

Prescriptions can expose older drivers to risk of DWI



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your mental or physical faculties. You may be convicted of DWI if your prescription drug reduces normal use of mental or physical faculties and you drive a motor vehicle. The penalty is a minimum 72 hours in jail, and the pen-

alty increases for additional offenses.

Despite these risks, drivers 70 and older do not desire to give up the keys. While driving represents freedom, mobility and individuality, it also risks your safety and the safety of others, risks your life savings if you are at fault and are sued, and risks your freedom if you unintentionally drive while impaired by prescription drugs.

What can reduce the risks? First, limit yourself to daytime driving. Second, limit yourself to areas with which you are familiar. Third, do not drive on the expressway. Fourth, ask your doctor if any of the prescriptions you take (or the combination of several prescriptions) could affect your capacity to drive.

If your risk level is high, give up the keys and take a taxi, bus, limo or have someone else drive. VIA even subsidizes the cost of a taxi for VIA Trans customers. Call (210) 362-5050 for more on the taxi subsidy program. Reducing your risks will provide you the best legal protection.

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As we grow older, we often seek more medical care than during our younger years. The science behind modern medicine has created various drugs, which our doctors commonly prescribe. In fact, according to university studies, while older Americans account for about 13 percent of the population, they account for about 33 percent of all prescription drug use.

There are a lot of older people taking a lot of prescriptions which are entirely legal and intended solely to improve health. What happens when those people drive an automobile? When you combine loss of physical flexibility and slowing of reflexes as we age with increased use of prescription drugs, drivers age 70 and older are statistically a high-risk group.

According to the National Highway Traffic Safety Administration, the safety statistics tell a story about driving as we get older. For example, those age 60-69 are considered safe drivers, being at fault for fewer than half of the accidents in which they are involved. The risk increases for those age 70-79, who are at fault in about two-thirds of the accidents in which they are involved. Those age 80-plus present an even higher risk, being at fault in four-fifths of the accidents in which they are involved.

Everyone is aware that driving involves risk of being in an accident, and we try

to moderate the risk with careful behavior, with insurance and with cars built to enhance safety. But there is another risk for older drivers that most people have not considered: jail and monetary penalties if you are arrested for driving while intoxicated (DWI).

What? You say, "I don't drink and drive, and I have nothing to do with illegal narcotics, so I can't be involved in a DWI arrest!" That's great, but you need to be aware that DWI law in Texas is not limited to alcohol and illegal narcotics. Under Chapter 49 of the Texas Penal Code, the offense of driving while intoxicated means that you (1) drive a motor vehicle (2) in a public place (3) while intoxicated. Intoxication is legally defined as the loss of normal mental or physical capacities due to consumption of alcohol, drugs or both.

It is not a legal defense to DWI in Texas to claim that the drug that caused your loss of normal mental or physical capacities was a perfectly legal drug that was prescribed to you by a physician to treat a medical condition. It is not a defense to claim you took the drug with the intent of improving your health, with no intent of impairing