

Drink Driving in Spain

Introduction

According to the Strategic Plan on Road Safety 2004-2008 (DGT) alcohol is present in 31% of driver deaths in Spain¹. It accounts for more than 1,000 traffic deaths². In 2007, 900 traffic deaths were caused by drink drivers.

25% of Spanish drivers admitted that they have used their cars after drinking some alcohol. The reason for driving after drinking alcohol is to a large extent the need of driving home. Drink driving is perceived as the major risk for driving (over other risky actions such as speeding, not using seat belts or speaking on the telephone). Professional drivers and cyclists are the road user groups who least perceive the risk of drink driving. The drink driving BAC limit is 0.5 and 0.3 for commercial drivers and novice drivers. Catalonia is considering introducing a 0.0 BAC limit.

The objective of the Strategic Safety Plan 2004-2008 was to reduce from 37.3% to 20% the number of drivers who died during traffic crashes as a result of BAC levels above the legal limits.

Drink driving among young people

14% of the 18-years-old drivers (therefore, during the first year of getting their licenses) admitted to having driven their cars under the influence of alcohol. Additionally, 20% of youngsters between 14 and 18 admitted to having travelled in a car driven by someone under the influence of alcohol³. The perception of drink driving as an extremely risky behaviour is bigger among the drivers between 18 and 44 compared to road users between 45 and 65 and elderly drivers.

Enforcement in Spain

In 2007, more than 4 million breath tests were taken at random on Spanish roads. Most tests are carried out during extensive awareness police operations or under suspicion following a collision or a traffic offence. 4 million checks means an increase of more than 50% compared to the 2003 figures. Over the last four years, the number of drink drivers has dropped by more than half.

Spain also participated in all TISPOL alcohol enforcement campaigns which link into the national campaigns planned by the DGT.

The objective foreseen in the National Road Safety Plan 2003-2008 was to carry out 4.8 million breath tests in 2008, accounting for 20% of the total driver population. Considering the current trend, Spanish "Guardia Civil" (police mainly responsible for traffic enforcement in the Spanish territory outside cities) can achieve this target on time. The ATGC (Traffic Civil Guard) unit belongs to the Civil Guard and is specialised in road safety and enforcement on the roads, outside the cities. In cities, municipalities have this competence, through their Local Policemen⁴.

Increasing the level of enforcement has proven to be a very successful measure as the number of positive tests has been reduced by 45% within the same period (ATGC, traffic civil guard). Only 2.16% of the checked drivers tested positive in 2007 (92,449 offenders) whereas in 2003 the percentage of positive breath tests was 3.97% (81,864 offenders).

Despite the progress made in the "actual" enforcement level, the other crucial element to tackle drink driving is the "perceived" enforcement level. This is still far from ideal at present. When asked about the possibility of being caught if driving under the influence of alcohol, Spanish drivers only consider a medium possibility (5 out of 10 points) for that happening. Moreover, 2 out of 3 Spanish drivers define the police actions as "scarcely effective" whereas only 28% of them think police control is "adequate".

Nevertheless, the perception of the level of enforcement is higher than for other offences such as speeding (3.2/10) or not using the seat belt (4.2/10)⁵.

This, together with the fact that 75% of Spanish drivers totally agree with the current sanctions linked to drink driving (INTRAS). The Spanish population is quite aware of the danger associated to drink driving behaviour and is willing to tackle that social problem by increasing the level of enforcement.

Current Legislation in Spain: Drink Driving

Traditionally, traffic offences were dealt with in Spain under administrative legislation. Fines, were the basic response from public authorities to traffic offenders. The level of enforcement of those sanctions was far from ideal. Since 2004, the Spanish Government put road safety as one of the top priorities on the political agenda and developed legislative modifications that have led to a significant reduction in the number of road deaths. In 2004, a Special Committee on Road Safety was set up in the Spanish Parliament, together with a Road Safety Observatory under the auspices of the DGT (Spanish governmental body in charge of traffic management). In 2005, the first National Road Safety Plan was launched, aiming at reducing the road toll by 40% in five years (2004/2008). In July 2006 the new penalty point system came into force. The new system introduced new ways of sanctioning road behaviour and its content was widely communicated among Spanish drivers who became aware of the negative consequences of drink driving, speeding, not wearing their seat belts or using the mobile phone on the roads. According to a report carried out by the DGT in 2007, 91.9% of the people surveyed thought that the penalty point system is one of the most important measures developed in Spain to reduce traffic accidents. Finally, the amendment of the Criminal Code in December 2007 strengthened this further as the offence of serious drink driving was considered a «crime». Since then this change has led to the arrest of 15,000 people who were caught driving with BAC levels of 1,2 g/l (0,6 g/l professional and novice drivers) or higher.

The Spanish Parliament has urged the Government in September 2008 to begin the process needed to prepare the framework law for alcolocks in vehicles used for public transport and for repeat offenders. It has also urged the Parliament to carry out a proper consultation process to look at how this could be implemented most effectively. Moreover, in parallel, the Road Safety General Prosecutor is considering the introduction of the alcolocks to recidivist offenders, as a voluntary tool to replace other penalties.

In case of a BAC between 0.5 g/l and 1.2 g/l the Article 65 of the Spanish Law on Road Safety considers drink driving as a *very serious offence* (scale is: light, serious, very serious), leading to fines of between 300 and 600 EUR plus the license withdrawal for a maximum period of 3 months.

Moreover, since the Spanish Penalty point system came into force in July 2006 driving above the maximum BAC limits leads to the loss of 4 points if the BAC remains between 0,5 g/l and 1 g/l or 6 points if the BAC is higher than 1 g/l. Refusing to submit to a blood or a breath test can lead to the loss of 6 points and a prison sentence from 6 to 12 months. Moreover, drivers can also have their licence withdrawn between 1 and 4 years.

As for professional and novice drivers (those within the first 2 years of licensing), 4 points will be lost if the BAC goes between 0,3 g/l and 0,6 g/l and 6 points if higher.

Drink driving was responsible for 8% of all points lost since the new system came into force. It is the third major cause of point retrieval after speeding (42%) and the use of the mobile phone while driving (12%).

New sanctioning procedure for administrative offences (2009)

The major weakness for the effective implementation of the Spanish penalty point system since the very beginning was the long and bureaucratic sanction procedure.

In the worst case scenario, the whole procedure could last up to two years before the sanction was finally implemented. At present, the procedure still relies on the communication between the driver and the administration by certified post, making the process extremely long and expensive.

To alleviate this problem the DGT started in 2007 a steering group aimed at creating a modern sanctioning procedure able to reduce the time and the money wasted on the process without eliminating the procedural guarantees for the citizen.

The final test is currently being debated at the Congreso de los Diputados (the Spanish Parliament). This is the result of the debate among all the administrations involved in road safety, mainly the Central Government, the Autonomous Communities and the Municipalities. 75% of all traffic offences in Spain are reported by bodies other than central government including Catalonia, the Basque Country and Navarra.

The legislative proposal contains some elements that can strongly contribute to the improvement of the effectiveness of the penalty point system. First of all, even considering the citizen's appeals (needed to safeguard the legitimacy of the process), the maximum time between the communication of the sanction and the final resolution will not be longer than 5 months (currently between five months and 2 years)⁶. The costs of the procedure will be therefore enormously reduced, and the sanctions procedure clarified to the citizens.

In this sense, the new system also introduces the possibility (on a voluntary basis) of the communication between the citizen and the administration through electronic means instead of the 20th Century-like communication through certified post.

Finally, the levels of fines are harmonised in the new proposal for the whole Spanish territory (100 EUR for light offences, 200 EUR for serious offences and 500 EUR for very serious offences). A discount of 40% is foreseen if the driver agrees with the sanction and, therefore makes the payment within the first 15 days (until now the discount was 30%). This reduction has the objective of reducing the costs linked to the citizens appeals in cases where the drivers recognises their own misbehaviour. The new sanctioning procedure for administrative offences is expected to be approved in the course of 2009.

New Criminal procedures

Driving with BAC levels over 1,2 g/l (or less if other factors occurred, such as dangerous driving) leads to imprisonment from 3 to 6 months, or a fine depending on the individual situation and, if necessary, community beneficial works. Additionally, heavy drink driving will imply the license withdrawal for a period from 1 to 4 years.

In case the driver refuses to pass a breath test, the judge can pass sentence for an imprisonment of 6 months to 1 year and the driving licence withdrawal for a period from 1 to 4 years.

According to the survey carried out by INTRAS⁷, when asked about the most effective measures to tackle drink driving, Spanish road users state from top to bottom: temporary license suspension, increasing police enforcement, community work, a driving ban, and only in fifth place, the penalty point system.

On the other hand, the vast majority of drivers interviewed (90%) stressed that the sanction received for drink driving has positively changed their behaviour on the roads. The possibility of losing the license through the penalty system has worked as a powerful tool to change bad driving behaviour of Spanish drivers, particularly those dependant on their licenses for their jobs.

Information Campaigns and driver training

The DGT have been focusing their drink driving campaigns on the times corresponding with the peak moments of alcohol consumption: Summer and Christmas. In summer 2008 more than 200,000 breath tests complemented the informative campaign: "No matter how old you are the risk is always present, drive only with 0%."

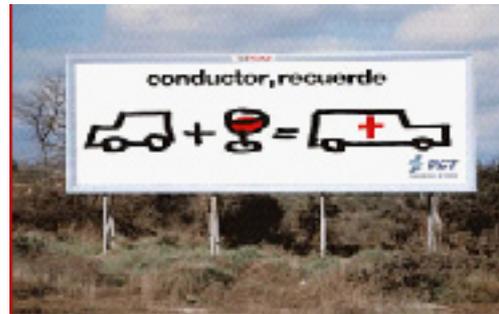
At Christmas 2008, the campaign was using the festivities to appeal to the shared responsibility towards the friends and relatives. Under the slogan: "don't let the person who has been drinking drive", the focus was not personal responsibility but active response against family and friends' behaviour.

The DGT has tried to involve in all their campaigns, traffic victims associations (particularly those representing spinal cord injured people), who have proven to be very effective when targeting young drivers. The slogan of the campaign targeting youngsters was: "Don't drink, don't speed, don't change your wheels."

Concerning training, Spain has been trying to focus on training young students to act safely as vulnerable users and future drivers and on introducing road safety as an important part of long-life training within the companies.



Driver: always with one glass less



Driver remember: drink and drive = ambulance

Another campaign that has been repeated during last years successfully promotes the alcohol free beer and is run with the co-operation of the DGT, the Brewers, the National Federation of Driving Instructors, the Car Clubs, FITSA, the Victims Associations, Breakdown Services and other business.



The road asks you (to drive) without

In conclusion, Spain has made great strides in tackling drinking and driving in the past years. The latest change in the law is likely to have even more far reaching effects in reducing road deaths.

References:

- 1 http://www.dgt.es/was6/portal/contenidos/documentos/seguridad_vial/planes_seg_vial/estrategico_seg_vial/estrategico_2005_2008_003.pdf
- 2 Pere Navarro, 17/7/2008, launch of the new campaign on drink driving.
- 3 Survey on Drugs among Students 2006 (ESTUDES), Spanish Ministry of Health, National Plan on Drugs, <http://www.pnsd.msc.es/Categoria2/observa/pdf/Estudes2006.pdf>
- 4 Since 1959 the Civil Guard, as a National Police Force, has the competency on road safety on the roads, except for Basque Country and Cataluña. There, the Regional police forces received the competency more recently (1983 in the Basque Country and 1998 to 2000 in Cataluña). There is a special situation in Navarra, as the Civil Guard shares this competence with the Regional Police Force of Navarra since 1960 (Policía Foral de Navarra started in 1928).
- 5 La justicia en el tráfico, conocimiento y valoración de la población española" (Justice in Traffic, knowledge and opinion of the Spanish population), Cuadernos de Reflexión, Attitudes, (Alonso ET Al, 2005); http://www.attitudes.org/proyectos/pdf/jornadas_reflexion/Libro_08.pdf
- 6 <http://www.dgt.es/revista/num194/interior.html?s=pdf/num194-2009-art.director.pdf>
- 7 *ibid*

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