

Intoxication Assault (3rd Degree Felony)

- A fine not to exceed \$10,000
- Confinement in TDCJ for 2 to 10 years
- 90 days to 1 year driver license suspension

Intoxication Manslaughter (2nd Degree Felony)

- A fine not to exceed \$10,000
- Confinement in TDCJ for 2 to 20 years
- 180 days to 2 years driver license suspension

Penalties for Non-Driving Alcohol-Related Offenses by Adults

The punishment for making alcoholic beverages available to a minor is a Class A misdemeanor punishable by a fine up to \$4,000, confinement in jail for up to a year, or both. Additionally, the violator will have his or her driver license automatically suspended for 180 days upon conviction.

A person 21 or older (other than the parent or guardian) can be held liable for damages caused by intoxication of a minor under 18 if the adult knowingly provided alcoholic beverages to a minor or knowingly allowed the minor to be served or provided alcoholic beverages on the premises owned or leased by the adult.

Penalties for Non-Driving Alcohol-Related Offenses by Minors

ZERO TOLERANCE includes penalties for alcohol-related offenses not associated with driving. These offenses include purchasing or attempting to purchase alcohol, falsely identifying as 21 years of age or older to a person engaged in the selling or serving of alcoholic beverages, and consuming or possessing an alcoholic beverage.

The penalties for non-driving alcohol-related offenses according to the Texas Alcoholic Beverage Code are:

- A fine not less than \$250 or more than \$2,000
- Attendance in an alcohol awareness class
- 30 days driver license suspension, first offense
- 60 days driver license suspension, second offense
- 180 days driver license suspension, third offense
- Court mandated community service

If the minor does not have a driver license, the driving privilege will be denied for the same period as the suspension.

DISTRACTED DRIVING

Distracted driving is the number one killer of drivers in America. When you are driving a vehicle and your attention is not on the road, you are putting yourself, your passengers, other vehicles, and pedestrians in danger.

Distracted driving can result when you perform any activity that may shift your full attention from the driving task. **TEXTING WHILE DRIVING IS AGAINST THE LAW.** An offense is a misdemeanor and penalties for texting while driving can be fines of \$25 to \$99 for a first offense and fines of \$100 to \$200 for subsequent offenses.

To educate drivers on the impact of distracted driving, Texas requires all teen drivers to complete the Impact Texas Teen Driver (ITTD) Program prior to completing a driving skills test. You may find information and requirements about the ITTD program at <https://www.dps.texas.gov/DriverLicense/ITD.htm>.



Help keep Texans safe.

Be a responsible driver.

Texas Department of Public Safety
Driver License Division

<https://www.dps.texas.gov/DriverLicense>

ROADSIDE HELP IN TEXAS CALL 1-800-525-5555

Alcohol and Minors – Texas has **ZERO TOLERANCE**



DRIVER LICENSE DIVISION

*Creating a faster, easier, friendlier driver license
experience and a safer Texas*

DL-20 (rev. 9/2020)

Texas has tough alcohol-related laws for minors, and Driving While Intoxicated (DWI) is a problem that affects all Texans. Texas enacted laws to discourage drivers from drinking and driving, and to make Texas roads safer.

Texas defines a “minor” for alcohol-related offenses as someone under 21 years of age. A minor may not purchase, attempt to purchase, consume, or possess an alcoholic beverage. The Texas **ZERO TOLERANCE** law makes it illegal for any minor to operate a motor vehicle, including a watercraft, in a public place while having ANY detectable amount of alcohol in their system. It is a criminal offense of **Driving under the Influence of Alcohol by a Minor (DUIA by a Minor)**. The 0.08% blood alcohol content (BAC) legal limit of intoxication does not apply to minors.

How the Law Works for Minors

A police officer with reasonable suspicion or probable cause that an offense has occurred may stop a vehicle. The officer may ask the driver to perform one or more field sobriety tests. In the case of a minor, if the officer believes there is ANY detectable alcohol in the minor’s system, the minor may be:

- Arrested and the vehicle towed
- Handcuffed and taken to a police department or county jail
- Given the opportunity to take a breath test
- Taken to a hospital or clinic for a blood test, or
- Not be requested to provide breath or blood because the presence of alcohol was detected or measured by other means

The officer decides what method to detect the presence of alcohol is appropriate. However, if someone dies or is seriously injured in an accident, a breath or blood sample can be required.

Implied Consent Laws for Minors

As is the case with adults, a minor implies their consent to take one or more breath or blood specimens for analysis if they are arrested for operating a motor vehicle or watercraft in a public place while intoxicated. A minor may be required to provide a specimen of breath or blood if there is ANY detectable or noticeable amount of alcohol in their system while operating a motor vehicle in a public place as deemed by a law enforcement officer. The breath or blood specimen will determine if alcohol is present in their body. The blood specimen can also identify other controlled substances or drugs.

Suspensions for Minors Providing a Specimen – Confirmed Detectable Amount of Alcohol

If the analysis of the specimen detects ANY amount of alcohol or controlled substance in the minor’s system at the time the minor was operating a motor vehicle or watercraft in a public place, the minor’s driver license is suspended (or privilege denied if unlicensed) for:

- **1st Offense** – 60 days
- **2nd Offense** – 120 days
- **3rd and subsequent offenses** – 180 days

The minor may request a hearing before an Administrative Law Judge to contest the suspension.

Suspension for Minors Refusing to Provide a Specimen

Refusal to provide a specimen may result in the minor being placed in jail and held until bond is posted, or until appearance before a magistrate or Juvenile Court Judge. The minor’s driver license is suspended (or privilege denied if unlicensed) for:

- **1st Offense (Refusal)** – 180 days
- **2nd and subsequent offenses (Refusal)** – 2 years

Offenses and Penalties

DUI of Alcohol or Drugs by a Minor –

1st Offense (Class C Misdemeanor)

- A fine up to \$500
- 20 to 40 hours of community service
- 60 days driver license suspension
- Attendance in an alcohol awareness class is required for the minor and may be required for the parent

2nd Offense (Class C Misdemeanor)

- A fine up to \$500
- 40 to 60 hours of community service
- 120 days driver license suspension
- Attendance in an alcohol awareness class may be required

3rd Offense (Class C Misdemeanor) – Under 17 years of age

- A fine up to \$500
- 40 to 60 hours of community service
- 180 days driver license suspension

- Attendance in an alcohol awareness class may be required or the case may be transferred to Juvenile Court as delinquent conduct

3rd Offense (Class B Misdemeanor) – 17 to 21 years of age

- A fine of \$500 to \$2,000 and/or confinement in jail not to exceed 180 days
- 40 to 60 hours of community service
- Attendance in an alcohol awareness class may be required
- 1 year driver license suspension or 90 days with a judge’s order to install an ignition interlock device
- The court may not give deferred disposition or adjudication on the third offense

DWI by a Minor –

Minors may be charged as adults for alcohol and drug related offenses. The penalties for DWI when charged as an adult are:

1st Offense (Class B Misdemeanor)

- A fine not to exceed \$2,000
- Confinement in jail of 72 hours to 180 days
- 1 year driver license suspension or a minimum of 90 days up to one year suspension with community supervision and an order to install an ignition interlock device
- The court may probate the jail sentence and waive the license suspension on the first offense only
- Possession of an open container of an alcoholic beverage increases the minimum confinement to 6 days

2nd Offense (Class A Misdemeanor)

- A fine not to exceed \$4,000
- Confinement in jail of 30 days to 1 year
- 180 days to 18 months driver license suspension

3rd (or Subsequent) Offense (Felony of the Third Degree)

- A fine not to exceed \$10,000
- Confinement in the penitentiary for 2 to 10 years
- 180 days to 2 years driver license suspension

DWI with passenger under 15 years of age (State Jail Felony)

- A fine not to exceed \$10,000
- Imprisonment in TDCJ for 2 to 10 years
- 90 days to 1 year driver license suspension