

# DRUNK DRIVING PENALTIES

## Driving While Intoxicated

DWI [.08% and higher Blood Alcohol Content (BAC) or other evidence of intoxication]

	FINE	JAIL SENTENCE	LICENSE ACTION
1 <sup>ST</sup> Offense (Misdemeanor)	Minimum \$ 500    Maximum \$ 1,000	Up to 1 Year	Minimum 6-Month Revocation
2 <sup>nd</sup> Offense (Within 10 years / Class E Felony)	Minimum \$1,000    Maximum \$ 5,000	Up to 4 Years	Minimum 1-Year Revocation*
3 <sup>rd</sup> Offense (Within 10 years / Class D Felony)	Minimum \$2,000    Maximum \$10,000	Up to 7 Years	Minimum 1-Year Revocation*
A person convicted of DWI could be sentenced to 3 years probation for a misdemeanor conviction and 5 years probation for a felony conviction.			

## Aggravated Driving While Intoxicated

ADWI [.18% and higher Blood Alcohol Content (BAC)]

	FINE	JAIL SENTENCE	LICENSE ACTION
1 <sup>ST</sup> Offense (Misdemeanor)**	Minimum \$1,000    Maximum \$ 2,500	Up to 1 Year	Minimum 1 Year Revocation
2 <sup>nd</sup> Offense (Class E Felony)	Minimum \$1,000    Maximum \$ 5,000	Up to 4 Years	Minimum 18-Month Revocation
3 <sup>rd</sup> Offense (Class D Felony)	Minimum \$2,000    Maximum \$10,000	Up to 7 Years	Minimum 18 Month Revocation

## Driving While Ability Impaired

DWAI [ more than .05% to less than .08% Blood Alcohol Content (BAC) ]

	FINE	JAIL SENTENCE	LICENSE ACTION
1 <sup>ST</sup> Offense (Traffic Infraction)	Minimum \$ 300    Maximum \$ 500	Up to 15 Days	90-Day Suspension
2 <sup>nd</sup> Offense Within 5 years (Traffic Infraction)	Minimum \$ 500    Maximum \$ 750	Up to 30 Days	Minimum 6-Month Revocation*
3 <sup>rd</sup> Offense Within 10 years (Misdemeanor)	Minimum \$ 750    Maximum \$1,500	Up to 180 Days	Minimum 6-Month Revocation*

## Zero Tolerance

Drivers Under 21 [DMV administrative finding of .02% to .07% Blood Alcohol Content (BAC)]

	CIVIL PENALTY	LICENSE ACTION	ADDED FEE
1 <sup>ST</sup> Offense	Minimum \$125	6-Month Suspension	\$100 Suspension Termination Fee
2 <sup>nd</sup> Offense	Minimum \$125	1-Year Revocation or until age 21, whichever is longer	\$100 Re-Application Fee

\* The Department of Motor Vehicles decides when your license can be returned. Its return or reinstatement, based on state law or regulation, is not automatic. You must apply for your license, pay civil penalties, a relicense fee and you may have to take a test.

\*\* Cannot plead below DWI Misdemeanor

## The Cost of a Drunk Driving Conviction

### First Time Offender

■ Towing	\$ 50	plus
■ Car Storage (Fee Per Day)	\$ 45	plus
■ Defense Attorney	\$500 to \$1,500	plus
■ Bail Fee	0 to \$ 250	plus
■ DWI Fine	\$300 to \$1,000	
■ Court Surcharge for Crime Victims Assistance Fund	\$ 20	
■ Court Surcharge for Misdemeanor Level Crimes	\$ 140	
■ Alcohol Evaluation	\$ 90	plus
■ DWI Victim Impact Panel Session	\$ 25	
■ Probation Supervision Fee	0 to \$ 250	plus
■ Conditional License	\$ 75	
■ Drinking Driver Program Fee	\$ 225	
■ DMV Civil Penalty	\$ 300	
■ DMV License Reinstatement Fee	\$ 50	
■ Auto Insurance (additional cost per year)	\$2,000 to \$3,000	
<b>Total:</b>	<b>\$3,645 to \$6,845</b>	

## 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.

## Local Resources

Delaware County STOP-DWI  
280 Phoebe Lane - Suite 5  
Delhi, NY 13753  
607.746.8400  
607.746.8412 fax

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Delaware County Alcoholism Clinic  
607.865.7656

Alcohol & Drug Council  
607.746.8300

Delaware County Youth Bureau  
607.746.2325

AA Hotline  
1.888.227.6237

New York State STOP-DWI  
[www.stopdwi.com](http://www.stopdwi.com)

Safe New York  
[www.safeny.com](http://www.safeny.com)

Point. Click. Drink.  
[www.pointclickdrink.com](http://www.pointclickdrink.com)

# STOP DWI New York

## Penalties for Driving While Intoxicated in New York State

**.08**  
Don't blow it.

New York State  
STOP-DWI Foundation