



# Driving on the Right Side of the Road Alcohol Impaired Driving



## JUST THE FACTS

### Generally:

- Impaired driving is the most frequently committed crime in the United States. Whether it is referred to as drunk driving, driving while intoxicated (DWI), or driving under the influence (DUI), impaired driving means a person’s ability to safely operate a moving vehicle is compromised by alcohol and/or other drugs that change the function of the brain and body.
- Judgment, depth perception, coordination, and reaction time are affected by alcohol, illegal drugs (such as marijuana and cocaine), and prescription or over-the-counter medications.
- Impairment begins with the first drink.<sup>1</sup>
  - Gender, body weight, number of drinks consumed, and amount of food eaten affect your body’s ability to handle alcohol.<sup>2</sup>
  - Two or three beers in an hour can make some people legally intoxicated.<sup>3</sup>
  - Women, younger people, and smaller people generally require relatively less alcohol to become impaired.<sup>4</sup>
- Drivers are generally considered to be alcohol-intoxicated when their blood-alcohol concentration (BAC) is .08 grams per deciliter (g/dL) or higher.<sup>5</sup>
- Any fatal crash involving a driver with a BAC of .08 or higher is considered to be an alcohol-impaired driving crash.<sup>6</sup>
- In 2010, 5,189 passenger vehicle drivers killed had a BAC of .08 or higher.<sup>7</sup>
- Drivers with a BAC of .08 or higher involved in fatal crashes were four times more likely to have a prior conviction for driving while impaired than were drivers with no alcohol.<sup>8</sup>
- Drug use can also cause impaired driving. In 2009, 18% of all fatally injured drivers tested positive for drug involvement.<sup>9</sup>

### Nationally:

- An average of one alcohol-impaired driving fatality occurred every 51 minutes in 2010.<sup>10</sup>
- In 2010, 10,228 people were killed in alcohol-impaired-driving crashes. These alcohol-impaired-driving fatalities accounted for 31 percent of the total motor vehicle traffic fatalities in the United States.<sup>11</sup>
- In 2010, a total of 1,210 children age 14 and younger were killed in motor vehicle traffic crashes.<sup>12</sup>
  - Of those 1,210 fatalities, 211 (17%) occurred in alcohol-impaired driving crashes.<sup>13</sup>
  - Out of those 211 deaths, 131 (62%) were occupants of a vehicle with a driver who had a BAC level of .08 or higher, and another 25 children (12%) were pedestrians or pedalcyclists struck by drivers with a BAC of .08 or higher.<sup>14</sup>

**Drivers Involved in Fatal Crashes by BAC of the Driver, 2010<sup>15</sup>**

\*Includes fatalities in crashes in which there was no driver present.

| State      | Total Drivers Involved | BAC=.00 |         | BAC=.01-.07 |         | BAC=.08+ |         | BAC=.01+ |         |
|------------|------------------------|---------|---------|-------------|---------|----------|---------|----------|---------|
|            |                        | Number  | Percent | Number      | Percent | Number   | Percent | Number   | Percent |
| Texas      | 4,117                  | 2,676   | 65      | 204         | 5       | 1,238    | 30      | 1,441    | 35      |
| U.S. Total | 44,440                 | 33,008  | 74      | 1,739       | 4       | 9,694    | 22      | 11,432   | 26      |

### In Texas:

- Approximately every 20 minutes, someone in Texas is injured or killed in a traffic crash involving alcohol.<sup>16</sup>

- In 2010, there were 25,032 alcohol-related crashes in Texas that resulted in 1,057 deaths and 16,877 injuries.<sup>17</sup>
  - In 2010, 34.9% of the total traffic fatalities in Texas were caused by drivers under the influence of alcohol.<sup>18</sup>
  - In 2010, 24% of people killed in alcohol-related crashes in Texas were between the ages of 20-25.<sup>19</sup>
  - In 2010, more alcohol-related crashes occurred between 2am and 3am than any other hour of the day and on Saturday more than any other day of the week.<sup>20</sup>
  - The economic cost of alcohol-related crashes is approximately \$45 billion per year. Eliminating on and off-the-job alcohol crashes could save Texas employers more than \$830 million a year.<sup>21</sup> Legal fees and other DWI-related expenses often total more than \$15,000 for first-time offenders.<sup>22</sup>

| Summary of 2010 Texas Arrest Data <sup>23</sup> |          |        |        |
|---|----------|--------|--------|
| Classification of Offense                       | Juvenile | Adult  | Total  |
| Driving Under the Influence                     | 204      | 94,236 | 94,440 |

| DUI (Alcohol) Fatal and Injury Crashes – Texas Statewide Crashes, 2011 <sup>24</sup> |                   |                   |
|--|-------------------|-------------------|
| DUI  | Number of Crashes | Number of Persons |
| Fatal DUI Crashes  | 931               | 1,039             |
| Serious Injury DUI Crashes   | 6,391             | 9,087             |
| Other DUI Injuries   | 4,075             | 6,914             |

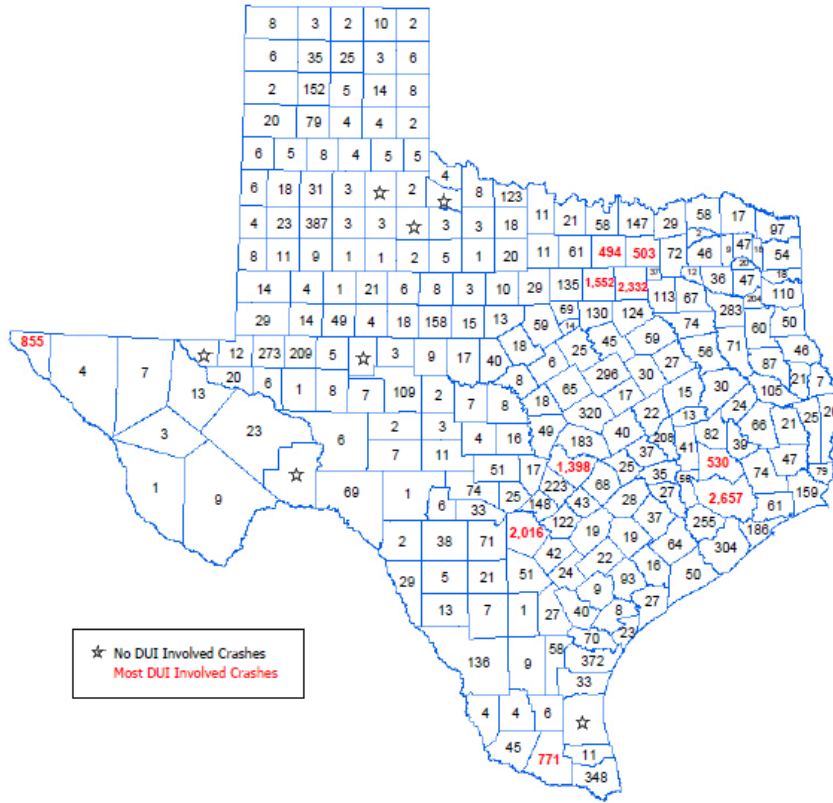
| Texas Fatalities in Crashes Involving DUI (Alcohol), 2011 <sup>25</sup> |   |   |                               |        |
|---|---|---|-------------------------------|--------|
| DUI Drivers   | Passengers in Vehicles Driving by DUI Drivers | Persons in Vehicles NOT driven by DUI Drivers | Pedestrians and Pedalcyclists | Others |
| 635   | 155   | 139   | 109                           | 1      |



## DUI (Alcohol) Drivers in Fatal Crashes by Driver Age

**2011**

| Age Groups   | Total Drivers, Rural | % to Total (Total Drivers, Rural) | Total Drivers, Urban | % to Total (Total Drivers, Urban) | Total Drivers, Statewide | % to Total (Total Drivers, Statewide) |
|--------------|----------------------|-----------------------------------|----------------------|-----------------------------------|--------------------------|---------------------------------------|
| UNDER 21     | 53                   | 10.64%                            | 45                   | 10.92%                            | 98                       | 10.77%                                |
| 21-25        | 100                  | 20.08%                            | 95                   | 23.06%                            | 195                      | 21.43%                                |
| 26-30        | 81                   | 16.27%                            | 75                   | 18.20%                            | 156                      | 17.14%                                |
| 31-35        | 50                   | 10.04%                            | 47                   | 11.41%                            | 97                       | 10.66%                                |
| 36-40        | 40                   | 8.03%                             | 34                   | 8.25%                             | 74                       | 8.13%                                 |
| 41-45        | 40                   | 8.03%                             | 30                   | 7.28%                             | 70                       | 7.69%                                 |
| 46-50        | 39                   | 7.83%                             | 38                   | 9.22%                             | 77                       | 8.46%                                 |
| 51-55        | 38                   | 7.63%                             | 18                   | 4.37%                             | 56                       | 6.15%                                 |
| 56-60        | 28                   | 5.62%                             | 11                   | 2.67%                             | 39                       | 4.29%                                 |
| 61-65        | 18                   | 3.61%                             | 11                   | 2.67%                             | 29                       | 3.19%                                 |
| 66-70        | 3                    | 0.60%                             | 1                    | 0.24%                             | 4                        | 0.44%                                 |
| 71-74        | 4                    | 0.80%                             | 2                    | 0.49%                             | 6                        | 0.66%                                 |
| 75 & OVER    | 2                    | 0.40%                             | 0                    | 0.00%                             | 2                        | 0.22%                                 |
| UNKNOWN      | 2                    | 0.40%                             | 5                    | 1.21%                             | 7                        | 0.77%                                 |
| INVALID      | 0                    | 0.00%                             | 0                    | 0.00%                             | 0                        | 0.00%                                 |
| <b>Total</b> | <b>498</b>           | <b>100.00%</b>                    | <b>412</b>           | <b>100.00%</b>                    | <b>910</b>               | <b>100.00%</b>                        |



**IT'S THE LAW**

- To reduce drunk driving and keep Texas commuters safe, the Texas legislature enacted sterner, wide-reaching DUI laws. In Texas, a person is legally intoxicated and may be arrested and charged with DWI with a .08 BAC.<sup>26</sup>
  - However, a person is also intoxicated if impaired due to alcohol or other drugs regardless of his or her BAC.<sup>27</sup>
  - Further, whether you are the driver or the passenger, you can be fined up to \$500 for having an open alcohol container in a vehicle.<sup>28</sup>

| Offense  | Citation                                 | Description  | Penalty  |
|--|--|--|--|
| <b>Driving Under the Influence (DUI) of Alcohol by Minor</b> | Alcoholic Beverage Code, Section 106.041 | If you are under 21, it is illegal for you to drive with any detectable amount of alcohol in your system. Texas has a zero tolerance for underage drinking. That means zero alcohol. | DUI, a Class C Misdemeanor, is punishable by:<br><br><u>First conviction</u><br>The first time you are stopped for drinking and driving, you could face the following penalties: up to a \$500 fine, a 60-day driver license suspension, 20 to 40 hours of community service, and mandatory alcohol-awareness classes. |

|  |                            |   |  |
|--|----------------------------|---|--|
|  |                            |   | <p>If you're 17 or older and are pulled over for drinking and driving with a blood or breath alcohol concentration (BAC) of .08 or greater, you could face:</p> <ul style="list-style-type: none"> <li>• up to a \$2,000 fine,</li> <li>• three to 180 days in jail, and</li> <li>• a driver license suspension for 90 days to a year.</li> </ul> <p><u>Subsequent convictions</u><br/>Penalties increase with subsequent convictions.</p>   |
| <b>Driving While Intoxicated (DWI)*</b>                        | Penal Code, Section 49.07  | In Texas, the legal limit for intoxication is .08 BAC. If an officer thinks your driving is impaired, you can still be stopped and arrested for DWI regardless of your BAC. Penalties get worse with every DWI offense. | <p>Punishment for DWI, a Class B misdemeanor, varies depending on the number of convictions:</p> <p><u>First conviction</u></p> <ul style="list-style-type: none"> <li>• \$2,000 maximum fine</li> <li>• Up to six months in jail</li> <li>• Loss of driver's license for up to a year</li> <li>• \$1,000 every year for three years, or \$2,000 for three years, to keep driver's license</li> </ul> <p><u>Second conviction**</u></p> <ul style="list-style-type: none"> <li>• \$4,000 maximum fine</li> <li>• Up to one year in jail</li> <li>• Loss of driver's license for up to two years</li> <li>• Annual fee of \$1,000, \$1,500, or \$2,000 for three years to keep driver license</li> </ul> <p><u>Third conviction**</u></p> <ul style="list-style-type: none"> <li>• \$10,000 maximum fine</li> <li>• Two to ten years in prison</li> <li>• Loss of driver's license for up to two years</li> <li>• Annual fee of \$1,000, \$1,500, or \$2,000 for three years to keep driver license</li> </ul> <p>**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.</p> |
| <b>Driving While Intoxicated (DWI) with a Child Passenger*</b> | Penal Code, Section 49.045 | In Texas, a driver can be charged with child endangerment for driving while intoxicated if the driver is carrying passengers younger than 15 years old.   | <p>DWI with a child passenger is punishable by:</p> <ul style="list-style-type: none"> <li>• \$10,000 maximum fine</li> <li>• Up to two years in jail</li> <li>• Loss of your driver license for up to six months</li> </ul>   |

\*Drivers stopped should be ready to show your driver license, proof of insurance, and vehicle registration. If the driver refuses to take a blood or breath test, their driver license will be automatically suspended for 180 days.

Adapted from *Choose Your Ride*<sup>29</sup>, Texas Department of Transportation<sup>30</sup>, *Safety Tips – DWI*<sup>31</sup>, and *Safety Tips – Underage Drinking and Driving*.<sup>32</sup>

### Other Offenses Related to Driving While Intoxicated

| Offense  | Citation                     | Penalty  |
|--|------------------------------|--|
| Failure to Stop and Render Aid to Injured Person                                     | Transportation Code, 550.021 | Up to 10 years in prison, up to \$10,000 fine, or both |
| Failure to Stop (damage to vehicle greater than \$200)                               | Transportation Code, 550.022 | Up to \$2,000 fine, up to 180 days in jail, or both    |
| Hitting Unattended Vehicle (damage greater than \$200)                               | Transportation Code, 550.024 | Up to \$2,000 fine, up to 180 days in jail, or both    |
| Hitting Fixture or Highway Landscaping and Leaving Scene (damage greater than \$200) | Transportation Code, 550.025 | Up to \$2,000 fine, up to 180 days in jail, or both    |

### Alcohol-Related Offenses Involving Minors<sup>33</sup>

| Offense                                | Citation                                   | Penalty  | Additional Note   |
|--|--|--|---|
| Furnishing Alcohol to Someone Under 21 | Texas Alcoholic Beverage Code, Sec. 106.06 | \$4,000 fine and a year in jail  | A parent, legal guardian, or spouse can provide alcohol to their child or spouse as long as they are present when the minor possesses or consumes it. |
| Selling Alcohol to a Minor             | Texas Alcoholic Beverage Code, Sec. 106.03 | \$4,000 fine and a year in jail  |   |
| Minor in Possession of Alcohol         | Texas Alcoholic Beverage Code, Sec. 106.05 | <ul style="list-style-type: none"> <li>• up to a \$500 fine,</li> <li>• a 30–180 day driver license suspension,</li> <li>• eight to 40 hours of community service, and</li> <li>• mandatory alcohol-awareness classes.</li> <li>• A second or third offense can lead to suspension of your driver license for 60 to 180 days.</li> <li>• If you're 17 or older, you also can be fined as much as \$2,000 and go to jail for up to 180 days for a third offense.</li> </ul> | <b>Any</b> amount of beer, wine, or liquor can trigger these penalties.   |

#### KEEP IT SAFE

- Don't drink and drive - Do not get behind the wheel if you've been drinking.
- Designate a driver who has not been drinking.
- Call someone you trust, like a family member or friend, to pick you up.
- Catch a bus.
- Call a cab.
- Spend the night where you are.

**The consequences for the crime of driving while impaired are serious and real.**

- Impaired drivers risk killing, disabling, disfiguring, and injuring themselves and others — sometimes their own friends and family.
- Along with all these potential consequences, violators also often face other significant personal and financial costs, such as:
  - Jail time, loss of their driver licenses, or being sentenced to use ignition interlocks;
  - Higher insurance rates;
  - Dozens of additional expenses, including attorney fees, fines and court costs, car towing and repairs, lost time at work, and more;
  - Embarrassment and humiliation when family, friends, co-workers, and employers learn of the arrest; and
  - Adverse and long-lasting effects on their career prospects and personal aspirations.

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<sup>1</sup> Texas Department of Transportation, *Safety Tips – DWI*, Retrieved on January 3, 2012, from <http://www.dot.state.tx.us/safety/tips/intoxication.htm> (hereinafter referred as *Safety Tips – DWI*)

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> National Highway Traffic Safety Administration, Traffic Safety Facts, 2010 Data, *Alcohol-Impaired Driving*, DOT HS 811 606, <http://www-nrd.nhtsa.dot.gov/Pubs/811606.pdf> (hereinafter referred as *Alcohol-Impaired Driving*)

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> National Highway Traffic Safety Administration, Traffic Safety Facts, Crash Stats, *Drug Involvement of Fatally Injured Drivers*, DOT HS 811 415, <http://www-nrd.nhtsa.dot.gov/Pubs/811415.pdf>

<sup>10</sup> See *Alcohol-Impaired Driving*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> National Highway Traffic Safety Administration, Traffic Safety Facts, 2010 Data, *State Alcohol-Impaired Driving Estimates*, DOT HS 811 612, <http://www-nrd.nhtsa.dot.gov/Pubs/811612.pdf>

<sup>16</sup> See *Safety Tips – DWI*

<sup>17</sup> Texas Department of Transportation, *Labor Day 2011 Drink. Drive. Go to Jail Campaign*, August 19- September 5, 2011, Retrieved from [http://ftp.dot.state.tx.us/pub/txdot-info/safety/labor\\_day/fact.pdf](http://ftp.dot.state.tx.us/pub/txdot-info/safety/labor_day/fact.pdf)

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Texas Department of Transportation, 2006.

<sup>22</sup> *Id.*

<sup>23</sup> Texas Department of Public Safety, The Texas Crime Report for 2010, 2010 Arrest Data: <http://www.txdps.state.tx.us/crimereports/10/citCh9.pdf>

<sup>24</sup> Total and DUI (Alcohol) Fatal and Injury Crashes Comparison – Statewide Crashes - [http://ftp.dot.state.tx.us/pub/txdot-info/trf/crash\\_statistics/2011/35\\_2011.pdf](http://ftp.dot.state.tx.us/pub/txdot-info/trf/crash_statistics/2011/35_2011.pdf)

<sup>25</sup> Fatalities in Crashes Involving DUI (Alcohol) , [http://ftp.dot.state.tx.us/pub/txdot-info/trf/crash\\_statistics/2011/48\\_2011.pdf](http://ftp.dot.state.tx.us/pub/txdot-info/trf/crash_statistics/2011/48_2011.pdf)

<sup>26</sup> See *Safety Tips – DWI*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> Texas Department of Transportation, *Choose Your Ride*, Retrieved on December 5, 2011, from <http://www.texasdwi.org/>

<sup>30</sup> Texas Department of Transportation, *DWI/DUI Fact Sheet*, Retrieved on December 5, 2011, from <ftp://ftp.dot.state.tx.us/pub/txdot-info/safety/faces/facts.pdf>

<sup>31</sup> See *Safety Tips – DWI*

<sup>32</sup> Texas Department of Transportation, *Safety Tips – Underage Drinking and Driving*, Retrieved on December 2, 2011, from [http://www.txdot.gov/safety/tips/underage\\_drinking.htm](http://www.txdot.gov/safety/tips/underage_drinking.htm) (hereinafter referred as *Safety Tips – Underage Drinking and Driving*)

<sup>33</sup> See *Safety Tips – Underage Drinking and Driving*