**UNITED
NATIONS**

E

**Economic and Social
Council**

Distr.
GENERAL

ECE/TRANS/WP.1/2006/3
5 January 2006

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

<u>Working Party on Road Traffic Safety</u>

(Forty-eighth session, 20-22 March 2006,
agenda item 5 (b))

REVISION OF THE CONSOLIDATED RESOLUTION R.E.1

<u>Driving under the influence of alcohol, drugs and medication</u>

<u>Note by the secretariat</u>

Members of WP.1 will find below a draft recommendation on alcohol impaired driving prepared by the small group under the chairmanship of Italy. Once adopted by WP.1, it will be inserted in R.E.1 as Chapter 1, paragraph 1.2 according to the proposed new structure of R.E.1 (see document ECE/TRANS/WP.1/2005/15/Rev.1).

Alcohol Impaired Driving

Introduction

The *World Report on Road Traffic Injury Prevention* (2004) classified drinking and driving as one of the five principal risk factors in road safety. The relationship of alcohol to collisions has been well demonstrated. Drivers who have been drinking have a much higher risk of collision involvement than drivers who have not been drinking, and this risk increases rapidly as blood alcohol concentration (BAC) increases. A legal limit on BAC for motor vehicle drivers is set in almost all European countries and defines when a driver is presumed to be too impaired to drive safely. In Europe the BAC legal limit can be as low as 0.0 mg/ml or as high as 0.8 mg/ml, the most common legal BAC limit being 0.5 mg/ml. Lower BAC limits are often established for young drivers and for drivers of commercial vehicles.

There is now strong evidence from a number of countries for the success of general deterrence, i.e., deterring drivers who have not previously been caught. An effective enforcement approach includes frequent, widespread and highly visible roadside checks. Enforcement is based on the principles of certain detection and conviction, swiftness of the proceeding and on consequences which are severe enough that most drivers would want to avoid them. The penalty strategy generally found to be most effective is loss of the driving privilege. Some have advocated severe punishment, such as imprisonment, for alcohol impaired driving offenses. However, there is little compelling evidence that imprisonment results in lower re-arrest rates for convicted drunk drivers. Some studies have shown a deterrent effect for brief mandatory jail sentences of first-time offenders.

Other prevention approaches, such as education, attempt to reduce alcohol impaired driving by altering social norms, changing risky or dangerous behaviours, and creating safer environments. Communication and education also provide information to the public about the dangers of alcohol impaired driving and the consequences of alcohol impaired driving. While education and public information are necessary, they need to be part of a comprehensive strategy, and seem to work best when linked with highly visible enforcement efforts.

Finally, alcohol impaired driving may be a symptom of a larger problem of alcohol misuse. Many impaired driving offenders have alcohol dependency problems and without appropriate assessment and treatment, these offenders are likely to repeat their crime.

Taking into account their cultural, social, legal and economic environments, governments should develop and implement a comprehensive programme to reduce death and injuries due to alcohol impaired driving. An effective programme to reduce alcohol impaired driving should be based on strong leadership, sound policy, good programme management and effective communication.

Legislation

Legislation can be used to define offenses, enforcement actions, and penalties.

1.   Governments should establish an upper legal limit not exceeding 0.5 mg/ml for blood alcohol content for all drivers. Offences against this law could be treated administratively

for lower levels and criminally for higher levels. In addition, a special alcohol level of 0.2 mg/ml should be recommended for certain types of drivers and vehicles, such as
   a. novice drivers
   b. motorcyclists
   c. drivers of commercial vehicles, including those carrying dangerous goods.

2.   The same penalties should be established for drivers who refuse to be tested for alcohol as for drivers who take the alcohol test and fail it.

3.   Governments should establish legislation to test drivers involved in fatal and serious injury producing collisions for alcohol.

4.   Governments should establish legislation to
   a. prohibit the sale of alcohol in locations and circumstances where it is likely that a driver will drive immediately after consuming alcohol (e.g., in service areas along motorways) or consume alcohol while driving (e.g., purchase of alcohol at fuelling stations); and
   b. prohibit open bottles or containers of an alcoholic drink in the vehicle while driving.

5.   Governments should establish an appropriate age limit for the purchase and public consumption of alcoholic beverages, so as to reduce drinking and driving among young and novice drivers.

6.   Governments should establish legislation to provide legal consequences (e.g., fines, license suspension, jail) for alcohol impaired driving. The legislation should provide for more severe penalties for alcohol-impaired driving causing death or serious injury, as well as increased penalties for drivers who are repeat offenders (i.e., are found guilty of drunk driving on more than one occasion).

7.   Legislation should authorize administrative license suspension for drivers who fail, or refuse to submit, to a BAC test. The legislation should provide for a minimum (e.g., 90 days) license suspension period.

8.   Governments should authorize the police, or an appropriate law enforcement official, to take administrative actions, such as short-term (i.e., 1 to 3 days) withdrawal of the driver's license for drivers with BACs below the designated legal limit.

9.   Governments should permit law enforcement officials to use passive alcohol sensors to enhance the detection of alcohol in drivers at roadside checks and during routine stops for alcohol-impaired driving. The use of evidentiary breath testing for alcohol at the roadside should also be permitted.

Enforcement

The level of enforcement of drink-driving laws has a direct effect on the incidence of drinking and driving. Increasing drivers' perception of the risk of being detected is one of the most effective means of deterring drinking and driving. The following recommendations are made:

1. To enhance the perception of being caught for alcohol-impaired drivers, the police should conduct regular enforcement activities such as random breath testing, roadside checks and sobriety checkpoints.

2. To optimize resources, police should use data to target enforcement activities to high-risk times and locations for drinking and driving.

3. Governments should regularly conduct campaigns to publicize drink-driving enforcement to increase the general deterrent effect of the campaign.

4. Police should be trained in the appropriate procedures for detecting and apprehending drunk drivers. For example, police should be trained in recognizing the cues for stopping vehicles (e.g., weaving) and cues for recognizing potential impairment (e.g., slurred speech, smell of alcohol). It is also recommended that equipment technicians be trained and skilled in calibrating and maintaining the breath test instruments to appropriate standards.

5. To ensure that drunk drivers are dealt with appropriately in all circumstances, all members of the law enforcement community, including police prosecutors and judges should be trained about alcohol-related driving problems and drunk-driving laws and penalties.

Public Awareness and Education

Governments should provide regular awareness campaigns to alert the public about the consequences of alcohol consumption, especially on driving; and provide information on the existing laws concerning drinking and driving, the penalties for driving under the influence of alcohol, and the measures that can be taken to prevent drinking and driving.

Schools should include in their curriculum information about the effects of alcohol and the dangers of driving under the influence of alcohol. Moreover, driving schools for new drivers should provide similar information on the effects of alcohol on perceptual and motor skills and reasoning, as well as the dangers of drinking and driving and what can be done to prevent drinking and driving.

Programmes

Governments should encourage employers to implement programmes and policies making any behaviour associated with drinking and driving by their employees unacceptable. In addition, Governments should formulate broad-based programmes to change attitudes and social norms about drinking and driving. These may include programmes to support alcohol server intervention and designated driver programmes at establishments serving alcoholic beverages.

Assessment and rehabilitation

Governments should ensure the accessibility of effective assessment and treatment, as well as rehabilitation services with trained personnel, for all drunk driving offenders, but especially for habitual offenders and those addicted to alcohol. License re-instatement should be linked to successful completion of the appropriate alcohol rehabilitation programme.

Alcohol interlocks

Governments should consider introducing alcohol interlock ignition programmes, at least for repeat or habitual drink-driving offenders, and perhaps for all drink-driving offenders. Participation in the interlock programme should be a condition for license re-instatement. Governments should also encourage the use of alcohol interlocks on commercial vehicles (e.g., heavy goods and buses).

Research and data

Governments should conduct research and support data collection to assess the role of alcohol in road collisions, as well as the economic and social costs of alcohol-related collisions. Data should include coroner data; hospital data on injuries; roadside surveys of alcohol use among drivers; police data on BAC test results and arrests; convictions and sanctions imposed; and surveys of public knowledge, attitudes and self reported impaired driving. Specific research should focus on identifying the populations at risk for alcohol impaired driving to better target policies and programmes for reducing impaired driving. Governments should undertake evaluation of programme activities to establish the effectiveness, including cost effectiveness, of different policies, programmes and strategies.

Partnerships

Governments should formulate policies and programmes, at the national and international level, involving all the sectors in preventing drinking and driving. These sectors include law, law enforcement, health, education, insurance, media, private sector companies, victims' organizations, employers and any other sector that can be effective in developing policies to reduce drinking and driving.