

Day 10 Make Up Assignment

Refer to your handbook from class. Find pages 21-23. If you cannot find your handbook you can print the pages by clicking on the link below.

Day 10 is Hour 3 & 4 of the worksheet

Follow along in the reading here and fill out the parts of your booklet that are missing. When you finish filling out the entire worksheet for Hour 1 & 2 take pictures of the pages and email them to roadworthy7600@sbcglobal.net. Take any quizzes and watch any videos here as you come to them.

DADAP Program Worksheet (Click here to view and print a pdf version of worksheet)

Day 10 Hour 3

What do you think the minimum drinking age should be?

History of the Minimum Drinking Age in Texas

- 1919** Start of prohibition with the passing of the 18th Amendment. No one can drink no matter what their age.
- 1933** 18th Amendment repealed. States are able to set minimum drinking age. Texas sets the age at 21.
- 1970s** Minimum drinking age lowered to 18 because of Vietnam War. "If I can die for my country why can't I drink a beer?"
- 1981** Drinking age is changed to 19 because of the increase in fatal car crashes involving teens.
- 1984** Uniform Drinking Age Act is passed that allows the Federal government to withhold funding for highways if a state does not increase drinking age to 21.
- 1986** Texas increased minimum drinking age to 21.

Let's take a look at the history of the legal drinking age in Texas. 1919 marked the start of prohibition with the passing of the 18th amendment to the constitution this was a nationwide initiative and no one was allowed to consume, produce, sell, or transport alcohol no matter what their age. During this time you may have heard of bootlegging and moonshine carried on by people who wanted to continue to produce alcohol illegally. Prohibition lasted until 1933 when the 18th amendment was repealed. At this point states were able to set the minimum drinking age. Texas decided on the age of 21.

This lasted until the 1970s when the draft began. With the start of the Vietnam war, the United States initiated the draft program where young men 18 years of age or older were mandated to sign up for military service. Many of them were drafted and immediately sent to war in harms way. There was a large push to lower the minimum drinking age to 18 because these young men felt that if they could go to war and die for their country, why couldn't they also be allowed to drink a beer. For the next 11 years the legal drinking age would be 18. However during that time statistics began to show a problematic trend. Thousands of drivers between the ages of 18 and 21 were being killed on Texas roadways due to drinking and driving. Started by some of the parents of the teens lost, mothers against drunk driving was formed and began to push the federal government to increase the legal drinking age to try to protect this age group of teen drivers.

In 1981 the legal drinking age was changed to the age of 19 because of the increase in fatal car crashes involving young drivers. It was found that many 18-year-olds were actually still attending high school and it was felt that it would be better to disallow drinking until after they graduated. You can imagine the problems that arose with an 18-year-old high school student, leaving campus for lunch, going to the local pizza place, having a few beers and then returning to class for the afternoon. For this reason Texas changed the legal drinking age to 19 and this remained the age until 1984.

In 1984 the federal government passed the uniform drinking age Act. This increased the federal drinking age to 21. Not all states were thrilled with this federal law. Many states wanted to continue to set their own individual drinking age. The federal government decided that any state that did not follow the minimum drinking age of 21 would lose funding for highways. With this stipulation almost all of the states decided to increase the legal minimum drinking age to 21. Maintaining highways is expensive and most states needed the federal monies to keep their roadways in good working condition. One state in particular, known as the party state with Mardi Gras, casinos, etc, Louisiana, held out and refused to raise the legal drinking age as they felt this would put a damper on their tourism and younger people would stop coming because they would not be able to consume alcohol while they were visiting places such as New Orleans. Louisiana felt that with all of the tourism, casino revenue, and alcohol sales, they would be able to raise enough funds and take care of their own roads. This unfortunately proved to be untrue. If you have ever driven through Louisiana, you know that their roads are some of the worst in the nation. Due to lack of federal funding, their roadways suffered and they were finally forced to change their legal drinking age to 21 in the 1990s. If you travel through Louisiana today, you still encounter construction and road rebuilding from years of neglect.

Why raise the minimum drinking age?

- Studies have shown a direct correlation between accidents involving drunk driving and the minimum drinking age. The higher the minimum drinking age, the fewer were alcohol related accidents.
- A lower drinking age results in more problems on high school and college campuses.
- Studies have shown with a legal minimum drinking age at 21, more 19 and 20-year-olds tend to drink.
- Similarly when the legal minimum drinking age is set at 18, studies found that more 16 and 17-year-olds drink.
- These last two points made it clear that the younger the minimum drinking age is, the younger people are when they start to have their first alcoholic beverages. By raising the minimum drinking age to 21, fewer 16 and 17-year-old high school age teens drink alcohol. If the United States were to lower the minimum drinking age to 16, like it is in Europe, it is likely, according to the statistics, that even younger teens would begin drinking alcohol at an earlier age.

Currently the legal minimum drinking age in the United States, in all 50 states, is the age of 21. There are no bills requesting to lower or raise the minimum drinking age at this time. The most recent attempt to lower the legal drinking age was in Colorado, where a bill was defeated to lower the minimum drinking age to 18.

How does BAC and age increase the risk of death in a motor vehicle accident?

Let's look at the following chart and examine the relationship between age, blood alcohol content, and **risk of death** in an alcohol related vehicle accident. Keep in mind that this chart does not address the likelihood of having an alcohol related vehicle accident that does not result in death. The likelihood of having an accident in general, it does not necessarily result in death would show a far greater risk when alcohol and driving are mixed.

How does BAC and age increase the risk of death in a motor vehicle accident?

BAC	AGE	
	20+ Years	15 – 19 Years
.015 to .049	None	→ 2.5 times
.05 to .079	2 times	→ 9 times
.08 to .099	7 times	→ 40 times
.10 to .149	13 times	→ 90 times
.15 and over	110 times	→ 420 times

Let's examine the first level of BAC, .015 to .049. Remember the legal limit for intoxication is .08 so this first row represents the blood alcohol content of someone who may have had anywhere from half an alcoholic drink to two drinks depending on gender, weight, and tolerance. People who are over the age of 20 show no increased risk of death in a motor vehicle accident at this level of BAC. Drivers in the age category of 15 to 19 years however show a 2 1/2 times greater risk of dying in an alcohol related motor vehicle accident. Even with a relatively low blood alcohol content, younger teens are much more likely to die in an accident when alcohol is coupled with inexperienced driving skills.

The next row, showing a BAC still below the legal limit, shows that drivers over the age of 20 or two times more likely to die in an alcohol related, motor vehicle accident. The risk is nine times greater for a driver in their younger teen years and they are not even over the legal limit at this point.

The third row shows a BAC of .08 to .099 which is now in the legally intoxicated range. This level of BAC is equivalent to approximately five beers consumed by a 200 pound male in approximately three beers consumed by a 120 pound female. Drivers over the age of 20 are seven times more likely to die in an alcohol related motor vehicle accident, while younger teens are 40 times more likely to have an accident that results in death when they have consumed alcohol before getting behind the wheel. This is a significant increase in the level of risk for young teen drivers when they mix alcohol and driving. The significant increase for young teen drivers comes as a result of two factors: one, young teens do not have a lot of experience behind

the wheel of a car, and two, they do not have a lot of experience with alcohol and how it affects them emotionally and physically.

As you continue to move down the chart the risk of death in an alcohol related motor vehicle accident increases dramatically. If you look at the fourth row where the BAC is .10 up to .149, the risk of death for people over the age of 20 is 13 times more likely than if they had no alcohol in their system and were involved in an accident. For younger teens it nearly doubles to 90 times more likely that they will die in an accident after having consumed alcohol.

The final row in the table shows a dangerously high level of alcohol in the bloodstream, .15 and over results in a dramatic jump in the risk of death for both age groups. For drivers over the age of 20, the risk jumps from 13 times more likely to 110 times more likely that an accident will result in death when alcohol and driving are mixed. For the younger teen category, the risk jumps from 90 times to 420 times more likely they will die in an accident involves alcohol.

The chart above clearly shows and demonstrates the risk people take when they choose to drink and drive. No matter what a person's age, the moment they decide to get behind the wheel of a motor vehicle after consuming any amount of alcohol, leads to a greater risk of death should they be involved in an accident on the roadway.

Driving Under the Influence (DUI)

DUI : Driving Under the Influence ***By Minors***

It is unlawful to operate a motor vehicle in a public place with **ANY detectable amount of alcohol.**

<i>Penalties: persons age 17 - 21</i>				
Offense	Fine	Community Service	Education	Jail
1st	Up to \$500	20-40 hours	Required	None
2nd	Up to \$500	40-60 hours	Judges' option	None
3rd	\$500 - \$2,000	40-60 hours	Judges' option	Up to 180 days

In Texas, the designation given to a minor, a person under the age of 21 that is driving a vehicle while under the influence of alcohol, is called DUI. The law are related to DUI states that it is unlawful to operate a motor vehicle in a public place with any detectable amount of alcohol. This again applies to the laws in Texas and relates only to minors, under the age of 21. if you are under the age of 21 and decide to drive a vehicle after consuming alcohol, you may be cited and charged with driving under the influence.

The following chart outlines the penalties for people between the ages of 17 and 21 who have been charged with driving under the influence of alcohol.

If you are caught driving under the influence and it is your first offense, you will be subject to fines, community service and educational would be required. If you reference the chart you can see that a first time offender would be fined up to \$500, be required to complete 20 to 40 hours of community service, and would be required to complete a class such as the one you are attending now that covers the risks and laws of drinking and driving. First time offenders however would not spend any time in jail.

If after your first offense, you still continued to make the decision to drive after consuming alcohol, you would be subject to the penalties related to a second offense. These penalties would include again, a fine up to \$500, 40 to 60 hours of community service but still no jail time would be given. The educational component would be up to the judges discretion and he or she may require you to repeat A drug and alcohol driving awareness program.

Finally even if after all of the previous penalties, you still chose to drink and drive, you would be subject to the penalties related to a third offense of driving while under the influence of alcohol. As you can see in the chart, fines for a third offense increase to 500 up to \$2000, 40 to 60 hours of community service would be required, the educational component would once again be at the judges discretion, and this time you could spend up to 180 days in jail.

Keep in mind...A DUI charge could come as result of drinking only one beer or taking some over the counter medicine for a cold, like NyQuil. DUI charges can be the result of any detectable amount of alcohol in your system and you will be charged if the officer feels you are impaired. It is up to the officer's discretion as to whether he/she thinks you have been drinking or are under the influence of alcohol. No blood test or breath test is necessary for people between the ages of 10-17. You must be careful that you do not get behind the wheel of a car if you have had any alcohol in any form including over the counter medicines.

DUI : Driving Under the Influence ***By Minors***

It is unlawful to operate a motor vehicle in a public place with **ANY detectable amount of alcohol.**

Penalties: persons age 10 - 16

- ⊕ “Delinquent Conduct” under the Family Code (Juvenile Court), or Criminal Court as an adult,
- ⊕ Up to \$500 fine
- ⊕ From 40 – 60 hours of community service, and
- ⊕ License suspension or denial until the minor is 19 years of age

The state of Texas has different penalties for younger children and teens who are caught driving a motor vehicle with alcohol in their systems. Children between the ages of 10 and 16 are charged under the family code in Juvenile Court but depending on the severity of the offense they may be charged in criminal court as an adult. For example, a teenaged boy say the age of 15 steals a car, go out and parties and gets drunk and then gets behind the wheel and has an accident that results in the death of another driver. He may be charged as an adult in criminal court if it is determined that the crime was deliberate and severe enough to warrant a harsher penalty. Additionally, a younger offender could be faced with up to a \$500 fine and 40-60 hours community service. Lastly, they may have their license suspended or if they do not have a license yet they may be denied a driver license until the age of 19.

Administrative License Revocation (ALR) Program

The Administrative License Revocation (ALR) Program is a civil administrative process requiring the Department of Public Safety to suspend and/or disqualify your driver license if you are arrested for Driving While Intoxicated (DWI) or Boating While Intoxicated (BWI) when you:

- Refuse to take or fail to complete a blood or breath test, or
- Provide a blood or breath test that registers a blood alcohol concentration (BAC) of 0.08% or more while driving a non-commercial motor vehicle.

ALR: Administrative License Revocation FAILURE

- ✘ **ARRESTED** for DUI, DWI, Intoxication Assault, or Intoxication Manslaughter
- ✘ **MINORS FAIL** with ANY detectable amount of alcohol
- ✘ **PENALTY** is loss of license for:
 - 60 days if no prior convictions
 - 120 days if 1 prior conviction
 - 180 if 2 or more prior convictions

Conviction = DUI, DWI, Intoxication Assault, or Intoxication Manslaughter
- ✘ **License taken** at time of arrest and a 40-day temporary license is issued

ALR Process for DWI or BWI

If a law enforcement officer has reason to believe you are impaired, a set of field sobriety tests will be administered. If you fail the field sobriety tests you will be arrested for DWI or BWI. You will be asked to take a breath or blood test to measure your blood alcohol concentration (BAC) level. If you refuse to take or fail the field sobriety tests, your driver license will be suspended and/or disqualified. Prior convictions would include any alcohol related conviction such as an MIP- Minor in Possession charge, open container offense, or public intoxication charge, in addition to the more obvious charges of DUI and DWI. Also note that at the time of your arrest, your license will be taken away and you will be issued a temporary license that is good for a maximum of 40 days while you await your day in court. This process of issuing a temporary license came about to stop a loophole that offenders were using. In the past, your license was taken immediately at the time of arrest and you were left with no driver license. You were then assigned a court date some time down the road, and the state realized many offenders were not attending their court date. When asked why they did not attend, they used the excuse of not having a driver license. They complained that since they had no license, it was illegal for them to drive a car and so therefore they could not get to their assigned court date. State of Texas adjusted the process, and begin issuing a temporary license so that offenders would have no reason not to attend their day in court. Keep in mind that in the state of Texas a drivers license is a privilege not a right. If you refuse to abide by the rules and laws of the state, then your drivers license can be taken away.

Implied Consent

REFUSAL

- ✘ ARRESTED operating a motor vehicle or watercraft
- ✘ REFUSE breath or blood test
- ✘ PENALTY is loss of license for:
 - 180 days if no alcohol or drug contact in last 10 years
 - 2 years if one or more alcohol or drug contact in last 10 years
- ✘ License taken at time of arrest and a 40-day temporary license is issued

In the state of Texas, when you obtain a license to drive a motor vehicle, you are also telling the state that you will comply with the request to give a blood or breath sample in the event you are pulled over and suspected of driving while intoxicated. This implied consent means that if an officer suspects that you have been drinking, he or she can administer a blood test or a breathalyzer test at the time you are stopped. However, in Texas you can also decide to refuse to give a blood or breath test however this refusal does not come free of consequences. If you refuse to take a breath or blood test, your driver's license will be taken away. If you have had no prior offenses in the last 10 years, you will lose your license for 180 days. If you have had issues with previous alcohol and driving offenses, your license could be taken away for up to two years. Your license would be taken immediately at the time of your arrest however you would be issued a temporary license for 40 days so that you would be able to drive yourself to your court date.

Some counties in Texas make it impossible for you to refuse a blood or breath test. Larger urban counties will often pay a judge to be on call 24 hours a day seven days a week. Because they have the financial means to do this, it makes it impossible for you to refuse a blood or breath test because if you do refuse, the police can go straight to this judge who is on call and the judge will issue a search warrant which will require you to submit to a blood test or a breath test. Some counties will also do this for short periods of time especially over holiday weekends such as July 4 and New Year's Eve. They often call this a "no refusal weekend" meaning that anyone who does refuse to give a blood or breath sample will be court ordered to do so if suspected of an alcohol related offense.

Driving While Intoxicated (DWI)

DWI: Driving While Intoxicated

It is unlawful to operate a motor vehicle in a public place while intoxicated.

INTOXICATION = Not having normal use of mental or physical faculties because of alcohol or other drugs **OR** having an alcohol concentration of .08 or more.

Penalties			
Offense	Fine	License Suspension	Jail
1st	Up to \$2,000	90 days – 1 year	72 hours – 180 days
2nd	Up to \$4,000	180 days – 2 years	30 days – 1 year
3rd	Up to \$10,000	180 days – 2 years	2 – 10 years

Driving while intoxicated means you are driving a motor vehicle after consuming alcohol. It is illegal to operate a motor vehicle in a public place while being intoxicated. The legal definition of intoxication is not having the normal use of your mental or physical faculties because of alcohol OR other drugs OR having an alcohol concentration of .08 or more, which is the legal definition of intoxication.

The legal definition of intoxication is very important and leaves room for certain amounts of interpretation. The first part of the definition concerning the use of your mental and physical faculties, refers to your ability to drive a motor vehicle under normal circumstances, with no amount of alcohol in your system. The word normal however, applies differently to different people. If you were recall in an earlier lesson we looked at an example of a 200 pound male who drank five beers before he was at the legal level of intoxication. Remember the term tolerance? A 200 pound male who never ever drinks alcohol and then decides suddenly to drink three beers will lose his “normal” use of mental and physical abilities sooner than a 200 pound male Who drinks beer regularly. The other thing to take note of in the definition is the very small word “or”. Notice it says not having the normal use of mental or physical faculties or having a blood alcohol concentration of .08 or more. After consuming three beers, a 200 pound male would not necessarily be over the legal limit, however if they do not drink very often then they may exhibit

drunken behaviors such as swaying or stumbling or slurred speech. If an officer asked this person to submit to a field sobriety test, he may not pass because he does not have the “normal” use of his physical abilities and could be arrested for DWI even though he is below the legal limit for intoxication.

The reverse of this scenario is also true. Again we refer to the term tolerance. If I am a 200 pound male and I drink a 12 pack of beer every night after work, then five beers are not going to impair my “normal” mental and physical abilities. However my blood alcohol content would still be over the legal limit of .08 and I may be arrested for DWI. If an officer asked me to take a field sobriety test I may very well pass because my tolerance for alcohol is high. However if I was subjected to a breath or blood test, I would most likely fail because my BAC would be over the legal limit.

Finally the other part of the definition to make note of is the term “other drugs”. This part of the definition refers to any type of drug, either over the counter, prescribed by your doctor, or illegal, that you may take for a variety of reasons. If the particular drug interferes with the “normal” mental and physical ability as related to driving a motor vehicle, then you may be arrested for DWI. Remember also the concept of a synergistic effect. This refers to the interaction of two or more substances, when mixed, may have a much more severe effect on a person than when either substance is taken by itself.

Penalties			
Offense	Fine	License Suspension	Jail
1st	Up to \$2,000	90 days – 1 year	72 hours – 180 days
2nd	Up to \$4,000	180 days – 2 years	30 days – 1 year
3rd	Up to \$10,000	180 days – 2 years	2 – 10 years

The chart above also outlines the penalties associated with each consecutive DWI offense. Notice that unlike DUI, jail time will be required even on your very first offense of driving while intoxicated. You will have to pay a fine of up to \$2000, your license will be suspended for 90 days up to one year, and you will spend anywhere from 72 hours to 180 days in jail.

If you do not learn your lesson the first time you drive while intoxicated, the second time you are arrested you will pay up to a \$4000 fine, your license will be suspended for 180 days up to two years, and you will spend a minimum of 30 days in jail all the way up to a possible one year sentence.

Finally, if you are arrested a third time for DWI, you’re fine increases two up to \$10,000, jail time up to 10 years, and your license will be suspended for 180 days up to two years.

There are also other expenses related to driving while intoxicated. If you are found guilty you will be subject to the penalties listed above in addition to other surcharges as related to the safety responsibility act. If at the time of your arrest your BAC is under the .05 level, then you will be subjected to a \$1000 per year surcharge for the next three years, totaling \$3000. If your BAC is over the .05 level, then the surcharge amount increases to \$1500 per year for the next three years for a total of \$4500. These amounts must be paid on top of the fines and other penalties associated with your DWI arrest. If you decide to plead not guilty and fight the DWI charges, you will be required to hire an attorney whose fees typically run between \$4000 and \$6000. Furthermore, after a DWI arrest, you could possibly lose your car insurance or at the very least your car insurance rates could increase dramatically because you are now considered a high-risk driver. In addition, if your job requires you to drive a company vehicle or truck, you may even lose your job after being arrested for DWI. also keep in mind that there are many careers such as nursing, physicians, firefighters, police, etc. that require you to have a specialized license. These fields will not issue licenses to people who have had DWI arrests in their pasts. A DWI arrest stays on your driving record for the rest of your life. The consequences are severe and are there to discourage you to drive a motorized vehicle after having any amount of alcohol.

Day 10 Hour 4

Zero Tolerance for Minors

Zero Tolerance for Minors

What are the 5 possible charges associated with minors and alcoholic beverages not related to driving?

1 Minor Attempting to Purchase Alcohol:
It is illegal for anyone under the age of 21 to *attempt* to buy alcohol.

2 Minor's Purchase of Alcohol:
It is illegal for anyone under the age of 21 to *actually* buy alcohol.

3 Minor's Consumption of Alcohol:
It is illegal for anyone under the age of 21 to drink alcohol, no matter how the alcohol is obtained. *With one exception...*

4 Minor in Possession:
It is illegal for anyone under the age of 21 to be in possession of alcohol. Possession is defined as "actual care, custody, control, or management". *With two exceptions...*

5 Misrepresentation of Age:
A minor may not claim that he/she is 21 or older to purchase alcoholic beverages from a retail or wholesale supplier.



There are five possible charges a minor may face that are related to alcoholic beverages but do not involve driving a motor vehicle. The state of Texas has a very strict zero tolerance policy for alcohol and minors. Let's look at each one in detail.

Minor's attempting to purchase alcohol: it is illegal for anyone under the age of 21 to ***attempt*** to buy alcoholic beverages. For example, if you walked into a grocery store, grab a six pack from the beer aisle, to get to the register and were then asked for your ID. If at that point you said I don't have one or I am not old enough, and walked out of the store you could be charged with a minor in possession or MIP simply because you attempted to buy alcohol.

Minor's purchasing alcohol: it is illegal for anyone under the age of 21 to ***actually*** buy alcohol. For example, if you walked into a convenience store and the clerk did not ask for your ID and allow you to purchase the alcohol, you could be charged with a minor in possession or am MIP. Just because you look old enough to buy alcohol does not mean it is legal to do so.

Minor's consumption of alcohol: it is illegal for anyone under the age of 21 to drink alcohol, no matter how the alcohol is obtained. for example, your friend who is over the age of 21 goes to the store and buy some beer. He shares the beer with you, a minor, and you could be charged with an MIP even though the beer was purchased by someone of legal age. There is one exception to this item. If you are with your parents, legal guardian, or spouse, you may consume alcohol in their presence. For example, you are 18 years of age and happen to be married to someone who is 22. You could actually go ahead and have a beer with them even though you are under the legal age limit. As long as they are with you, you would be able to go ahead and have a beer under their supervision. Keep in mind however they must be physically near you and within line of sight in order for you to have an alcoholic beverage. One thing to note, a restaurant has the right to refuse to serve you alcohol regardless of whether you are there with your parents or not. Many restaurants, even though it may be legal to do so, have a policy of not serving alcohol to minors and if this were the case you would have to abide by their policies.

Minor in possession: it is illegal for anyone under the age of 21 to be in possession of alcohol. Possession is defined as "actual care, custody, control, or management." Recall the example from earlier, when you walked into a grocery store and attempted to buy beer. Just the fact that you carried it to the register and were in possession of the beer means you could be charged with possession. There are two exceptions involved here. The first allows you to be in possession if you are with your parents, legal guardian, or spouse. The second involves possession of alcohol as it relates to your job. For example if you work in a restaurant and a customer orders alcoholic beverages from the bar, you are allowed to carry the beverages from the bar to their table. Similarly if you work in a grocery store, You are allowed to pick up, scan, and check out a customer's alcoholic beverages.

Misrepresentation of age: a minor may not claim that he or she is 21 or older to purchase alcoholic beverages from a retail or wholesale supplier.

Penalties

Attempted Purchase, Purchase, Possession, Consumption, Misrepresentation of Age

Offense	Charge	Fine / License Suspension	Community Service	Education
1 st	Class C Misdemeanor	Up to \$500 30 day license suspension	8 - 12 hrs	Alcohol Awareness Course
2 nd	Class C Misdemeanor	Up to \$500 60 day license suspension	20 - 40 hrs	Alcohol Awareness Course <i>(Judges' option)</i>
3 rd <i>Under 17</i>	Class C Misdemeanor Not eligible for deferred adjudication Juvenile Court - Child in Need of Supervision Criminal Court – Adjudicated as an Adult	180 day license suspension or denial	None	Alcohol Awareness Course <i>(Judges' option)</i>
3 rd <i>Over 17</i>	Class B Misdemeanor	\$250-\$2,000 fine &/or 180 days in jail Up to 180 days license suspension/denial	None	Alcohol Awareness Course <i>(Judges' option)</i>

This chart outlines the penalties for the above referenced charges: attempted purchase, purchase, possession, consumption, and misrepresentation of age. Regardless of the charge these are the penalties associated with each subsequent offense. Pay close attention to define amounts and term of license suspension related to each subsequent offense. On your first offense, You're fine would be up to \$500 and a 30 day license suspension would be imposed. On your second offense the license suspension timeframe increases to 60 days and on the third offense to 180 days. One thing also to note is that the first two offenses you would be charged with a class C misdemeanor. On your third offense, depending on your age, it may be increased to a class B misdemeanor which is a more serious penalty. The state of Texas has a very firm and penalty driven zero tolerance for minors and alcohol.

Open Container Law

- ✘ Open, seal broken, or contents partially removed
- ✘ Knowingly possess in passenger area
- ✘ Driver or passenger
- ✘ Vehicle on public highway (stopped or moving)
- ✘ Exceptions:
 - Vehicle for hire
 - Motor home living quarters
 - Locked storage area
 - Trunk
 - Behind last seat if no trunk

The penalties are:

- ✘ Class C misdemeanor
- ✘ Up to \$500 fine

Texas has very strict laws regarding alcohol in vehicles. By definition, a container is considered to be open if the seal has been broken or if the contents have been partially removed from the container. This law applies to the driver and all passengers regardless of whether they are in the front or the back seat. you must also knowingly possess an alcoholic beverage in the passenger area of a vehicle in order to be charged. For example, your parents took an ice chest with beer to a backyard barbecue yesterday evening. You get up the next day and take the same vehicle to work however your parents did not unload the ice chest from the backseat. If you were to be pulled over and a police officer noticed the ice chest in the backseat, you may not be charged with any wrongdoing because all of the ice would have been melted and you may not have even known the ice chest was there. If on the other hand the ice was fresh your story may not hold up in court. This law also refers to open alcoholic containers on public highways regardless of whether you are moving or stopped on the side of the roadway. This does not however include boating. In Texas you may have an open alcoholic beverage container in your boat and not be in violation of the law as long as you are Over the age of 21 and not intoxicated.

There are some exceptions to this rule: if you are in a vehicle for hire such as a limousine or charter bus, you are able to have an open alcoholic beverage container if you are over the age of 21. However, transportation services such as Uber and Lyft do not allow alcoholic beverages in

their vehicles. Similarly if you are traveling in a motorhome, you may have alcoholic beverages open in the living quarters of the motorhome but not in the driving cabin. Also you may go ahead and have alcoholic beverages in your vehicle if they are placed in a locked storage area such as the glove box, in your trunk, or behind the last seat if there is no trunk. For example vehicles like SUVs do not have trunk space so you would be permitted to have these alcoholic beverages behind the last row of seats out of reach of the driver and passengers.

Penalties under the open container law include being charged with a class C misdemeanor and up to a \$500 fine.

Improper Use of a License

The following six uses of a Texas Driver's License are illegal:

- ✗ Use false name to get a license
- ✗ Possess more than one license
- ✗ Use a cancelled or revoked license
- ✗ Use another person's license
- ✗ Lend your license to someone else
- ✗ Display or possess a false license

The penalties are:

- ✗ Class B misdemeanor
- ✗ Up to \$2,000 fine and/or
- ✗ Up to 180 days in jail



Remember that in Texas your driver's license is a privilege not a right. It belongs to the state of Texas and you are allowed to have and use it as long as you abide by and respect the laws of the state. When you choose to break the law the state can and will take away your driver's license. Now that you have one it is important that you understand and respect the responsibility that comes with it. Above you will see the six illegal uses of a Texas driver's license. They include:

- Using a false name to get a license.
- Possessing more than one license
- Using a canceled or revoked license
- using another person's license

- Lending your license to someone else
- Displaying or possessing a false license

The penalties include being charged with a class B misdemeanor, a fine up to \$2000 and/or up to 180 days in jail. These penalties apply even to your very first offense of any of the listed six illegal uses of a driver license. It cannot be stated enough how serious the state of Texas takes its driver licensing program.

Public Intoxication

Must meet all three requirements:
 In a public place + Intoxicated + May endanger self or others

INTOXICATION = Not having normal use of mental or physical faculties because of alcohol or other drugs **OR** having an alcohol concentration of .08 or more.

Penalties: 21 and Over				
Class C Misdemeanor & up to \$500 fine				

Penalties: persons under 21				
Offense	Fine	Community Service	Education	Jail
1 st	Up to \$500	20-40 hours	Required	None
2 nd	Up to \$500	40-60 hours	Judges' option	None
3 rd	\$500 - \$2,000	40-60 hours	Judges' option	Up to 180 days

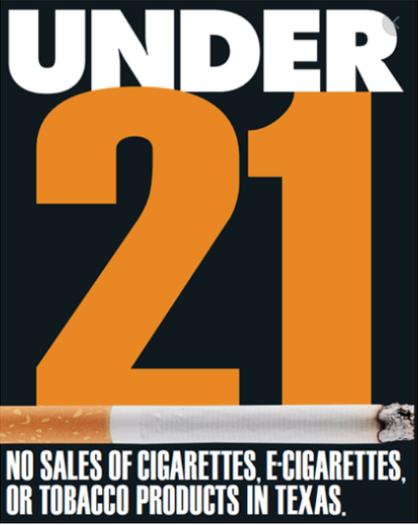
This particular alcohol related offense, called public intoxication has three requirements that must all be present in order for you to be charged. You must be in a public place, you must be intoxicated, and you must be a danger to yourself or others. In order to be charged with public intoxication you must meet all three requirements. Let's also recall the formal definition of intoxication. Intoxication means you do not have the normal use of your mental or physical faculties because of alcohol or other drugs OR having an alcohol concentration of .08 or more.

Penalties for a public intoxication charge differ depending on if you are an adult 21 years old or older or if you are a minor under the age of 21. For adults 21 years old and over, you would be charged with a class C misdemeanor and find up to \$500. For minors under the age of 21,

penalties vary depending on each subsequent offense with jail time of up to 180 days occurring only after your third offense of public intoxication.

Tobacco

- ✘ It is illegal for persons under the age of 21 to purchase or use tobacco products.
- ✘ Exceptions: Minors under age 21 can still consume or purchase tobacco if:
 1. accompanied by a parent, legal guardian or spouse.
 2. are a member of the US armed forces or state forces and present a valid military ID at the time of purchase.
 3. If you were born on or before Aug. 31, 2001
- ✘ The penalty is a fine of up to \$250.



In Texas, the law recently changed and makes it illegal for anyone under the age of 21 to purchase or use tobacco products. These products include regular cigarettes, e-cigarettes or any vaping device, and any smokeless tobacco products. There are some exceptions:

- If you are under the supervision of a Parent, legal guardian, or spouse, you may partake in tobacco products at an age younger than 21.
- If you are at least 18 years of age and are already in the United States military forces or state military forces and show your valid military ID card at the time of purchase.
- If you are a person born on or before August 31, 2001. For example a person who was 18 years of age or older before September 1, 2019 when the law changed, can still purchase cigarettes, E cigarettes, or tobacco products.

If you are found guilty of purchasing or using tobacco products you may be subject to a fine of up to \$250.

[VIDEO: Truth About Drinking](#)

[Day 10 Quiz](#) (You must pass with a 70% or better to receive credit for the day.)