

# Driving While Intoxicated

**ABOUT EVERY TWENTY MINUTES IN TEXAS, SOMEONE IS HURT OR KILLED IN A CRASH INVOLVING ALCOHOL.**

## HERE'S THE LAW



In Texas a person is legally intoxicated and may be arrested and charged with DWI with a .08 BAC (blood or breath alcohol concentration). However, a person is also intoxicated if 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.

## 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. Women, younger people and smaller people become impaired with smaller amounts of alcohol.

## 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.

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

## What Happens if You're Convicted

If you're stopped, be ready to show your driver's license, proof of insurance and 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. Punishment for DWI varies depending on the number of convictions.

First Offense	Second Offense*	Third Offense*
Up to a \$2,000 fine	Up to a \$4,000 fine	Up to a \$10,000 fine
Up to 180 days in jail upon conviction (mandatory three days in jail)	Up to one year in jail upon conviction (mandatory 30 days in jail)	Two to ten years in prison
Loss of driver's license up to a year	Loss of driver's license up to two years	Loss of driver's license up to two years
\$1,000 surcharge for three years to retain driver's license	\$1,500 surcharge for three years to retain driver's license	\$2,000 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

You can be charged with child endangerment for driving while intoxicated if you're carrying passengers younger than 15 years old.

DWI with a child passenger is punishable with:

- Up to a \$10,000 fine
- Up to two years in a state jail
- Loss of driver's license for 90–365 days

**WHO'S DRIVING TONIGHT?  
IF YOU'RE DRINKING, IT'S NOT YOU.**

