Suspension or revocation of drivers license: Administrative suspension of 1 month for BAC greater than .08 on 2nd offense. For Criminal Code offenses, license suspension of 2 years for second offense within 5 years; 3 years for third offense.
- Other: Assessment and treatment. Effective December 1, 1997, vehicle impoundment for 30 days for driving with a suspended license.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

First offenders must take a DWI education course. Second and third offenders must undergo assessment and treatment.

What is the process for regranting drivers licenses that have been suspended or revoked?

DWI education course or assessment and treatment, depending on the circumstances, plus a reinstatement fee of \$300 (\$198.69 US).

Drinking and Driving Laws by State or Province

Saskatchewan

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?
16 (15 for learner's if enrolled in course)

Is there a system of graduated licensing for new drivers?

Candidate must have a learner's permit for a minimum of 6 months. Learner's permit can be obtained at age 15 if enrolled in a high school driver education course. The probationary license period lasts for 24 months but may be extended 12 months if the candidate has accumulated demerit points and is required to attend a driver interview. BAC limit of .04.

Alcohol Purchase and Consumption

What is the minimum drinking age?
18

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?
.08

What is the BAC limit for younger drivers, if different?
BAC limit of .04.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?
No difference.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- Suspension of drivers license: 24-hour roadside suspension is possible for BAC greater than .04. For Criminal Code offenses, a 1 year license suspension for the first offense (may be reduced).

What are the sanctions for multiple offenses?

- Suspension or revocation of drivers license: 90 day administrative suspension for third offense plus assessment and treatment. For second Criminal Code offense within 5 years, a 3 year suspension of license (may be reduced); a 5 year suspension for the third offense (may be reduced.)
- Other: For second offense of BAC greater than .04, the driver may be required to take a DWI course. For the third offense of BAC over .04, the driver must undergo assessment and treatment.
- Vehicle impoundment for 30 days for driving with a suspended license; 60 days for multiple offenders.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

For all Criminal Code convictions, offender must undergo assessment and treatment and pay a DWI education course fee of \$150 (\$99.34 US).

What is the process for regranting drivers licenses that have been suspended or revoked?

Not available.

Drinking and Driving Laws by State or Province

Yukon

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

16

Is there a system of graduated licensing for new drivers?

Graduated licensing program not presently in place but is being considered.

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.08

What is the BAC limit for younger drivers, if different?

No difference.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- Suspension of drivers license: A 24-hour roadside suspension is possible for BAC greater than .08. Administrative suspension of license is also possible. For Criminal Code offenses, first offenders receive a 1 year suspension of license.

What are the sanctions for multiple offenses?

- Suspension or revocation of drivers license: For second Criminal Code offense within 5 years, a 3 year suspension of license. Third time offenders receive a lifetime suspension of license.
- Under review: vehicle impoundment for driving with a suspended license; 30 days for first offense, 60 days for 2nd offense, confiscation for 3rd offense.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

First offenders must attend an education course (fee \$35 [\$23.18 US]). With second conviction, the offender receives an indefinite suspension and must reapply for the license.

What is the process for regranting drivers licenses that have been suspended or revoked?

First offenders must attend an education course. With second conviction, the offender receives an indefinite suspension and must apply to the Driver Control Board (DCB) for reinstatement. With the third conviction, the offender must attend a 35 hour education course and apply to the DCB for reinstatement.

Drinking and Driving Laws

Denmark

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

No graduated licensing.

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

What is the minimum purchase age for alcoholic beverages?

18

Per Capita Consumption (in litres of absolute alcohol):

10.0 (1995)

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.05

What is the BAC limit for younger drivers, if different?

No difference.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

How long has the present BAC limit been in effect?

Since March 1, 1998. Denmark plans to evaluate the new legal limit next year.

Are local governments (cities, provinces, etc.) permitted to establish laws or ordinances regulating impaired driving?

No

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- **Fine:** For a BAC level between .05 and .08, fines are imposed. Actual praxis DKK 4,000 (\$592.98 US). Fines are imposed for higher BAC levels in combination with license suspension. The amount of the fine depends on the character of the infringement.
- **Suspension of drivers license:** For a BAC level between .08 and .12, conditional disqualification of driver's license. For a BAC level over .12, unconditional disqualification of driver's license for a period of at least 1 year. For a BAC level over .20, unconditional disqualification of driver's license for a period not less than 2½ years.
- **Imprisonment:** For BAC level over .20, detention or imprisonment for not less than 14 days.

What are the sanctions for multiple offenses?

- **Fine:** Second offense, without aggravating circumstances: for a BAC level between .08 and .15, fine of DKK 500 (\$74.12 US) with conditional disqualification of license.
- **Suspension or revocation of drivers license:** Second offense, without aggravating circumstances: for a BAC level between .08 and .15, conditional disqualification of driver's license in addition to fine. For a BAC level between .15 and .20, unconditional disqualification of driver's license for a period of 5 years and detention or imprisonment of 14 days. For a BAC level over .20, unconditional disqualification of driver's license for a period of 5 years and detention or imprisonment of not less than 20 days.
- **Imprisonment:** Second offense, without aggravating circumstances: for a BAC level between .15 and .20 unconditional disqualification of driver's license for a period of 5 years and detention or imprisonment of 14 days. For a BAC level over .20, unconditional disqualification of driver's license for a period of 5 years and detention or imprisonment of not less than 20 days.

Fines, detention and imprisonment, and the period of disqualification of driver's license may be increased if there are aggravating circumstances such as the driver has been disqualified earlier from driving, or has, through gross disregard of road safety, caused personal injury or damage to property or exposed persons or property to such injury or damages.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

Offered but not required.

What is the process for regranting drivers licenses that have been suspended or revoked?

The person must pass a driving test, both a theoretical and a practical test. In some cases, it is possible for the driver to get the license back after half of the period, if he/she has followed a special treatment, but he/she still has to pass the test.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Used occasionally.
Testing only if suspicion of intoxication	Used frequently. Breath test at the roadside, followed by a blood test at the police station in case the breath test indicates an illegal blood alcohol concentration.
Testing only on arrest or commission of a traffic violation	Used occasionally. Breath test at the roadside, followed by a blood test at the police station in case the breath test indicates an illegal blood alcohol concentration.
Testing when driver is involved in a crash	Used frequently. Breath test at the roadside, followed by a blood test at the police station in case the breath test indicates an illegal blood alcohol concentration.

Under what circumstances is it compulsory for a driver to submit to testing?

Always when the police require a test.

Notes on the level of enforcement of Impaired Driving Laws:

Could be more efficient. In December, there is a high degree of enforcement (due to Christmas parties).

Number of random tests conducted annually, if known:

Not known

Drinking and Driving Laws

Finland

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

No. Finnish licensing and relicensing practice, including systematic evaluation of an alcohol or drug problem and rehabilitation when needed, is in preparation.

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

What is the minimum purchase age for alcoholic beverages?

18

Per Capita Consumption (in litres of absolute alcohol):

6.6 (1995)

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

There are two limits: .05 or .25 mg/l for breath; .12 or .6 mg/l for breath for severe drunken driving.

What is the BAC limit for younger drivers, if different?

No difference.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

How long has the present BAC limit been in effect?

Since 1994

Are local governments (cities, provinces, etc.) permitted to establish laws or ordinances regulating impaired driving?

No

Other comments on BAC provisions of the law:

.12 or .6 mg/l BAC limit for severe drunken driving.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- **Fine:** The amount of fine is tied to the BAC level and also to income level. The minimum fine for a BAC of .05 to .075 is 30-40 days. Fines increase with the BAC level and are also combined with license suspension and possible imprisonment.
- **Suspension of drivers license:** Suspension of license on first offense for a BAC level of .10 or greater. The length of the suspension is tied to BAC level.
- **Imprisonment:** For a BAC level of .12 to .149, a possible 20-50 days imprisonment in addition to fine and license suspension. Sentence may be conditional according to the circumstances. Length of imprisonment increases with BAC level.
- **Other:** Community service is a possible sanction.

What are the sanctions for multiple offenses?

- Sanctions are not affected by multiple offenses unless there are several within a short time.

Details on Sanctions:

Not in law, but in praxis about the following:

For a BAC of .05 to .075: 30-40 day fine (depends on income, day fine=1/90 monthly salary).

For a BAC of .075 to .10: 40-50 day fine.

For a BAC of .10 to .119: 50-60 day fine plus 5 month suspension of driver's license.

For a BAC of .12 to .149: 65-90 day fine or 20-50 days imprisonment; 6-7 month suspension of driver's license.

For a BAC of .15 to .20: 40-60 day fines but imprisonment ususally-a conditional sentence according to consideration.

For a BAC of .201 to .25: 60-80 days imprisonment, a conditional sentence according to consideration. Fines always given if the sentence is conditional, plus 10-11 month suspension of driver's license.

Over a BAC of .251: 80 days or more imprisonment, a conditional sentence according to consideration. If the sentence is conditional, the fines are more severe, plus a minimum of 12 month suspension of driver's license.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

Not available.

What is the process for regranting drivers licenses that have been suspended or revoked?

Finnish licensing and relicensing practice, including systematic evaluation of an alcohol or drug problem and rehabilitation when needed, is in preparation.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Used frequently.
Testing only if suspicion of intoxication	Used frequently.
Testing only on arrest or commission of a traffic violation	
Testing when driver is involved in a crash	Mandatory.

Under what circumstances is it compulsory for a driver to submit to testing?

Testing is always compulsory if police officer suspects alcohol.

Notes on the level of enforcement of Impaired Driving Laws:

It is at a good level, only suspension times for driving license are short.

Number of random tests conducted annually, if known:

1.5 to 2.0 million

Drinking and Driving Laws

France

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

At age 16, the driver can begin training with an adult ("*conduite accompagnée*"). The first year of the driving license, the driver is considered a novice driver.

Alcohol Purchase and Consumption

What is the minimum drinking age?

16

What is the minimum purchase age for alcoholic beverages?

16

Per Capita Consumption (In litres of absolute alcohol):

11.5 (1995)

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.05 for a simple offense; .08 is a penal offense

What is the BAC limit for younger drivers, if different?

No difference.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

How long has the present BAC limit been in effect?

Since September, 1995

Are local governments (cities, provinces, etc.) permitted to establish laws or ordinances regulating impaired driving?

No

Other comments on BAC provisions of the law:

There are two offenses in France: .08 in the blood (.05 for simple offense) and .04 in the breath (.25 for simple offense). Either one or the other can be used.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- **Fine:** For a BAC level between .05 and .08 g/l, a fine of FF 900 (\$151.13 US) (FF 600 [\$100.75 US] if paid within the week) combined with 3 points on the driver's license.
- **Suspension of drivers license:** For a BAC greater than .08, administrative rates for the length of suspension are graduated depending on the BAC level. The courts may impose a length of suspension ranging from the lower level of the administrative rate up to revocation depending on the circumstances (crash, injuries, fatalitites).
- **Imprisonment:** For a BAC greater than .08, 8 days to 1 year depending on the circumstances.
- **Other:** Community service may be an alternative to a fine or jail, proposed by the judge. A fine per day, for example a fine of FF 500/day (\$83.96 US), could be paid in lieu of jail time.

What are the sanctions for multiple offenses?

- **Fine:** The same graduated scale, but higher in the case of recidivism.
- **Suspension or revocation of drivers license:** Automatic suspension of license for a period of 1 to 3 years before being allowed to apply for a new license.
- **Imprisonment:** Follows the same scale as for first offense, but there may be a longer sentence if recidivism.
- **Other:** Mandatory medical treatment.

Details on Sanctions:

Administrative rates for license suspension:

For a BAC of .08 to .10: 1 to 2 months

For a BAC of .101 to .15: 2 to 3 months

For a BAC of .151 to .20: 3 to 5 months

For a BAC of .201 to .25: 5 to 7 months

For a BAC of .251 to .30: 9 to 12 months

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

Not required, but often decided by the judge. It is not a rehabilitation program, but a medical commission responsible for regranting of driving license. Medical assessments are made for drivers involved in alcohol related crashes or positive BAC over .08.

What is the process for regranting drivers licenses that have been suspended or revoked?

Evaluation by the medical commission is made in the case of alcohol-related suspension of driver's license or revocation of the driving license. Regranting of license has the following steps:

1. Medical examination by a medical commission before regranting.
2. Probationary period of one year, followed by a further examination by the medical commission.
3. Another probationary period if necessary (decided by the medical commission).

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Used frequently. Of 6,677,808 random tests at check points in 1997, 88,587 were positive.
Testing only if suspicion of intoxication	Used frequently.
Testing only on arrest or commission of a traffic violation	Used frequently. Of 1,522,785 tests conducted in 1997 as a result of traffic violation, 95,115 were positive.
Testing when driver is involved in a crash	Mandatory. Breath testing is mandatory for crashes that require a police report. Both blood or breath tests are permitted. Breath is taken if the driver is able to blow; blood if injured or unable to blow. Of 791,155 tests conducted as a result of crashes, 16,121 were positive.

Under what circumstances is it compulsory for a driver to submit to testing?

Testing is compulsory when the driver is involved in a crash requiring a police report.

Notes on the level of enforcement of Impaired Driving Laws:

Enforcement is high:

Of 6,677,808 random tests at checkpoints in 1997, 88,587 were positive.

Of 1,522,785 tests conducted in 1997 as a result of a traffic violation, 95,115 were positive.

Of 791,155 tests conducted as a result of crashes, 16,121 were positive.

Number of random tests conducted annually, if known:

6,677,808 in 1997

Drinking and Driving Laws

Germany

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

No graduated licensing.

Alcohol Purchase and Consumption

What is the minimum drinking age?

16

What is the minimum purchase age for alcoholic beverages?

16, 18

Per Capita Consumption (in litres of absolute alcohol):

9.9 (1995)

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.05, .11 for criminal offense

What is the BAC limit for younger drivers, if different?

No difference.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

How long has the present BAC limit been in effect?

.08 since 1973; .05 and .11 for criminal offense since April 1998.

Are local governments (cities, provinces, etc.) permitted to establish laws or ordinances regulating impaired driving?

No

Other comments on BAC provisions of the law:

A person with a BAC level between .03 and .109 may be deemed incapable of driving if additional evidence (e.g., swerving while driving, ignoring red traffic lights, walking unsteadily) is present. A driver with a BAC between .08 and .109 commits a regulatory offense under the Road Traffic Act. A BAC level between .05 and .079 also constitutes a regulatory offense, but carries a less severe penalty. A person with a BAC level of .11 is deemed completely incapable of driving and commits a criminal offense.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- **Fine:** Maximum 5 years imprisonment in the case of a criminal offense or an equivalent financial penalty.
- **Suspension of drivers license:** Suspension of driver's license obligatory in the case of a criminal offense; otherwise driving is prohibited for several months (individually determined by the authorities depending on BAC and other legal offenses).
- **Imprisonment:** Maximum 5 years imprisonment in the case of a criminal offense or an equivalent financial penalty.

A person with a BAC level between .03 and .109 may be deemed incapable of driving if additional evidence (e.g., swerving while driving, ignoring red traffic lights, walking unsteadily) is present. A driver with a BAC between .08 and .109 commits a regulatory offense under the Road Traffic Act. A BAC level between .05 and .079 also constitutes a regulatory offense, but carries a less severe penalty. A person with a BAC level of .11 is deemed completely incapable of driving and commits a criminal offense.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

Requiring rehabilitation programs depends on the severity of the offence. If the BAC at the first offense was .16 or higher, a medical-psychological investigation is obligatory for regranting the driving license. In some cases, participation in a rehabilitation program is recommended as a result of this investigation.

What is the process for regranting drivers licenses that have been suspended or revoked?

If the BAC was below .16, the driving license can be regranting on request after an individually determined period of time. If the BAC at the first offense was .16 or higher, a medical-psychological investigation is obligatory for regranting the driving license.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Not permitted.
Testing only if suspicion of intoxication	Mandatory if there is any suspicion of intoxication.
Testing only on arrest or commission of a traffic violation	
Testing when driver is involved in a crash	

Under what circumstances is it compulsory for a driver to submit to testing?

Blood testing is compulsory if there is a founded suspicion of intoxication.

Notes on the level of enforcement of Impaired Driving Laws:

Estimations of the probability of detection of driving while intoxicated range between 1/50 and 1/500.

Number of random tests conducted annually, if known:

N/A

Drinking and Driving Laws

Italy

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

No system of graduated licensing is envisaged. Nevertheless, Article 117 of the Italian Road Users Code states that, for the first three years after having been granted a driving license of the B category (which is valid for driving vehicles not exceeding 3.5 tons), drivers cannot exceed a speed of 100 km/h on highways and 90 km/h on main extraurban roads.

Alcohol Purchase and Consumption

What is the minimum drinking age?

16

What is the minimum purchase age for alcoholic beverages?

16

Per Capita Consumption (in litres of absolute alcohol):

8.8 (1995)

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.08

What is the BAC limit for younger drivers, if different?

No difference.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

How long has the present BAC limit been in effect?

Since 1988

Are local governments (cities, provinces, etc.) permitted to establish laws or ordinances regulating impaired driving?

No

Other comments on BAC provisions of the law:

A driver with a BAC over .08 is subject to a sanction for "driving under the influence of alcohol."

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- Fine: From 500,000 to 2,000,000 Italian lire (\$284.44 to \$1,137.75 US), unless more serious crimes are involved.
- Suspension of drivers license: Driving license is withdrawn for a period varying from 15 days to 3 months.
- Imprisonment: A maximum of 1 month.

What are the sanctions for multiple offenses?

- Suspension or revocation of drivers license: For more than one offense during one year, the period of withdrawal of the driver's license is from 1 to 6 months.

Article 186 of the Italian Road User Code states that all drivers driving under the influence of alcohol shall be arrested for a period of up to a maximum of 1 month and shall be subject to a fine varying from 500,000 to 2,000,000 Italian lire (\$284.44 to \$1,137.75 US), unless other more serious crimes are involved. The arrest is accompanied by an accessory measure consisting of the withdrawal of the driving license for a period varying from 15 days to 3 months, or from 1 to 6 months, if the same driver is guilty of more offenses during 1 year.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

Not available.

What is the process for regranting drivers licenses that have been suspended or revoked?

Not available.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Used occasionally.
Testing only if suspicion of intoxication	
Testing only on arrest or commission of a traffic violation	
Testing when driver is involved in a crash	

Under what circumstances is it compulsory for a driver to submit to testing?

The blood alcohol content is checked by means of breath tests. A BAC equal to or greater than .08 per litre must be proven by at least two concordant tests performed 5 minutes apart. The equipment used for BAC measurement is called "etilometro" (ethylometre). BAC tests are usually carried out by the police patrolling the streets, roads and highways, or they may be performed at sanitary facilities (in which case the BAC may also be checked by means of blood tests).

Number of random tests conducted annually, if known:

Not known

Drinking and Driving Laws

Luxembourg

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

Driver's licenses of categories A and B are issued for a limited time period of two years. These licenses are considered as provisional. After this two-year period of instruction and after having participated in a one-day course held in an approved training center, the driver may apply to have his/her license validated for the legal duration.

Alcohol Purchase and Consumption

What is the minimum drinking age?

17, 18

What is the minimum purchase age for alcoholic beverages?

None

Per Capita Consumption (In litres of absolute alcohol):

11.6 (1995)

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.08

What is the BAC limit for younger drivers, if different?

No difference.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

How long has the present BAC limit been in effect?

Since 1972

Are local governments (cities, provinces, etc.) permitted to establish laws or ordinances regulating impaired driving?

No

Sanctions

Not available.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

Such programs do not exist yet. However, it is planned to introduce rehabilitation programs in the context of the planned point system to be attached to the driver's license.

What is the process for regranting drivers licenses that have been suspended or revoked?

No general process exists, but regranting of drivers' licenses might be submitted to a new test, theoretical and/or practical.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Used occasionally.
Testing only if suspicion of intoxication	Used frequently. If the breath test is positive, the driver has to submit to a blood test.
Testing only on arrest or commission of a traffic violation	Used rarely. Both breath and blood testing are permitted.
Testing when driver is involved in a crash	Mandatory if involved in a crash with casualties. Testing is optional when nobody has been injured. Breath and blood testing are permitted.

Under what circumstances is it compulsory for a driver to submit to testing?

The alcohol test is mandatory for drivers involved in a crash with casualties. If a public prosecutor orders the police to carry out random roadside checks, all drivers during these checks must take a mandatory alcohol test.

Number of random tests conducted annually, if known:

Not known

Drinking and Driving Laws

The Netherlands

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

No. When training for the Certificate of Professional Competence, it is possible to start practical training at the age of 17 years, though severe restrictions apply.

Alcohol Purchase and Consumption

What is the minimum drinking age?

Not known

What is the minimum purchase age for alcoholic beverages?

16, 18

Per Capita Consumption (in litres of absolute alcohol):

8.0 (1995)

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.05 BAC or 220 mg/l BrAC

What is the BAC limit for younger drivers, if different?

No difference.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

How long has the present BAC limit been in effect?

Since 1994

Are local governments (cities, provinces, etc.) permitted to establish laws or ordinances regulating impaired driving?

No

Other comments on BAC provisions of the law:

Limits for prosecution is BAC of .054, BrAC 235 mg/l

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- Fine: For first offenders not involved in a traffic crash, fines are graduated according to BAC level. Fines range from a minimum of f390 (\$194.94 US) for BAC of 54-80 mg/100 ml to 2,200 (\$1,099.65 US) for BAC of 211-250 mg/100 ml.
- Suspension of drivers license: Suspension of license for BAC level greater than 131 mg/100 ml. Length of suspension increases with BAC level. The police are allowed to impose a temporary driving ban to drivers suspected of being under the influence (as a result of the preliminary breath test or otherwise).
- Imprisonment: 2 week imprisonment may be given for BAC over 211 mg/100 ml. Motorists refusing to take evidential breath test incur a penalty equal to that given for BAC level of 211-250 mg/100 ml.
- Other: First offenders with a BAC level between .13 and .21 are obliged to follow a 3-day course at their own expense. If they were involved in a road crash, they are not allowed to follow the course, but must undergo a medical examination in order to establish their driving ability. First offenders with a BAC level greater than .21 also must undergo a medical examination.

What are the sanctions for multiple offenses?

- Against repeat offenders and offenders involved in crashes, a penalty is requested belonging to a BAC category which is one or two categories higher than the actual BAC category.
- Recidivists with A BAC level between .08 and .21 promille are obliged to follow a 3-day course at their own expense. If they were involved in a road crash, they are not allowed to follow the course, but must undergo a medical examination in order to establish their driving ability. Multiple recidivists must also undergo a medical examination.
- Separate penalty guidelines exist for alcohol impaired cyclists and moped riders, the requested penalties being less severe than for motorists.

Details on Sanctions:

The following guidelines are applicable to first offenders, not involved in a traffic crash:

For a BAC 54-80 mg/100ml, f 390 (\$194.94 US) (police) or f 500 (\$249.92US) (public prosecutor) or f 600 (\$299.90 US) (request in court).

For a BAC 81-100 mg/100ml, f 700 (\$349.89 US) (public prosecutor) or f 850 (\$424.86 US)(request in court).

For a BAC 101-130 mg/100 ml, f 900 (\$449.86 US) (public prosecutor) or f 1,100 (\$549.82 US) (request in court).

For a BAC 131-150 mg/100 ml, f 1,350 (\$674.78 US) plus 6 month probationary license suspension.

For a BAC 151-180 mg/100 ml, f 1,650 (\$824.73 US) plus 6 month probationary license suspension.

For a BAC 181-210, mg/100 ml, f 1,900 (\$949.69 US) plus 9 month probationary license suspension.

For a BAC 211-250 mg/100 ml, f 2,200 (\$1,099.65 US) plus 2 weeks probationary imprisonment plus 9 month probationary license suspension.

For a BAC over 250 mg/100 ml, 2 weeks imprisonment plus 12 month license suspension.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

Several ongoing driver training courses are offered on a voluntary basis, including a general refresher course, economical driving, environmentally friendly driving, skid courses, and defensive driving. First offenders with a BAC level between .13 and .21 are obliged to follow a 3-day course at their own expense. If they were involved in a road crash, they are not allowed to follow the course, but must undergo a medical examination in order to establish their driving ability.

What is the process for regranting drivers licenses that have been suspended or revoked?

If an offender takes the 3-day rehabilitation course, he or she can get the license back. If disqualified from taking the course (by BAC level or involvement in a crash) the person must undergo a medical examination.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Used frequently.
Testing only if suspicion of intoxication	Mandatory.
Testing only on arrest or commission of a traffic violation	Used occasionally.
Testing when driver is involved in a crash	Used occasionally.

Under what circumstances is it compulsory for a driver to submit to testing?

Drivers are obliged to comply to a preliminary breath test for alcohol (screening test) when asked by the police. The police are allowed to impose a temporary driving ban to drivers suspected of being under the influence (as a result of the preliminary breath test or otherwise). A driver suspected of being under the influence is obliged to comply to evidential breath testing (for alcohol) or evidential blood testing (for alcohol or other impairing substances) at the police station. Refusing the evidential breath or blood test is a criminal offense. Refusing the preliminary breath test is a violation of administrative law. A positive result of the preliminary breath test for alcohol is a reason for subsequent evidential breath or blood testing. If the evidential test is refused by the driver, the result of the preliminary breath test will be used as evidence in the subsequent criminal procedure.

Notes on the level of enforcement of Impaired Driving Laws:

In the Amsterdam police region, approximately 90,000 motorists are tested at random annually. This is the equivalent of one test in every five driver's license holders in the Amsterdam region. Testing varies greatly by region. Estimated 500,000 random tests per year nationwide.

Number of random tests conducted annually, if known:

500,000 per year

Drinking and Driving Laws

New Zealand

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

15

Is there a system of graduated licensing for new drivers?

New Zealand has had a Graduated Driver Licensing System (GDLS) for private cars and motorcycles since 1987. The graduated system has three levels: a Learner License for which the minimum age is 15 and which must be held for a minimum of 6 months (or 3 months with a certificate of competency from an approved driving school); a Restricted License which must be held for at least 18 months (this can be reduced to 9 months on successful completion of an approved course); and a Full License which the holder of a Restricted License may acquire after serving the minimum time requirements and paying an appropriate fee. The licensing system is being reviewed and a number of changes have been proposed. (See detail)

Details of graduated licensing program:

Learner License: Applicant must be at least 15 years of age and must pass an eyesight test, a written theory test on road rules and answer 5 oral questions. [Proposed changes would drop the oral questions and use a more comprehensive theory test.]

Learner License conditions:

- Must be accompanied by a supervisor at all times when driving on a public road. The supervisor must currently hold and have held a Full License for at least 2 years and be seated next to the driver (i.e., in the front passenger seat).
- Subject to lower alcohol limits (150 micrograms/liter breath or 30 mg/100 mls blood). [Proposed changes would eliminate lower limits for learners. However, the same lower limits already apply and will continue to apply to drivers under 20 years old regardless of license status.]
- Proposed requirement: An "L" plate must be displayed on the vehicle.
- Learner and Restricted License holders must carry their licenses at all times when driving. [A law recently passed by Parliament requiring mandatory license carriage for all drivers makes this provision redundant.]

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- Learner License must be held for at least 6 months but if the holder presents a Certificate of Competency from an approved driving school, he or she can move to the next stage after a minimum of 3 months. [Proposed change-no time reductions for driver training.]
 - No maximum time limits for Learner stage.
 - Restricted License: Applicant must have served the minimum requirements on the Learner License stage and must pass a practical driving test.

Restricted License conditions:

- Unless accompanied by a supervisor, the holder of a Restricted License cannot carry passengers other than the holder's spouse or children or parent of either the holder or the spouse.
- Unless accompanied by a supervisor, cannot drive between the hours of 10 pm and 5 am.
- Proposed new requirement: Restricted License holders will have to display an "R" plate on the vehicle.
- Subject to lower alcohol limits (the same as Learners).
- Must carry the license at all times when driving.
- Must stay in the Restricted stage for at least 18 months but this can be reduced to 9 months on successful completion of an approved course. [Proposed changes: Restricted license holders aged 15-24 will remain in this stage for at least 18 months, reduced to 12 months on completion of an approved course; Restricted license holders aged 25 or older must stay in the Restricted stage for at least 12 months, reduced to a minimum of 6 months upon completion of an approved course. Restricted license holders will not be able to move to a Full license until aged 18 unless they successfully complete an approved course. In this situation, the minimum age to obtain a full license would be 17 years, 6 months.]
- Currently no maximum time limit on a Restricted license. [Proposed change would have it expire after 3 years.]

Penalties for Breaching Learner and Restricted Conditions:

The current penalty is an imposition of an extension of up to 6 months on the time a person must remain at their present stage. This extension is imposed administratively by the police. [Proposed change: breaches would incur a fine and a number of demerit points which could eventually lead to a 3 month period of license suspension once 100 points within 2 years is exceeded.]

[Proposed new Automatic only license conditions:

If a person passes their first practical test for Restricted License in a vehicle with an automatic transmission, they will be restricted to driving an automatic transmission until they either pass in a vehicle with manual transmission or pass the proposed new Full License test.]

Alcohol Purchase and Consumption

What is the minimum drinking age?

20

What is the minimum purchase age for alcoholic beverages?

20

Per Capita Consumption (in litres of absolute alcohol):

7.0 (1994/5)

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.08 percent for drivers aged 20 or older (80 mg alcohol per 100 mls blood or 400 micrograms alcohol/litre breath).

What is the BAC limit for younger drivers, if different?

.03 for drivers aged less than 20 (30 mg alcohol/100 mls blood or 150 micrograms alcohol/litre breath).

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

How long has the present BAC limit been in effect?

.08 limit introduced in 1978; legal breath alcohol limit of 400 mgs/litre in 1988; lower limits for under 20 in 1992.

Are local governments (cities, provinces, etc.) permitted to establish laws or ordinances regulating impaired driving?

No

Other comments on BAC provisions of the law:

In 1998, it was proposed that the lower limits that now apply to novice drivers on Learner and Restricted License holders be discontinued. The basis of this decision arose from a legal opinion that alcohol limits should be set in primary legislation (i.e., an Act passed by Parliament) rather than in secondary legislation (i.e., Transport Regulations which do not generally receive the same level of scrutiny by Parliament). These lower limits by novice drivers were previously considered a license condition and contained in Transport Regulations. As the same lower alcohol limits already apply to all under

20 year old drivers regardless of license status, it is likely that this requirement will capture a considerable percentage of novice drivers on Learner or Restricted Licenses who are also under 20 years of age. Other complications associated with retaining lower alcohol limits for Learner and Restricted License holders are that, for consistency and fairness, it would have been necessary to also apply these same lower limits to unlicensed and disqualified drivers. An anomaly that currently exists means that unlicensed and disqualified drivers (aged 20 or more) are subject to higher alcohol limits than Learner or Restricted License holders in the same age range. Given that unlicensed and disqualified drivers should not be driving at all, a system that treats them more leniently than Learner and Restricted License holders is deemed to lack credibility and fairness. The extension of the lower alcohol limits to unlicensed and disqualified drivers as well as the retention of these same limits to Learner and Restricted License holders and those aged under 20 was believed to create too much complexity for enforcement purposes.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- **Fine:** For a standard drink-drive offence (exceeding .08 percent limit) a fine of up to and including \$4,500 (\$2,421.00 US). For under 20 year olds exceeding the .03 percent limit, a fine of up to and including \$2,250 (\$1,210.50 US).
- **Suspension of drivers license:** For exceeding the .08 limit, a mandatory disqualification of at least 6 months. Courts may impose longer as they see fit. For under 20 year olds exceeding .03, a mandatory disqualification of at least 3 months. If the disqualification is less than 6 months, 50 demerit points are applied to their record. The Court may impose a longer period.
- **Imprisonment:** For exceeding the .08 limit, the law allows a maximum term of imprisonment of 3 months imposed at the discretion of the Court. For under 20 year olds exceeding the .03 limit, the law allows a maximum term of imprisonment of 3 months imposed at the discretion of the Court.
- **Other:** A community-based sentence may be substituted for the fine or imprisonment at the discretion of the Court.

What are the sanctions for multiple offenses?

- **Fine:** A new law which will take effect May 1, 1999 allows the Court to impose more severe penalties for the 3rd offense. 3rd offense fine is up to an including \$6,000 (\$3,228.00 US).
- **Suspension or revocation of drivers license:** For 3rd offense, a mandatory disqualification of at least 1 year. The Courts may imposed a longer time period.

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- **Imprisonment:** For 3rd offense, a term of imprisonment of up to and including 2 years may be imposed at the discretion of the Court.
 - **Other:** If a driver is convicted of any one of a range of serious traffic offenses (including drink-drive) and then, within a 4 year period, commits another offense on the specified list, the law contains a presumption in favour of confiscation of the vehicle the offender was driving at the time of the offense. Confiscation can only be ordered if the offender is the owner of the vehicle or has financial interest in it. Seizure costs, outstanding fines and any other monies owed on the vehicle are removed from the proceeds of the sale before the remainder (if any) is returned to the owner. The owner may be forbidden to own a vehicle for up to a year. Any vehicle purchased in defiance of this order may be liable for confiscation also.

Parliament has recently passed a law to allow road-side license suspension to be applied administratively by the police to grossly intoxicated drivers and those who drive at excessive speeds. A further law recently passed by Parliament which will take effect in 1999 allows the police to immediately impound a vehicle for 12 hours with a possible extension of up to 24 hours on the grounds of public safety.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

Drivers who obtain two or more drink-drive convictions in 5 years are disqualified indefinitely from holding or obtaining a driver license and order by the Courts to attend an approved alcohol/drug assessment center. This order is mandatory if the qualifying offense criteria are met. While the disqualification is indefinite, the offender can apply to the Director of Land Transport Safety after 2 years to have the indefinite disqualification removed. The indefinite disqualification will not be removed until the offender attends the assessment center and is able to provide a satisfactory assessment report. This section of the legislation is currently under review as it has some problems especially with regard to significant numbers of offender who never attend the assessment center and remain disqualified although may continue to drive.

What is the process for regranting drivers licenses that have been suspended or revoked?

If the disqualification or suspension is a year or less, the driver can apply for a replacement license and resume driving immediately when the suspension or disqualification has ended. If the person has been continuously disqualified for more than one year, they will be required to resit and pass all the driver licensing tests before being allowed to drive again.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Mandatory. New Zealand operates a random breath testing program called "compulsory breath testing" (CBT). CBT laws give the police the power to test any driver, anytime, and anywhere without first having a good cause to suspect that the driver has been drinking. CBT is usually conducted at check-points although the law also allows mobile patrols to stop and test any driver. Each police district is contracted to deliver a certain number of hours of alcohol enforcement in their local communities. Standards for the level and types of alcohol enforcement activities are specified including CBT operations.
Testing only if suspicion of intoxication	Used frequently. As the police have the power under New Zealand's CBT laws to test any driver, these laws allow them to test where there is suspicion of intoxication or when a traffic violation has been committed. It is highly likely that all drivers who are suspected of being intoxicated will be tested.
Testing only on arrest or commission of a traffic violation	Used frequently. See comments re: testing when suspicion of intoxication.
Testing when driver is involved in a crash	Used frequently. The laws allowing CBT will cover drivers involved in crashes. In most serious crashes attended by the police, it is highly likely that drivers will be tested for alcohol, especially if there is a suspicion that any of the parties were involved in drinking. In fatal crashes, it is usual practice for blood samples to be taken from deceased drivers for blood alcohol analysis as part of the post mortem procedure. Breath and blood alcohol tests can be conducted on drivers involved in crashes if the driver is capable of undertaking a breath test. If the driver is injured or unconscious, a blood specimen can be taken at the hospital at the request of the police.

Under what circumstances is it compulsory for a driver to submit to testing?

Breath and blood testing are conducted depending on the levels and breath testing device used. If the person returns an evidential breath test result that is between 400 and 600 micrograms alcohol/litre breath on a conclusive breath-testing device, he or she can elect to have a blood test. However, if their breath alcohol level is over 600 micrograms/litre on a conclusive device, they do not have the right to have a blood test and will be prosecuted on the basis on the evidential breath test results. If the alcohol testing is conducted on a non-conclusive device, the person has the right to elect a blood test at all alcohol levels. It is not an offense to refuse to submit to an evidential breath test. However, any person who refuses an evidential breath test will almost certainly be asked to supply a blood specimen. If the person refuses to comply with this request, he or she can be charged with refusing to supply a blood specimen. This offense has the same penalties as an excess breath or blood alcohol offence.

Notes on the level of enforcement of Impaired Driving Laws:

New Zealand's Road Safety Program for 1998-1999 accounts for approximately 20 percent of the total NZ police budget. Strategic outputs of speed control, drink or drugged driver control, restraint device control and visible road safety enforcement are delivered according to Risk Targeted Patrol Plans which allocate police strategic hours to known road safety risks, days of the week, times of the day, areas, routes and localities. The plans ensure that traffic patrols are optimally targeted and utilized, and provide support for both locally and nationally planned road safety promotion campaigns.

Number of random tests conducted annually, if known:

1.25-1.5 million at CBT checkpoints; 380,000 mobile test

Drinking and Driving Laws

Norway

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

A probational license is valid for two years; after which it will automatically be converted into a full driving license. This period cannot be shortened. If the probational license holder causes a serious traffic offence, his/her license is withdrawn, and he or she must pass another theory test and practical test. The probational period is then extended for another two years.

Alcohol Purchase and Consumption

What is the minimum drinking age?

18, 20 (*depending on beverage or location*)

What is the minimum purchase age for alcoholic beverages?

18, 20 (*depending on beverage or location*)

Per Capita Consumption (in litres of absolute alcohol):

4.1 (1995)

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.05

What is the BAC limit for younger drivers, if different?

Not available.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

Not available.

How long has the present BAC limit been in effect?

The Norwegian government plans to propose an amendment to the Road Traffic Act to lower the BAC limit to .02 with an equivalent limit in breath.

Are local governments (cities, provinces, etc.) permitted to establish laws or ordinances regulating impaired driving?

No

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

Suspension of drivers license: Disqualification of the driving license is a possibility for all BAC levels above .05.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

Ongoing training is offered, namely driving at night. It is only compulsory if it has not been completed before the issue of the license.

What is the process for regranting drivers licenses that have been suspended or revoked?

Not available.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Not available.
Testing only if suspicion of intoxication	Not available.
Testing only on arrest or commission of a traffic violation	Not available.
Testing when driver is involved in a crash	Not available.

Notes on the level of enforcement of Impaired Driving Laws:

Since 1996 the Intoxylizer 5000-N (an instrument for measuring alcohol in breath) was sanctioned as evidence on the same basis as blood samples in road traffic cases.

Number of random tests conducted annually, if known:

Not known.

Drinking and Driving Laws

Portugal

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

A probationary system exists for the first license a candidate obtains. The probationary license is valid for two years, after which one automatically gets a permanent license. This period cannot be shortened nor extended. There are no limitations driving with a probational license.

Alcohol Purchase and Consumption

What is the minimum drinking age?

None

What is the minimum purchase age for alcoholic beverages?

Not known

Per Capita Consumption (in litres of absolute alcohol):

11.0 (1995)

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.05

What is the BAC limit for younger drivers, if different?

Not available.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

Not available.

How long has the present BAC limit been in effect?

Since January 3, 1998

Are local governments (cities, provinces, etc.) permitted to establish laws or ordinances regulating impaired driving?

No

Other comments on BAC provisions of the law:

The blood alcohol concentration may be determined by a breathalyser or blood test. The Highway Code lays down a conversion formula of 1 mg of alcohol per liter of air exhaled equals 2.3 mg of alcohol per liter of blood.

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- **Fine:** Fines are graduated according to BAC level ranging from ESC 20,000 (\$109.89 US) for BAC between .05 and .08 and ESC 200,000 (\$1,098.85 US) for BAC between .08 and .12. Fines are combined with license suspension.
- **Suspension of drivers license:** Length of suspension is graduated according to BAC level ranging from 1 month to 2 years.
- **Imprisonment:** Drivers with a BAC of over .12 commit a crime punishable under the Code of Criminal Procedure with up to one year's imprisonment or with a fine plus up to 120 days imprisonment.
- **Offenders who pay the fine voluntarily** always pay the minimum amount and receive the minimum additional penalty. If the fine is not paid voluntarily by the time limit laid down by law, the amount payable and the duration of the associated ban on driving may be increased up to the maximum laid down, taking into account the circumstances of the offense, the BAC level and the offender's past record.

Details on Sanctions:

For a BAC between .05 and .08, a fine between ESC 20,000 and ESC 100,000 (\$109.89 to \$549.43 US) and banned from driving for between 1 month and 1 year.

For a BAC between .08 and .12, a fine between ESC 40,000 and ESC 200,000 (\$219.77 to \$1,098.85 US) and banned from driving for between 2 months and 2 years.

Drivers with a BAC over .12 commit a crime punishable under the Code of Criminal Procedure with up to one year's imprisonment or with a fine plus up to 120 days' imprisonment.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?
Not available.

What is the process for regranting drivers licenses that have been suspended or revoked?
Not available.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Used frequently.
Testing only if suspicion of intoxication	
Testing only on arrest or commission of a traffic violation	
Testing when driver is involved in a crash	Mandatory blood tests must be conducted on road crash victims suffering injuries requiring hospital treatment.

Under what circumstances is it compulsory for a driver to submit to testing?

The blood alcohol concentration may be determined by a breathalyser or blood test. The Highway Code lays down a conversion formula of 1 mg of alcohol per liter of air exhaled equals 2.3 mg of alcohol per liter of blood. Drivers unwilling to take a breathalyser test may opt for a blood test instead. Blood tests are conducted on all road crash victims suffering injuries requiring hospital treatment.

Notes on the level of enforcement of Impaired Driving Laws:

In 1997 a total of 875,368 breathalyser tests were conducted, of which 12,319 were positive. Since the introduction of breathalyser tests in 1982, the number of drivers failing the test has been declining. However, 19% of the drivers failing the test had a BAC between .05 and .08, 29% had a BAC between .08 and .12, and 52% had a BAC of .12 or more.

Number of random tests conducted annually, if known:
Not known

Drinking and Driving Laws

Spain

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

No. A candidate for driver's license must: 1) take a theoretical examination on the driving civil code, 2) take a practical examination, and 3) have a medical and psychological evaluation on fitness to drive. A new regranting (with medical and psychological examination) is required every 10 years.

Alcohol Purchase and Consumption

What is the minimum drinking age?

16

What is the minimum purchase age for alcoholic beverages?

16

Per Capita Consumption (In litres of absolute alcohol):

10.2 (1995)

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.08 (will be .05 as of May 6, 1999)

What is the BAC limit for younger drivers, if different?

No difference.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

.05 for vehicles over 3,500; .03 for commercial passenger vehicles (will be .03 for both as of May 6, 1999).

How long has the present BAC limit been in effect?

New legislation will be in force on May 6, 1999.

Are local governments (cities, provinces, etc.) permitted to establish laws or ordinances regulating impaired driving?

No

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- Fine: Fine of 50,000 to 100,000 pesetas (\$331.00 to \$662.00 US).
- Suspension of drivers license: 3 months without driving license
- Imprisonment: No
- Other: No

What are the sanctions for multiple offenses?

- Fine: 200 to 50,000 pesetas/day (\$1.32 to \$331.00 US)
- Suspension or revocation of drivers license: 1-4 years
- Imprisonment: Imprisonment only if the driver doesn't pay the fine.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

Aspects are under study, but at present are not carried out.

What is the process for regranting drivers licenses that have been suspended or revoked?

A candidate for driver's license must: 1) take a theoretical examination on the driving civil code, 2) take a practical examination, and 3) have a medical and psychological evaluation on fitness to drive. A new regranting (with medical and psychological examination) is required every 10 years.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Used frequently.
Testing only if suspicion of intoxication	Used frequently.
Testing only on arrest or commission of a traffic violation	Used frequently.
Testing when driver is involved in a crash	Mandatory.

Under what circumstances is it compulsory for a driver to submit to testing?

The law is not well enforced. If the road crash is not so dangerous, the drivers are usually tested. If there is a person injured and removed to the hospital, they are usually not tested. People who are killed in traffic crashes should be screened for alcohol in the blood, but this is quite rare.

Notes on the level of enforcement of Impaired Driving Laws:

Level of enforcement is poor. Note on number of tests: For a population of 39,000,000, with 17,000,000 drivers, over 1,300,000 breath tests were performed in 1997.

Number of random tests conducted annually, if known:

Over 1,300,000 breath tests in 1997

Drinking and Driving Laws

Sweden

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

18

Is there a system of graduated licensing for new drivers?

It is easier to lose the license during the first two years and it is not suspended, meaning that the driver must take all licensing tests again to get a new license.

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

What is the minimum purchase age for alcoholic beverages?

18 in restaurants; 20 in monopoly stores

Per Capita Consumption (In litres of absolute alcohol):

5.3 (1995)

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.02 for drunken driving and .10 for gross drunken driving

What is the BAC limit for younger drivers, if different?

No difference.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

How long has the present BAC limit been in effect?

A BAC level of .08 was established in 1941. The limit was lowered to .05 in 1957, and to .02 in 1990.

Are local governments (cities, provinces, etc.) permitted to establish laws or ordinances regulating impaired driving?

No

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- **Fine:** For first offense with no aggravating circumstances, fines are imposed. For a BAC level between .02 and .10, the amount of the fine is determined by income level as well as BAC level and the circumstances.
- **Suspension of drivers license:** For a BAC level between .03 and .10, licenses may be revoked for 2 to 12 months depending on the circumstances and the BAC level. Above .10, a minimum 12 months and a maximum 36 month loss of license.
- **Imprisonment:** If a BAC level is greater than .10, imprisonment for 1 to 2 months. A drunk driver who causes a crash involving a fatality can be imprisoned up to 6 years. The driver may be imprisoned in a facility designed especially for drunken drivers, and may be required to undergo a treatment program for alcohol dependency.
- **Other:** If a BAC level is greater than .10, the driver may be imprisoned in a facility designed especially for drunken drivers, and may be required to undergo a treatment program for alcohol dependency.

What are the sanctions for multiple offenses?

- **Fine:** Usually not applicable. Heavy fines if applied.
- **Suspension or revocation of drivers license:** Below .10 BAC, close to 12 months. Above BAC .10, well above 12 months.
- **Imprisonment:** If a BAC level is greater than .10, the offense is gross drunk driving and is punishable by imprisonment for 1 to 2 months. A drunk driver who causes a crash involving a fatality can be imprisoned up to 6 years. The driver may be imprisoned in a facility designed especially for drunken drivers, and may be required to undergo a treatment program for alcohol dependency. Recently, more and more drunk drivers are given formal prison sentences but serve them at home under electronic surveillance.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

In practice, in order to be able to get a medical certificate (see notes on regranting of license), a problem drinker must attend a rehabilitation program.

What is the process for regranting drivers licenses that have been suspended or revoked?

If license is suspended for less than 12 months, the offender's license is reinstated automatically after the stipulated period of time but if suspended for more than 12 months, licensing tests must be taken again. To be relicensed after conviction of gross

drunken driving, the driver must get a medical certificate to prove he/she is not dependent on alcohol or other drugs. This certification involves several checkups and liver enzyme testing. The license is conditional for 24 months.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Used frequently. Any police officer can stop any driver at any time and any place and request a screening breath sample. A positive sample = suspicion which leads to evidentiary testing which can be either blood or breath.
Testing only if suspicion of intoxication	Used frequently.
Testing only on arrest or commission of a traffic violation	Used frequently.
Testing when driver is involved in a crash	Used frequently.

Under what circumstances is it compulsory for a driver to submit to testing?

A driver cannot refuse. If he or she refuses a breath test, blood will be taken with force if necessary.

Notes on the level of enforcement of Impaired Driving Laws:

Enforcement has high priority. About 1.2 million random breath tests per year in a population of approximately 4.5 million drivers.

Number of random tests conducted annually, if known:
1.2 million

Drinking and Driving Laws

United Kingdom

Driver Licensing Laws

What is the minimum licensing age for drivers of private automobiles?

17

Is there a system of graduated licensing for new drivers?

No graduated licensing, but drivers who get 6 or more penalty (demerit) points within 2 years must take a re-test. This does not affect drink-drive.

Alcohol Purchase and Consumption

What is the minimum drinking age?

18

What is the minimum purchase age for alcoholic beverages?

18 (though no effective control of consumption)

Per Capita Consumption (in litres of absolute alcohol):

7.3 (1995)

Impaired Driving Laws

What is the blood alcohol content (BAC) limit?

.08; Breath alcohol limit 35 microgrammes/100 ml (.35 male); urine alcohol limits 107 mg/100 ml (1.07 g/e).

What is the BAC limit for younger drivers, if different?

No difference.

Are BAC limits established for other conditions (e.g., for commercial vehicles, motorcycles, etc.)?

No difference.

How long has the present BAC limit been in effect?

Since 1967. The UK Government is currently considering lowering the BAC limit to .05.

Are local governments (cities, provinces, etc.) permitted to establish laws or ordinances regulating impaired driving?

No

Sanctions

What are the sanctions for first offense for driving under the influence of alcohol?

- Fine: Up to 5,000 pounds (\$8,005.00 US). Average is 300 pounds (\$480.30 US).
- Suspension of drivers license: Possible, though rare for first offense.
- Imprisonment: Up to 6 months, though rare for first offense.
- Other: Vehicle forfeiture is possible, though rarely used.

What are the sanctions for multiple offenses?

- Fine: Same as for first offense: up to 5,000 pounds (\$8,005.00 US); average is 300 pounds (\$480.30 US).
- Suspension or revocation of drivers license: 3 years minimum if there has been a previous drink/drive offence within 10 years.
- Imprisonment: Up to 6 months.
- Other: Vehicle forfeiture is possible, though rarely used.

The UK has a scheme for medical screening of high risk offenders, those whose blood alcohol is over .20 or who have been convicted two or more times within 10 years, or who have refused to provide a specimen. If the screening shows an alcohol problem, a license can be refused, or restricted for a short period, on medical grounds.

Rehabilitation and Regranting of Licenses

Are rehabilitation programs offered to impaired driving offenders? Are they required?

Since 1993, the UK has made experimental use of rehabilitation courses for drink-drive offenders. They are available in certain areas only and if the court orders the offender to attend the course. Disqualification is reduced by 25%. The scheme may become permanent and nationwide in 2000 subject to a Parliamentary approval.

What is the process for regranting drivers licenses that have been suspended or revoked?

They must apply and pay a fee. If they are repeat offenders or had blood alcohol of 200 mg/100 ml (2.0 g/l) they must also provide medical evidence that they are not physically invalid to drive through alcohol dependency. Courts may order a driving test, but this is rare.

Enforcement

Enforcement Technique	Comments
Random breath testing (or similar enforcement technique)	Not permitted, although random stopping is permitted and can lead to testing on suspicion.
Testing only if suspicion of intoxication	Used frequently.
Testing only on arrest or commission of a traffic violation	Used frequently when an offense involving moving traffic is observed.
Testing when driver is involved in a crash	Used frequently. Police policy is to do this whenever practicable.

Under what circumstances is it compulsory for a driver to submit to testing?

In the UK the police have virtually unlimited powers to stop a driver, but may only administer a breath test if a) the driver has been in a crash, b) the driver is believed to have committed a traffic offense, or c) the police officer has a reasonable suspicion that the driver has been drinking. In any cases, breath testing is used for screening at roadside; breath, blood or urine for evidential purposes.

Notes on the level of enforcement of Impaired Driving Laws:

Reasonable and increasing. The drink-drive limit has remained unchanged since it was first introduced, along with roadside breath testing, in 1967. Evidential breath testing was introduced in 1983 as an alternative to the taking of blood samples. By streamlining the prosecution procedure, this has encouraged a large increase in roadside enforcement. Better roadside screening devices have also increased enforcement. In 1996, over 780,000 roadside tests were carried out in England and Wales alone, compared with 241,000 in 1983.

Number of random tests conducted annually, if known:

N/A

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