

Minors can be charged as adults for alcohol and drug related offenses. The penalties for Driving While Intoxicated (DWI) when charged as an adult, which include driving under the influence of alcohol or drugs, are:

- **1st Offense (Class B Misdemeanor)** includes: a fine not to exceed \$2,000.00, confinement in jail of 72 hours to 180 days, and a driver license suspension for 90 days to 365 days. The court may probate the jail sentence and waive the driver license suspension for a first offense ONLY. Possession of an open container of an alcoholic beverage increases the minimum term of confinement to 6 days.
- **2nd Offense (Class A Misdemeanor)** includes: a fine not to exceed \$4,000.00, confinement in jail of 30 days to one year, and a driver license suspension for 180 days to two years.
- **3rd or Subsequent Offense (Felony of the Third Degree)** includes: a fine not to exceed \$10,000.00, confinement in the penitentiary for two to 10 years, and a driver license suspension for 180 days to two years.
- **Intoxication Assault (Felony of the Third Degree)** includes: a fine not to exceed \$10,000.00, confinement in the penitentiary for two to 10 years, and a driver license suspension for 180 days to two years.
- **Intoxication Manslaughter (Felony of the Second Degree)** includes: a fine not to exceed \$10,000.00, confinement in the penitentiary for two to 20 years, and a driver license suspension for 180 days to two years.

Penalties for Non-Driving Alcohol-Related Offenses by Adults

A person purchasing or furnishing an alcoholic beverage to a minor can be punished by a fine up to \$2,000.00 and/or confinement in jail up to 80 days. A person selling an alcoholic beverage to a minor can be punished by a fine up to \$4,000.00 and/or confinement in jail up to one year.



**Help keep Texans safe.
Be a responsible driver.**

Texas Department of Public Safety
Driver License Division
www.dps.texas.gov/DriverLicense

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

Texas has tough alcohol related laws for minors



DRIVER LICENSE DIVISION

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

TEXAS HAS TOUGH ALCOHOL-RELATED LAWS FOR MINORS

Driving while intoxicated (DWI) is a problem that affects all Texans. Texas enacted laws to discourage drivers from drinking and driving and make Texas roads safer. Texas established **ZERO TOLERANCE** for minors who commit any alcohol related offenses.

Texas defines a “minor” as someone under 21 years of age. A minor may not purchase, attempt to purchase, consume, or possess an alcoholic beverage. If a minor has ANY detectable amount of alcohol in their system while operating a motor vehicle on a public street, it is a criminal offense of **Driving Under the Influence of Alcohol by a Minor (DUIA by a Minor)**.

The 0.08% BAC legal limit of intoxication does not apply to minors. If the minor does not have a driver license, driving privileges are denied for the same period as the suspension.

How the Law Works for Minors

A police officer with reasonable suspicion or probable cause may stop any 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 car towed;
- Handcuffed, taken to a police department or county jail, and given the opportunity to take a breath test; and
- Taken to a hospital or clinic for a blood test. The officer designates the test required. If someone dies or is seriously injured in an accident, a breath or blood sample can be required.

Implied Consent Laws for Minors

A minor arrested for an offense committed while operating a motor vehicle or watercraft with ANY detectable amount of alcohol in their system automatically consents to the taking of one or more specimens by breath or blood. The specimens are analyzed to determine the alcohol concentration or the presence of a controlled substance, drug, or dangerous drug in the minor’s body.

A minor whose specimen confirms the operation of a motor vehicle in a public place with ANY detectable amount of alcohol in their system will have their driver license suspended for:

- **60 days** for the first offense,
- **120 days** for the second offense, and
- **180 days** for the third and subsequent offenses.

The minor may request a hearing before an Administrative Law Judge to contest if the officer had probable cause to stop and arrest the minor or if there was detectable alcohol or controlled substance in the minor’s body.

Suspensions for Minors Refusing to Provide a Specimen

Refusal to provide a specimen results in a driver license suspension. If the minor refuses the test, the minor may be placed in jail and held until bond is posted or until appearance before a magistrate or Juvenile Court Judge. The driver license is suspended (or privilege denied if unlicensed) for:

- **180 days** - 1st Refusal
- **2 years** - 2nd or subsequent Refusal

Offenses and Penalties

DUIA by a Minor – Under 17 years of age

- **1st Offense (Class C Misdemeanor)** includes: a fine up to \$500.00, 20 to 40 hours of community service, and a driver license suspension for 60-180 days. Attendance in an Alcohol Awareness Course is required for the minor and may be required for the parent.
- **2nd Offense (Class C Misdemeanor)** includes: a fine up to \$500.00, 40 to 60 hours of community service, a driver license suspension for 120 days to 2 years, and attendance in an Alcohol Awareness Course.
- **3rd Offense (Delinquent Conduct by Minor 10 – 17 years of age)** includes: a fine up to \$500.00, 40 to 60 hours of community service, and a driver license suspension for 180 days to 2 years.

DWI by a Minor –17 to 21 years of age

- **1st Offense (Class B Misdemeanor)** includes: a fine not to exceed \$2,000.00, confinement in jail of 72 hours to 180 days, and a driver license suspension for one year. The

suspension is reduced to 90 days if the court orders community supervision and an ignition interlock device is required. The court may not probate the jail sentence or waive the driver license suspension.

- **2nd Offense (Class A Misdemeanor)** includes: a fine not to exceed \$4,000.00, confinement in jail of 30 days to one year, and a driver license suspension for 180 days to 18 months.
- **3rd (or Subsequent) Offense (Felony of the Third Degree)** includes: a fine not to exceed \$10,000.00, confinement in the penitentiary for two to 10 years, and a driver license suspension for 180 days to two years.

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 penalty for a non-driving alcohol-related offense or for public intoxication is:

- **1st Offense (Class C Misdemeanor)** includes: a fine up to \$500.00, 8 to 12 hours of community service, mandatory attendance in an Alcohol Awareness course, and a driver license suspension for 30 days.
- **2nd Offense (Class C Misdemeanor)** includes: a fine up to \$500.00, 20 to 40 hours of community service, attendance in an Alcohol Awareness course, and a driver license suspension for 60 days.
- **3rd Offense (Conduct Indicating a Need for Supervision 10 – 17 years of age)** includes: a fine of up to \$500.00, 20 to 40 hours of community service, and a driver license suspension for 180 days.
- **3rd Offense (17 years of age or older but less than 21) (Class B Misdemeanor)** includes: a fine of \$250.00 to \$2,000.00, 40 to 60 hours of community service, confinement in jail up to 180 days, and a driver license suspension for 180 days. Minors are not eligible for deferred disposition for a third or subsequent conviction of Consumption by a Minor.