

# Texas Underage Drinking Laws



Texas Alcoholic Beverage Commission  
Education and Prevention Department  
P.O. Box 13127  
Austin, Texas 78711



# Purchase of Alcohol by a Minor

- Exception: The minor is under the immediate supervision of a peace officer engaged in enforcing the Alcoholic Beverage Code.
- Class “C” Misdemeanor
- Texas Alcoholic Beverage Code: 106.02



# Attempt to Purchase Alcohol by a Minor

- Must be with specific intent and involve an act amounting to more than mere preparation.
- Class “C” Misdemeanor
- Texas Alcoholic Beverage Code: 106.025



# Misrepresentation of Age by a Minor

- Falsely stating that he/she is 21 or older or presenting any document that indicates he/she is 21 years or older to a person engaged in selling or serving alcoholic beverages.
- Class “C” Misdemeanor
- Texas Alcoholic Beverage Code: 106.07





# Possession of Alcohol by a Minor

- Exception: While in the visible presence of the minor's adult parent, guardian or spouse.
- Exception: While under the immediate supervision of a peace officer engaged in enforcing the Alcoholic Beverage Code.
- Class "C" Misdemeanor
- Texas Alcoholic Beverage Code: 106.05

# Consumption of Alcohol by a Minor

- Exception: While in the visible presence of the minor's adult parent, guardian or spouse.
- Class "C" Misdemeanor
- Texas Alcoholic Beverage Code: 106.04



# Penalties for Underage Drinking Violations

- Class “C” Misdemeanors
- Fine up to \$500
- Alcohol awareness class
- 8 to 40 hours community service
- 30 to 180 days loss or denial of driver’s license



# Third Offense for Minors 17 or Older

- Class “B” Misdemeanor
- Fine of \$250 to \$2,000 and/or up to 180 days in jail
- Possible alcohol awareness class
- Automatic driver's license suspension







# Driving Under the Influence by a Minor (DUI)

- A minor operating a motor vehicle in a public place while having ANY detectable amount of alcohol in the minor's system.
- Class "C" Misdemeanor
- Texas Alcoholic Beverage Code: 106.041

# DUI Penalties

- Class “C” Misdemeanor
- Fine up to \$500
- Alcohol awareness class
- 20 to 60 hours community service
- 60-180 days driver's license suspension
- 30-180 days ineligible for occupational driver’s license (to drive to work)



# Third DUI for Minors 17 or Older

- Class “B” Misdemeanor
- Fine of \$250 to \$2,000 and/or up to 180 days in jail
- 180 days driver's license suspension
- Ineligible for occupational driver’s license (to drive to work)



# Driving While Intoxicated (DWI)

- Intoxicated while operating a motor vehicle in a public place.
- Minors can be arrested for DWI.
- Class “B” Misdemeanor
- Texas Penal Code: 49.04







# Definition of Intoxication

- Not having normal use of mental or physical faculties by reason of the introduction of alcohol or a drug; OR
- Having a BAC of 0.08 or more.
- Texas Penal Code: 49.01(2)

# DWI Penalties

- **First Offense:** Up to \$2,000 fine and/or 3 to 180 days in jail; driver's license suspension of 90 days to 1 year. (Class B Misdemeanor)
- **Second Offense:** Up to \$4,000 fine and/or 1 month to one year in jail; driver's license suspension of 180 days to 2 years. (Class A Misdemeanor).
- **Third Offense:** Up to \$10,000 fine and/or 2 to 10 years in jail; driver's license suspension of 180 up to 2 years. (Third Degree Felony).





# DWI with a Child Passenger

- DWI while there is another person in the vehicle who is under 15 years of age.
- State jail felony
  - 180 days to 2 years in state jail; and
  - Possible fine not to exceed \$10,000.
- Texas Penal Code: 49.045



# DWI with an Open Container

- The intoxicated driver had an open container of alcohol in the person's immediate possession.
- Class “B” Misdemeanor, with a minimum term of confinement of six days.
- Texas Penal Code: 49.04 (c)





# Open Container in a Motor Vehicle

- Knowingly possessing an open container in a passenger area of a motor vehicle that is located on a public road/street/highway.
- Even if the vehicle is being operated or is stopped or parked.
- Class “C” Misdemeanor
- Texas Penal Code: 49.031



# Passenger Area of a Motor Vehicle

- The area of a motor vehicle designed for the seating of the operator and passengers of the vehicle.
- Does not include:
  - a glove compartment or similar storage container that is locked;
  - the trunk of a vehicle; or
  - the area behind the last upright seat of the vehicle, if the vehicle does not have a trunk.
- Texas Penal Code 49.031



# Exceptions to Open Container Law

- Passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, including a bus, taxicab, or limousine; or
- Living quarters of a motorized house coach or motorized house trailer, including a self-contained camper, a motor home, or an RV.



# Intoxication Assault

- By accident or mistake, while operating a watercraft or a motor vehicle in a public place while intoxicated, causes serious bodily injury to another.
- Third degree felony
  - 2 to 10 years in prison; and
  - Possible fine not to exceed \$10,000
- Texas Penal Code: 49.07





# Intoxication Manslaughter

- By accident or mistake, while operating a watercraft or a motor vehicle in a public place while intoxicated, causes the death of another.
- Second degree felony
  - 2 to 20 years in prison; and
  - Possible fine not to exceed \$10,000
- Texas Penal Code: 49.08



# Sale of Alcohol to a Minor

- Selling an alcoholic beverage to a minor with criminal negligence.
- Class “A” Misdemeanor
  - Fine up to \$4,000 and/or
  - Up to one year in jail
- Texas Alcoholic Beverage Code: 106.03



# Sale to Minor Exception

- A person who sells to a minor does not commit an offense if:
- The minor falsely represents himself to be 21 years old or older by displaying an apparently valid proof of ID:
  - Texas driver's license or ID card issued by DPS
  - Military ID or passport (new law in June 2009 when Governor signs Senate Bill 693)
- Must contain a physical description and photo consistent with his/her appearance.
- Texas Alcoholic Beverage Code: 106.03(b)



# Providing Alcohol to a Minor

- Purchasing or giving alcohol to a minor or with criminal negligence making alcohol available to a minor.
- Class “A” Misdemeanor
  - Fine up to \$4,000 and/or
  - Up to one year in jail
  - 180 days automatic driver’s license suspension upon conviction
- Texas Alcoholic Beverage Code: 106.06





# Providing Alcohol to a Minor Exception

- A minor's adult parent, guardian, or spouse may give alcohol to the minor.
- If he/she is visibly present when the minor possesses or consumes the alcoholic beverage.

# Questions

- Contact Your Local TABC Office
  - [http://www.tabc.state.tx.us/contact\\_us/local\\_field\\_office.asp](http://www.tabc.state.tx.us/contact_us/local_field_office.asp)
- TABC Education and Prevention Department (512) 206-3290
- Email: [questions@tabc.state.tx.us](mailto:questions@tabc.state.tx.us)
- To Report Underage Drinking Call: 1-888-THE-TABC
- [www.tabc.state.tx.us](http://www.tabc.state.tx.us)

