

**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
---------	-------------------	----------------------	---

**DRIVING WHILE INTOXICATED OR WHILE ABILITY IMPAIRED BY DRUGS (DWI)**

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

**AGGRAVATED DRIVING WHILE INTOXICATED**

First Offense	\$1,000-\$2,500	Up to 1 year (Misdemeanor)	Minimum 1-year Revocation
Second Offense within 5 years	\$1000-\$5,000	Up to 4 years; minimum 5 days jail; or 30 days of community service (Class E Felony)	Minimum 18-month revocation
Third Offense or more within 10 years	2,000-\$10,000	Up to 7 years; minimum 10 days jail or 60 days of community service (Class D Felony)	Minimum 18-month revocation

**Additional Penalties (Not Including Statutory Surcharge to Court)**

**1. Court ordered Installation of Ignition Interlock Device on Each Vehicle Owned During License Revocation - Effective August 15, 2010**

- (A) \$190.00 Installation Fee
- (B) \$100.00 per month rental fee
- (C) Mandatory monthly inspection of device by Probation

and

- (D) An Additional Period Ordered by the Court
- (E) An Evaluation for Alcohol Abuse (VTL 1193[1-a](b))

**2. Attendance at Victims Impact Program (VTL 1193[1](f))**  
\$35 fee- Discretionary with the Court, but almost always required

**3. Payment of Driver's Responsibility Assessment (VTL 1199)**  
\$250 per year for Three Years to NY State DMV.

**4. 30 Days Community Service or 5 Days in Jail (VTL 1193[1-a](a) If Second DWI Conviction within 5 years)**

**5. 60 Days Community Service or 10 Days in Jail (VTL 1193[1-a](b) If Two or More DWI Convictions within 5 years)**

**6. Out of State DWI or DUI Conviction: 90 day Revocation of NY License (VTL 1193 [2](b)(8))**

## The Child Passenger Protection Act - Leandra's Law

On November 18, 2009, Governor Patterson signed into law some of the toughest penalties in the nation in response to the tragedies that have taken the lives of children who died while passengers in a vehicle driven by an intoxicated person on New York roadways. The consequences of driving a motor vehicle containing a child passenger when the driver is intoxicated or impaired by drugs are severe and apply even to first time offenders.

- First time offenders arrested for Driving While Intoxicated ("DWI") (.08 Blood Alcohol Content (BAC) or more) or Driving While Ability Impaired by Drugs (DWAI) **while a child of younger than 16 years old is in the vehicle** may be charged with a class E felony punishable by up to 4 years in State prison.
- Individuals charged with driving with a blood alcohol level of .08 or greater and with a child under the age of 16 in the vehicle would automatically have their license suspended pending prosecution.
- People who drive while intoxicated or impaired by drugs and **cause the death of a child younger than 16** in the car may be charged with a Class B felony, punishable by up to 25 years in State prison.
- People who drive while intoxicated or impaired by drugs and **cause serious physical injury to a child** in the vehicle may be charged with a Class C felony, punishable by up to 15 years in State prison.
- The **parent, guardian, custodian or otherwise legally responsible person** for a child who is charged with DWAI alcohol or DWAI drugs while that child is a passenger in the car would be **reported to the Statewide Central Register of Child Abuse** and Maltreatment by the arresting agency.
- Child Protective Services will conduct a thorough investigation of the motorist and the family residing with the motorist.
- An Order of Protection will entered against the Motorist in favor of the child passenger at arraignment. The Order will likely preclude the Motorist from having any contact whatsoever with the child passenger.
- Modification of an Order of Protection will likely require an application in Family Court.
- Mandatory Installation of an Ignition Interlock Device on all vehicles owned by the motorist (effective August 10, 2010).
- This law became effective on December 18, 2009.

## DRIVING WHILE ABILITY IMPAIRED (DWAI)

*Private Passenger Vehicle - No Child Passengers*

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

### Additional Penalties:

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. **Attendance at Drinking Driver Program:**
  - \$75.00 Enrollment Fee payable at NY State DMV
  - \$225.00 Maximum Enrollment Fee payable to program
4. **Out of State DWI or DUI Conviction:** 90 day Revocation of NY License (VTL 1193 [2](b)(8))
5. **Fees To Restore Driving Privileges**
  - Suspension Termination Fee: \$25.00 or
  - Revocation: \$50.000 Re-application Fee
  - Out of State License Holders: \$25.00

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

**DRIVING WHILE ABILITY IMPAIRED (DWAI)**

*Commercial Motor Vehicle*

OFFENSE	FINE	JAIL TERM	ACTION AGAINST DRIVER'S LICENSE
---------	------	-----------	------------------------------------

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**

<b>Offense</b>	<b>Fine</b>	<b>Mandatory Action Against Driver's License</b>
Blood Alcohol Content between .02 - .07% But not charged with DWAI or DWI	\$125 (DMV)	Six Month License Suspension (VTL 1193[2](2)) & Six Month License Revocation By DMV after Hearing (VTL 1194-a)
Any Conviction for DWI or DWAI	\$300.00 Court \$300.00 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))
<b>Out of State DWI or DUI Youthful Offender</b> or Other Juvenile Adjudication and Sentence would have been a Felony or Misdemeanor for an Adult		Same as Above
Suspension Termination Fee:	\$100.00	

\*\*\*\*\*

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

**Effective November 1, 2006**

First Refusal Private Passenger Vehicle	\$500.00	Revoked at Least One Year Revoked One year if under 21
Commercial Motor Vehicle	\$550.00	Revoked 18 Months
Refusal with a Prior Alcohol Related Incident within the previous <b>5 years</b>	\$750.00	Revoked 18 Months
Refusal and <b>2 convictions</b> for an Alcohol related Offense within the previous <b>4 years</b> with one offense being a DWI or 2 prior Refusals		"Permanent" License revocation

## **MANDATORY SURCHARGES**

(Effective August 1, 2008)

In addition to the fines imposed by the Court, each motorist convicted of one of an alcohol related Felony, Misdemeanor or Violation must pay the following surcharges:

DWI FELONY: \$520.00

DWI MISDEMEANOR: \$400.00

DWAI VIOLATION: \$260.00

Non-Alcohol Offense Related Surcharges:

Felony: \$325.00

Misdemeanor: \$205.00

Violation: \$125.00