



C & C LAWYERS

Driving under the influence

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As with most countries around the world, driving under the influence of alcohol is illegal in Macau. The purpose of this article is not only to raise awareness to the dangers of operating a motor vehicle while intoxicated, but also to provide an insight into Macau's anti-drunk driving legislation.

Driving under the influence of alcohol can be medically defined as the act of operating a motor vehicle after having consumed alcohol to the degree that mental and motor skills are impaired. It is deemed an offence to have more than a specified amount of alcohol in the body, referred to as blood alcohol content (BAC), and chemical tests are used to determine it. BAC is measured as a simple percent of alcohol in the blood by weight and is usually expressed as milligrams of alcohol per 100 millilitres of blood. Because 100 millilitres of blood weighs essentially the same as 100 millilitres of water, which weighs precisely 100 grams, BAC is reported as grams of alcohol per litre of blood (g/L).

In Macau, Law No. 3/2007 (Traffic Road Act) came into force on 1 October 2007 and governs, among other things, driving under the influence of alcohol and/or other drugs. According to the said statute, police officers may submit drivers to a breath alcohol content test and the test becomes mandatory for individuals involved in traffic accidents resulting in serious injuries or death.

Where a breath alcohol content test is not possible at the place of accident or at the police station, a medical practitioner may collect a blood sample at the hospital or clinic for conducting a blood alcohol content test at a laboratory.

It should be noted that an unreasonable refusal to comply with the above referred alcohol testing procedures, or others deemed necessary, is punishable as a disobedience offence.

If it is determined that a driver has more blood alcohol content than what is legally

permitted, the penalties the driver can expect to face are summed up in *Table 1*.

In addition to the penalties laid down by the law, offenders are also liable for compensation to victims of traffic accidents since insurers will often demand the insured offenders to refund monies advanced to the victims as compensation.

On average, 2 to 3 alcoholic beverages are enough for a man or a woman of about 91 Kg (200 lb.) to reach 0.5 g/L, which means the majority of us will exceed the legal limit with two drinks. So if you drink, take a taxi

Grams of alcohol per liter of blood	Penalties laid down under Law No. 3/2007 – Road Traffic Act of Macau
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Equal to 0.5 and below 0.8	Penalty from 2,000 to 10,000 Macau Patacas	Repeated Offense (below 0.8):
Equal to 0.8 and below 1.2	Penalty from 6,000 to 30,000 Macau Patacas and prohibition to operate a motor vehicle for a period of 2 to 6 months	Penalty from 4,000 to 20,000 Macau Patacas and prohibition to operate a motor vehicle for a period of 6 months to 1 year. Repeated Offense (from 0.8 to below 1.2): Imprisonment of up to 6 months or penalty from 12,000 to 60,000 Macau Patacas and prohibition to operate a motor vehicle from 1 to 3 years
1.2 or above	Imprisonment up to 1 year and prohibition to operate a motor vehicle from 1 to 3 years, where a more severe penalty is not applicable under a different statute.	Negligence is punishable.

Table 1