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Administrative and Criminal Aspects*

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Secção I

Investigação Científica*

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Foreign Experience of Responsibility for Driving Vehicles in Condition of Alcohol Intoxication: International Standards, Administrative and Criminal Aspects

Experiência Estrangeira de Responsabilidade pela Condução de Veículos em Estado de Intoxicação por Álcool: Normas Internacionais, Aspectos Administrativo e Penal

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ABSTRACT: The purpose of the article consists in revealing foreign experience of responsibility for driving vehicles in condition of alcohol intoxication (international standards, administrative and criminal aspect). Considered is the legislation of some European countries (Great Britain and Germany), Australia and the USA regarding responsibility for driving vehicles in condition of alcohol intoxication. Attention is drawn to the fact that among the possible measures, legislation of some states provides for mandatory equipment of the offender's vehicle with an alcohol blocking device or mandatory rehabilitation or rehabilitation programs (the so-called "therapeutic jurisprudence"). It has been concluded that the legislation of the European Union countries, the United States and other countries of the world try to deter serious violators and so-called "repeat offenders" by means of creating specialized courts (organizational factor), strengthening punishment sanctions (jurisdictional factor), spreading educational and therapeutic programs (medical educational factor) and using vehicle blocking devices in case of identification of alcohol in the driver's organism (technical factor).

KEYWORDS: alcohol intoxication; responsibility; foreign experience; directions for improvement; international standards; legal regulation; transport vehicles.

RESUMO: O objetivo do artigo consiste em revelar a experiência estrangeira de responsabilidade pela condução de veículos em condição de intoxicação alcoólica (normas internacionais, aspecto administrativo e criminal). Considera-se a legislação de

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alguns países europeus (Grã-Bretanha e Alemanha), Austrália e EUA relativamente à responsabilidade pela condução de veículos em estado de intoxicação alcoólica. Chama-se a atenção para o fato de que, entre as medidas possíveis, a legislação de alguns estados prevê a obrigatoriedade de equipar o veículo do infrator com dispositivo bloqueador de álcool ou programas obrigatórios de reabilitação ou reabilitação (a chamada “jurisprudência terapêutica”). Concluiu-se que a legislação dos países da União Europeia, dos Estados Unidos e de outros países do mundo tenta dissuadir infratores graves e os chamados “reincidentes” por meio da criação de tribunais especializados (fator organizacional), fortalecimento de sanções punitivas (fator jurisdicional), divulgando programas educativos e terapêuticos (fator médico educativo) e utilizando dispositivos de bloqueio de veículos em caso de identificação de álcool no organismo do condutor (fator técnico).

PALAVRAS-CHAVE: intoxicação alcoólica; responsabilidade; experiência estrangeira; orientações para melhoria; padrões internacionais; regulamentação legal; veículos de transporte.

Introduction

Article 8 of the UN Convention on Road Traffic of 1968 stipulates that the driver must control his vehicle in such a way as to always be able to drive it properly. He must be familiar with the rules of the road, and regulations in the field of road safety, as well as with factors that can affect his behavior, such as fatigue, taking medication and driving a vehicle under the influence of alcohol and drugs. National legislation should provide for specific provisions on driving under the influence of alcohol, as well as the legally permissible blood alcohol content and, where appropriate, the content of alcohol in breath exhaled (BrAC) by such a person, the excess of which is incompatible with driving a vehicle. According to international standards, in all cases, the maximum blood alcohol content (BAC) should not exceed 0.50 g of pure alcohol per litre of blood or 0.25 mg per litre of exhaled air. However, these standards are subject to change and should be defined in national legislation⁶.

Studies conducted in 2013-2014 (commissioned by the General Department for Mobility and Transport of the European Commission), research presented data on the use of alcohol and other psychoactive substances by drivers in thirteen European countries.

⁶ Convention on Road Traffic. UN International Document dated November 8, 1968, with amendments and additions. introduced by the European Agreement dated May 1, 1971, with amendments dated September 28, 2004. Available online. In: http://search.ligazakon.ua/l_doc2.nsf/link1/MU70K01U.html.

According to the results of the analysis of research on road safety (V. L. Sopilnyk⁷, J. Archer⁸, G. Lovegrove and T. Sayed⁹ and others) it can be concluded that the decisive role in the occurrence of traffic accidents is mostly played by the “human factor”. Despite the fact that over the past few years, attention to the development of road infrastructure has increased in Ukraine, the problems of mortality and injuries from road traffic accidents for Ukraine remain acute to this day, and the situation in this area is, according to some estimates, even catastrophic¹⁰.

Calculations carried out by S. D. Levitt and J. Porter show that drivers with alcohol in their blood are at least fifteen times more dangerous to road safety than sober drivers and are at least eight times more likely to cause a fatal car accident¹¹. Even such a factor as a person’s tendency to violate traffic rules has less influence on the risk of creating a traffic accident with injuries or deaths than the influence of alcohol¹².

It has been reliably established that any actions under the influence of alcohol (ethanol) are associated with an increased likelihood of traumatic injury. Psychologists and physiologists associate this connection with impaired judgment and psychomotor activity caused by exposure to toxic substances, which leads to an increase in the likelihood of injury. However, controlled laboratory studies have clearly shown that alcohol actually only exacerbates the harmful effects of trauma in dangerous situations.

A detailed analysis of a large array of data conducted by scientists (P. Waller, J. Stewart, A. Hansen, (the situations of more than 1 million drivers involved in traffic accidents were analyzed) showed that in totality of a number of

⁷ Sopilnyk L. I. Development of the theory and principles of the formation of the regulatory framework of road traffic safety: autoref. thesis ... Dr. Tech. Sciences: 05 January, 2002. National Lviv Polytechnic University. Lviv, 2002. 32.

⁸ Archer, J. Indicators for traffic safety assessment and prediction and their application in micro-simulation modeling: A study of urban and suburban intersections. *Doctoral Dissertation*. Stockholm: Royal Institute of Technology. 2005. Stockholm. ISBN 91-7323-119-3.

⁹ Lovegrove, G., Sayed, T. Macro-level collision models for evaluating neighbourhood traffic safety. *Canadian Journal of Civil Engineering*, 33(5). 2006. 609–621.

¹⁰ Leheza Ye., Pisotska K., Dubenko O., Dakhno O., Sotskyi A. The Essence of the Principles of Ukrainian Law in Modern Jurisprudence. *Revista Jurídica Portucalense*, December, 2022. 342-363. [https://doi.org/10.34625/issn.2183-2705\(32\)2022.ic-15](https://doi.org/10.34625/issn.2183-2705(32)2022.ic-15)

¹¹ Levitt, S. D., & Porter, J. Estimating the effect of alcohol on driver risk using only fatal accident statistics. Cambridge: National Bureau of Economic Research, 1999. 33.

¹² Levitt, S. D., & Porter, J. Estimating the effect of alcohol on driver risk using only fatal accident statistics. Cambridge: National Bureau of Economic Research, 1999. 33.

variable factors affecting driver's safety during a crash (such as seat belt use, vehicle deformation, vehicle speed prior to collision, collision, or rollover, driver age, and vehicle weight), an intoxicated person is more likely to have serious injury or death than a sober driver¹³.

In the research performed by A. Behnud and F. L. Mannering, the authors emphasize that sober drivers who have become participants in a traffic accident, as a rule, have a greater heterogeneity of the injuries received (that is, the diversity of their distribution according to the severity of the consequences) in the presence of potentially adverse weather conditions and road surface conditions. In searching for an explanation for this, scientists hypothesize that uninjured or mildly injured drivers applied the full range of their knowledge/decisions to assess such conditions and possibly minimize their impact on the mechanism of a road accident. Therefore, the variability of this range across a population of drivers (with different driving experiences) should be large. In contrast, drivers who have been under the influence of alcohol or drugs have much less heterogeneity in the factors that influence injury severity, suggesting a so-called "levelling" effect resulting from the effects caused by such substances on the human body, and preventing them from making the necessary correct decisions in a difficult situation¹⁴.

The purpose of the article consists in comparing foreign experience of responsibility for driving vehicles in a condition of alcohol intoxication (international standards, administrative and criminal aspects).

Results and Discussion

The results of these studies indicate that alcohol is the most frequently used psychoactive substance among European road transport drivers. Based on these results, it was estimated that an average of 1.65% of all drivers in European traffic drive a vehicle with a blood alcohol concentration of 0.5 g/l or higher. For alcohol concentrations above 0.1 g/L, the estimated prevalence was 3.85%. The prevalence of driving under the influence of alcohol (from 0.5 g/l and above)

¹³ Waller, P. F., Stewart, J. R., Hansen, A. R., Stutts, J. C., Popkin, C. L., & Rodgman, E. A. The potentiating effects of alcohol on driver injury. *JAMA*, 256(11). 1986. 1461–1466.

¹⁴ Behnood, A., & Mannering, F. L. The effects of drug and alcohol consumption on driver injury severities in single-vehicle crashes. *Traffic injury prevention*, 18(5). 2017. 456–462. DOI: 10.1080/15389588.2016.1262540.

among the total number of drivers ranges from 0.1% in Hungary to 5.23% in Italy¹⁵. On the scale of European regions, regularity can be observed: in the countries of Eastern and Northern Europe, which were included in the study named Driving Under the Influence of Drugs – DRUID), alcohol consumption among drivers was below average (except for Lithuania, which scored slightly above the European average), while in Southern Europe it was above average¹⁶.

Table 1 - Prevalence of driving in condition of alcohol intoxication in various countries¹⁷

EU country	The limit of the blood alcohol content in drivers	Prevalence of excess alcohol content among drivers (0.5 g/L and above)
Belgium	0.5 g/L	2.16%
Czech Republic	0.0 g/L	0.45%
Denmark	0.5 g/L	0.48%
Estonia	0.5 g/L	1.62%
Italy	0.5 g/L	5.23%
Lithuania	0.4 g/L	2.31%
Hungary	0.0 g/L	0.1%
The Netherlands	0.5 g/L	0.61%
Poland	0.2 g/L	0.58%
Portugal	0.5 g/L	1.22%
Finland	0.5 g/L	0.26%
Norway	0.2 g/L	0.06%

We would like to remind you that for any first-time violation related to driving while intoxicated, regardless of the degree of intoxication (more than 0.2% of alcohol per millilitre in the blood the Code of Ukraine for Administrative

¹⁵ Leheza, Ye. Shablysty, V. Aristova, I. V. Kravchenko, I. A. Kornikova, T. Foreign Experience in Legal Regulation of Combating Crime in the Sphere of Trafficking of Narcotic Drugs, Psychotropic Substances, their Analogues and Precursors: Administrative and Criminal Aspect. *Journal of Drug and Alcohol Research*. Vol. 12 . No. 4, 2023. 1-8. DOI: <https://doi.org/10.4303/JDAR/236240>.

¹⁶ Ecorys. Study on the prevention of drink-driving by the use of alcohol interlock devices. Final Report. Client: European Commission, DG for Mobility and Transport. Rotterdam. 2014. 166.

¹⁷ Leheza, Ye. Shablysty, V. Aristova, I. V. Kravchenko, I. A. Kornikova, T. Foreign Experience in Legal Regulation of Combating Crime in the Sphere of Trafficking of Narcotic Drugs, Psychotropic Substances, their Analogues and Precursors: Administrative and Criminal Aspect. *Journal of Drug and Alcohol Research*. Vol. 12 . No. 4, 2023. 1-8. DOI: <https://doi.org/10.4303/JDAR/236240>.

Offences (clause 7, chapter II)¹⁸ provides for the imposition of a fine on drivers or other persons in the amount of one thousand tax-free minimum incomes of citizens (17,000 Ukrainian hryvnia) with deprivation of the right to drive a vehicle for a period of one year (for drivers). In case of repeated commission of such violations, sanctions increase in progression: 34,000 Ukrainian hryvnia fine and 3 years of deprivation of the right to drive a vehicle; 51,000 Ukrainian hryvnia fine and 10 years of deprivation of the right to drive a vehicle; with paid seizure of the vehicle or without such seizure; with confiscation of the vehicle that is the one privately owned by the violator; administrative arrest for ten to fifteen days. But still, it is noticeable only by the standards of an average Ukrainian¹⁹.

If you analyze the legislation of other countries, you can see that the responsibility for driving a vehicle with alcohol intoxication there is stricter than in Ukraine. And this is not groundless, because such offences are a problem not only for Ukraine. Such offences are negative social phenomenon that becomes a determinant of traffic accidents in other countries as well, and leads to injuries and deaths of people. In the United States, driving in the condition of alcohol intoxication kills about 32 people every day, an average of one every 45 minutes. In 2020, 11,654 people died because of driving under the influence of alcohol, which is 14% more than in 2019. All of those deaths were preventable. Since the 1980s, strict enforcement of laws on drunk driving has been a major factor in reducing deaths due to this cause. Charges range from misdemeanours to felonies, and penalties for impaired driving can include license suspension, fines, and jail time. In the US, every state prohibits driving with a BAC of 0.08 g/dL or higher (except Utah, which recently lowered its illegal limit to 0.05 g/dL)²⁰. Penalties for driving in a condition of alcohol intoxication have their own characteristics depending on the laws of each individual state. A first-time violation can cost a negligent driver more than USD 10,000 in fines and court

¹⁸ Law of Ukraine. On the approval of the Instructions on the procedure for detecting signs of alcohol, drug or other intoxication in drivers of vehicles or being under the influence of drugs that reduce attention and reaction speed: Order of the Ministry of Internal Affairs of Ukraine, Ministry of Health of Ukraine dated November 9, 2015. No. 1452/735. Available online. In: <https://zakon.rada.gov.ua/laws/show/z1413-15#Text.2>.

¹⁹ Leheza, Yevhen. Yerofieienko, Larysa. Komashko, Volodymyr. (2023). Peculiarities of legal regulation of intellectual property protection in Ukraine under martial law: administrative and civil aspects. *Law of Justice Journal*, 37(3), 157-172. <https://doi.org/10.5335/rjd.v37i3.15233>

²⁰ NHTSA. Countermeasures That Work: Alcohol Measurement Devices – Traffic Tech DOT HS 13. 2021. 167. Available online. In: <https://www.nhtsa.gov/traffic-tech/133631>

costs. The most severe measures are a lifetime suspension of driver's license, three years in prison and a fine of USD 25,000 (of course, if driving in this condition has led to serious consequences)²¹.

Many states require offending drivers to install ignition interlock devices at their own expense. The ignition interlock device is designed to test breathing and is connected to the car's ignition. The car will not move unless the driver blows into the device and has a BAC below a pre-set lower state legal limit, usually 0.02 g/dL. (%). The National Highway Traffic Safety Administration (NHTSA) strongly supports the expansion of ignition interlocks as a proven technology that keeps drivers from driving under the influence of alcohol²².

In some European countries, the amount of fines is tied to the driver's income level, but one way or another, exceeding the ppm in the blood threatens an intoxicated person with imprisonment for a period of up to two years. Thus, in Germany, an excess of up to 0.5 V entails only administrative responsibility and a fine, and an excess of over 0.5 V is a reason for criminal responsibility and a fine. In Japan, for example, even the passengers of this vehicle (if any) are punished for offences related to driving a vehicle in a condition of alcohol intoxication (for not stopping the intoxicated driver). In addition, it was in Japan that the largest fine in history was issued for driving in a condition of alcohol intoxication and a traffic accident with victims – 2.5 million US dollars²³.

Separate sociological research conducted in Great Britain in 2017 showed that 57.0% of survey respondents (persons aged 16 and over) consumed alcoholic beverages, equal to 29.2 million of the population²⁴. If compared with Ukraine, it would actually be a larger part. The total population of the United Kingdom significantly exceeds the similar indicator in Ukraine, but even for this European country, the given figure indicates a significant spread of such a phenomenon as

²¹ NHTSA. Drunk Driving. 2023. Available online. In: <https://www.nhtsa.gov/risky-driving/drunk-driving>.

²² *Volobuieva, O. Leheza, Ye. Pervii, V. Plokhuta, Ye. Pichko, R.* Criminal and Administrative Legal Characteristics of Offenses in The Field of Countering Drug Trafficking: Insights from Ukraine. *Yustisia*. Vol 12, No 3. 2023. 262-277. DOI: <https://doi.org/10.20961/yustisia.v12i3.79443>

²³ Ignatenko A.. Drunk driving: how to solve the problem? Association of Lawyers of Ukraine. 2020. Available online. In: URL: <https://uba.ua/ukr/news/7714/>.

²⁴ Office of National Statistics. Adult drinking habits in Great Britain. 2018. Statistical bulletin. Available online. In: <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/drugusealcoholandsmoking/bulletins/opinionsandlifestylesurveyadultdrinkinghabitsingreatbritain/2017>.

alcohol consumption. No, the percentage of such persons, we hope, would be much smaller, but it must be recognized that among those 57.0% of respondents, there are certainly categories of such people who are potentially capable of committing the mentioned actions once or regularly. And many marginals are kept from such acts by the system of sanctions, which includes legal responsibility for this type of offence (Table 2).

There are strict alcohol limits for drivers, with limits in Scotland differing from the rest of the UK.

Table 2 - Norms of the permissible limit of alcohol in the driver's body according to the legislation of Great Britain^{25,26}

Alcohol level	England, Wales and Northern Ireland	Scotland
Micrograms per 100 milliliters of breath	35 (0.035 ‰)	22 (0.022 ‰)
Micrograms per 100 milliliters of blood	80 (0.08 ‰)	50 (0.05 ‰)
Micrograms per 100 milliliters of urine	107 (0.107 ‰)	67 (0.067 ‰)

Thus, according to the statistics of the Federal Statistical Office of Germany (destatis), in 2023, 228 people died in traffic accidents related to alcohol consumption, and 17,183 road users received injuries of various degrees of severity. Compared to last year, the number of such car accidents with victims involving drivers who were driving in a condition of alcohol intoxication remained almost unchanged, and the number of fatalities decreased by 6.6%²⁷.

Nevertheless, every thirteenth person killed on the roads of this country in 2023 died because of a traffic accident that occurred due to driving in condition of alcohol intoxication. However, at the beginning of the current century, the situation was much worse, as in 2000 the loss of human life in alcohol-related accidents reached 1,022 people (13.6% of all fatalities). It is statistically proven

²⁵ NHTSA. Countermeasures That Work: Alcohol Measurement Devices – Traffic Tech DOT HS 13. 2021. 167. Available online. In: <https://www.nhtsa.gov/traffic-tech/133631>

²⁶ Volobuieva, O. Leheza, Ye. Pervij, V. Plokhuta, Ye. Pichko, R. Criminal and Administrative Legal Characteristics of Offenses in The Field of Counteracting Drug Trafficking: Insights from Ukraine. Yustisia. Vol 12, No 3. 2023. 262-277. DOI: <https://doi.org/10.20961/yustisia.v12i3.79443>

²⁷ Leheza, Y., Shcherbyna, B Leheza, Y. Pushkina, O. Marchenko, O. Features of Applying the Right to Suspension or Complete/ Partial Refusal to Fulfill a Duty in Case of Non-Fulfillment of the Counter Duty by the Other Party According to the Civil Legislation of Ukraine. *Revista Jurídica Portucalense*, 2023. 340–359. Retrieved from <https://revistas.rcaap.pt/juridica/article/view/29662>

that a drunk driver is eight times more likely to cause a fatal traffic accident²⁸.

Driving in a condition of alcohol intoxication is an administrative offence in Germany. In addition, under certain circumstances, driving under the influence of any drug is already subject to the Criminal Code, which provides for criminal liability for violating these prohibitions²⁹.

Article 24a-2 of the German Traffic Safety Law dated 19 December 1952 establishes driving a vehicle while intoxicated as an administrative offence. An offence is considered to have been committed, regardless of any material consequence, as soon as traces of one of the substances are found in the blood of the offender (the list is provided separately), since the legislation does not provide for any permissible threshold³⁰.

However, there is no specified composition of the offence if the harmful substance comes from a drug that is taken according to a medical prescription. The blood test necessary for the detection of narcotic substances can be carried out without the driver's consent if there are no medical contraindications. This offence is punishable by a fine of up to 3,000 German marks (or approximately 1,500 euros (UAH 44,944)). Article 25 of the aforementioned Law provides that a fine may be accompanied by a ban on driving a vehicle for a period of one to three months³¹.

Articles 315c, 316 and 323a of the German Criminal Code also apply to driving a vehicle in a condition of alcohol intoxication. They are aimed at strengthening responsibility for dangerous driving of a vehicle under the influence of alcohol or other types of intoxication:

- Article 315c provides criminal sanctions in the form of imprisonment for a term

²⁸ Bussgeldkatalog. Drogen und Alkohol am Steuer. letzte Aktualisierung am: 30. Mai 2023. Available online. In: https://www.bussgeldkatalog.org/alkohol-drogen/#statistik_verunglueckte_unter_alkoholeinfluss_der_letzten_jahre.

²⁹ Korniienko, Maksym. Desyatnik, Anatolii. Didkivska, Galina. Leheza, Yevhen. Titarenko, Oleksiy. 2023. Peculiarities of investigating criminal offenses related to illegal turnover of narcotic drugs, psychotropic substances, their analogues or precursors: criminal law aspect. *Khazanah Hukum*. Vol. 5. No. 3, 205-215 DOI: <https://doi.org/10.15575/kh.v5i3.31742>.

³⁰ Leheza Ye. O., Filatov V., Varava V., Halunko V., Kartsyhin D. Scientific and practical analysis of administrative jurisdiction in the light of adoption of the new code of administrative procedure of Ukraine. *Journal of Legal, Ethical and Regulatory Issues*. Vol. 22, Issue 5. 2019. P. 1-8. URL: <https://www.abacademies.org/articles/scientific-and-practical-analysis-of-administrative-jurisdiction-in-the-light-of-adoption-of-the-new-code-of-administrative-proced-8634.html>

³¹ Strafgesetzbuch in der Fassung der Bekanntmachung vom 13. November 1998 (BGBl. I S. 3322), das zuletzt durch Artikel 3 des Gesetzes vom 8. Oktober 2021 (BGBl. I S. 4650) geändert worden ist. Available online. In: <https://www.gesetze-im-internet.de/stgb/index.html>

of up to two years or a fine for driving a vehicle in a condition of alcohol intoxication or under the influence of other intoxicating substances, if such driving posed a threat to people's safety;

- Article 316 provides for punishment of a driver if he/she is unable to safely drive a vehicle due to the consumption of alcoholic beverages or other intoxicating substances - the violator is subject to imprisonment for a term of up to one year or a fine;
- Article 323a provides for responsibility for intentionally or negligently bringing oneself to a state of intoxication through the consumption of alcoholic beverages or other intoxicating substances - in such a case, the person shall be liable to imprisonment for a term of up to five years or a fine. At the same time, if the following illegal actions are committed by a person in a state of limited consciousness due to a state of intoxication, he/she shall be criminally liable only under Article 323a of the German Criminal Code³².

Article 69 of the German Criminal Code stipulates that each of these three criminal offences shall also entail deprivation of the right to drive a vehicle. Such deprivation is not a criminal punishment, but a security measure. This measure is valid for a period of six months to five years. After the expiration of this period, the person must apply for a new driver's license and prove that he/she meets the conditions necessary for obtaining this license.

A quarter of deaths in traffic accidents in Australia are related to driving vehicles in a condition of alcohol intoxication. In Victoria, these figures are lower but still significant: 16% of drivers who died in a traffic accident were diagnosed with the presence of alcohol in their blood. Driving under the influence of drugs is also no less of a problem, as 28%-39% of drivers killed in traffic accidents (according to 2011 data) were found to have various narcotic substances in their bodies³³.

Anti-drink driving legislation in Victoria (Australia) is governed by section

³² Korneyev M., Zolotukhina L., Hryhorash T. LehezaYe. & Hryhorash O., The development of small business as a source of formation of local budget revenues in Ukraine. *Investment. Management and Financial Innovations*. 15 (1). 2018. P. 132-140. DOI:10.21511/imfi.15(1).2018.12

³³ Richardson, E. *A Driving While Intoxicated/Suspended Court List for Victoria*. ACJI, Monash University: Melbourne, 2013. 30.

49 of the Road Safety Act 1986)³⁴.

Penalties for violations provided for in section 49 are classified taking into account: categories of the driver's right to drive; the level of alcohol or narcotic substances in the driver's body; committing a violation for the first time or again - increasing the severity of sanctions for the second and subsequent offences.

Those drivers who drive a vehicle with a blood alcohol content of more than 0.15% (per mille) will receive significant fines and will be deprived of the right to drive a vehicle for a period of 15 to 48 months. Those of them who continue to drive and commit similar offences in the future will be deprived of the right to drive a vehicle ("driver's license disqualification") without a possible attempt to renew the license after the first offence. In case of repeated offences, offenders are also liable to imprisonment for up to 18 months.

CONCLUSION

So, on the example of the considered legislation of some European countries (Great Britain and Germany), Australia and partly the USA, we have the opportunity to see that a person who drove a vehicle while intoxicated can bear both administrative and criminal responsibility. Sanctions for such offences include not only fines and deprivation of the right to drive a vehicle, but also imprisonment for certain periods of time (from 6 months to 5 years), depending on the qualification and severity of the offence committed.

Attention is focused on the need to reduce the punishment for persons who have completed a rehabilitation course (being subjected to punishment for driving a car while intoxicated) if such a person is prohibited from driving a vehicle for 12 months or more (such a measure may be proposed by the court). Despite such alternatives, the legal response measures in the considered countries are still tougher than in Ukraine. We believe that this forces drivers to be more restrained in their actions and encourages them to observe traffic discipline.

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³⁴ Road Safety Act 1986 (Vic). Start date: 01/03/2022. 1986. Available online. In: <https://jade.io/article/282544>

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- Convention on Road Traffic. UN International Document dated November 8, 1968, with amendments and additions. introduced by the European Agreement dated May 1, 1971, with amendments dated September 28, 2004. Available online. In: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XI-B-23&chapter=11&clang=en
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