

# Driving While Intoxicated (DWI)

*About every twenty minutes, someone is hurt or killed in Texas in a crash involving alcohol.*

## How Much Is Too Much?

Impairment begins with the first drink. Your gender, body weight, the number of drinks you've consumed, and the amount of food you've eaten affect your body's ability to handle alcohol.



**Two or three beers in an hour can make some people legally intoxicated.**

## What Happens If You're Stopped

If you're stopped, be ready to show your driver's license, proof of insurance, and vehicle registration. If you refuse a law enforcement officer's request to take a blood or breath test to measure how much alcohol is in your system, your driver's license will be automatically suspended for 180 days.

## HERE'S THE LAW

A person is legally intoxicated and may be arrested and charged with DWI with a .08 BAC (blood or breath alcohol concentration). However, drivers can be stopped and cited when impaired due to alcohol or other drugs regardless of BAC. Whether you're the driver or the passenger, you can be fined up to \$500 for having an open alcohol container in a vehicle.

## Punishment for DWI

### First Offense

- Up to a \$2,000 fine
- Up to 180 days in jail upon conviction (mandatory three days in jail)
- Loss of driver's license up to a year
- \$1,000 annual surcharge for three years to retain driver's license

### Second Offense\*

- Up to a \$4,000 fine
- Up to one year in jail upon conviction
- Loss of driver's license up to two years
- Mandatory five days in jail if defendant receives probation
- \$1,500 annual surcharge for three years to retain driver's license

### Third Offense\*

- Up to a \$10,000 fine
- Two to 10 years in prison
- Loss of driver's license up to two years
- Mandatory 10-60 days in jail if defendant receives probation
- \$2,000 annual surcharge for three years to retain driver's license

*\* After two or more DWI convictions in five years, you must install a special ignition switch that prevents your vehicle from being operated if you've been drinking.*

### DWI With a Child Passenger

- DWI with a passenger younger than 15 years old is a felony and punishable with:
- Up to a \$10,000 fine
  - Up to two years in a state jail
  - Loss of driver's license for 180 days

## How to Stay Out of Jail

Designate a driver, call a cab or someone you trust to pick you up, or spend the night where you are. Bottom line: Do not get behind the wheel if you've been drinking.

## Underage Drinking

*Any amount of alcohol is off limits if you're under 21.*

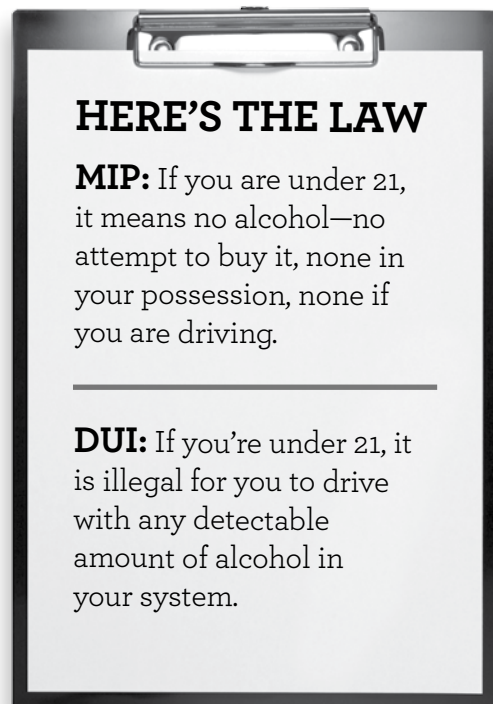
### Minors in Possession (MIP)

If you're a minor (under 21), here's what happens the first time you are found in possession of alcohol. Any amount of beer, wine, or liquor can trigger the penalties.

#### First Offense

- Up to a \$500 fine
- Loss of driver's license for 30 to 180 days
- Eight to 40 hours of community service
- Mandatory alcohol awareness classes

*A second or third offense can lead to suspension of your driver's license for 60 to 180 days. If you're 17 or older, you also can be fined as much as \$2,000 or go to jail for up to 180 days for a third offense or both, plus automatic driver's license suspension.*



### Driving Under the Influence (DUI)

Punishment for DUI varies depending on your age at the time of citation.

#### If you're under 21

Here's what happens the first time you are stopped for drinking and driving:

- Up to a \$500 fine
- 60-day driver's license suspension
- 20 to 40 hours of community service
- Mandatory alcohol awareness classes

#### If you're 17 or older

Here's what happens if you're stopped for drinking and driving with a blood or breath alcohol concentration (BAC) of .08 or greater:

- Up to a \$2,000 fine
- Three to 180 days in jail
- Driver's license suspension for 90 days to a year



### Providing Alcohol to Minors

Furnishing or selling alcohol to someone under 21 can lead to a \$4,000 fine and jail time up to a year. A parent, legal guardian, or spouse can provide alcohol to a minor as long as they are present when the minor possesses or consumes it.