

Texas Department of Public Safety



Texas Driver Handbook



Driver License Division
Revised January 2016

This publication is FREE and also available online at www.dps.texas.gov/DriverLicense

Chapter 10: Alcohol and Drug Impact on the Driving Ability

Any drug may affect a person's ability to drive. Millions of people take over the counter and prescription medications, illegal drugs, or drink alcohol and do not realize they may affect the mental and physical (psychomotor) skills necessary to operate a vehicle and/or react to external events while driving a vehicle.

Each individual is different. Driving skills of persons taking the same drug may be affected differently. A driver's body weight, emotional state, amount of drug taken, and when the drug was taken will influence the driver's ability to assess an emergency situation or judge speed and distance. Safe driving always requires an observant eye, a steady hand, and a clear head.

When a person drinks alcohol or uses drugs, one of the first affects is they lose their judgement and their sight is impaired, causing slower reactions to sounds and the inability to judge another vehicle's speed. A person's ability to reason can all but disappear. Good judgment may be as simple as saying no to a friend who wants to race their car. However, if a person has been drinking alcohol or they are under the influence of drugs, their judgment may turn into, "Sure, take my car."

Taking more than one drug at the same time is even more dangerous since drugs may have a different overall cumulative effect, especially when alcohol is involved. Besides escalating the overall effects of the other drugs, alcohol can also mask the effects of those drugs, increasing a person's risk of poor decision making and/or slowing responsive reactions to situations. You should always check with a doctor or pharmacist before taking more than one type of drug or mixing drugs, especially tranquilizers or sedatives.

Table 27: Alcohol and Other Types of Drugs

Type	Description
Marijuana	Research shows even typical social doses of marijuana can affect concentration, judgment, and sensory and perceptual skills needed for careful driving. People who are under marijuana influence have impaired sensory and perceptual abilities.
Stimulants	Heavy amphetamine use may keep drivers awake and active for long periods of time. It also makes them less coordinated, edgy, and is more likely to be involved in a car crash. Research shows typical social amounts of cocaine can produce lapses in attention and concentration. While caffeine can help drowsy drivers stay alert, it can't make a drunk driver sober. Studies show ordinary amounts of caffeine don't improve a drunk driver's ability to operate a vehicle.
Tranquilizers / Sedative-Hypnotics	Tranquilizers/Sedative-hypnotic drugs, including barbiturates, are powerful depressants, which calm people down or help them sleep. Tired or over-sedated drivers are not good drivers.
Over-the-counter drugs	Many over-the-counter drugs cause drowsiness in some people which can affect their driving. Read the labels and be careful with antihistamines, other cold preparations, or any medicine that relaxes or promotes sleep.
Any drug	Any drug might affect your ability as a driver. If you take more than one drug or if you mix drugs, especially tranquilizers or other sedative-hypnotics with alcohol, you could be asking for trouble on the road and off. If you have doubts about a drug or drug mix, check with a doctor or pharmacist.
Alcohol	Each year alcohol, a depressant drug affecting coordination, judgment, perception, and emotional state, is responsible for a significant number of highway deaths. Alcohol increases the depressant effects of tranquilizers and barbiturates. Mixing these drugs, on or off the road, can be hazardous.

The Number One Killer is Alcohol

Driving While Intoxicated (DWI) is a problem affecting all Texans. According to the Calendar Year 2014 *Texas Motor Vehicle Traffic Crash Highlights* (Texas Department of Transportation), 1041 persons were killed in a motor vehicle traffic crash with a driver under the influence of alcohol. Alcohol related crashes represent 29% of the total number of persons killed in motor vehicle traffic crashes.

According to the Centers for Disease Control and Prevention, the leading cause of death for U. S. teens is motor vehicle crashes. In 2011, approximately 2650 teens (aged 16-19) were killed and almost 292,000 were treated in emergency departments for injuries suffered in motor-vehicle crashes. That means seven teens aged 16-19 died every day from motor vehicle injuries.

In 2013, Texas had the highest number of alcohol impaired driving fatalities in the United States, and 17% of drivers aged 16 to 20 involved in fatal crashes had a blood alcohol concentration (BAC) of 0.08 or higher. Not all teens involved in fatal crashes were drinking. Some were passengers or innocent victims of people who drink and drive. Maybe one of those injured or killed was a family member or your best friend. It could have been you.

To make Texas safer, the Texas legislature enacted laws to deter people from drinking and driving by penalizing those who choose to drink and drive. In Texas, a person is considered legally intoxicated if the person has a BAC of 0.08 or more. Driving While Intoxicated (DWI) and Driving Under the Influence (DUI) arrests can be a humiliating experience and are costly. Some fines range as high as \$10,000 not including the cost of a bail bondsman, attorney, or other court-required expenses. Is it worth the risk?

Open Container

It is illegal to possess an open container of alcohol in a motor vehicle passenger area located on a public highway, regardless of whether the vehicle is being operated, stopped, or parked. Conviction of this offense is punishable by a fine not to exceed \$500.

Myths about Drinking Alcohol

Taking cold showers, drinking black coffee, or exercising will not make a person sober. Only time, based on body weight, number of drinks, and food intake can minimize the effects of alcohol. It takes about one hour for the body to rid itself of each drink consumed. If a person has been drinking someone who has not been drinking should drive.

Texas Tough Alcohol-Related Laws for Minors**Zero Tolerance for Minors**

According to the Texas Alcohol Beverage Code, a minor is any individual who is under 21 years of age. A minor may not purchase, attempt to purchase, consume, or possess an alcoholic beverage. Since a minor should not possess alcohol, Texas passed zero tolerance legislation for minors who commit an offense under the non-driving alcohol-related laws and for minors who drive under the influence.

Zero tolerance means just that. Even if a minor is not intoxicated as defined under the DWI statute, but has any detectable amount of alcohol in his/her system while operating a motor vehicle in a public place or while operating a water-craft, the minor committed the criminal offense of Driving Under the Influence of Alcohol by a Minor (see Table 31).

Penalties for Non-Driving Alcohol-Related Offenses by Minors

The Texas Zero Tolerance law established penalties for minors who commit offenses under the non-driving alcohol-related offenses. A minor may not purchase, attempt to purchase, falsely state he/she is 21 years of age or older, or present any document indicating he/she is 21 years of age or older to a person engaged in the selling or serving of alcoholic beverages. A minor may not consume, or possess an alcoholic beverage. Persons who purchase, furnish, or sell alcohol to a minor can be fined up to \$4,000 and/or confined in jail for up to one year.

Table 28: Penalties for Non-Driving Alcohol-Related Offenses – Minors

Offense	Penalty
1st offense	Class C misdemeanor punishable by a fine of up to \$500, 8 to 12 hours of community service, mandatory attendance of an alcohol awareness course, and license will be suspended (or privilege denied if not licensed) for 30 days. If the minor is under 18, the parent may be required to also attend the alcohol awareness course.
2nd offense	Class C misdemeanor punishable by a fine of up to \$500, 20 to 40 hours of community service, may be required to attend an alcohol awareness course, and license will be suspended (or privilege denied if not licensed) for 60 days.
3rd offense (Under 17 years of age)	Class C misdemeanor punishable by a fine of up to \$500, 20 to 40 hours of community service, may be required to attend an alcohol awareness course, and license will be suspended (or privilege denied if not licensed) for 60 days or case can be transferred to Juvenile Court.
3rd offense (17 to 21 years of age)	Class B misdemeanor punishable by a fine of \$250 to \$2,000, 40 to 60 hours of community service, may be required to attend an alcohol awareness course, confinement in jail not to exceed 180 days, and license will be suspended (or privilege denied if not licensed) for 180 days. Minors are not eligible for deferred disposition or adjudication on the third conviction and every conviction after.

In addition to the above penalties, if a minor is convicted of any moving vehicle violation while suspended due to a non-driving alcohol-related offense (listed above) they are subject to the penalties of Driving While License Invalid (DWLI).

Implied Consent Laws for Minors

A minor implies their consent to take one or more breath or blood specimen for analysis if they are arrested for operating a motor vehicle or watercraft in a public place while intoxicated, or 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 an officer. The breath or blood specimen will determine if alcohol is present in their body. It will also identify the amount of alcohol in their system. Additionally, the breath or blood specimen can identify the presence of any other controlled substances or drugs.