

**STOP
DWI** New
York

Community
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Penalties for Driving While Intoxicated in New York State

DWI - Per Se, DWI or Driving While Ability Impaired by a Drug (VTL 1192.2, 1192.3, 1192.4)

1st Offense (misdemeanor)

\$500 - \$1,000, 1 year jail

DWI minimum 6 month revocation

DWAI-drug 6 month suspension

Ignition Interlock*

2nd Offense (class E felony) – within 10 years

\$1,000 - \$5,000, 4 years jail

1 year revocation Ignition Interlock*

3rd Offense (class D felony) – within 10 years

\$2,000 - \$10,000, 7 years jail

1 year revocation, Ignition Interlock*

*Not §1192.4 (DWAI – drug)

Driving While Impaired by Combined Alcohol and Drugs (VTL 1192.4a)

1st Offense (misdemeanor)

\$500 - \$1,000, 1 year jail

6 month revocation

2nd Offense (class E felony) – within 10 years

\$1,000 - \$5,000, 4 years jail

1 year revocation

3rd Offense (class D felony) – within 10 years

\$2,000 - \$10,000, 7 years jail

1 year revocation

Aggravated Driving While Intoxicated (VTL 1192.2a(a))

1st Offense (misdemeanor)

\$1,000 - \$2,500, 1 year jail

1 year revocation, Ignition Interlock

2nd Offense (class E felony) – within 10 years

\$1,000 - \$5,000, 4 years jail

18 month revocation, Ignition Interlock

3rd Offense (class D felony) – within 10 years

\$2,000 - \$10,000, 7 years jail

18 month revocation, Ignition Interlock

Aggravated Driving While Intoxicated With a Child Leandra's Law (VTL 1192.2a(b))

1st Offense (class E felony)

\$1,000 - \$2,500, 4 year jail

1 year revocation, Ignition Interlock

2nd Offense (class D felony) – within 10 years

\$2,000 - \$10,000, 7 years jail

18 month revocation, Ignition Interlock

Driving While Ability Impaired (VTL 1192.1)

1st Offense (traffic infraction)

\$350 - \$500, 15 days jail

90 day suspension

2nd Offense (traffic infraction) – within 5 years

\$500 - \$750, 30 days jail

6 month revocation

ZERO TOLERANCE (VTL 1192-A)

1st Offense (administrative)

\$125 civil penalty

6 month suspension

2nd Offense (administrative)

\$125 civil penalty

1 year revocation or until age 21



Chemical Test Refusals Civil Penalties

1st Offense (administrative)

\$500

1 year revocation

2nd Offense (administrative) – within 5 years

\$750

18 month revocation

Zero Tolerance (1st offense)

\$300

1 year revocation

Zero Tolerance (2nd offense)

\$750

1 year revocation

Additional Penalty Information

The fines listed do not include the state mandated surcharges or crime victim assistance fees.

The Department of Motor Vehicles determines when your license can be restored. Its restoration or re-instatement, based on state law or regulation is not automatic. You must reapply for your license and may have to pass a test.

Three or more alcohol or drug-related convictions or refusals within 10 years can result in permanent revocation with a waiver request permitted after a minimum of 5 years.

License penalties are different for persons under the age of 21 and those holding CDL licenses.

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The Cost of a Drunk Driving Conviction

First Time Offender

Towing	\$75 +
Car Storage (per day)	\$45 +
Defense Attorney	\$1,500 +
Bail Fee	\$0 - \$500 +
DWI Fine	\$350 - \$1,000
State Surcharges	\$245 - \$395
Ignition Interlock	\$75 - 100 +
Interlock fee (6 month minimum)	\$420 - \$600 +
Alcohol Evaluation	\$100 +
Victim Impact Panel	\$10 - \$50
Probation Supervision	\$0 - \$250 +
Conditional License	\$75
Drinking Driver Program	\$175 - \$300 +
DMV Civil Penalty	\$125 - \$750
DWI license reinstate	\$100
DMV susp. termination	\$50
Assessment (for 3 years)	\$250
Auto Insurance (per year)	\$2,000 - \$3,000 +
TOTAL:	\$5,595 - \$9,140 +

How a DWI Conviction Affects Auto Insurance

Little known facts!

An insurance company can deny no fault coverage (personal injury protection for medical, rehabilitation and loss of wages) to the driver that causes a motor vehicle crash due to alcohol/drug involvement.

An insurance company can deny parents whose child resides with them the standard or preferred rate due to the alcohol related driving offense of their child. In other words, the insurance rates for parents could increase simply because their child lives with them and has a DWI conviction.



www.stopdwi.org

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