



BREATH/BLOOD TEST FAILURE AND REFUSAL LAWS

These laws are designed to quickly remove the license of persons who either fail (ALR) or refuse (Implied Consent) a breath or blood test. It is not necessary for the teacher to cover these in depth, but students should have a basic understanding of them. Through use of the accompanying information and transparencies, this can be achieved. These statutes are found in [TRC 524 (ALR); TRC 724 (Implied Consent)].

IMPLIED CONSENT

This law relates to license suspension for refusing to take a legally requested breath or blood test. As with the ALR law, it is a civil action apart from a DWI criminal case. License loss penalties for refusing a test are:

- 1st offense - 90 days (under 21 is 120 days)
- Previous refusal/failure offense - 180 days
- Previous DWI conviction - 1 year
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Drivers have a right to request a hearing to challenge the offense. If the license is suspended for either offense (ALR or Implied Consent), there is a \$100 reinstatement fee. In addition, if a DWI case is successful, the penalties for DWI will also be assessed.

ALR for Minors

Refer to “Zero Tolerance” and “Alcohol Beverage Laws for Minors” pamphlet to review Administrative License Revocation laws as they relate to zero tolerance and violations by minors. The pamphlet available from the Texas Alcoholic Beverage Commission and the Texas Department of Transportation.

Minor qualifies for Administrative License Revocation when:

- Breath/Blood test indicates ANY detectable amount of alcohol
- Police officer detects alcohol use
- Possible arrest and conviction for:
- DUI by minor, DWI, or Intoxication Assault/Manslaughter

Penalties for ALR Failure (may be in addition to those listed above)

Offense	Loss of License	Loss of Occupational License
No Previous Conviction	60 days	30 days
1 Previous Conviction	120 days	90 days
2 or More Previous Convictions	180 days	Entire period of loss

IMPLIED CONSENT FOR MINORS

DUI by Minor or DWI arrest may be the reason for a breath/blood test request by a law officer

Test Refusal Penalties (may be in addition to those listed above)

Offense	Loss of License
1 st	120 days
2 nd	240 days for previous refusal or failure
3 rd	1 year for previous DUI or DWI conviction