

Texas DWI Laws Contribute to Decline in National Rates

Drunk driving deaths have been on a steady decline for decades yet never go away and continue to cause heart-breaking traffic accidents. by Nadia El-Yaouti

DALLAS, TEXAS, UNITED STATES, May 4, 2021 /EINPresswire.com/ -- Education, awareness, and revamped legislation have been the catalyst for the national decline in deaths caused by drunk drivers. Since the '80's when data on drunk driving officially began being compiled, there has been a steady decline of about 50%. This good news is largely due to the efforts of groups

like Mothers Against Drunk Driving (MADD) and other alcohol education organizations. In data compiled by the National Highway Traffic Safety Administration, drunk driving death rates were at an all-time low in 2019. And during the pandemic, drunk driving rates continued to slump with March and April 2020 offering the lowest DUI arrests. Experts link the lowered rates in 2020 to



T Nguyen, Dallas Personal Injury Lawyer

“

Regardless of whether the driver was arrested, cited, or convicted for drunk driving, you can still present evidence of the driver's intoxication in your civil case to prove the driver's negligence.”

T Nguyen, Dallas Personal Injury Lawyer

COVID-19 lockdowns and the closure of restaurants and bars. However, as quarantine orders began to lift, DUI arrests began to tick back up.

NHTSA Deputy Administrator James Owens, commenting on the department's latest data, said, “We are encouraged by the 2019 FARS [Fatal Analysis Reporting System] data, which shows that fewer lives were lost on our nation's roads than the year before, a trend for three years now even while economic growth was increasing.” Owens adds, “We saw notable reductions in pedestrian and cyclist fatalities, as well as fewer lives lost in alcohol-impaired driving crashes.”

While this good news offers hope to our nation as a whole, it does not diminish the sobering reality that when deaths caused by drunk drivers do occur, the impacts can be lasting for all involved. Earlier this month, the death of a five-year-old boy who was killed by a drunk driver rocked the community in Houston, TX. The boy was in a vehicle with his father when they were struck by 26-year-old Sebastian Matta. Matta tried to flee the scene but was stopped by witnesses and was later charged with intoxication manslaughter. Tragic events like this have propelled many states in the nation to get tighter on DUI offenses. Texas is one such state whose tougher drunk driving laws have contributed to the recent decline.

Texas Combats Drunk Driving

Texas is one state reflective of the national decrease of deaths due to drunk drivers. Throughout the state, fatalities of DUI drivers dropped in 2019 to 591 deaths as compared to 2018 when there were 636 deaths. Deaths of pedestrians and cyclists because of drunk drivers also dropped from 54 in 2018 to 48 in 2019. While this decrease is reflective of the national trend, Texas has always been a state with lower than average drunk drivers because of its tough approach. According to the latest data compiled by Insurify, the national average of individuals with a DUI is roughly 2.27%. Texas falls well below this national average at about 1% - 1.5%.

Texas' low death rates can be seen as a direct result of the state's strict drunk driving laws. Texas is one of 10 states that use the term "driving while intoxicated" (DWI) as opposed to "driving under the influence" (DUI). DWI cases are cracked down on hard with the state's "zero tolerance" policy. Under the policy, anyone under the age of 21 cannot get behind the wheel of a vehicle if there is any detectable alcohol in their system. DWI laws apply to all motor vehicles, including boats.

Texas courts take their laws a step further in stipulating that DWIs can be charged even if an individual is not actually driving. Texas law defines a DWI as an individual operating a motor vehicle when they are intoxicated or have a blood alcohol content (BAC) that is above the legal limit. The term "operate" is used very broadly, and the state's courts have determined that "operate" can mean anything in terms of how an action "affects the functioning" of a motor vehicle.

Because of the state's zero-tolerance policy, an individual's first DWI can be met with harsh consequences. There is jail time ranging from 72 hours to a year depending on an individual's BAC. Fines of up to \$2,000 can follow, and individuals with a BAC of .15% or higher can face fines of up to \$4,000. An individual's license can be suspended for up to one year and individuals may be required to use an Ignition Interlock Device (IID) as well.

For second offenses, jail time can range from a month to a year with fines up to \$4,000. Individuals can lose their driver's license for 180 days to two years and may be required to use an IID for one year if their prior conviction was within the past five years.

Third offenses carry harsher punishments with jail time ranging from two to ten years and fines up to \$10,000. License suspension can also last 180 days to two years with IID use required for one year if there was a prior DWI conviction in the last five years.

In addition to the harsh fines, Texas adheres to “implied consent” laws. Under implied consent, anyone who is legally arrested for a DWI has to offer a blood sample or use a breathalyzer to measure their BAC. Refusing to do so can result in license suspension as well.

The state is aggressive when it comes to prosecuting drunk driving cases. Plea deals are not readily handed out, and charges are seldom dismissed. If reductions to a DWI charge do take place, a “wet reckless” will usually be the charge. A wet reckless is described as a charge of reckless driving where drugs and alcohol were involved.

DUI/DWI Convictions Provide Strong Evidence in Personal Injury Cases

Car accident victims who get hit by a drunk driver often suffer greatly in a crash. Drunk drivers as a group fail to take evasive action to avoid a crash or take mitigating measures like slamming on the brakes just before the collision. Impacts with drunk drivers are therefore usually much more severe than other crashes.

On the other hand, accident victims often have an easier time proving their case against drunk drivers. A drunk driver’s conviction of DUI or DWI is strong evidence of liability that can be used to prove fault in a civil case against the driver for money damages. A conviction isn’t required, however. T Nguyen, an [attorney at the Dallas-based Turley Law Firm](#), points out the different standards of proof required for civil liability (preponderance of the evidence) versus a criminal conviction (proof beyond a reasonable doubt). Nguyen says that proof of civil liability for your damages does not rest on a criminal conviction. “Regardless of whether the driver was arrested, cited, or convicted for drunk driving,” Nguyen explains, “you can still present evidence of the driver’s intoxication in your civil case to prove the driver’s negligence.”

What if the injured accident victim had been drinking and driving but was hit by a negligent driver who ran a red light or tried to pass a vehicle in an unsafe manner? Could that accident victim still sue the other driver? “Yes,” says attorney Nguyen, “as long as your attorney can show that your actions did not cause the crash or contributed little to the accident.” In this situation, a jury is likely to find both drivers partially at fault, so a lot depends on the law in the state where the accident occurred. In Texas, you cannot recover against another negligent driver if your own negligence is considered 51% or more to blame. In other states, you cannot sue unless you are less than 50% at fault, while in others, you can sue no matter how much negligence is pinned on you, but your damages are reduced accordingly. In a small handful of states, any negligence at all on your own part will keep you from suing another negligent driver.

Issues of civil and criminal liability aside, Texas’ tough stance on drinking and driving appears to be working. Many traffic safety officials credit tighter restrictions as displayed in Texas to be the

reason the state sees fewer DUI offenses and deaths as compared to other states.

T Nguyen

Turley Law Firm

+1 214-691-4025

[email us here](#)

Visit us on social media:

[Facebook](#)

[LinkedIn](#)

This press release can be viewed online at: <https://www.einpresswire.com/article/540182500>

EIN Presswire's priority is source transparency. We do not allow opaque clients, and our editors try to be careful about weeding out false and misleading content. As a user, if you see something we have missed, please do bring it to our attention. Your help is welcome. EIN Presswire, Everyone's Internet News Presswire™, tries to define some of the boundaries that are reasonable in today's world. Please see our Editorial Guidelines for more information.

© 1995-2021 IPD Group, Inc. All Right Reserved.