

National Road Traffic Amendment Bill and the blood-alcohol level - sanity prevails

On 16 September, the Portfolio Committee on Transport rejected provisions of the National Road Traffic Amendment Bill that sought to criminalize driving a vehicle in South Africa with any traces of alcohol in the blood. This is a welcome outcome as there was a genuine belief from the agricultural industry that the changes would not be effective but have huge unintended consequences on the wine and wine tourism industry.

By means of background, the Bill seeks to make several changes to our traffic laws but the most contentious amendment related to the permissible blood alcohol content (BAC) whilst operating a vehicle. Understandably, it is a sensitive topic. The evidence shows that South Africa has a very unhealthy relationship with drinking and driving. As Agbiz highlighted in its presentation to the Portfolio Committee, academic research shows that roughly 27% of total road accidents in South Africa and up to 60% of fatal road injuries can be attributed to intoxicated drivers or pedestrians. There is little doubt that we have a problem. However, there was genuine concern that proposals to move from a BAC of 0.05% to a BAC of 0.00% could miss the point.

Studies showed that in road accidents associated with intoxication, the drivers, on average, had a BAC level of 0.18%, nearly four times over the legal limit. These drivers well and truly break the law as it currently stands so serious questions must be asked about whether a more stringent law would make any difference. The challenge appears to be one of implementation and changing the BAC is unlikely to solve this problem.

Should the BAC be changed to 0.00%, it could have led to a number of unintended consequences. Firstly, it would place South Africa out of line with international norms as most countries have a BAC of between 0.05% and 0.08%. a Zero limit would also increase the likelihood of false-positive results since numerous prescription medicines and a medical condition known as endogenous ethanol fermentation could lead to individuals showing trace amounts above the 0% thresholds despite not consuming any alcohol at all.

Finally, it could punish the legitimate wine and liquor industry disproportionately. Moderate consumption at restaurants or tourist establishments forms a large component of the value chain. Should a single glass of wine push patrons over to the realm of criminality, sales related to the responsible industry could suffer disproportionately. This is especially true in rural areas such as small towns on the wine routes where no e-hailing services are available. The impact on the rural economy and jobs could be severe whilst there was no real evidence that a change would improve safety on our roads. In the end, the committee decided against these amendments. Within the context of such a sensitive subject, the Portfolio Committee should be applauded for setting an example for evidence-based policymaking.

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