

# PENALTIES FOR ALCOHOL/DRUG RELATED VIOLATIONS

## DRIVING WHILE INTOXICATED, PER SE (VTL §1192.2) or DRIVING WHILE INTOXICATED (VTL §1192.3) or DRIVING WHILE ABILITY IMPAIRED BY A DRUG (VTL §1192.4)

CONVICTION	FINE ONLY*	MAXIMUM JAIL	LICENSE ACTION** AND REQUIREMENTS
1 <sup>st</sup> Offense (misdemeanor)	\$500 - \$1,000	1 year	DWI Minimum 6 month revocation DWAI-drug 6 month suspension Ignition Interlock (not §1192.4)
2 <sup>nd</sup> Offense (class E felony) Within 10 years	\$1,000 - \$5,000	4 years	Revoked for at least 1 year Ignition Interlock (not §1192.4)
3 <sup>rd</sup> Offense (class D felony) Within 10 years	\$2,000 - \$10,000	7 years	Revoked for at least 1 year Ignition Interlock (not §1192.4)

## DRIVING WHILE IMPAIRED BY COMBINED ALCOHOL AND DRUGS (VTL §1192.4a) DWAI-Combination

CONVICTION	FINE ONLY*	MAXIMUM JAIL	LICENSE ACTION** AND REQUIREMENTS
1 <sup>st</sup> Offense (misdemeanor)	\$500 - \$1,000	1 year	Revoked for at least 6 months
2 <sup>nd</sup> Offense (class E felony) Within 10 years	\$1,000 - \$5,000	4 years min. 5 days jail or 30 days comm. service	Revoked for at least 1 year
3 <sup>rd</sup> Offense (class D felony) Within 10 years	\$2,000 - \$10,000	7 years	Revoked for at least 1 year

## AGGRAVATED DRIVING WHILE INTOXICATED (VTL §1192.2a (a)) AGG-DWI (0.18 and higher Blood Alcohol Content [BAC])

CONVICTION	FINE ONLY*	MAXIMUM JAIL	LICENSE ACTION** AND REQUIREMENTS
1 <sup>st</sup> Offense (misdemeanor)	\$1,000 – \$2,500	1 year	Revoked for at least 1 year Ignition Interlock
2 <sup>nd</sup> Offense (class E felony) Within 10 years	\$1,000 - \$5,000	4 years	Revoked for at least 18 mos. Ignition Interlock
3 <sup>rd</sup> Offense (class D felony) Within 10 years	\$2,000 - \$10,000	7 years	Revoked for at least 18 mos. Ignition Interlock

**AGGRAVATED DRIVING WHILE INTOXICATED WITH A CHILD (VTL §1192.2a (b))  
DWI w/child (0.08 and higher BAC [or combination w/drugs] with passenger 15 or younger)**

*Leandra's Law*

<b>CONVICTION</b>	<b>FINE ONLY*</b>	<b>MAXIMUM JAIL</b>	<b>LICENSE ACTION** AND REQUIREMENTS</b>
1 <sup>st</sup> Offense (class E felony)	\$1,000 – \$2,500	4 year	Revoked for at least 1 year Ignition Interlock
2 <sup>nd</sup> Offense (class D felony) Within 10 years	\$2,000 - \$10,000	7 years	Revoked for at least 18 mos. Ignition Interlock

**DRIVING WHILE ABILITY IMPAIRED (VTL §1192.1)  
DWAI (more than .05 up to .07 BAC)**

<b>CONVICTION</b>	<b>FINE ONLY*</b>	<b>MAXIMUM JAIL</b>	<b>LICENSE ACTION** AND REQUIREMENTS</b>
1 <sup>st</sup> Offense (traffic infraction)	\$300 - \$500	15 days	Suspended for 90 days
2 <sup>nd</sup> Offense (traffic infraction) Within 5 years	\$500 - \$750	30 days	Revoked for at least 6 months

**ZERO TOLERANCE LAW (VTL §1192-a)  
Driver less than 21 yrs (.02 - .07 BAC)**

<b>CONVICTION</b>	<b>FINE ONLY*</b>	<b>MAXIMUM JAIL</b>	<b>LICENSE ACTION** AND REQUIREMENTS</b>
1 <sup>st</sup> Offense (administrative)	\$125 civil penalty	None	Suspended for 6 months \$100 susp termination fee
2 <sup>nd</sup> Offense (administrative)	\$125 civil penalty	None	Revoked for 1 year or until age 21 \$100 reapplication fee

**CHEMICAL TEST REFUSAL – Civil Penalties (VTL §1194)**

	<b>CIVIL PENALTY</b>	<b>LICENSE ACTION** AND REQUIREMENTS</b>
1 <sup>st</sup> Offense	\$500	Revoked for 1 year
2 <sup>nd</sup> Offense (within 5 yrs)	\$750	Revoked for 18 months
Zero Tolerance	\$300	Revoked for 1 year
Zero Tolerance 2 <sup>nd</sup> offense	\$750	Revoked for 1 year

\* Conviction fine only does not include mandatory surcharge or crime victims assistance fee. (\$260 for traffic infractions, \$400 for misdemeanors and \$520 for felonies)

\*\* The Department of Motor Vehicles determines when your license can be returned. Its return or reinstatement, 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 at least 5 years. License penalties for under 21 and CDL are different.