



# Impaired Driving

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## Session Goals:

1. Define alcohol.
2. Determine factors that influence BAC.
3. Identify how alcohol and other drugs affect driving ability.
4. Identify indicators of impaired driving.
5. Determine NYS Laws as related to impaired driving.
6. Identify strategies to prevent impaired driving.
7. Discuss how drowsiness can cause crashes and determine methods to reduce the risks of drowsy driving.

# Alcohol

Alcohol is an odorless, colorless, depressant drug, contained in beer, wine, and distilled spirits.



# Amount of Alcohol in Standard Drinks

Drink Volume	Amount of Ethyl Alcohol
12 Ounces of Beer	5-6% Alcohol
5 Ounces of Wine	12-13% Alcohol
1.5 Ounces of Liquor	40% Alcohol

These drinks contain about the same amount of alcohol!



# Your Blood Alcohol Content (BAC)

Your BAC is dependent on:

- How much alcohol you drink
- How much time passes between drinks
- Your weight<sup>1</sup>

# Not All Drinks Are the Same

- Craft beers often have more alcohol content and are served in larger (16 oz) glasses. This equates to 3 standard drinks!!
- Wine alcohol content varies widely from 5.5% to as much as 25%. What kind of wine in what kind of wine glass could determine whether you get an Impaired Driving Offense or not.
- Don't assume the bartender will always give you a 1.5 oz shot of 40% alcohol. Sometimes bartenders put more than 1 shot in a drink.



# What Do You Think?

How many alcoholic drinks does it take to affect driving?

- a. 1 to 2 drinks
- b. 3 to 4 drinks
- c. 5 to 6 drinks
- d. 7 to 8 drinks

# Alcohol and Its Effects on Driving Ability

- Increases reaction time
- Reduces ability to see clearly
- Changes judgement of speed and distances
- Often decreases inhibition
- Increases risk taking<sup>1</sup>





# How Can You Tell if a Driver Is Impaired?

Common signs:

- Traveling at erratic speeds – either too fast or too slow
- Running over curbs or turning into wrong lanes
- Weaving from side to side
- Ignoring or overshooting traffic signs

# Chemical Tests and Implied Consent

- Research shows that cell phone use of any kind degrades a driver's performance. Hands free use is not risk free. <sup>1</sup>
- Drivers should make every effort to move to a safe place off the road before using a cell phone. <sup>1</sup>
- Phone conversation versus conversation with someone in the car.

# Chemical Test Refusal

- If you refuse to take the test after being arrested, your driver's license will be suspended when you are arraigned in court on the alcohol or other drug-related charge.
- Your refusal can be brought up in court when you are tried on the alcohol or drug-related charge.
- If a DMV hearing later confirms you refused the test, your driver's license will be revoked even if you are found not guilty of the alcohol or other drug-related violation.
- For information about driver's license revocations and civil penalties for chemical test refusals, see NYS Department of Motor Vehicles, Alcohol and Drug Driving Violations.

# Penalties for Alcohol/Drug-Related Violations

## AGGRAVATED DRIVING WHILE INTOXICATED

### AGG-DWI (0.18 and higher Blood Alcohol Content [BAC])

CONVICTION	FINE ONLY *	JAIL SENTENCE	REQUIRED LICENSE ACTION **
1st Offense (Misdemeanor)	Minimum \$1,000 Maximum \$2,500	Up to 1 year	Minimum 1-Year Revocation
2nd Offense (Class E Felony) Within 10 Years	Minimum \$1,000 Maximum \$5,000	Up to 4 years	Minimum 18-Month Revocation

# Penalties for Alcohol/Drug-Related Violations

DRIVING WHILE INTOXICATED OR  
DRIVING WHILE ABILITY IMPAIRED BY A DRUG  
DWI (.08 and higher Blood Alcohol Content [BAC]) or DWAI-Drug

CONVICTION	FINE ONLY *	JAIL SENTENCE	REQUIRED LICENSE ACTION **
1st Offense (Misdemeanor)	Minimum \$500 Maximum \$1,000	Up to 1 year	Minimum 6-Month Revocation (DWI); Minimum 6-Month Suspension (DWAI-D)
2nd Offense (Class E Felony) Within 10 Years	Minimum \$1,000 Maximum \$5,000	Up to 4 years (DWI & DWAI-D); minimum 5 days jail or 30 days of community service (for DWI within prior 5 years)	Minimum 1-Year Revocation

# Penalties for Alcohol/Drug-Related Violations

## DRIVING WHILE IMPAIRED BY COMBINED ALCOHOL & DRUGS

### DWAI-Combination

CONVICTION	*	JAIL SENTENCE	REQUIRED LICENSE ACTION **
1st Offense (Misdemeanor)	Minimum \$500 Maximum \$1,000	Up to 1 year	Minimum 6-Month Revocation
2nd Offense (Class E Felony) Within 10 Years	Minimum \$1,000 Maximum \$5,000	Up to 4 years	Minimum 1-Year Revocation

# Penalties for Alcohol/Drug-Related Violations

## DRIVING WHILE ABILITY IMPAIRED

DWAI (more than .05 up to .07 Blood Alcohol Content [BAC])

CONVICTION	FINE ONLY *	JAIL SENTENCE	REQUIRED LICENSE ACTION **
1st Offense (Traffic Infraction)	Minimum \$300 Maximum \$500	Up to 15 days	90-day Suspension
2nd Offense (Traffic Infraction) Within 5 years	Minimum \$500 Maximum \$750	Up to 30 days	Minimum 6-Month Revocation

# Zero Tolerance for Drivers Under Age 21

- Under the NYS “Zero Tolerance Law”, a driver under the age of 21 cannot legally drive with a blood alcohol content of 0.2 or above (a level that may occur from using mouthwash or cough syrup).
- License suspended for 6 months; Driver must also pay \$100 suspension termination fee and \$125 civil penalty to be relicensed.
- For a second offense, license will be revoked for at least one year or until the driver is 21, whichever is longer.



# Ignition Interlock Program and Leandra's Law

- An ignition interlock device, purchased and installed at the expense of the motorist, is connected to a motor vehicle ignition system and measures the alcohol content of the breath of the driver.
- The vehicle cannot be started until the driver provides an acceptable sample breath.
- Receive automatically if charged with DWI and Aggravated DWI.
- Receive if convicted of Leandra's Law.
  - Impaired driving with children 15 years old or younger in the car



# Additional Reminders

- If you kill or cause an injury to another person because of an alcohol or other drug-related violation, you can be convicted of criminally negligent homicide, vehicular manslaughter or assault. These carry a fine of thousands of dollars and a maximum jail term of 15 years.<sup>1</sup>
- If you drive while your license is suspended or revoked, you face a mandatory fine of \$200 to \$1000, and a mandatory jail term or probation. If impaired or intoxicated when you are arrested, the maximum mandatory fine is \$5,000 and the vehicle can be seized.<sup>1</sup>



# Additional Reminders

- Liability insurance may not cover the cost of injuries and damage from a traffic crash. You could be sued for thousands of dollars, making it difficult and expensive to buy liability insurance for several years.<sup>1</sup>
- You could also face costly legal fees in addition to fines and surcharges.
- You could have a criminal record, making it harder to get a job or move forward in your job.<sup>1</sup>

## Excessive alcohol use includes:



### Binge Drinking

For women, 4 or more drinks consumed on one occasion



For men, 5 or more drinks consumed on one occasion



### Heavy Drinking

For women, 8 or more drinks per week



For men, 15 or more drinks per week



### Any alcohol used by pregnant women



### Any alcohol used by those under the age of 21 years



## If you choose to drink, do so in moderation:



**DON'T DRINK AT ALL** if you are under the age of 21, or if you are or may be pregnant, or have health problems that could be made worse by drinking.

**FOR WOMEN**, up to 1 drink a day



**FOR MEN**, up to 2 drinks a day



**NO ONE** should begin drinking or drink more frequently based on potential health benefits.



# Other Drugs

- Drugs, including many prescription and over-the-counter medications, can affect your ability to drive.
- Make sure to check warning labels for drug effects. Check with your doctor or pharmacist about driving on the medication.
- Never drink alcohol while you are taking other drugs. It could be dangerous, often enhancing the effects of the alcohol and the other drug.

# Other Drugs

- It can be a criminal offense to drive while impaired by the effect of drugs or alcohol and drugs, illegal drugs like marijuana, cocaine, LSD, heroin and opium and by some prescription drugs like tranquilizers.
- Drugs can affect your reflexes, judgment, vision and alertness in ways similar to alcohol and they may have other dangerous effects as well.
- A combination of alcohol and other drugs severely reduces your ability to drive and can cause serious health problems, which can include death.



# Consequences Learning Activity

- Personal - Consequences that affect the driver. For example loss of freedom or personal injury.
- Legal - Legal consequences that affect the driver. For example loss of license or fines.
- Passenger - Consequences that affect the passenger(s) in the vehicle.
- Bystander – Consequences that affect the people not in the vehicle.
- Financial – Consequences that have a monetary consequence.





# Strategies for Impaired Driving Prevention

- If you go to events with the same group of friends, rotate drivers. Each friend takes a turn being the "designated driver" who does not drink or use drugs.
- Arrange to remain overnight.
- Before you drink, give your keys to a friend isn't drinking or using drugs and who will not let you drive after you do so.
- Call a cab or use public transportation.

# Signs of Drowsy Driving

- Yawning repeatedly
- Struggling to keep your eyes open or focused
- Forgetting the last few miles driven
- Tailgating or missing traffic signals
- Swerving or drifting between lanes of traffic



# Like alcohol, sleepiness...

- Slows reaction time
- Decreases awareness
- Impairs judgment
- Increases your risk of crashing

# Who's at Risk?

- Anyone who is tired is at risk, but the following groups have a higher risk of driving drowsy:
  - Commercial drivers, including tractor trailer, tour bus, and public transit drivers
  - People who work long hours or late night shifts
  - People with sleep disorders
  - New parents or caregivers of babies and young children
  - High school and college students, young or newer drivers



# Strategies to Stay Alert Behind the Wheel

- Get enough sleep before you drive, especially when going on long trips.
- Make regular stops or switch drivers every 100 miles or 2 hours.
- Drivers are most likely to feel drowsy between 1pm-4pm and 2am-6am. If possible, avoid driving during these times.
- Don't count on caffeine. It can provide a short fix or 'pick me up,' but be aware, it takes 30 minutes before you feel the effect and it can wear off quickly.
- Avoid prescription and over-the-counter medicines that could make you drowsy.
- Never drink alcohol. It slows down your reflexes and causes drowsiness.



# Getting Better Sleep

- Make it a priority to get a least 7 hours of sleep daily. Teens require up to 10 hours.
- Keep the sleep area dark.
- Avoid caffeine and alcohol before you go to sleep.
- Set up a routine for bed time; listen to relaxing music, read, or take a warm bath or shower before you go to sleep.
- Clear your mind. Make a list of your thoughts or concerns before you go to sleep so you do not forget them.
- Lower the thermostat to 60-65°F before going to sleep.
- Use the "Do Not Disturb" sign if you are staying in a hotel or motel.
- Turn off or unplug cellphones and electronic devices where you sleep.
- Use a fan or wear earplugs to block outside sound.
- Pay attention to side effects of medicines and adjust the time you take them, as they might interrupt your sleep.



# **Drowsy Driving Video Discussion**



# How Sleepy Are You?

0  
would never doze

1  
slight chance of dozing

2  
moderate chance of dozing

3  
high chance of dozing

## Warning Signs

- \_\_\_\_\_ Sitting and reading, watching television
- \_\_\_\_\_ Sitting inactive in a public place, for example, a theater or meeting
- \_\_\_\_\_ As a passenger in a car for an hour without a break
- \_\_\_\_\_ Lying down to rest in the afternoon
- \_\_\_\_\_ Sitting and talking to someone
- \_\_\_\_\_ In a car, while stopped in traffic
- \_\_\_\_\_ Sitting quietly after lunch (when you've had no alcohol)

If your total is 10 or higher, consider discussing these results with your physician or other healthcare provider. Keeping a sleep diary for two weeks or longer can help you identify behaviors that might contribute to your fatigue.





# Myth or Fact Learning Activity

\_\_\_ A person can burn off alcohol by strenuous activity.

\_\_\_ A person will be affected by drinking beer.

\_\_\_ A person will not drive as well after a few alcoholic drinks.

\_\_\_ Alcohol will not affect a person who has built up a tolerance.

\_\_\_ A person can sober up by drinking black coffee and taking a cold shower.

# References

1. New York State Department of Motor Vehicles. Driver's Manual. <https://dmv.ny.gov/brochure/mv21.pdf>
2. Centers for Disease Control and Prevention. Alcohol Use and Your Health Infographic. <https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>
3. Stop DWI New York and the Governor's Traffic Safety Committee. Good-Host Checklist Infographic. <http://stopdwi.org/content/good-host-checklist>