



Blood Alcohol Content Regulations in Selected Asian Countries

People's Republic of China • India
Indonesia • Japan • South Korea • Philippines
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BLOOD ALCOHOL CONTENT REGULATIONS IN SELECTED ASIAN COUNTRIES

CHINA (PEOPLE'S REPUBLIC)

Drivers may receive a punishment of detention for up to 15 days, fines of up to 200 *yuan* (about US\$24), or given a warning for driving while intoxicated. Driving after any consumption of alcohol is punishable with a fine of up to 50 *yuan* or a warning. (Art. 27, Regulations for Controlling and Punishing Public Offenses, 1994.)

INDIA

Driving with any amount of alcohol in the blood, however small the quantity, is considered an offense. (§117, Motor Vehicles Act, 1939.) Punishment for drunk driving, for the first offense, is imprisonment for six months, a fine of up to 2,000 *rupees* (about US\$51), or both. For a second offense committed within three years, the length of imprisonment is increased to two years and the fine to 3,000 *rupees* (about US\$77).

INDONESIA

Under the 1992 Traffic Law, drivers must drive responsibly and therefore must not be under the influence of alcohol or drugs (art. 23), but there is no specific regulation on the alcohol level permitted for drivers. Violators may be punished with a maximum of three month in prison or a fine of 3 million *rupiahs* (about US\$231 as of Jan. 23, 1998; the *rupiah* has been unstable in the last year). (*Jakarta Post*, Sept. 17, 1997, p. 3.; Sept. 22, 1997, p. 3.)

JAPAN

Driving in a "drunken state" is prohibited. The term is defined as including the state in which one is incapable of driving normally due to the influence of alcohol, regardless of the amount in the body, and the state in which the amount of alcohol in the body exceeds 0.5 per mill of blood or 0.25 per mill of breath. (Art. 44-3, Enforcement Order of the Road Traffic Law, Cabinet Order No. 270, Oct. 11, 1960, as last amended by Cabinet Order No. 160, May 29, 1996.) If driving while intoxicated results in a serious accident involving personal injury, the driver's license will be revoked by the Public Safety Commission, and police officers are empowered to suspend the license for 20 days, while the case is pending. (Art. 33-3 of the Enforcement Order, Cabinet Order No. 270.)

KOREA, SOUTH

The drinking age is 20. Driving with alcohol at a level of 0.05% or more of the blood is illegal. (Art. 41, Road Traffic Law, Law No. 3744, Aug. 4, 1984, as last amended by Law No. 5069, Dec. 29, 1995; Art. 31, Enforcement Decree, Presidential Decree No. 11618, Feb. 2, 1985, as last amended by Decree No. 15166, Nov. 6, 1996.) Those driving with such a blood alcohol level can be subject to revocation of their licenses. (Art. 78, ¶ 1, item 8, Road Traffic Law.)

PHILIPPINES

Under the Land Transportation and Traffic Code, it is illegal to drive under the influence of liquor or narcotic drugs. The punishment is a fine of not less than 100 *pesos* or imprisonment for from three to six months or both. (§§53, 56(f), Rep. Act No. 4136, as last amended in 1958).

SINGAPORE

The legal limit on blood alcohol for drivers is 80 milligrams per 100 milliliters of blood. (*The Straits Times*, Dec. 19, 1993, p. 3.)

TAIWAN

Driving under the influence is defined in terms of alcohol content of breath, rather than blood. It is prohibited to drive with more than 0.25 milligrams of alcohol per liter of breath. (Art. 114, Road Traffic Safety Statute.) Violators are subject to a fine of 6,000-12,000 New Taiwan dollars (about US\$178-357 dollars). Furthermore, such drivers are stopped from driving on the spot, and their licenses may be suspended for six months. (Art. 35, Regulation on Managing Road Traffic Punishments.)

THAILAND

According to a Land Transport Department announcement, issued in 1994 in accordance with the Interior Ministry law on drunk driving, a person with more than 50 milligrams of alcohol per 1000 milligrams of blood is considered drunk. The punishment for driving in such a state is 3 months in prison and/or a fine of 2,000-10,000 *baht* (about US\$37-184, as of Jan. 23, 1998, the *baht* has been unstable in the last few months). (*Bangkok Post*, Apr. 22, 1997, Oct. 8, 1995.)

TURKEY

While public transportation drivers may not drink at all before driving, the blood alcohol level for legal operation of private vehicles is under 0.5 per milliliter. (Art. 97(b), Traffic Regulation 1997, T.C. RESMI GAZETE No. 2303, July 18, 1997, at 402.) Those found to be driving under the influence may have their licenses suspended by the traffic court for three months for a first offense, one year for a second offense, and five years for a third offense. In addition, those found to have been driving under the influence three times may be imprisoned for from one to two months. At the end of the five years, third time offenders may regain the license to drive only if they pass a psychological evaluation and are deemed capable of driving without committing the same offense. (*Id.*)

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