



RSA

Reduction in Drink Driving Limits Questions & Answers

Road Safety, Driver Education & Research
2011

Drinking & Driving in Ireland

Údarás Um Shábháilteacht Ar Bhóithre
Road Safety Authority

FAST FACTS

- Alcohol is estimated to be a contributory factor in **1 in 3 fatal collisions**. (all road users)
- In 1 in 4 fatal crashes, the driver had consumed alcohol
- Any alcohol impairs driving and increases the risk of collision.
- At half the current limit, drivers are twice as likely to be involved in a collision. At the current limit (0.8 milligrams) drivers are six times more likely to have a collision.
- Alcohol is twice as potent when you are a tired driver.
- Almost 1 in 5 drivers killed on our roads, where alcohol was present, were under the legal limit (0.8 milligrams) when they died.
- Any amount of alcohol impairs driving and increases risk – so the only safe advice is to Never, Ever Drink and Drive
- All of the available evidence from research indicates that reducing the legal limit of BAC from the current limit of 0.08 to 0.05 will reduce the risk of being involved in a road traffic collision, and consequently will save lives and prevent serious injuries.
- Every fatal road crash in Ireland costs the state €2.5 million.

WHAT'S HAPPENING?

One of the main provisions of the 2010 Road Traffic Act, which was signed into law last summer, is the reduction of the current drink drive limit from 0.8 milligrams to 0.5 milligrams for all drivers and to 0.2 milligrams for learner drivers (and for a period of two years after they pass the driving test) and professional drivers (bus, truck and taxi drivers).

Personal choices are made in relation to drinking and driving, and changing driver behaviour is the target. A reduced BAC level and enhanced enforcement provisions will directly address the issue of the alcohol and driving.

WHEN DO THE NEW LIMITS BECOME LAW?

The new lower drink drive limits will become law on Friday 28th October 2011.

WILL GARDA EQUIPMENT BE READY?

The Medical Bureau has confirmed that it has re-calibrated Garda breathalyzer equipment for the introduction of the new measures at the end of October.

WHAT WILL HAPPEN IF I AM DETECTED WITH AN ALCOHOL LEVEL BETWEEN 50MG AND 80MG?

If you are detected with a blood alcohol reading by a Garda using a breathalyzer at the road side the existing procedure applies. The individual will be arrested and brought to a Garda station where a further breath, urine or blood sample will be tested. It is on the basis of this reading that a person will be charged and where applicable receive a fixed penalty notice.

WOULD A DRIVER BE SIMPLY LET DRIVE AWAY IF A FIXED PENALTY CHARGE IS BEING APPLIED? SIMILAR TO A SPEEDING OFFENCE?

No. If a driver is detected at the roadside with a BAC exceeding the new legal limits, that driver is arrested and brought to a Garda station where a further breath, urine or blood sample will be tested. Under the 1984 Criminal Justice Act a Garda may prevent a driver from using their vehicle until they are deemed to be safe drivers and no threat to other road users.

WHAT CONSTITUTES A 'SPECIFIED DRIVER'?

Essentially this means a learner driver, newly qualified driver and someone who is a professional driver, e.g. a bus, goods or public service vehicle (taxi) driver.

Specifically the legislation

- (a) Someone who holds a learner permit,
- (b) Someone who holds his or her first driving licence, for a 2 year period from its date of issue,
- (c) Someone who holds a driving licence to drive a vehicle in the category C, C1, D, D1, EB, EC, EC1, ED, ED1 and W while driving, attempting to drive or being in charge of such a vehicle,
- (d) Someone who holds a licence to drive a small public service vehicle granted under section 34 of the Taxi Regulation Act 2003

HOW WILL THE PUBLIC BE INFORMED?

The Road Safety Authority has produced a comprehensive section of its website to provide information on the new limits and to provide members of the public with factual information on the effects of drinking and driving and its role in road deaths and serious injuries.

In addition a major public information television led campaign is being run to educate the public on the changes.

HOW MUCH ALCOHOL CAN BE CONSUMED TO ENSURE COMPLIANCE WITH THE NEW LEGAL BLOOD ALCOHOL CONCENTRATION (BAC) LIMIT OF 50MG?

An Individual's metabolism and its reaction to alcohol varies from person to person and with a variety of factors, including body mass, fatigue, whether or not food has been taken, time elapsed. However the simple fact is that any alcohol impairs driving, affecting vision, judgement, co-ordination and reaction time. This increases the risk of a collision, with potential consequences for the driver, any passengers, and other road users.

For further information on this issue check this website: www.drinkaware.ie.

WHERE DO THESE CHANGES PLACE IRELAND IN AN EU CONTEXT?

With the exception of the UK (0.8), Ireland's new drink drive limits will be on par with the limits in the majority of other EU countries. (Northern Ireland is expected to follow the Republic Ireland and lower its general limits to 0.5 milligrams).

WHAT ARE THE KEY ANTI DRINK DRIVING MEASURES OVER THE LAST DECADE

- 2000 First all island anti drink driving shock advert 'Shame' is aired on TV
- 2005 Second all island anti drink driving shock advert 'Just One' is aired on TV
- 2006 Introduction of Mandatory Alcohol Testing
- 2007 Introduction of stricter penalties for drink driving offences
- 2009 Draft legislation to lower the drink driving limit published
- 2010 Legislation to lower the drink driving limit passed.
- 2011 Mandatory testing at collision scenes where someone has been injured introduced.

WHAT ARE THE PUBLIC'S ATTITUDES TOWARDS THE CHANGES?

A 2009 poll conducted by Millward Brown Lansdowne on behalf of the RSA shows that support for a lowering of the drink drive limit is high with **7 out of 10** polled supporting the Government's move to lower the legal limit for driving from 0.8 milligrams to 0.5 milligrams. A similar number (73%) also

backs the move to legislate for a reduction in the limit to 0.2 milligrams for learner and professional drivers.

The strongest support for these measures is from women (79%). Munster was the province most in favour of the new limits with 76% in favour of the move to 0.5 milligrams. Only 17% voiced their disapproval of the measures.

The research also confirms that two thirds (65%) of drivers report that there is simply no amount of alcohol that you can drink if driving.

87% of the public say that drinking and driving is extremely shameful. In fact they say it's more shameful than speeding, shop lifting, adultery and tax evasion.

2 out of 10 drivers reported it was acceptable to drive after one drink. 1 in 10 drivers reported that they had driven a vehicle after consuming two or more drinks in the past twelve months. The profile of these drivers is predominantly male, most likely aged 65+ and living in Connaught / Ulster.

While independent polls have shown that awareness levels of the current drink drive limit are poor (up to 60% do not know what the limit is) this is probably reflected in the fact that a similar percentage agree with the statement that you should never drink and drive, i.e. the limit is irrelevant as they don't drink drive.

In addition to the RSA's research the AA conducted a major survey of motorists' opinion in Oct 2009 which showed that support for reducing the drink drive limit is very high. The poll of 7,000 motorists showed that 63.9% are in favour of reducing the alcohol limit to 0.5 milligrams. 27.9% of respondents are opposed to the change. Support for the measures is reasonably uniform across the country.

WHAT ABOUT EDUCATING PEOPLE ABOUT THE DANGERS OF DRIVING THE NEXT MORNING?

The RSA is currently running a campaign with drinkaware.ie to highlight the dangers of drink driving the morning after a night out socialising.

HOW DO WE KNOW THAT LOWERING THE LIMIT WILL REDUCED DEATHS?

International research and examples from other countries indicates that alcohol related road deaths decreased in countries that lowered their drink drive limits. One of the most important measures of the past decade, was the

introduction of Mandatory Alcohol Testing (MAT) in 2006. Its effect on road safety was profound. Reducing the drink drive limits should also have a dramatic effect on road safety.

WHAT EFFECT WILL THESE NEW DRINK DRIVING LIMITS HAVE ON PEOPLE'S SOCIAL LIFE, PARTICULARLY IN RURAL IRELAND?

This measure will bring further changes to driver behaviour and the personal choices made in relation to drinking and driving generally. It will be an adjustment for some, but many already taken on board the implications of alcohol and are not drinking and driving. Collisions, deaths and injuries on our roads and their traumatic effects on families and communities are also serious social issues in both rural and urban areas.

WONT THE CHANGES SHUT DOWN RURAL IRELAND?

In the whole debate around lowering the drink drive limit, some have tried to confuse matters by bringing in other issues like rural isolation and rural transportation. These are important and real issues facing Irish and rural society. They need to be addressed. The solution to these problems however will not be found by allowing people to drink and drive, something that has caused un-imaginable devastation and heartbreak in local communities around the country.

Far from shutting down rural Ireland, reducing the drink drive limit will protect the lives and well-being of our families, neighbours, friends and work colleagues in our communities.

As well as our attitudes to drink driving, our drinking habits, including such as where and how we choose to socialise, have changed dramatically. There are publicans who have embraced these changes and are offering solutions. For example, 'Designated Driver' schemes which provide free non-alcoholic drinks to those driving others home. Some have come together to run taxi or mini-bus services home for customers. Such business men and women are to be congratulated.

It's interesting to read back though the media coverage in 1968 when the Blood Alcohol Concentration (BAC) was introduced for drivers and in 1994 before the BAC was reduced to 0.08. The same arguments being made now for not to lowering the limit were made then. In both of these cases, the arguments were without foundation.

WHAT ARE THE NEW LIMITS EXPRESSED AS A BLOOD, URINE AND BREATH LEVELS?

A person shall not drive or attempt to drive; or be in charge with intent or attempt to drive, a mechanically propelled vehicle in a public place while there is present in his or her body a quantity of alcohol such that,

- a. The concentration of alcohol in his or her blood will exceed a concentration of;
 - 50 milligrammes (mg) of alcohol per 100 millilitres of blood, or in the case of a learner or professional driver (Goods, Bus, PSV)*, 20 milligrammes (mg) of alcohol per 100 millilitres of blood.
- b. The concentration of alcohol in his or her urine will exceed a concentration of;
 - 67 mg of alcohol per 100 millilitres of urine, or in the case of a learner or professional driver (Goods, Bus, PSV), 27 mg of alcohol per 100 millilitres of urine.
- c. The concentration of alcohol in his or her breath will exceed a concentration of;
 - 22 microgrammes of alcohol per 100 millilitres of breath, or in the case of a learner or professional driver (Goods, Bus, PSV), 9 microgrammes of alcohol per 100 millilitres of breath.

WILL THERE BE ANY CHANGES TO THE WAY DRINK DRIVING IS ENFORCED?

Yes. The lowering of the drink drive limit will see the introduction of a new Administrative Penalty system to deal with certain drink driving offences. Previously all drink driving offences were dealt with in the courts and an automatic disqualification applied to all drink driving convictions.

Under the new system if a driver is not already disqualified from holding a driving licence at the time of detection or has not availed of the administrative fixed penalty option in the preceding 3 years, and the BAC levels in the body do not exceed 100mg, he or she will be served with a fixed penalty notice. Court proceedings will not be initiated if payment of the fixed charge is made and the penalty accepted.

The various penalties in respect of the different BAC levels and drivers are as follows;

d. Under the new limits if the level of alcohol present in the body is between

- 50 mg and 80 mg of alcohol per 100 millilitres of blood or
- 67 mg and 107 mg of alcohol per 100 millilitres of urine or
- 22 microgrammes and 35 microgrammes of alcohol per 100 millilitres of breath

The driver will be served with an on the spot fixed penalty notice and receive a fine of €200 and 3 penalty points. Points will remain on a licence record for a period of three years. Any driver accumulating 12 points in a three year period will be disqualified from driving for a period of 6 months.

e. If the level of alcohol present in the body is between

- 80 mg and 100 mg of alcohol per 100 millilitres of blood
- 107 mg and 135 mg of alcohol per 100 millilitres of urine
- 35 microgrammes and 44 microgrammes of alcohol per 100 millilitres of breath

The driver will be served with an on the spot fixed penalty notice and receive a fine of €400 and the person will be disqualified from holding a driving licence for a period of 6 months

f. As there will be lower limits in place for learner, newly qualified or professional drivers (Goods, Bus, PSV) the penalties that will apply to these drivers are as follows;

If the level of alcohol present in the body for learner, newly qualified or professional drivers (Goods, Bus, PSV) is between

- 20 mg and 80 mg of alcohol per 100 millilitres of blood
- 27 mg and 107 mg of alcohol per 100 millilitres of urine
- 9 microgrammes and 35 microgrammes of alcohol per 100 millilitres of breath

The driver will be served with an on the spot fixed penalty notice and receive a fine of €200 and the person will be disqualified from holding a driving licence for a period of 3 months.

If a driver cannot produce his or her driving licence when required to undergo a preliminary breath test the lower limit of 20 mg will apply until such time as the driver produces their licence.

If a person does not wish to go accept the fixed penalty notice and goes to court and is unsuccessful in appealing, the penalties are increased. Specifically for first offences where the BAC does not exceed 80 mg the disqualification period that applies is 6 months. In situations where the BAC detected is between 80 mg and 100 mg the disqualification period is 1 year. (Section 65 of the 2010 Act)

WHAT IS THE SCIENTIFIC EVIDENCE TO SUPPORT LOWERING THE DRINK DRIVE LIMIT?

There is no disputing the scientific evidence which proves that even at low levels, alcohol impairs drivers. Collisions are usually multi-factorial and removing/ reducing this risk factor has a proven beneficial effect in reducing the number and severity of collisions. We have a range of actions to address other risk factors also. Examples of international scientific research to support this include the following:

	Research Findings	Sources
1	Impairment in critical driving functions begins at very low BAC levels.	<ul style="list-style-type: none"> • Ferrara SD, Zancaner S, Georgetti R (1994) Low blood alcohol levels and driving Impairment. A review of experimental and international legislation. <i>International Journal of legal Medicine</i>. • Moskowitz H, Fiorentino D, (2000 April) <i>A review of the literature on the effects of low doses of alcohol on driving-related skills</i>. Department of Transportation, National Highways Traffic safety Administration, Washington D.C (DOT HS 809 028) • Moskowitz H, Burns M, Fiorentino D, Smiley A, Zador P. (2000) <i>Driver characteristics and impairment at various BAC</i>. Southern California Research Institute, National Highways Traffic safety Administration, Washington D.C (DOT HS

		809 075)
2	<p>The relative risk of being involved in a fatal crash as a driver is up to 10 times greater for drivers with BACs between 0.05 and 0.07g/dL, compared with drivers with 0.00g/dL.</p> <p>Drivers have a considerable higher risk of being involved in a collision (18%) at 0.04G/dL</p>	<ul style="list-style-type: none"> • Zador PL, Krawchuk SA, Voas RB (2000) Alcohol- related relative risk in fatal crashes in relation to driver age and gender: An update of the 1996 study. <i>J. Stud Alcohol</i> • Crompton RP, Bloomberg RD, Moskowitz H, Burns M, Peck RC, Fiorentino D,. (2002) In DR Mayhew, C Dussault (eds) <i>:Proceedings of the Alcohol Drugs and Traffic Safety – T 2002: 16th International conference on Alcohol, Drugs and Traffic Safety August 4-9 2002</i>. International Council on Alcohol, Drugs and Traffic Safety (ICADTS), Montreal Canada.

International experience has demonstrated the positive reductions in fatalities that accrue from implementing reduced BAC. The policy delivers a change in driver culture and has a general deterrence effect. In other countries they saw reductions in collision involvement not just at lower levels but also a reduction in collisions involving drivers at higher BAC levels. The scientific analysis and outcomes achieved internationally clearly make the case for this public policy measure. Examples of outcomes achieved in other countries which reduced BAC include the following:

<p>After the introduction of 0.05g/dL or lower;</p> <p>Netherlands- sustained decline in number of drinking drivers involved in collisions (15% to 12%) (1974)</p> <p>France - reduction of 36% in alcohol-related collisions (1996)</p> <p>Austria – 9% decline in alcohol related crashes</p>	<ul style="list-style-type: none"> • Fell JC, Voas RB (2009) Reducing illegal blood alcohol limits for driving; effect on traffic safety. In <i>Verster SR, Randi-Perumal SR, Raemakers JG, de Gier JJ (eds) Drugs, Driving and Traffic Safety</i>. Birkhauser
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<p>(1988)</p> <p>New South Wales – 13% decline in alcohol-related collisions at weekends (1994)</p> <p>Queensland – 18% reduction in fatal collisions and 14% in serious injury collisions (1982)</p> <p>South Australia – reduced night time drinking drivers by 14% (1991)</p> <p>Japan – reduced both alcohol-related collisions and drinking drivers (1970) alcohol related fatal collision dropped from 15% to 11% when BAC of 0.03g/dL was introduced in 2007.</p> <p>Denmark – increase in number of drivers who no longer consumed alcohol while driving from 71% to 80% (1998)</p> <p>Sweden – reduction of 9.7% in fatal crashes, 11% in single vehicle collisions and & in overall collisions (1997)</p>	<p>Verlag/Switzerland</p>
<p>Switzerland – reduction in alcohol-related fatalities by 44% (2005)</p>	<ul style="list-style-type: none"> • Siegrist S, (2009) 0.5 BAC and Random Breath Testing: the Swiss Experience. European Transport Safety Council Lecture(ETSC) Dublin Castle 12th October

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WHAT ROLE DOES ALCOHOL PLAY IN ROAD DEATHS IN IRELAND?

In Ireland the best available data is that produced by Dr Bedford when he analysed three years of toxicology data for drivers killed in collisions. There is a significant under reporting of collisions with lower BAC in Ireland as toxicology is only available for 66% deceased drivers and routine sampling is not yet in place for all drivers involved in collisions. Dr. Bedford's findings are as follows:

<p>Ireland: Alcohol was a factor in 309 (31.0%) fatal crashes in 2003-2005.</p> <p>Drivers who had consumed alcohol above the proposed limit of 0.05g/dL accounted for 183 of which 10% were between 0.05 and 0.08g/dL</p>	<ul style="list-style-type: none"> Bedford D, N McKeown, A O'Farrell, F Howell (2008) Alcohol in fatal road crashes in Ireland in 2003 to 2005. Population Health Directorate, Health Service Executive, 2008. Naas
<p>A Cross border report (CAWT, 2006) found that the most common contributory factor in all fatal collisions occurring between 2001 and 2004 in the Republics border counties and Meath was alcohol (37.4%)</p>	<ul style="list-style-type: none"> CAWT, (2006) Steering to Safety: Summary Report, Co-Operation And Working Together, HSE, Health Pormotion Unit North East

In summary, there is a comprehensive body of scientific research on impairment, collision risk and the outcomes achieved in countries which have reduced their BAC to date.

Working To Save Lives

Údarás Um Shábháilteacht Ar Bhóithre Road Safety Authority

Páirc Ghnó Ghleann na Muaidhe, Cnoc an tSabháirín, Bóthar Bhaile Átha Cliath, Béal an Átha, Co. Mháigh Eo
Moy Valley Business Park, Primrose Hill, Dublin Road, Ballina, Co. Mayo
lócall: 1890 50 60 80 fax: (096) 25 000 email: info@rsa.ie website: www.rsa.ie