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Utdr.

Lov om pliktmenig avhold for  
personer i visse stillinger fra  
nyttelse av alkohol eller andre  
berusende eller bedøvende  
middele.

Norway.

Main Points of Norwegian Legislative Provisions

on

Alcohol and Road Traffic

~~Act~~  
of 20th February, 1926,  
with supplementary acts respecting motor vehicles.

*Opphevet.*

17.  
.....

*se s. 4*

No one must drive or attempt to drive a motor vehicle when he is under the influence of alcohol (not sober) or other intoxicating or tranquilizing substances. If he has an alcohol concentration in the blood exceeding 0.5 per mille, or so much alcohol in the body that may result in such a high alcohol concentration, he is in any case considered as being under the influence of alcohol within the meaning of this Act. Ignorance as to the alcohol concentration does not involve exemption from punishment.

The driver of a motor vehicle must not partake of alcohol liquor or other intoxicating or tranquilizing substances during the first six hours after he has finished driving when he understands or has grounds for understanding that police investigation may be made as a result of his driving. This prohibition does not apply, however, when the police have arranged for a doctor to take a blood test, or have decided that no blood test shall be taken.

When there is reason to believe that the driver of a motor vehicle has violated the regulations in the second or third paragraph of this section, the police may require him to submit to medical examination by a doctor who has a right to take blood tests. The Ministry of Justice draws up detailed regulations concerning such medical examination, and all matters concerned therewith.

No one may drive or attempt to drive a motor vehicle when he is in such a condition that he cannot be considered fit to drive the vehicle for example on account of sickness, weakness, tiredness or other forms of fatigue.

.....

18.

If the driver of a motor vehicle has been found guilty of infringement of the Act respecting motor vehicles, the Act respecting intoxicating liquors, the Criminal Justice Act or other laws or regulations which have been laid down pursuant to

the law, the local chief of police may withdraw his driver's licence for a specified period, or permanently, when he finds that on general grounds the infringement which has been punished should result in such a penalty. The same applies when the driver is, for other reasons, considered unfit to continue as driver of a motor vehicle, especially when he can no longer be considered reliable and sober, or otherwise to lack the qualifications which are required of a driver.

If the sight, hearing, physical condition or general state of health of the driver of a motor vehicle no longer comply with the requirements laid down for drivers of motor vehicles, it is his duty to notify the police of this. Likewise, the doctor whom he has consulted is bound to give him written warning if the doctor considers it unwarrantable that the person concerned should continue to drive a motor vehicle, and to send a copy of the warning to the police.

The driver's licence shall be withdrawn for at least one year if the holder has been found guilty of driving a motor vehicle under the influence of alcohol (not sober) or other intoxicating or tranquilizing substances. The same applies to infringement of the regulations in section 17, para. 3. If he has previously been punished for infringement of one of these regulations during the last 5 years, his driver's licence shall be permanently withdrawn. The licence shall also be permanently withdrawn when the driver of a motor vehicle has been involved in an accident resulting in personal injury, if he has been sentenced for failing to give the injured necessary assistance.

Police decisions concerning the withdrawal of the driver's licence pursuant to the first para., may be appealed to the Ministry of Justice, which can prolong or shorten the period of withdrawal. If the driver's licence has been withdrawn pursuant to the third para. the Ministry of Justice may, when an appeal has been lodged, reduce the period of withdrawal to less than the minimum stipulated, when there are mitigating circumstances, and the withdrawal of the driver's licence for such a long time as that laid down would be particularly hard. The police decision remains in force until the case has been settled by the Ministry.

If the police find that there are good grounds for suspecting that the driver of a motor vehicle has committed an offence that may be punished by the withdrawal of the driver's licence, the

settled, but for no longer than 3 weeks without the consent of the court.

If the driver of a motor vehicle refuses to submit to a medical examination or blood test as mentioned in section 17, para. 4, the police shall immediately confiscate his licence, and the chief of police shall make a decision to withdraw the licence for at least 2 years. If during the last 5 years the licence has been withdrawn for the same reason, or under section 18, para. 3, the chief of police shall withdraw the licence permanently. Appeal against a decision to withdraw the licence may be lodged with the Ministry of Justice, which can reduce or prolong the period of withdrawal. The period may not be reduced unless there exist specially mitigating circumstances, and withdrawal for such a long period as stipulated would be unreasonably hard. The police decision remains in force until the matter has been settled by the Ministry.

If a licence has been withdrawn, the holder is under an obligation to hand it over to the police immediately.

In cases concerning the question as to whether a withdrawal of a licence is legal or not, the court may not try the experts' opinion on which the decision to withdraw the licence was based.

29.

Infringements of the regulations laid down in or pursuant to this act are punishable by fines or imprisonment up to one year unless they are liable to more severe penalties. Infringement of this act or the regulations laid down pursuant to it is (considered as) an offence, irrespective of the magnitude of the penalty.

If a person has driven a motor vehicle under the influence of alcohol (not sober) or other intoxicating or tranquilizing substances, he is liable to imprisonment where there exist no especially mitigating circumstances. The same applies to infringement of the regulations in section 17, para. 3.

Act  
of 16th July, 1936, with supplementary acts  
respecting

Obligatory Abstinence from Indulgence in Alcoholic Liquors or  
other Intoxicating or Tranquilizing Substances for Persons in  
Certain Positions.

- 1. A person who serves:
  - a) .....
  - b) .....
  - c) .....
  - d) as driver of motor vehicle in a capacity involving the  
transport of persons or goods,
  - e) .....  
when on duty  
is/not allowed to drink any alcoholic beverage except beer con-  
taining not more than 2.5 per cent alcohol by volume or take  
other intoxicating or tranquilizing substances.

.....  
For persons mentioned under ..... d) .... the prohibi-  
tion also applies for a period of 8 hours before the duty begins  
unless it is necessary to call in a deputy and the latter can not  
be notified so long in advance.

2. The provisions of section 1 are similarly applied to persons  
employed as mentioned under section 1, d), in case they, outside  
service hours, convey other persons or goods in motor vehicles  
used for such service as therein mentioned.

- 3. ....
- 4. ....
- 5. ....
- 6. ....

7. If any person of the categories mentioned under section 1, ....  
d) .... and section 2 wilfully or negligently infringes the  
prohibition laid down in section 1, he is punishable by a fine  
or by imprisonment for a period of up to one year. The infringe-  
ment is considered as misdemeanour.

The fact that a person of the categories mentioned under  
section 1, .... d) .... has an alcohol concentration in the blood  
exceeding 0.5 per mille, or so much alcohol in the body that may  
result in such a high alcohol concentration, is considered as

tantamount to an infringement of the prohibition laid down in section 1, even though the alcohol has been drunk more than 8 hours before the duty began. This also applies when the persons mentioned under section 1, d) are engaged outside service hours in such transport as mentioned under section 2 and when so engaged have an alcohol concentration in the blood exceeding 0.5 per mille, or so much alcohol in the body that may result in such a high alcohol concentration.

In cases of repeated infringements the offender may for a certain period or for ever be deprived of the right to hold the position he had when the offence was committed, or hold such other position as mentioned under section 1, .... d) ...

8. If any person professionally engaged in the hotel business (hotel, inn, pension or other letting of single rooms), or who as a caterer serves food or drinks, or any one in the service of such person, aids and abets in the infringement of the prohibition laid down in sections 1 and 2, he is - provided such abetment occurs during the exercise of such trade - liable to be punished by a fine and in case of recurrence by a fine or by imprisonment for a period of up to three months. If the offender holds a licence for the sale and serving of intoxicating beverages, the court shall hold him to have forfeited such licence if he has offended a third time.

To the same punishment is liable a person who aids and abets in the infringement of the prohibition laid down in section 1, d) and section 2 provided such abetment consists in the provision (serving) of intoxicating liquors for or without payment.