

**PENALTIES AND FINES FOR
ALCOHOL AND DRUG RELATED DRIVING OFFENSES
IN NEW YORK STATE**

Offense	Mandatory Fine	Maximum Jail Term	Mandatory Action Against Your License
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DRIVING WHILE INTOXICATED OR WHILE ABILITY IMPAIRED BY DRUGS (DWI)

First Conviction	\$500-\$1000	One Year (Misdemeanor)	Revoked - 6 Months CDL * Revoked - 1 Year 1 Year CDL Disqualification
Previous DWI Conviction within Preceding 10 Years	\$1000-\$5000	Four Years (Class "E" Felony)	Revoked - 1 Year CDL Permanent CDL Disqualification
Two or More DWI Convictions within 10 Years	\$2000-\$10,000	Seven Years (Class "D" Felony)	CDL - Commercial Driver's License

Additional Penalties: (Not Including Statutory Surcharge to Court)

1. **Attendance at Victims Impact Program** (VTL 1193[1](f)) \$35(Discretionary)
2. **Payment of Driver's Responsibility Assessment** (VTL 1199)
\$250 per year for Three Years to NY State DMV.
3. **30 Days Community Service or 5 Days in Jail** (VTL 1193[1-a](a) If Second
DWI Conviction within 5 years)
4. **60 Days Community Service or 10 Days in Jail** (VTL 1193[1-a](b) If Two
or More DWI Convictions within 5 years)
5. **Court ordered Installation of Ignition Interlock Device on Each Vehicle
Owned During License Revocation and**
 (A) An Additional Period Ordered by the Court
 (B) An Evaluation for Alcohol Abuse (VTL 1193[1-a](b))
6. **Out of State DWI or DUI Conviction: 90 day Revocation of NY License**
(VTL 1193 [2](b)(8))

DRIVING WHILE ABILITY IMPAIRED (DWA)

Private Passenger Vehicle

First Violation	\$300-\$5000	15 Days <i>Traffic Infraction</i>	Suspended 90 Days CDL Revoked - 1 Year 1 Year CDL Disqualification
Violation within Five Years of any Convictions for DWI or DWAI	\$500-\$750	30 Days <i>Traffic Infraction</i>	Revoked - 6 Months CDL Permanent CDL Disqualification
Violation after Two or More Convictions within Ten Years of any prior DWI or DWAI Convictions	\$750-\$1500	180 Days Misdemeanor	Revoked - 6 Months CDL Permanent CDL Disqualification
			CDL - Commercial Driver's License

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1. **Attendance at Victims Impact Program** (VTL 1193[1](f)) (Discretionary)
2. **Payment of Driver's Responsibility Assessment** (VTL 1199)
\$250 per year for Three Years to NY State DMV.
3. **Out of State DWI or DUI Conviction:** 90 day Revocation of NY License
(VTL 1193 [2](b)(8))

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DRIVING WHILE ABILITY IMPAIRED (DWAI)

Commercial Motor Vehicle

OFFENSE	FINE	JAIL TERM	ACTION AGAINST DRIVER'S LICENSE
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First Violation

Blood Alcohol Content Per Se - Level I (.04-.06%) (VTL 1192[5])	\$300-\$500	15 Days (<i>Traffic Infraction</i>)	Revoked For 1 Year CDL Disqualification For 1 Year
Per Se - Level II (.06 - .079%) (VTL 1192[6])	\$500-\$1500	180 Days Misdemeanor	CDL Disqualification For 1 Year License Revoked For Year
(0.02 - .039%)	\$300-500	DWAI	

Note The Penalties are greater for Alcohol related Offenses Committed while Operating School Buses, Taxis, Livery Vehicles, or while transporting Hazardous Materials

**MOTORISTS UNDER THE AGE OF 21
CONSUMING ALCOHOL**

Offense	Fine	Mandatory Action Against Driver's License
Blood Alcohol Content between .02 - .07% But not charged with DWAI or DWI	\$125 (DMV)	Six Month License Suspension (VTL 11932) & Six Month License Revocation By DMV after Hearing (VTL 1194-a)
Any Conviction for DWI or DWAI	\$300 Court \$300 DMV	One Year License Revocation (VTL 1193[2](b)(6))
Two or More Violations	\$125.00	One Year License Revocation or Revocation until the Age of 21 <i>Whichever is Longer</i> (VTL 1193[2](b)(7))
Out of State DWI or DUI Youthful Offender or Other Juvenile Adjudication and Sentence would have been a Felony or Misdemeanor for an Adult		Same as Above

CHEMICAL TEST REFUSAL
[VTL 1194 [2](d)(2)]

First Refusal Private Passenger Vehicle	\$300.00	Revoked at Least 6 Months Revoked One year if under 21
Commercial Motor Vehicle	\$350.00	Revoked One Year
Refusal with a Prior Alcohol Related Incident within the previous 5 years	\$750.00	Revoked One Year