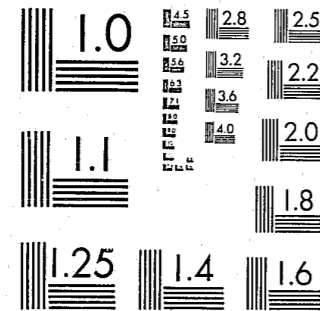


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STATUTORY OPTIONS FOR ADDRESSING THE PROBLEM OF DRINKING DRIVERS



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ASSEMBLY OFFICE OF RESEARCH
CALIFORNIA STATE LEGISLATURE
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X
Statutory Options for Addressing the
Problem of Drinking Drivers

U.S. Department of Justice
National Institute of Justice

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STATUTORY OPTIONS FOR ADDRESSING
THE PROBLEM OF DRINKING DRIVERS

California Vehicle Code Section 23102 (a)(b) makes it unlawful to drive a motor vehicle while under the influence of an intoxicating liquor or the combined influence of intoxicating liquor and any drug. The law also states that a person who is arrested for driving under the influence must take a chemical test to determine the level of alcohol in his or her blood (Vehicle Code Section 13353). If the person refuses, he or she is informed that failure to submit or complete such a test will result in suspension of his or her driving privilege for six months and that such refusal may be used against him or her in a court of law. If the chemical test reveals a blood alcohol concentration (BAC) of 0.10 percent or higher, it is presumed that the person was driving while under the influence. This presumption, however, is not conclusive evidence of whether a person is driving under the influence and can be rebutted by the defense if the person elects to challenge the charge.

Due to a growing concern about the problem of drinking and driving and the upsurge of alcohol-related traffic accidents and fatalities, 16 states have enacted legislation which provides that a person driving with a specified concentration of blood alcohol is guilty of drunk driving. Such statutes provide for no rebuttable presumption of guilt. It is simply illegal to drive with a BAC of 0.10 percent. Table 1 lists the 16 states, the BAC level and the penalties attached for violation of the law. Table 2 lists the penalties in all 50 states for driving under the influence of alcohol.

These statutes are called "illegal per se" laws. In cases which fall under this statutory heading, the state must prove only that the defendant was driving and that a proper test showed the required concentration of alcohol in the defendant's system. With an illegal per se statute, the BAC test result constitutes conclusive proof that the defendant had a certain percentage of alcohol in his or her system.

In order to assess the relative merits of this statutory option, one must be cognizant of the problems of alcoholism, alcohol-related accidents, and the relationship between the level of blood alcohol in the body and the ability to drive safely. This report addresses these problems and examines the current California law relating to driving under the influence and the establishment of an illegal per se law for California. Data on the effectiveness of illegal per se provisions in other countries is also presented.

BLOOD ALCOHOL CONCENTRATION (BAC) AND DRIVING ABILITY

Alcohol is absorbed directly into the bloodstream through the stomach wall. If consumed faster than eliminated, alcohol builds up in measurable amounts and increasingly affects judgment, coordination, perception and sense of balance. Alcohol build-up in the body is called "blood alcohol concentration," or BAC. The concentration of alcohol in the blood is expressed by weight by volume based on the number of grams of alcohol per 100 milliliters of blood. The BAC level and the degree it affects the individual is based on three factors: the amount of food in the stomach, the rate at which the alcohol is consumed, and the body weight of the drinker.

Extensive research evidence indicates that the driving ability of persons with BAC of 0.10 percent is impaired. The United States Department of Transportation has determined that 0.10 percent BAC is the level at which all persons' ability to drive a motor vehicle is substantially impaired. The Department's 1968 Alcohol and Highway Safety Report¹ indicates that a 0.10 percent BAC substantially impairs an individual's driving performance in many ways, including deterioration in judgment, ability to concentrate, comprehension, vision and coordination. The higher the BAC, the greater the impairment of these psychomotor capabilities. The American Medical Association and the National Safety Council have determined that 0.08 percent is the level at which all persons' driving performance is impaired to the extent that such persons cannot operate a vehicle safely.²

As shown in Table 3, a BAC level of 0.10 percent is the level at which the psychomotor functions are sufficiently impaired by alcohol so that a person cannot safely operate a vehicle. Although lower levels (i.e., 0.08 and 0.09 percent) may also indicate adversely impaired skills in many people, a 0.10 percent BAC adversely affects all people.³

¹United States Department of Transportation, 1968 Alcohol and Highway Safety Report (Washington, D.C.: United States Government Printing Office, 1968).

²National Safety Council, Report of the Commission on Alcohol and Drugs of the National Safety Commission (Washington D.C., 1972).

³United States Department of Transportation, 1968 Alcohol and Highway Safety Report (Washington, D.C.: United States Government Printing Office, 1968).

TOLERANCE FACTOR

It can be argued that because alcohol affects individuals in different ways, it would be wrong for the law to state that persons with a BAC of 0.10 percent are impaired drivers. The issue is a person's physiological and psychological tolerance for alcohol.

Tolerance can be defined as "the ability to adapt to the presence of alcohol so that larger quantities are required to produce the same given effects."⁴ Research evidence indicates that a person can develop a tolerance for alcohol with respect to physical abilities, but all persons, regardless of prior drinking experience, will show significant impairment in their judgmental and attitudinal skills when operating a motor vehicle.⁵

For example, a major study⁶ conducted by Los Angeles County used high tolerance drinkers (i.e., persons who show a high resistance to the intoxicating effects of alcohol) to examine the effects of alcohol on one's driving ability. The study's conclusions were that "...every driver in the experimental group was impaired in his or her ability to drive at 0.10 percent BAC." Moreover, based on their results, "...all drinking drivers would show decrement in their driving ability with blood alcohol levels of 0.10 percent."

⁴DUI Tieline Newsletter, University of California Los Angeles Extension, Los Angeles, August 1978, No. 2.

⁵Ibid.

⁶Los Angeles County Alcohol Safety Action Project/Los Angeles Police Department: Driver Impairment Study, June 1976.

ALCOHOL RELATED TRAFFIC ACCIDENTS

A number of studies have shown a clear relationship between a high BAC and the frequency of involvement in automobile accidents.

An analysis of several studies charted in Breath Measurement Instrumentation in the U.S., prepared by the National Highway Traffic Safety Administration in June 1975, indicates that if a person has a BAC below 0.05 percent, there is little probability of involvement in a traffic accident because of alcohol consumption. Above that level, however, the probability of involvement in an accident increases, as does the severity of the accident. For example, a person with a BAC of 0.06 percent has twice the probability of an accident as a person who has not been drinking; at 0.08 percent the probability is three times as high, at 0.10 percent it is four times as high, at 0.12 percent it is 12 times as high, and at 0.18 percent it is 17 times as high.

The U.S. Department of Transportation in The 1968 Alcohol and Highway Safety Report charted information obtained from four studies. The summary analysis of these studies indicated the following:

- o From one to four percent of all drivers using the road, but not involved in accidents, had BAC's of 0.10 percent or higher. These studies involved surveys of persons who drove past sites where traffic fatalities had occurred.
- o Forty-eight to 57 percent of drivers fatally injured in crashes in which no other vehicle was involved had BAC's of 0.10 percent or higher.

o Forty-four percent of drivers fatally injured in crashes involving more than one vehicle, but in which no other vehicle or driver is believed to have been responsible, had BAC's of 0.10 percent or higher.

o Thirty-nine to 50 percent of fatally injured drivers in non-pedestrian crashes of all types had BAC's of 0.10 percent or higher.

o About 25 percent of all drivers seriously injured in nonpedestrian crashes had BAC's of 0.10 or higher.

The results of these studies are significant. They dramatize the fact that those drivers using the road one to four percent of the time, with a BAC of 0.10 and above, account for between 39 and 50 percent of all nonpedestrian traffic fatalities.

TRAFFIC ACCIDENTS AND FATALITIES IN CALIFORNIA

The Annual Report of Fatal and Injury Motor Vehicle Traffic Accidents, 1979, published by the California Highway Patrol (CHP) includes data compiled from accident reports received from local police jurisdictions and from CHP field officers. This report includes information on accidents which involved alcohol. Such accidents are defined as any fatal or injury traffic accident where at least one party had been drinking (HBD). The use of the designation HBD does not mean alcohol was the causative factor nor that the BAC reached any specific level. The data including information on alcohol involved accidents indicated the following:

- 1) In 1979, there were 4,941 fatal accidents and 5,503 fatalities; 210,557 injury accidents and 309,240 persons injured;
- 2) Of the 4,941 fatal accidents in 1979, 46 percent (2,256) involved alcohol;
- 3) Of the 5,503 fatalities in 1979, 2,558 or 46 percent were killed in alcohol involved accidents;
- 4) Of the 210,557 injury accidents in 1979, 47,060 or 22 percent were alcohol involved accidents;
- 5) Of the 309,240 victims injured in 1979, 73,372 or 24 percent were injured in alcohol involved accidents;
- 6) Of the 2,256 fatal accidents where alcohol was involved, there were 2,558 fatalities;
- 7) Of the 47,060 injury accidents where alcohol was involved, there were 73,372 injuries;
- 8) In 1979, over 40 percent of drivers ages 21 through 24 who were involved in fatal accidents had been drinking. This age group was also the largest category of HBD drivers in injury accidents as well.

The 1979 report cited several trends relating to vehicle travel in California during the 1970's: fatal accidents increased 16 percent

since 1970; injury accidents increased 33 percent; motor vehicle registration increased 33 percent; licensed drivers increased 32 percent; and vehicle miles of travel increased 40 percent.

The report indicates, however, that between 1978 and 1979, the number of vehicle miles of travel decreased for the first time since 1974. Californians drove approximately 1.4 billion miles less in 1979 than in 1978. This trend may continue in the future due to fuel shortages and fuel prices.

TESTING METHODS AND ADMINISTRATION OF CHEMICAL TESTS

In California there are three chemical tests used to determine an individual's BAC: blood, urine and breath. Under current law, all testing must comply with Department of Health regulations as specified in Title 17 of the California Administrative Code.

A blood test must be administered by a physician, nurse, licensed clinical laboratory technologist or clinical laboratory bioanalyst, or certified paramedic. Blood specimens are then analyzed for BAC at a qualified laboratory licensed by the Department of Health Services.

A urine test may be administered by the arresting law enforcement officer. The specimens must be analyzed for BAC at a qualified laboratory licensed by the Department of Health Services.

A breath test may be administered by the arresting law enforcement officer who is trained in the operation of the breath instrument used. Analysis of the BAC is done at the time of the test.

Relative Effectiveness of the Three Chemical Tests

The adoption of an illegal per se provision would make the results of the chemical tests of great importance since, if admitted into evidence and accepted by the jury, they become the determining factors of guilt or innocence.

Appropriate analysis of the blood is the most direct method for measuring alcohol content. The measurements obtained in the blood and urine tests must be converted into blood alcohol content. One difficulty with the blood test is the amount of time required to transport samples to a licensed laboratory and to complete the analysis. Also, many people have an aversion to giving a blood specimen and subsequently choose another chemical test to determine their blood alcohol content.

As long as the urine sample is taken correctly, the test is accurate. Since alcohol is excreted by the kidneys in different concentration than it is present in the blood, however, allowance must be made for this difference. Furthermore, the time delay between excretion by the kidneys into the bladder and the taking of the specimen may make the latter unrepresentative of the blood concentration at the time it is taken. For these reasons, blood and breath specimens are preferred to urine, although when no other evidence is available the demonstration of the presence or absence of alcohol in urine can show whether the subject has been drinking, but not necessarily provide an accurate indicator of the BAC level.⁷

⁷United States Department of Transportation, 1968 Alcohol and Highway Safety Report (Washington, D.C.: United States Government Printing Office, 1968).

The breath test is the most widely used chemical test to determine the BAC. Breath tests present the dual advantage of ease and speed of administration, either at the site where the driver is apprehended or elsewhere. Of the three tests, however, the breath alcohol testing instruments and related accessories have caused the greatest amount of concern. The two concerns frequently cited are:

1) The accuracy of the readings provided by a properly functioning machine can have an error range of plus or minus one-one hundredth of one percent (0.01) of the true BAC value, which means that a person with a true BAC of 0.09 percent might have a breathalyzer reading from 0.08 to 0.10 percent. Some experts contend that this is too broad a range of error for concluding on the basis of a breath test that it is unlawful for any person to drive on the highways with a BAC of 0.10 percent.

2) The machines themselves may not be properly functioning and thus provide inaccurate readings. State regulations, however, set requirements which every breathalyzer machine must meet if it is to be used to measure the BAC of persons involved in traffic accidents or traffic violations (California Administrative Code Title 17, Sections 1215-1222.2). These regulations also require that once an instrument is approved for use, periodic reliability checks are required, i.e., every ten days or after 150 tests, whichever occurs first.

Available evidence suggests that the problem of improperly functioning machines is minimal.⁸ For example, of the six instruments used by law enforcement agencies in Santa Barbara County in 1979, none was

⁸In an article entitled, "The Measurement of Breath Alcohol," Journal of Forensic Science Soc. (1980), Vol. 20 p. 3, three breath alcohol instruments were tested with over 1,500 motorists. The authors concluded that each instrument was generally in good agreement with certified blood results and, if anything, the breath tests tended to underestimate rather than overestimate the BAC.

found to be functioning improperly or providing inaccurate readings. Of the eight Intoxilyzer instruments maintained by the Alameda Sheriff's Department, one machine had to be removed from the field test sites for a total of 16 occasions during 1978. Seven of the 16 occasions were a result of splits in the tubing, which gave test results in favor of the subject. In all of the additional instances, the malfunctions were apparent to the operator and the instrument was not used. Therefore, no erroneous analysis could be made.

Ultimately, a decision concerning the reliability of the machine rests with the jury or the court. If a particular machine was found to produce invalid test results, the case would probably be thrown out of court for insufficient and/or inaccurate evidence.

The law requires that for the results of a chemical test to be admissible in court, the prosecution must be able to demonstrate through its witnesses that the blood, urine or breath tested was actually taken from the defendant and did not become confused with other samples. Thus, it is necessary when using chemical test results, to establish continuity between the time of extraction and the time of analysis. Attention must also be paid to demonstrating that no mixup of analytical reports occurred.⁹

⁹United States Department of Transportation, 1968 Alcohol and Highway Safety Report (Washington, D.C.: United States Government Printing Office, 1968).

HANDLING OF DRUNK DRIVING CASES IN CALIFORNIA

In general, the procedures in California for detecting, apprehending and disposing of individuals driving under the influence of alcohol involve the police, district attorneys and, in some cases, the courts.

Detection and Apprehension

If the police observe a person driving erratically or carelessly on the highway, they may stop the person to determine if there is overt evidence of intoxication. If the police think the person is intoxicated, he or she is asked to take a series of field sobriety tests which may include walking a straight line, counting fingers, saying the alphabet, and counting numbers.

If the individual successfully completes the field sobriety tests, he or she is released.

If the individual fails the field sobriety tests and there is probable cause to believe that the person is intoxicated, he or she is placed under arrest and taken to the proper facility to be given one of the three chemical tests to determine blood alcohol concentration level.

If the individual elects to take the blood or urine test, the results of which would not be available for a day or two, he or she is then booked for drunk driving and, if the court allows, is placed on bail or released on his or her own recognizance. If the individual elects to take the breath test, the results are given immediately. If the BAC is 0.10 percent or above, he or she is booked on a drunk driving charge. If the BAC is below 0.10 percent, the officer has the option to book the person for other violations of the California Vehicle Code.

Disposition

Once a person is charged and booked on a drunk driving charge, a district attorney usually prosecutes if:¹⁰

- 1) the BAC is 0.14 percent or higher;¹¹
- 2) the BAC is between 0.12 and 0.14 percent, and a) the driver performed poorly on the field sobriety tests, b) the arresting officer observed very erratic driving, and/or c) the defendant had a prior conviction of driving under the influence;¹²
- 3) the person refused to provide a blood, breath or urine sample (Vehicle Code Section 13353); or
- 4) the person refused to accept a reduced charge of reckless driving (Vehicle Code Section 23103).

A district attorney will usually reduce the charge from driving under the influence to reckless driving if:

- 1) the BAC is 0.11 percent or lower; or
- 2) the BAC is between 0.12 and 0.14 percent and the driver performed well on the field sobriety tests.

¹⁰This information was obtained from a telephone survey of the District Attorney in Yolo, Sacramento, Los Angeles, Alameda and Santa Clara Counties in 1979. The information is summarized for illustrative purposes and may not fully reflect the practices in one particular district attorney's office.

¹¹Generally speaking, the District Attorney in Santa Clara County will prosecute if BAC is over 0.10 percent.

¹²Yolo County does not look at the prior driving record.

Generally, most people will accept the lesser charge and plead guilty to reckless driving.¹³ According to most district attorneys contacted in the survey, the few individuals who plead innocent to drunk driving (ranging from two to 10 percent) do so for the following reasons:

- 1) They feel they are innocent.
- 2) They need their driver's license for the job and loss of the license would impair their ability to perform on their job (e.g., real estate agent, traveling sales person).
- 3) They think they can win if the case is taken to court.

ILLEGAL PER SE LAWS: IMPLEMENTATION AND EFFECTIVENESS

Illegal per se statutes offer a strict and unambiguous statement of the relationship between blood alcohol concentration and a person's ability to drive an automobile. Some of the subjective, and hence more refutable, aspects of establishing the offense of driving while intoxicated (e.g., behavioral tests, slurred speech) are eliminated as evidentiary indicators of guilt or innocence. The enactment of illegal per se laws has been made possible not only by the increased scientific support for the BAC as an objective measure of impaired driving ability but also the reliability of the breath alcohol measurement devices.¹⁴

¹³Note: Statistics available in 1978 by the State Department of Justice showed that of the 5,000 reported citations for reckless driving, there were approximately 80,000 convictions for reckless driving. The increased number of convictions may be due to the number of persons taking a reduced plea from driving under the influence to reckless driving. Data are no longer reported in this manner.

¹⁴Alcohol Countermeasures: Illegal Per Se and Preliminary Breath Testing, U.S. Department of Transportation, National Highway Traffic Safety Administration, February 1979.

The per se laws do not usually supplant the existing driving under the influence (DUI) laws but rather create a new and separate offense of drunk driving. Persons who drink and drive with a BAC of between 0.05 - 0.10 percent may be charged under presumptive DUI laws. In addition, if chemical tests are not obtained at the time of the alleged offense, prosecution may be made under the presumptive DUI laws.

United States

Of the 16 states which currently have illegal per se laws, all have set the BAC level at 0.10. Vermont is presently considering lowering the BAC level from 0.10 to 0.08.

The legal limit at 0.10 percent BAC is based on the scientific finding that at this level, every person, regardless of tolerance to alcohol, is significantly impaired in his or her ability to drive a car. A report to the Congress¹⁵ confirms this finding:

Concentration of 0.08 percent or higher is incompatible with safe driving, and the higher the concentration, the greater the incompatibility....Small increases in blood alcohol concentration above 0.08 percent result in disproportionately large increases in crash risk.

A study published by the College of Law, University of Denver,¹⁶ recommended that whatever the specific statutory scheme was chosen, it is desirable that all the states adopt an illegal per se law. The

¹⁵Alcohol and Health: New Knowledge, Report to Congress from the National Highway Traffic Safety Administration, (1974).

¹⁶J. H. Reese, W. M. Beaney, M. Blumental, H. Ross and L. P. Tiffany. The Drinking Driver--An Interdisciplinary Approach to the Legal Management of a Social Problem: Part I (Denver, Colorado: College of Law, 1973).

authors contend that the use of scientifically accurate machines increases the confidence of police, prosecutors, courts and the public in the reliability of the process. At the same time, according to this study, the deterrent effect on drivers is strengthened.

Other Countries

The Scandinavian countries were the first to establish what are known as per se drinking and driving laws. We were unable to obtain copies of the Scandinavian laws and had to rely on secondary sources of information to examine them. These sources also had information on similar laws in Great Britain and the Netherlands.

Sweden

The Swedish legislation providing for illegal per se was adopted in 1941. The law distinguishes between two degrees of drunken driving: first degree is where the individual had a BAC of 0.15 or above; second degree is where the individual had a BAC of between 0.05 and 0.15. The sanctions as of 1977¹⁷ are generally one month unconditional imprisonment for first degree drunken driving and fines for second degree drunken driving.¹⁸ The driver's license is also suspended, barring special circumstances, for two years for first degree drunken driving, and for 18 months for second degree drunken driving. Some lower courts have also started to use supervision and treatment for alcohol problems in cases of first degree drunken driving, instead of unconditional imprisonment.

¹⁷Data available for this period only.

¹⁸Drunken Driving - The Swedish Experience, Hans Klette, 7th International Conference on Alcohol, Drugs, and Traffic Safety, Melbourne, Australia, 1977.

Norway

In Norway, illegal per se legislation was passed in 1936. The law specifies only one BAC, 0.05, and prescribes imprisonment as the punishment for any BAC at or above that level. The minimum prison sentence is 21 days. In addition, the driver's license is withdrawn for a minimum of one year, but usually two years, and permanently in the case of a second offense.

Great Britain

The Road Safety Act of 1967 specified that persons with a BAC of 0.08 or above were guilty of driving while under the influence. The punishment upon conviction is a mandatory license suspension for one year.

Netherlands

Illegal per se legislation was enacted in the Netherlands on November 1, 1974. It provided that a person was guilty of drunk driving with a BAC of 0.05 or above and set a maximum penalty of five years of license suspension, a specified fine, and three months imprisonment.¹⁹

Evaluation of Effect of Per Se DUI Laws

According to a noted authority, no studies to determine the effectiveness of the illegal per se law on reducing the number of drinking drivers and/or alcohol related traffic fatalities have been done in the United States. There are, however, studies available which assess the experience of the European countries with the illegal per se provision.

¹⁹The Introduction of a Statutory BAC Limit of 50 mg/100 ml and its Effect on Drinking and Driving Habits and Traffic Accidents, P. C. Noordzij, 7th International Conference on Alcohol, Drugs and Traffic Safety, Melbourne, Australia, 1977.

It is commonly believed the Scandinavian legislation has reduced highway casualties. However, only a few studies have tried to evaluate the effectiveness of the Swedish and Norwegian legislation on drunken driving, especially in terms of its deterrent effects, i.e., do the laws prevent people who would otherwise drink and drive from doing so. Even these few studies have certain methodological problems which affect their reliability. Moreover, their findings are often inconclusive. At most, the existing research indicates that the illegal per se laws in Scandinavia, Britain and the Netherlands appear to affect the incidence of drinking and driving and accidents immediately following the enactment of the laws but that the effects do not last long. It appears that what may actually affect the volume of accidents is the strict enforcement of law.

The first study of illegal per se laws was by H. Laurence Ross²⁰ who used statistical techniques to examine the number of fatal crashes before and after the introduction of the per se law in Sweden and Norway.

Ross' statistical analysis of the data on serious crashes in Norway and Sweden provided no support for the belief that deterrence of drinking and driving was accomplished by the per se laws in either Norway or Sweden. During the periods studied, there were no marked changes in the number of traffic fatalities.

²⁰H. Laurence Ross, "The Scandinavian Myth: The Effectiveness of Drinking and Driving Legislation in Sweden and Norway," Journal of Legal Studies, 1975, 4(2), 285-310.

Ross also studied the effect of the Road Safety Act of 1967 in Great Britain²¹. Ross confirmed the fact that the per se law did in fact sharply reduce fatalities and injuries in Great Britain at the time of its inception. Furthermore, the drop in casualties was greatest on weekend nights, when alcohol is usually involved in serious crashes. No drop occurred during weekday commuting hours, when alcohol is less often the cause of crashes. Within six months, however, the number of fatal accidents began to increase to the level which existed prior to the new law. Ross concluded that the initial decline in accidents and subsequent rise may have resulted from extensive publicity immediately following the enactment of the law.

Another approach to evaluate the effectiveness of per se laws was taken by Harold Votey, an economist. Votey studied the deterrent effects of both the level of law enforcement and the control of alcohol consumption through restrictive beverage sales on drunk driving in Norway and Sweden.²² He attempted to isolate the impacts of alcohol consumption and law enforcement on drunken driving.

One important finding of Votey's is the confirmation of previous research which indicates that drunken driving contributes significantly to both personal injury and fatal accidents. Votey also concluded that

²¹The Effect of Drinking and Driving Laws in Sweden and Great Britain, H. Laurence Ross, 6th International Conference on Alcohol, Drugs, and Traffic Safety, Toronto, Canada, 1974.

²²Harold L. Votey, Jr., The Deterrence of Drunk Driving Laws in Norway and Sweden: An Econometric Analysis of Existing Policies, University of California at Santa Barbara, Community and Organization Research Institute, 1976.

drunken driving is deterred by apprehension and conviction for general motoring offenses. The deterrent effect is stronger when looking at apprehensions than at convictions. For example, the of presence of highway patrols is likely to be much more apparent and readily known to drivers than the probability of conviction or of a particular sanction for drunken driving. His findings suggest that if the driving laws are enforced, accident levels will be reduced below what they otherwise might be. It is important, however, to note that automobile accidents are often caused by several factors together (e.g., alcohol consumption, highway conditions).

Votey's studies appear to suggest that the level of law enforcement rather than the control of alcohol consumption through restrictive beverage sales has the greater influence on the number of accidents.

The two studies by Ross and Votey do not provide conclusive evidence with respect to the deterrent effect of illegal per se laws. Ross concludes simply that the deterrent effects of these laws are unproven. He found no evidence to support the conclusion that drunken driving, and thus fatal accidents, declined with the implementation of the per se law. Votey found that strict enforcement indeed affected the volume of accidents. He concluded that the Scandinavians' behavior is affected by legal sanctions. He did not suggest, however, that the data support one particular kind of sanction (e.g. fines vs. imprisonment) as providing the deterrence necessary to reduce drinking and driving.

Votey also noted that there are several other effects one might expect to occur when the per se laws were introduced: (1) it would be easier for the criminal justice system to procure a conviction for the drunken driving; (2) enforcement and prosecution costs would decline.

The effect of the illegal per se law in the Netherlands was studied by P. C. Noordzij of the Institute for Road Safety Research. He conducted a number of surveys from 1970 through 1975. Noordzij also examined available accident data for the same period.

One major finding of this research confirms Ross' findings relative to the Road Safty Act of Britain that there was a reduction in the amount of drinking and driving during weekend nights immediately following the enactment of the law, while a year later, drinking by drivers had returned to the level that existed before the law.

The data used in the study were not reliable enough to determine the effect of the legislation on the number of fatal accidents.

When compared with the BAC levels established by a number of European countries, the 0.10 percent BAC level generally accepted throughout the United States is relatively high. As seen in Table 4, the blood alcohol concentration levels for selected European countries with illegal per se laws ranges from 0.03 to 0.09 percent.

Several state Supreme Court decisions²³ have upheld the constitutionality of the 0.10 percent illegal per se law. The essence of their positions is that it is proper and constitutional that the Legislature

²³Coxe v. State, 281 Atl. 2d 606 (Delaware); Roberts v. State, 329 So. 2d 296 (Florida); State v. Gerdes, 252 N.W. 2d 335 (South Dakota); Greaves v. State, 528 P. 2d 805 (Utah); and State v. Abbot, 514 P. 2d 355 (Oregon).

determine that a certain BAC has a sufficient adverse effect upon any person to make his or her driving a hazard to himself or herself and others. Thus, it was found to be a proper subject for regulation and control by law, particularly when combined with the operation of motor vehicles.

Caution must be exercised in drawing generalizations from these conclusions. The illegal per se laws, as was true in Great Britain, are never implemented as a single item, but are instead part of a package which may include other changes in penalties and regulations. Thus, it is difficult to relate the enactment of illegal per se laws to a particular change, such as the decrease in the number of traffic fatalities or reduction in court time.²⁴

²⁴Appendix I contains the results of an informal survey of the states which have adopted an illegal per se provision.

APPENDIX I

An informal telephone survey of district attorney's offices in states which have enacted the illegal per se (IPS) law was conducted by the Assembly Office of Research. A total of 12 district attorneys' offices in ten states were contacted. The results of the survey are merely illustrative of a limited number of prosecutorial offices experience with the illegal per se provision. Caution should be exercised when generalizing from these findings.

The most apparent impact of the illegal per se provision is that it has not changed the trial process significantly, as was expected by the supporters of the legislation. Beyond that, the experience of each state varies in part because of geographics, degree of social acceptance of drinking, and other such factors. For instance, in Utah, defendants are willing to plea to illegal per se, rather than DUI, because there is no explicit reference to their degree of intoxication. In Wyoming, there is a great reluctance to convict for either DUI or IPS because most persons need their automobile for their livelihood and/or jobs, and there is also a great degree of social acceptance of consuming alcohol.

Several respondents from states which have both DUI and IPS statutes mentioned that overall there was a higher conviction rate because the law now provided for an alternative way to prove the crime. These states also noted that even with IPS the defense will present evidence such as observations of police officers', results of field sobriety tests and other information which in effect challenges the results of the chemical test.

One comment made by several of the respondents to the survey was that juries particularly required corroborative evidence, other than just the results of the chemical test, to render a conviction. This was not to be interpreted as implying that juries did not believe that the chemical tests were accurate, but rather that the results of the tests were necessary but not sufficient evidence to prove a case.

There still seems to be the same degree of plea bargaining as existed before the passage of IPS, for most of the states surveyed, partly because the prosecuting offices do not have the manpower to try all the cases. If defense counsel wanted, they could ask for a jury trial. This fact and the lack of resources encourages the prosecuting attorneys to plea bargain a case.

There is no evidence to support the belief that the enactment of an illegal per se provision will either deter persons from drinking and driving or reduce the number of traffic accidents and fatalities.

TABLE 1

STATES THAT HAVE ILLEGAL PER SE LAWS RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL

State	Code Sections Relating to BAC Level	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
ALABAMA	Code of Alabama, Sections 32-5A-191 - 32-5A-195 (modified version of illegal per se)	1975 (amended 1980)	.10	<p>First offense: Imprisonment for not more than one year, or by a fine of not less than \$100 nor more than \$1,000, or by both such fine and imprisonment.</p> <p>Second offense within five years: Fine of not less than \$200 nor more than \$1,500 or by imprisonment in county or municipal jail for not more than one year, or by both such fine and imprisonment.</p> <p>Revocation of driver's license for six months.</p> <p>First time offenders are required to complete a DWI court referral program approved by the state administrative office of courts.</p>
ALASKA	Alaska Statutes, Sections 28.35.030, 28.35.033, 28.35.070	1949 (amended 1980)	.10	<p>First offense: Fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment, and the court shall impose a minimum sentence of imprisonment of not less than 3 consecutive days.</p> <p>Second offense within five years: Court shall impose a minimum sentence of imprisonment of not less than 10 consecutive days.</p> <p>Revocation of driver's license for a period of not less than 30 days for first conviction.</p> <p>If there is ground for suspecting that the vehicle was involved in a collision with a person, the vehicle shall be impounded at the expense of the owner, for which the custodian shall have a lien, and shall be accessible only to officers detailed to investigation of the case until released.</p>
DELAWARE	Delaware Codes Annotated, Title 21, Section 4177	1969 (amended 1979)	.10	<p>First offense: Fine of not less than \$200 nor more than \$1,000 or imprisonment for not less than 60 days nor more than 6 months or both. Revocation of driver's license for one year.</p> <p>Second offense within five years: Fine of not less than \$500 nor more than \$2,000 and imprisonment for not less than 60 days nor more than 18 months.</p>

State	Code Sections Relating to BAC Level	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
FLORIDA	Florida Statutes Annotated, Title 22, Section 316.193	1974 (amend- ed 1980)	.10	<p>First offense: Imprisonment for not longer than 90 days or a fine of not more than \$250 or by both such fine and imprisonment. Revocation of driver's license for not less than 30 days nor more than 90 days.</p> <p>Second offense within three years: Imprisonment for not less than 10 days nor more than 6 months and, in discretion of court, a fine of not more than \$500. Revocation of driver's license for not less than 6 months nor more than 24 months.</p> <p>May be required to attend an alcohol education course specified by the court and may be referred to an authorized agency for alcoholism evaluation and treatment.</p>
MINNESOTA	Minnesota Statutes Annotated, Volume 12A, Section 169.121	1959 (amend- ed 1973)	.10	<p>First offense: Imprisonment for not more than 90 days or fine of not more than \$500 or both, and driver's license shall be revoked for not less than 30 days.</p> <p>Second offense within three years: Imprisonment for not more than 90 days, or a fine of not more than \$500 or both, and driver's license shall be revoked for not less than 90 days.</p>
MISSOURI	Vernon's Annotated Missouri Statutes, Sections 302.302, 302.304, 577.012	1975	.10	<p>First offense: Fine of not less than \$150 or confinement in county jail for not more than 3 months, or both.</p> <p>Second offense within three years: Confinement in county jail for not less than 7 days nor more than 6 months.</p> <p>Third and subsequent offenses within three years: Confinement in county jail for a term of not less than 45 days nor more than 1 year.</p> <p>Director of Revenue effects point system for suspension and revocation of license. Point value for driving while intoxicated - 12 points. Revocation of operating privileges of any person whose driving record has obtained 12 points in 12 months or 18 points in 24 months or 24 points in 36 months. Revocation shall remain in effect for a period of 2 years from its effective date.</p>

State	Code Sections Relating to BAC Level	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
NEBRASKA	Nebraska Revised Statutes, Section 39- 669.07	1972 (amend- ed 1980)	.10	<p>First offense: Imprisonment in the county jail for not longer than 3 months, or fine of \$100 or both such imprisonment and fine. Revocation of driver's license at discretion of judge.</p> <p>Second offense: Imprisonment in the county jail for not less than five days nor more than three months and fined \$300. Revocation of driver's license for one year from the date of discharge or the date of payment, whichever is longer. If the motor vehicle the person was driving at the time of the incident was registered in the name of the defendant, the vehicle is impounded in a garage designated by the court for not less than 2 months.</p> <p>Third or subsequent offense: Imprisonment in the Nebraska Penal and Correctional Complex for not less than one year nor more than three years. Revocation of license for one year after final discharge.</p>
NEW HAMPSHIRE	New Hampshire Revised Statutes, Sections 262-A:62 - 262-A:65	1949 (amend- ed 1979)	.10	<p>First offense: Fine of not more than \$1,000 and revocation of driver's license for a period not less than 60 days.</p> <p>Second offense: Imprisonment for a period of not less than 7 days and fine of not more than \$1,000. Revocation of license for 3 years.</p>
NEW YORK	McKinney's New York Consolidated Laws, Book 62A Sections 1192, 1194	1972 (amend- ed 1975)	.10	<p>First offense: Imprisonment in either a penitentiary or county jail for not more than one year, or fine not to exceed \$500, or both such fine and imprisonment. Suspension of driver's license for 60 days.</p> <p>Second or subsequent offenses within ten years: Felony.</p>

State	Code Sections Relating to BAC Level	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
NORTH CAROLINA	North Carolina General Statutes, Ch. 20-138B	1937 (amend- ed 1973)	.10	<p>First offense: Fine of not less than \$100 nor more than \$500, or imprisonment for not less than 30 days or longer than 6 months, or by both such fine and imprisonment. Suspension of license at the discretion of the court.</p> <p>Second offense within ten years: Fine of not less than \$200 nor more than \$500, or imprisonment for not less than two months nor more than six months, or by both such fine and imprisonment. Revocation of driver's license at the discretion of court.</p> <p>Third or subsequent offense within 10 years: Fine of not less than \$500, imprisonment for not more than two years, or both such fine and imprisonment. Revocation of driver's license at the discretion of the court.</p>
OREGON	Oregon Revised Statutes, Sections 484.360, 487.540	1975 (amend- ed 1979)	.10	<p>All offenses: Fine not to exceed \$1,000. Court may suspend driver's license. Court may order offender to complete a treatment program administered by the Division of Mental Health.</p>
SOUTH DAKOTA	South Dakota Codified Laws, 32-23-1, 22-6-1	1913 (amend- ed 1976)	.10	<p>First offense: Class 2 misdemeanor punishable by 30 days imprisonment in county jail or fine of \$100, or both, and prohibition against operating a motor vehicle for 30 days.</p> <p>Second offense: Class 2 misdemeanor punishable by 30 days imprisonment in county jail or fine of \$100, or both, and prohibition against operating a motor vehicle for 60 days.</p> <p>Third or subsequent offenses: Class 6 felony punishable by 2 years imprisonment in state penitentiary or a fine of \$2,000 or both, and prohibition against operating a motor vehicle for such period of time as may be determined by the court, but in no event less than one year from the date of his final discharge.</p>

State	Code Sections Relating to BAC Level	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
UTAH	Utah Code Annotated Section 41-6-44, 41-6-44.2	1953 (amend- ed 1973)	.10	<p>All offenses: Imprisonment for not longer than 30 days nor more than six months, or fine of not more than \$100 nor more than \$299, or both such fine and imprisonment.</p> <p>If great bodily injury occurred as a result of such incident, he or she will be imprisoned for not longer than one year and fined not more than \$1,000.</p>
VERMONT	Vermont Statutes Annotated, Title 23 Sections 1201, 1208, 1210	1973 (amend- ed 1975)	.10	<p>First offense: If the offender completes a driver rehabilitation program and pays corresponding fees (\$50) for such program, the offender's driver's license is suspended for 90 days. If the offender does not, his or her license is suspended for one year.</p> <p>Second offense within three years: If the offender completes the aforementioned course, his or her license is revoked for 18 months. If the offender does not complete such a course, his or her license is revoked for three years.</p> <p>Third or subsequent offense within three years: If the offender completes the aforementioned course, the offender's license is revoked for three years. If not, his or her license is revoked for six years.</p> <p>All offenses: Fine of not less than \$125 nor more than \$500 or imprisonment for not more than one year, or both such fine and imprisonment.</p> <p>If death or injury of any person results from such violation, the violator may be imprisoned for not more than five years, or fined \$2,000, or both such fine and imprisonment.</p>

State	Code Sections Relating to BAC Level	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
WASHINGTON	Revised Code of Washington, Section 46.61.515	1979	.10	<p>First offense: Imprisonment for not less than one day nor more than one year and a fine of not more than \$500. In addition, the offender shall be required to complete a course at an alcohol information school. Driver's license shall be suspended by the Department of Licensing for not less than 30 days. Court may recommend that no suspension take place but the decision is ultimately up to the Department of Licensing.</p> <p>Second or subsequent conviction within five years: Imprisonment for not less than seven days nor more than one year and a fine of not more than \$1,000. Suspension of license by Department of Licensing for not less than 60 days. If, at the time of a second or subsequent conviction, the person has no license because of previous suspension, there is a mandatory minimum of 90 days imprisonment and a fine of \$200.</p>
WISCONSIN	Wisconsin Statutes Annotated, Sections 346.63, 346.65	1957 (amend- ed 1979)	.10	<p>First offense: Fine of not less than \$100 nor more than \$500.</p> <p>Second or subsequent offense within five years: Fine of not less than \$250 nor more than \$1,000 and imprisonment not less than 5 days nor more than 6 months.</p>

TABLE 2

PENALTIES IN THE FIFTY STATES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL (DUI)

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
ALABAMA	Code of Alabama, Sections 32-5A-191 - 32-5A-195	1975 (amended 1980)	.10 and above - presumption	<p>First offense: Imprisonment for not more than one year, or by a fine of not less than \$100 nor more than \$1,000, or by both such fine or imprisonment.</p> <p>Second offense within five years: Fine of not less than \$200 nor more than \$1,500 or by imprisonment in county or municipal jail for not more than one year, or by both such fine and imprisonment.</p> <p>Revocation of driver's license for six months.</p> <p>First time offenders are required to complete a DWI court referral program approved by the state administrative office of courts.</p>
ALASKA	Alaska Statutes, Section 28.35.030	1949 (amended 1980)	<p>.05 or less - no presumption</p> <p>.05-.10 - no presumption but may be considered in determining whether person was under influence</p> <p>.10 and above - presumption</p>	<p>First offense: Fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment, and the court shall impose a minimum sentence of imprisonment of not less than 3 consecutive days.</p> <p>Second offense within 5 years: Court shall impose a minimum sentence of imprisonment of not less than 10 consecutive days.</p> <p>Revocation of driver's license for a period of not less than 30 days for first conviction.</p> <p>If there are grounds for suspecting that the vehicle was involved in a collision with a person, the vehicle shall be impounded at the expense of the owner, for which the custodian shall have a lien, and shall be accessible only to officers detailed to investigation of the case until released.</p>

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
ARIZONA	Arizona Revised Statutes, Section 28-692.01	1959 (amended 1978)	<p>.05 or less - no presumption</p> <p>.05-.10 - no presumption but may be considered in determining guilt or innocence of defendant</p> <p>.10 and above - presumption</p>	<p>First offense: Not eligible for probation, pardon, parole, commutation or suspension of sentence or release on any other basis until such person has served not less than one day in jail. Revocation of driver's license and suspension of driving privileges for period of time ordered by judge.</p> <p>Second offense within 24 months: Sixty days in jail, surrender of driver's license, and revocation of driving privileges for period of time ordered by judge.</p>
ARKANSAS	Arkansas Statutes Annotated, Sections 75-1027 - 75-1031	1953 (amended 1967)	<p>.05 or less - no presumption</p> <p>.05-.10 - no presumption but may be considered in determining guilt or innocence of defendant</p> <p>.10 and above - presumption</p>	<p>First offense: Imprisonment for not less than 24 hours, fine of not less than \$50 nor more than \$500, and driving privileges revoked for not more than one year.</p> <p>Second offense within one year: Fine of not less than \$250 nor more than \$1,000 and, in the discretion of the judge, may be imprisoned not more than one year, and driving privileges revoked for one year.</p>

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
CALIFORNIA	Vehicle Code Sections 13201.5, 14602, 23102	1959 (amend- ed 1980)	.05 or less - no presumption .05-.10 - may be considered in determining whether person was under the influence of intoxicating liquor .10 and above- presumption	<p>First offense: Imprisonment in the county jail for not less than 48 hours nor more than six months or by fine of not less than \$250 nor more than \$500 or by both such fine and imprisonment. If, however, any person so convicted consents to, and does participate in and successfully completes, a driver improvement program or treatment program for persons who are habitual users of alcohol, or both such programs, as designated by the court, the court shall punish such person by a fine of not less than \$100 or by imprisonment in the county jail for not less than 48 hours nor more than six months or by both such fine and imprisonment.</p> <p>Second offense within five years: Imprisonment in the county jail for not less than 48 hours nor more than one year and by a fine of not less than \$250 nor more than \$1,000.</p> <p>A court may suspend the privilege of any person to operate a motor vehicle, for a period not exceeding six months, upon conviction of driving while under the influence of intoxicating liquor or under the combined influence of intoxicating liquor and any drug.</p> <p>Whenever a person is convicted for driving while his driving privilege has been suspended or revoked with respect to a motor vehicle of which he is the owner, the court, at the time sentence is imposed on the person, may order the motor vehicle impounded in such manner as the court may determine, for a period of not to exceed six months for a first conviction, and not to exceed 12 months for a second or subsequent conviction.</p>
COLORADO	Colorado Revised Statutes 42-4-1202	1963 (amend- ed 1978)	.05 or less - no presumption .05-.10 - no presumption but may be considered in determining guilt or inno- cence of defendant .10 and above-	<p>First offense: Fine of not less than \$100 nor more than \$1,000, or by imprisonment in county jail for not less than one day nor more than one year, or by both such fine and imprisonment.</p> <p>Second or subsequent offense within five years: Fine of not less than \$100 nor more than \$1,000, or imprisonment in county jail for not less than 90 days nor more than one year, or by both such fine and imprisonment.</p> <p>Revocation of driver's license for 6 months.</p>

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
CONNECTICUT	Connecticut General Statutes Annotated, Sections 14-111, 14-227a	1971 (amended 1979)	<p>.05 or less - no presumption</p> <p>.05-.10 - no presumption but may be considered in determining whether person was under influence</p> <p>.10 and above - prima facie evidence that person was under influence</p>	<p>First offense: Not less than \$150 nor more than \$500 or imprisonment for not more than 6 months or by both such fine and imprisonment. Suspension of driver's license for a period of not less than one year.</p> <p>Second offense: Imprisonment for not less than 60 days nor more than one year. Suspension of driver's license for a period of not less than five years.</p> <p>Any subsequent offense: Imprisonment for not less than 6 months nor more than one year. Suspension of driver's license for a period of not less than five years.</p>
DELAWARE	Delaware Codes Annotated, Title 21, Section 4177	1969 (amended 1979)	.10 - presumption	<p>First offense: Fine of not less than \$200 nor more than \$1,000 or imprisonment for not less than 60 days nor more than 6 months or both. Revocation of driver's license for one year.</p> <p>Second offense within five years: Fine of not less than \$500 nor more than \$2,000 and imprisonment for not less than 60 days nor more than 18 months.</p>
FLORIDA	Florida Statutes Annotated, Title 22, Section 316.193	1974 (amended 1980)	<p>.05 or less - no presumption</p> <p>.05-.10 - may be considered in determining whether person was under influence</p> <p>.10 and above - presumption</p>	<p>First offense: Imprisonment for not more than 6 months or by a fine of not less than \$25 or more than \$500, or by both such fine and imprisonment.</p> <p>Second offense within 3 years: Imprisonment for not less than 10 days nor more than 6 months and, in the discretion of the court, a fine of not more than \$500.</p> <p>Third or subsequent offense within five years: Imprisonment for not less than 30 days nor more than 12 months and, in the discretion of the court, a fine of not more than \$1,000.</p>

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
GEORGIA	Georgia Codes Annotated, Section 68A-902	1974	<p>.05 or less - no presumption</p> <p>.05-.10 - no presumption but may be considered in determining whether person was under influence of alcohol</p> <p>.10 and above- presumption</p>	<p>First offense: Imprisonment for not less than ten days nor more than one year, or by fine of not less than \$100 nor more than \$1,000 or by both.</p> <p>Second or subsequent offense within three years: Imprisonment for not less than 90 days nor more than one year and, in the discretion of the court, a fine of not more than \$1,000.</p>
HAWAII	Hawaii Revised Statutes, Title 17, Section 291.4 291C-170	1949 (amended 1955)	<p>.05 or less - no presumption</p> <p>.05-.10 - no presumption but may be considered in determining whether person was under influence of intoxicating liquor</p> <p>.10 and above- presumption</p>	<p>First offense: Fine of not more than \$1,000 or imprisonment for not more than one year, or both.</p> <p>Court may suspend or revoke, for a period not to exceed one year, the license of any driver convicted of a violation of any section or provision of the state traffic laws involving a vehicle in motion.</p>

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
IDAHO	Idaho Code Section 49-1102	1970 (amended 1980)	.08 or less - no presumption but fact may be considered in determining guilt or innocence of defendant .08 and above - presumption	First offense: Imprisonment in county or municipal jail for not more than six months or by fine of not more than \$300 or both. Second or subsequent offense: Imprisonment in state penitentiary for not more than five years. Driver's license suspended by Director of Department of Law Enforcement for 90 days upon first conviction, 6 months upon second conviction occurring within a two year period from time of first conviction, and a one year suspension upon a third conviction occurring within a three year period of the time from the first conviction.
ILLINOIS	Illinois Annotated Statutes, Chapter 95 1/2, Section 11-501	1970 (amended 1979)	.05 or less - no presumption .05-.10 - no presumption but may be considered in determining whether such person was under influence of intoxicating liquor .10 and above - presumption	First offense: Imprisonment for not less than 2 days nor more than one year, or by fine of not less than \$100 nor more than \$1,000, or by both such fine and imprisonment. Second offense within five years: Imprisonment for not less than 90 days nor more than one year and, in the discretion of the court, a fine of not more than \$1,000. Secretary of State shall revoke driver's license of any person convicted under this section.

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
INDIANA	Burns Indiana Statutes Annotated, Title 9, Article 9-4-1-54(b)	1939 (amended 1977)	.05 or less - prima facie evidence that defendant not intoxicated .05-.10 - relevant evi- dence that defendant was intoxicated .10 and above- presumption	First offense: Imprisonment for not less than 5 days nor more than 6 months, or fine of not less than \$25 nor more than \$500 or both. The court shall recommend suspension of current driving license for not less than two months nor more than one year. Second or subsequent offense within a three year period: Imprisonment for not less than five days nor more than one year and a fine of not less than \$250 nor more than \$1,000, and suspension of driver's license for not less than one year nor more than two years.
IOWA	Iowa Code Annotated, Sections 321.281, 321.283	1947 (amended 1976)	.10 and above- presumption evidence that defendant was under influence	First offense: Serious misdemeanor punishable by imprisonment in county jail for not less than 2 days. Second offense: Aggravated misdemeanor punishable by imprisonment in county jail not less than 7 days. For second offense and each offense thereafter: Court may commit the defendant for treatment of alcoholism to any hospital or institution in Iowa providing such treatment. When the court orders defendant, at own expense, to enroll, attend and successfully complete a course for drinking drivers, the court shall also order that the revocation of the driver's license shall be for an indefinite period.

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
KENTUCKY	Kentucky Revised Statutes, Chapters 189.520, 189.990	1946 (amended 1980)	.05 or less - no presumption .05-.10 - no presumption but may be considered in determining guilt or inno- cence of defendant .10 and above- presumption	First offense: Fine of not less than \$100 nor more than \$500. Second offense: Fine of not less than \$100 nor more than \$500 and imprisonment for not less than 3 days nor more than 6 months. Each subsequent offense: Fine of not less than \$100 nor more than \$500 and imprisonment for not less than 30 days nor more than 12 months.
LOUISIANA	Louisiana Revised Statutes, Sections 19:98, 32:414	1956 (amended 1979)	.10 and above- presumption	First offense: Fine of not less than \$100 nor more than \$400 and court may impose one of the following penalties: imprisonment in parish jail for not less than 30 days nor more than 6 months or treatment at a substance abuse treatment facility. Suspension of driver's license for 60 days. Second offense: Fine of not less than \$125 nor more than \$500 and imprisonment for not less than 125 days nor more than 6 months. In lieu of imprisonment, court may order treatment at a substance abuse treatment facility. Revocation of driver's license for 12 months. Third offense: Imprisonment with or without hard labor for not less than one year nor more than 5 years, and may be fined not more than \$1,000. Fourth offense: Imprisonment at hard labor for not less than 10 nor more than 20 years.

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
MAINE	Maine Revised Statutes Annotated, Section 29.1312	1954 (amended 1977)	<p>.05 or less - prima facie evidence that defendant not under influence</p> <p>.05-.10 - may be considered in determining whether or not defendant was under influence</p> <p>.10 and above - prima facie evidence that defendant was under influence</p>	<p>First offense: Fine of not less than \$250 nor more than \$1,000 and may be imprisoned for not more than 90 days.</p> <p>Second offense: Imprisonment for not less than 24 hours nor more than 6 months, and a fine of not less than \$250 and not more than \$2,000.</p> <p>Suspension of driver's license on first conviction for a period of 30 days, on second conviction for a period of 6 months, and on third and subsequent convictions for a period of two years.</p>
MARYLAND	Annotated Code of Maryland, Sections 27-101, 21-902	1977	<p>.10-.15 - prima facie evidence of impairment</p> <p>.15 and above - prima facie evidence of intoxication</p>	All offenses: Fine of not more than \$500 or imprisonment for not more than two months or both.

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
MASSACHUSETTS	Annotated Laws of Massachusetts, Chapter 90-24	1972 (amended 1975)	.05 or less - no presumption .05-.10 - no presumption .10 and above - presumption	<p>First offense: Fine of not less than \$35 nor more than \$1,000 or by imprisonment for not less than 2 weeks nor more than 2 years.</p> <p>Second offense: Imprisonment in state prison for not more than 5 years or in a house of correction for not less than 30 days nor more than 2 1/2 years, or by a fine of not more than \$1,000 or by both such fine and imprisonment.</p> <p>Third offense within five years: Fine of not less than \$200 nor more than \$1,000 or by imprisonment for not less than 6 months nor more than 2 1/2 years nor more than five years in the state prison or by both such fine and imprisonment.</p> <p>Revocation of driver's license for five years after the date of revocation following conviction.</p>
MICHIGAN	Michigan Statutes Annotated, Volume 8, Section 9.2325	1951 (amended 1979)	.07 or less - no presumption .07-.10 - presumption that defendant's ability to operate a motor vehicle was impaired .10 and above - presumption under influence	<p>First offense: Imprisonment in county jail or Detroit house of correction for not more than 90 days or fine of not less than \$50 nor more than \$100 or both.</p> <p>Second offense: Imprisonment for not more than one year and, in discretion of court, a fine of not more than \$1,000.</p> <p>Third or subsequent offense within a period of ten years: Person shall be guilty of a felony punishable by imprisonment in state prison for not more than four years or by a fine of not more than \$2,000, or by both such fine and imprisonment.</p> <p>Driver's license to be suspended by the Secretary of State for a period of not more than 2 years. Secretary of State may issue a restricted license permitting that person to drive only to and from the person's residence and place of employment.</p>
MINNESOTA	Minnesota Statutes Annotated, Volume 12A, Section 169.121	1959 (amended 1973)	None	<p>First offense: Imprisonment for not more than 90 days or fine of not more than \$500 or both, and driver's license shall be revoked for not less than 30 days.</p> <p>Second offense within three years: Imprisonment for not more than 90 days, or a fine of not more than \$500 or both, and driver's license shall be revoked for not less than 90 days.</p>

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
MISSISSIPPI	Mississippi Code of 1972 Annotated, Title 63, Section 63-11-31	1942 (amended 1971)	less than .10 - no presumption .10-.15 - may be considered in determining whether person was intoxicated .15 and above - presumption	First offense: Imprisonment for not more than 6 months or fine of not less than \$50 nor more than \$500. Second or subsequent offense within two year period: Imprisonment for not less than 10 days nor more than one year and fine of not less than \$100 nor more than \$1,000 or both. Upon second or subsequent offense, Commissioners of Public Safety shall revoke driver's license for one year.
MISSOURI	Vernon's Annotated Missouri Statutes, Section 577.010	1975	.05 or less - no presumption .05-.10 - may be considered in determining whether person was intoxicated .10 and above - prima facie evidence that person was intoxicated	First offense: Fine of not less than \$150 or confinement in county jail for not more than 3 months, or both. Second offense within three years: Confinement in county jail for a term of not less than 45 days nor more than 1 year. Third and subsequent offense within three years: Confinement in county jail for a term of not less than 45 days nor more than 1 year. Director of Revenue effects point system for suspension and revocation of license. Point value for driving while intoxicated - 12 points. Revocation of operating privilege of any person whose driving record has obtained 12 points in 12 months or 18 points in 24 months or 24 points in 36 months. Revocation shall remain in effect for a period of 2 years from its effective date.

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
MONTANA	Montana Codes Annotated, Section 32-2142	1955 (amended 1961)	.05 or less - no presumption .05-.15 - may be considered in determining guilt or innocence of defendant .15 and above - presumption	<p>First offense: Fine of not less than \$100 nor more than \$500, and revocation of driver's license for 6 months. Judge may recommend a limited driver's license for work related driving.</p> <p>Second offense: Fine of not less than \$300 nor more than \$500, and 30 days in county jail, and revocation of driver's license for one year. Person may apply for limited driver's license after three months. Judge may suspend jail term.</p> <p>Third and subsequent offense: Fine of not more than \$1,000 plus 30 days to one year imprisonment. First ten days of sentence may not be suspended. Mandatory one year license revocation. Person may not apply for limited license.</p> <p>In addition to other penalties, judge may require successful completion of DUI educational program course.</p>
NEBRASKA	Nebraska Revised Statutes, Section 39-669.07	1972 (amended 1980)	None	<p>First offense: Imprisonment in the county jail for not longer than 3 months, or fine of \$100 or both such imprisonment and fine. Revocation of driver's license at discretion of judge.</p> <p>Second offense: Imprisonment in the county jail for not less than five days not more than three months and fined \$300. Revocation of driver's license for one year from date of discharge or the date of payment, whichever is longer. If the motor vehicle the person was driving at the time of the incident was registered in the name of the defendant, the vehicle is impounded in a garage designated by the court for not less than two months.</p> <p>Third or subsequent offense: Imprisonment in the Nebraska Penal and Correctional Complex for not less than one year nor more than three years. Revocation of license for one year after final discharge.</p>

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
NEW HAMPSHIRE	New Hampshire Revised Statutes, Section 262-A:62	1949 (amended 1979)	<p>.05 or less - prima facie evidence of not being under influence</p> <p>.05-.10 - may be considered in determining guilt or innocence of defendant</p> <p>.10 and above - prima facie evidence that defendant under influence</p>	<p>First offense: Discretionary suspension of driver's license for not less than 30 days nor more than one year.</p> <p>Second offense within 3 years: Imprisonment for not less than ten days and/or a fine of not more than \$500. Mandatory revocation of driver's license for two years.</p> <p>If DUI caused death or bodily harm, imprisonment for not less than one year nor more than 6 years. Revocation of driver's license for one year after release. Fine of not more than \$5,000 or both.</p>
NEW JERSEY	New Jersey Statutes, Section 39:4-50.1	1951 (amended 1977)	<p>.05 or less - no presumption</p> <p>.05-.10 - may be considered in determining guilt or innocence of defendant</p> <p>.10 and above - presumption</p>	<p>First offense: Fine of not less than \$200 nor more than \$500 or imprisonment for 30 days. License revocation is mandatory not less than 60 days, discretionary not more than 180 days.</p> <p>Second offense within 15 years: Fine of not less than \$500 nor more than \$1,000, imprisonment for not more than 90 days, or by both such fine and imprisonment. License revocation is mandatory for one year, discretionary for not more than three years.</p> <p>Third offense within 10 years after second conviction: Mandatory fine of \$1,000 and 30 days imprisonment. Mandatory revocation of license for five years.</p> <p>On any conviction, judge may order person to complete the DUI educational program course.</p>

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
NEW MEXICO	New Mexico Statutes, Chapter 66-8-102	1953 (amended 1979)	<p>.05 or less - no presumption</p> <p>.05-.10 - may be considered in determining whether person under the influence</p> <p>.10 and above - presumption</p>	<p>First offense: Fine of not more than \$200, or jail for not less than 30 days nor more than 90 days. Charges may be dismissed upon successful completion of DWI education program.</p> <p>Second offense: Discretionary imprisonment for not less than 60 days nor more than 180 days. Mandatory revocation of driver's license for one year.</p>
NEW YORK	McKinney's New York Consolidated Laws, Book 62A, Sections 1192, 1194	1972 (amended 1975)	<p>.05 or less - no presumption</p> <p>.05-.15 - may be considered in determining whether person is under influence</p> <p>.10 and above - prima facie evidence that defendant's ability to operate a motor vehicle was impaired</p> <p>.15 and above - prima facie evidence that defendant was intoxicated</p>	<p>First offense: Imprisonment in either a penitentiary or county jail for not more than one year, or fine not to exceed \$500, or both such fine and imprisonment. Suspension of driver's license for 60 days.</p> <p>Second or subsequent offense within ten years: Felony punishable by imprisonment for not less than 6 months nor more than three years and mandatory revocation of driver's license. License may be preserved and imposed penalties satisfied by participation in alcohol rehabilitation program, available if court does not object.</p>

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
NORTH CAROLINA	North Carolina General Statutes, Ch. 20-138B	1937 (amended 1973)	None	<p>First offense: Fine of not less than \$100 nor more than \$500, or imprisonment for not less than 30 days or longer than 6 months, or by both such fine and imprisonment. Suspension of license at the discretion of the court.</p> <p>Second offense within 10 years: Fine of not less than \$200 nor more than \$500, or imprisonment for not less than two months nor more than 6 months, or by both such fine and imprisonment. Revocation of driver's license at the discretion of court.</p> <p>Third or subsequent offense within 10 years: Fine of not less than \$500, imprisonment for not more than two years, or both such fine and imprisonment. Revocation of driver's license at the discretion of the court.</p>
NORTH DAKOTA	North Dakota Century Code, Section 39-08-01	1923 (amended 1977)	<p>.05 or less - no presumption</p> <p>.05-.10 - relevant evidence but not to be given prima facie effect in indicating whether the person was under influence</p> <p>.10 and above - presumption</p>	<p>First offense: Class "B" misdemeanor punishable by a minimum of 3 days imprisonment or a fine of \$100 or both, and a maximum of 30 days or a fine of \$500 or both.</p> <p>Second offense within 18 months: Imprisonment in county jail for not less than 3 days nor more than 30 days and, in the discretion of the court, a fine of not less than \$150 nor more than \$500.</p> <p>Court may order the motor vehicle number plates of the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the sheriff or chief law enforcement officer of the city, as is appropriate, for the duration of the period of suspension of the offender's driver's license or driving privilege by the licensing authority.</p>

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
OHIO	Page's Ohio Revised Code Annotated, Title 45, Sections 4507.17, 4511.19	1963 (amended 1971)	less than .05 - no presumption .05-.10 - may be considered in determining guilt or innocence of defendant .10 and above - presumption	All offenses: Misdemeanor punishable by imprisonment of not more than 6 months and suspension of license for not less than 30 days nor more than 3 years.
OKLAHOMA	Oklahoma Statutes, Title 47, Section 761	1972 (amended 1978)	.05 or less - no presumption .05-.10 - relevant evidence of operating a motor vehicle is impaired by consumption of alcohol .10 and above - prima facie evidence that person was under influence	First offense: Fine of not less than \$100 nor more than \$300. Second or subsequent offenses: Fine of not less than \$300 nor more than \$500. Commissioner of the Department of Public Safety shall suspend driving privileges for six months.
OREGON	Oregon Revised Statutes, Section 487.540	1975 (amended 1979)	None	All offenses: Fine not to exceed \$1,000. Court may suspend driver's license. Court may order offender to complete a treatment program administered by the Division of Mental Health.

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
PENNSYLVANIA	Pennsylvania Consolidated Statutes, Title 75, Sections 1532C, 3731, Title 18, Section 106	1976	.05 or less - no presumption .05-.10 - may be considered in determining whether person was under influence .10 and above - presumption	All offenses: Misdemeanor punishable by imprisonment for not more than one year. Suspension of operating privileges of convicted driver for 6 months.
RHODE ISLAND	Rhode Island General Laws, Title 31, Chapter 27, Section 2	1950 (amended 1980)	.05 or less - no presumption .05-.10 - may be considered in determining whether person was under influence .10 and above - presumption	First offense: Fine of not more than \$500 and suspension of driver's license for up to one year, or imprisonment for up to one week, and shall be sentenced to attend a special course on driving while intoxicated, operated under the jurisdiction of a college or university accredited by the state. Second offense within three year period: Mandatory \$500 fine and mandatory suspension of driver's license for not less than 6 months, and shall be sentenced to attend a special course as provided. Third offense: Mandatory fine of \$1,000 and revocation of driver's license for one year. May be imprisoned up to 6 months and required to attend a special course as provided.
SOUTH CAROLINA	Code of Laws of South Carolina, Sections 56-5-2930, 56-5-2940, 56-5-2990	1962	.05 or less - no presumption .05-.10 - may be considered in determining guilt or innocence of defendant .10 and above - presumption	First offense: Fine of not less than \$50 nor more than \$100 or imprisonment for not less than 10 days nor more than 30 days. Second offense: Fine of not less than \$1,000 or imprisonment for one year, or both. Third offense: Fine of not less than \$2,000 or imprisonment for 3 years or both. Suspension of driver's license: First offense - 6 months Second offense - 1 year Third and subsequent offense - 2 years

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
SOUTH DAKOTA	South Dakota Codified Laws, 32-23-1	1913 (amended 1976)	.05 or less - no presumption .05-.10 - may be considered in determining guilt or innocence of defendant .10 and above - presumption	First offense: Class 2 misdemeanor punishable by 30 days imprisonment in county jail or fine of \$100, or both, and prohibition against operating a motor vehicle for 30 days. Second offense: Class 2 misdemeanor punishable by 30 days imprisonment in county jail or fine of \$100, or both, and prohibition against operating a motor vehicle for 60 days. Third or subsequent offense: Class 6 felony punishable by 2 years imprisonment in state penitentiary or a fine of \$2,000 or both, and prohibition against operating a motor vehicle for such period of time as may be determined by the court, but in no event less than one year from the date of his final discharge.
TENNESSEE	Tennessee Code Annotated, 55-10-401 et seq.	1953 (amended 1980)	.05 or less - no presumption .10 and above - presumption	First offense: Fine of not less than \$10 nor more than \$500 and imprisonment for not less than 48 hours nor more than 11 months and 29 days, and prohibition from driving for any period of time less than 6 months. Second offense: Fine of not less than \$25 nor more than \$750 and imprisonment for not less than 5 days not more than 11 months and 29 days, and prohibition from driving for any period of time less than 1 year. Third or subsequent offense: Fine of not less than \$50 nor more than \$1,000 and imprisonment for not less than 60 days nor more than 11 months and 29 days, and prohibition from driving for a period of time not less than 2 years nor more than 10 years.
TEXAS	Texas Statutes, Sections 6701L-1, 6701L-5	1979	.10 and above - presumption	First offense: Misdemeanor punishable by imprisonment in county jail for not less than 3 days nor more than 2 years and by fine of not less than \$50 nor more than \$500. Judge may commute jail sentence to probation for not less than 6 months. Second or subsequent offense: Felony punishable by fine of not less than \$100 nor more than \$5,000 or imprisonment in county jail for not less than 10 days nor more than 2 years, or by both such fine and imprisonment, or by confinement in state penitentiary not to exceed 5 years.

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
UTAH	Utah Code Annotated, Section 41-6-44	1953 (amended 1973)	.05 or less - no presumption .05-.08 - may be considered in determining whether the person was under the influence .08 and above- presumption	All offenses: Imprisonment for not longer than 30 days nor more than six months, or fine of not more than \$100 nor more than \$299, or both such fine and imprisonment. If great bodily injury occurred as a result of such incident, he or she will be imprisoned for not longer than one year and fined not more than \$1,000.
VERMONT	Vermont Statutes Annotated, Title 23, Section 1201	1973 (amended 1975)	.05 or less - no presumption .05-.10 - may be considered in determining whether the person was under the influence	First offense: If the offender completes a driver rehabilitation program and pays corresponding fees (\$50) for such program, the offender's driver's license is suspended for 90 days. If the offender does not, his or her license is suspended for one year. Second offense within three years: If the offender completes the aforementioned course, his or her license is revoked for 18 months. If the offender does not complete such a course, his or her license is revoked for three years. Third or subsequent offense within three years: If the offender completes the aforementioned course, the offender's license is revoked for three years. If not, his or her license is revoked for six years. All offenses: Fine of not less than \$125 nor more than \$500 or imprisonment for not more than one year, or both such fine and imprisonment. If death or injury of any person results from such violation, the violator may be imprisoned for not more than five years, or fined \$2,000, or both such fine and imprisonment.

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
VIRGINIA	Virginia Code, Section 18.2-269	1950 (amended 1975)	<p>.05 or less - no presumption</p> <p>.05-.10 - may be considered in determining the guilt or innocence of the accused</p> <p>.10 and above - presumption</p>	<p>First offense: Class 2 misdemeanor punishable by a fine of not more than \$500, 6 months imprisonment, or by both such fine and imprisonment.</p> <p>Second offense within ten years: Fine of not less than \$200 nor more than \$1,000 and imprisonment of one to twelve months.</p> <p>Driver's license shall be revoked for a minimum period of six months for a first offense.</p> <p>Second or subsequent offense within 10 years: Revocation of driver's license for a period of 3 years.</p>
WASHINGTON	Revised Code of Washington, Section 46.61.504	1979	<p>.05 or less - no presumption</p> <p>.05-.10 - may be considered in determining whether the person was under the influence</p> <p>.10 and above - presumption</p>	<p>First offense: Imprisonment for not less than one day nor more than one year and a fine of not more than \$500. In addition, the offender shall be required to complete a course at an alcohol information school. Driver's license shall be suspended by the Department of Licensing for not less than 30 days. Court may recommend that no suspension take place but the decision is ultimately up to the Department of Licensing.</p> <p>Second or subsequent offense within five years: Imprisonment for not less than seven days nor more than one year and a fine of not more than \$1,000. Suspension of license by Department of Licensing for not less than 60 days. If, at the time of a second or subsequent conviction, the person has no license because of previous suspension, there is a mandatory minimum of 90 days imprisonment and a fine of \$200.</p>

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
WEST VIRGINIA	West Virginia Revised Statutes, Chapter 17c-5-2	1951 (amended 1976)	<p>.05 or less - prima facie evidence that person not under influence</p> <p>.05-.10 - relevant evidence, but it is not to be given prima facie effect in indicating whether person was under influence of intoxicating liquor</p> <p>.10 and above - prima facie evidence that person was under influence of intoxicating liquor</p>	<p>First offense: Imprisonment for not less than 24 hours nor more than 6 months, fine of not less than \$50 nor more than \$100, revocation of driver's license for 6 months, and attendance at an alcoholism education class.</p> <p>Second offense: Imprisonment for not less than 6 months nor more than one year, a fine of not less than \$100 nor more than \$500, and revocation of driver's license for five to ten years.</p> <p>Third offense: Imprisonment for not less than one nor more than three years, and revocation of driver's license for ten years to life.</p>
WISCONSIN	Wisconsin Statutes Annotated, Sections 346.63, 346.65	1957 (amended 1979)	None	<p>First offense: Fine of not less than \$100 nor more than \$500.</p> <p>Second or subsequent offense within 5 years: Fine of not less than \$250 nor more than \$1,000 and imprisonment not less than 5 days nor more than 6 months.</p>

State	Code Sections Relating to DUI	Year Enacted	BAC Level (Percent)	Penalty for Violation of Law
WYOMING	Wyoming Statutes, Section 31-5-233	1939 (amended 1979)	.05 or less - no presumption .05-.10 - may be considered in determining whether the person was under influ- ence of intox- icating liquor .10 and above- presumption	First offense: Misdemeanor punishable by 30 days imprisonment or a fine of not less than \$100 nor more than \$500. Revocation of driver's license for 90 days. Second offense within five years: Imprisonment for not less than 7 days nor more than 90 days and a fine of not less than \$200 nor more than \$750. Judge may suspend part or all of the prison sentence beyond 7 days if the convicted person agrees to complete an alcohol education program. Revocation of driver's license for 6 months.

TABLE 3

BAC LEVEL AND CORRESPONDING PSYCHOMOTOR CHARACTERISTICS

<u>BAC Level</u>	<u>Characteristics of Impairment</u>
.01 - .04 percent	Impairment not serious. There is an absence of overt effects, a mild alteration of feelings, slight intensification of existing mood.
.05 - .09 percent	Ability and judgment are impaired. There is a relaxed mild sedation, exaggeration of emotion and behavior, and impairment of fine motor skills. Visual and hearing acuity are reduced; there is slight speech impairment, minor disturbance of balance, increased difficulty in performing psychomotor tasks, and feeling of elation or depression.
.10 - .14 percent	Ability and judgment notably impaired in everyone. Difficulty in performing many gross motor tasks, a notable increase in reaction time, uncoordinated behavior, and definite impairment of mental faculties, memory and judgment.
.15 percent +	Ability and judgment seriously impaired in everyone. Exhibition of major impairment of all physical and mental functions, irresponsible behavior, a general feeling of euphoria, difficulty standing, walking, and distorted perception and judgment. If BAC reaches 0.50 percent, a coma develops, and by 0.60 percent death can result.

Source: Alcohol: Use, Nonuse and Abuse, by C. R. Carrol (Indiana: William C. Brown Co., 1970).

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TABLE 4

BLOOD ALCOHOL CONCENTRATION (BAC) LEVELS FOR SELECTED EUROPEAN COUNTRIES

<u>Country</u>	<u>BAC Level</u>	<u>Country</u>	<u>BAC Level</u>
Austria	.08	Luxemburg	.08
Belgium	.09	Norway	.05
Czechoslovakia	.03	Netherlands	.05
Denmark	.06	Spain	.08
France	.08	Sweden	.05
Great Britain	.08	Switzerland	.08
Greece	.05	West Germany	.08
Hungary	.06	Canada	.08
Iceland	.05	Australia (Victoria)	.05
		(Other states)	.08

Source: Minnesota Alcohol and Traffic Safety Program, Office of Traffic Safety, Minnesota Department of Public Safety, 1978.

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