BRAZIL DRUNK-DRIVING LEGISLATION

Brazilian Transportation Code - Law No. 9503 of 23 September 1997:
CHAPTER XV - Violations

Article 165:
Driving under the influence of alcohol at levels higher than six decigrams per liter of blood, or of any narcotic or other substance that causes physical or psychological dependency.

Article 165:
Driving under the influence of alcohol, or of any narcotic or other substance that causes physical or psychological dependency: (Drafting provided by Law No. 11275 of 2006)
Violation - very serious;
Penalty - fine (five times) and suspension of driver’s license;
Administrative measure – impoundment of vehicle until a licensed driver [can pick it up] and surrender of driver’s license.
Sole paragraph. Intoxication may also be determined according to Article 277.

CHAPTER XVII - ADMINISTRATIVE MEASURES

Article 276:
A blood alcohol level of six decigrams of alcohol per liter of blood proves that the driver is unable to drive the drive motor vehicle.
Sole paragraph. CONTRAN shall stipulate the equivalent levels for other blood alcohol tests.

Article 277:
Any motor vehicle driver involved in a traffic accident or stopped by transit authorities under suspicion of exceeding the blood alcohol levels to which the previous article refers, shall submit to blood alcohol tests, clinical examinations, expert evaluation, or other examinations using technical or scientific methods and equipment standardized by CONTRAN, in order to certify his/her condition.
Sole paragraph. The corresponding measures shall apply in cases of suspected use of narcotics, toxic substances, or others with analogous effects.

Article 277:
Any motor vehicle driver involved in a traffic accident or stopped by transit authorities under suspicion of exceeding the blood alcohol levels to which the previous article refers, shall submit to blood alcohol tests, clinical examinations, expert evaluation, or other examinations using technical or scientific methods and equipment standardized by CONTRAN, in order to certify his/her condition. (Drafting provided by Law No. 11275 of 2006)
§ 1 The corresponding measures shall apply in cases of suspected use of narcotics, toxic substances, or others with analogous effects. (Sole paragraph renumbered by Law No. 11275 of 2006)
§ 2 In the event a driver refuses to submit to the tests, exams, and expert evaluation to which the introductory paragraph of this article refers, the violation will be able to be established through other legally admitted evidence by the transit agent regarding notable signs of intoxication, stimulation, or torpor presented by the driver, resulting from the consumption of alcohol or narcotics. (Included by Law No. 11275 of 2006)

Law No. 11275 of 7 February 2006:
This Law amends Articles 165, 277, and 302 of Law No. 9503 of 23 September 1997, establishing the Brazilian Transportation Code. According to this Law, transit agents are not required to use breathalyzers (ethylometers) to establish that the driver of a motor vehicle is intoxicated; this determination can be made on the basis of the evident clinical signs, regulated by the National Transportation Council (CONTRAN).

CONTRAN Decision No. 206 of 20 October 2006: This Decision sets out the necessary requirements for confirming the consumption of alcohol, narcotics, or toxic substances, or those with an analogous effect on the human body, establishing the procedures to be adopted by the transit authorities and their agents.

Decree No. 6366 of 30 January 2008: Regulates Provisional Measure No. 415 of 21 January 2008, which prohibits the marketing of alcoholic beverages on federal roadways. Article 1:
The retail sale of alcoholic beverages or the offering of alcoholic beverages for consumption is banned on federal roads or sites contiguous to federal roads with direct access thereto.

Law No. 11705 of 19 June 2008:
Amends Law No. 9503 of 23 September 1997, which established the Brazilian Transportation Code, and Law No. 9294 of 15 July 1996, which provides restrictions on the use and advertising of tobacco products, alcoholic beverages, drugs, therapies, and defensive agricultural, in accordance with the provisions of § 4 of Article 220 of the Brazilian Constitution, with a view to discouraging drivers of motor vehicles from consuming alcoholic beverages, in addition to other measures. Article 1:
This Law amends the provisions of Law No. 9503 of 23 September 1997, which established the Brazilian Transportation Code, with a view to establishing a 0 (zero) blood alcohol and imposing more severe penalties on persons who drive under the influence of alcohol, and Law No. 9294 of 15 July 1996, which places restrictions on the use and advertising of tobacco products, alcoholic beverages, drugs, therapies, and defensive agricultural, pursuant to the provisions of § 4, Article 220 of the Brazilian Constitution, requiring commercial establishments that sell or offer alcoholic beverages to stamp warnings on product labels that it is a crime to drive under the influence of alcohol. Article 2:
The retail sale of alcoholic beverages or the offering of alcoholic beverages for consumption on federal roads or sites contiguous to federal roads with direct access thereto is banned.

§ 1 Violation of the provisions provided in the introduction to this Article shall result in a fine of R$1,500.00 (one thousand five hundred reals).

§ 2º If the offense is repeated within a 12-month period, said fine shall be doubled, and the driver shall be barred from driving for a period of up to one year.

§ 3 The provisions of this Article shall not apply in urban areas, in accordance with the delimitation provided under the laws of each city or the Federal District.

Decree No. 6488 of 19 June 2008:
Regulating Articles 276 and 306 of Law No. 9503 of 23 September 1997 – the Brazilian Transportation Code, which sets blood alcohol limits and equivalence among the different blood alcohol tests for transit crime.

Article 1:
Any concentration of alcohol per liter of blood shall subject the driver to the administrative penalties provided under Article 165 of Law No. 9503 of 23 September 1997, the Brazilian Transportation Code, for driving under the influence of alcohol.

§ 1 The blood alcohol tolerance levels for specific cases shall be defined by decision of the National Transportation Council (CONTRAN), pursuant to the terms established by the Minister of Health.

§ 2 Until such time as the decision to which § 1 above is published, the margin of tolerance shall be two decigrams per liter of blood for all cases.

§ 3 With regard to § 2 above, if the measurement of the quantity of blood alcohol is made by means of a breathalyzer test (ethylometer), the level of tolerance shall be one tenth per milligram per liter of the air expelled from the lungs.

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