

Drinking and Driving Laws

What You Need to Know
About Drinking, Driving and the Law

TABC

1-888-THE-TABC
www.tabc.state.tx.us
www.2young2drink.com



Save a Life™
Texas Department of Transportation

This booklet was designed to inform you about some of the penalties you could face if you choose to drink and drive.

Drinking and Driving Laws

- Zero Tolerance - Driving Under the Influence of Alcohol by a Minor (DUI)
- Driving While Intoxicated (DWI)
- Driving While Intoxicated With a Child Passenger
- Intoxication Assault
- Intoxication Manslaughter

No matter where you are in Texas...



Zero Tolerance Driving Under the Influence of Alcohol (DUI)

While it is illegal for anyone to drive while intoxicated, it is also illegal for a minor (anyone under 21) to operate a motor vehicle or watercraft while having ANY detectable amount of alcohol in the minor's system.

TABC Code §106.041

DUI Penalties

First Offense

Class C Misdemeanor

- Fine up to \$500;
- Alcohol awareness class;
- 20 to 40 hours of community service;
- 60 days driver's license suspension;
- The minor would not be eligible for an occupational license for the first 30 days.

Second Offense

Class C Misdemeanor

- Fine up to \$500;
- Alcohol awareness class;
- 40 to 60 hours of community service;
- 120 days driver's license suspension;
- The minor would not be eligible for an occupational license for the first 90 days.

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DUI Penalties *(continued)*

A **third offense** is not eligible for deferred adjudication. The minor's driver's license is suspended for 180 days and an occupational license may not be obtained for the entire suspension period. If the minor is 17 years of age or older, the fine increases to \$500 - \$2,000, confinement in jail for up to 180 days, or both.

Intoxicated

"Intoxicated" means:

- (A) not having normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body; or
- (B) having an alcohol concentration of 0.08 or more.

Texas Penal Code §49.01

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Driving While Intoxicated (DWI)

It is an offense if a person operates a motor vehicle in a public place while intoxicated.

Texas Penal Code §49.04

Class A Misdemeanor if BAC => 0.15

- Fine up to \$4,000; and/or
- Up to 1 year in jail.

Class B Misdemeanor if BAC =< 0.15

- Fine up to \$2,000; and/or
- 3 to 180 days in jail; and
- 90 days to 1 year loss of driver's license.

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DWI With a Child Passenger

It is an offense if a person operates a motor vehicle in a public place while intoxicated and has a passenger that is under the age of 15.

Texas Penal Code §49.045

DWI Penalty **PLUS** State Jail Felony

- 180 days to 2 years in jail; and/or
- Fine up to \$10,000.

Intoxication Assault

A person commits an offense if the person, by accident or mistake, while operating a motor vehicle in a public place while intoxicated, by reason of that intoxication causes serious bodily injury to another.

Texas Penal Code §49.07

Third Degree Felony

- 2 to 10 years in jail (for each count); and/or
- Fine up to \$10,000 (for each count).

Intoxication Manslaughter

A person commits an offense if the person, by accident or mistake, while operating a motor vehicle in a public place while intoxicated, by reason of that intoxication causes the death of another.

Texas Penal Code §49.08

Second Degree Felony

- 2 to 20 years in jail (for each count); and/or
- Fine up to \$10,000 (for each count).

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Other Underage Drinking Laws

Minors who purchase, attempt to purchase, possess, or consume alcoholic beverages, as well as minors who are intoxicated in public or misrepresent their age to obtain alcoholic beverages, face the following consequences:

TABC Code §106

Class C Misdemeanor

- Fine up to \$500;
- Alcohol awareness class;
- 8 to 40 hours community service;
- 30 to 180 days loss or denial of driver's license.

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Purchase for or Furnish Alcohol to a Minor

It is an offense if a person purchases an alcoholic beverage for or gives or with criminal negligence makes available an alcoholic beverage to a minor:

TABC Code §106.06

Class A Misdemeanor

- Fine up to \$4000; and/or
- Up to one year in jail; and
- Automatic suspension of driver's license for 180 days upon conviction.

*A minor can commit this offense as well.

Quick Review

1. Zero Tolerance for Underage Age Drivers- Driving Under the Influence of Alcohol (DUI) applies to both a motor vehicle and a watercraft.
2. It is against the law to drive while intoxicated.
3. It is against the law to purchase an alcoholic beverage for or give an alcoholic beverage to a minor. This law applies to everyone, even people under the age of 21.

No matter where you are in Texas...



Questions or Concerns?

questions@tabc.state.tx.us

Call 1-888-THE-TABC or your local Police Department to report:



TABC
Website

- Violations discussed in this book;
- Underage drinking.



2young2drink
Website

Are you aware of an establishment that over serves patrons?

Notify TABC and keep your community safe.

E-mail: complaints@tabc.state.tx.us

Fax: 512-206-3449

**Mail: Texas Alcoholic Beverage Commission
Enforcement Division
P.O. Box 13127
Austin, TX 78711**

In person: At your local TABC office. To find your local office, go to:

http://www.tabc.state.tx.us/contact_us/local_field_office.asp

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