This program 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 Law - 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
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.
DUI Penalties

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
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 B Misdemeanor

- Fine up to $2,000; and/or
- 3 to 180 days in jail; and
- 90 days to 1 year loss of driver’s license.
Underage Drinking and Driving Laws

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.

1-888-THE-TABC
www.tabc.state.tx.us
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.

Second Degree Felony

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

Texas Penal Code §49.08
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:

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.

TABC Code §106
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:

*A minor can commit this offense as well.

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.

TABC Code §106.06
Quick Review

1. Zero Tolerance - Driving Under the Influence of Alcohol (DUI) applies to both a motor vehicle and a watercraft.
2. A minor can have their driver’s license suspended if they commit an alcohol related offense.
3. A minor can commit an offense if he or she purchases an alcoholic beverage for or gives an alcoholic beverage to a minor.
Underage Drinking and Driving Laws

Questions or Concerns?
questions@tabc.state.tx.us

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

- Violations discussed in this book;
- Underage drinking.
Do you think you or someone you know:

- has an alcohol problem?

Call SAMHSA’s 24-hour toll-free Treatment Referral Hotline
1-800-662-HELP

- is feeling suicidal?

Call the National Suicide Prevention Lifeline
1-800-273-TALK

Not in Our House
www.tabc.state.tx.us
1-888-THE-TABC