

A newsletter by Taheri & Todoro, P.C., devoted to Driving While Intoxicated law in New York State
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It's Expensive to Drink and Drive

On November 1, 2003, the legal blood alcohol limit before an individual is charged with Driving While Intoxicated per se will drop from .10 % to .08%. As a result, it is anticipated that there will be a greater number of arrests and convictions for this crime.

I believe the ultimate goal in this area of law is not to see how many individuals may be convicted of the charge, but instead to create an atmosphere where individuals who have been drinking do not drive, to prevent recidivism, and to maintain the right to a fair trial. While taking steps to increase the number of convictions may help to deter individuals from drinking and driving, making potential drunk drivers aware of the financial impact to them if caught may serve as an even greater deterrence. Below are the typical costs incurred by a first time offender facing DWI charges:

Towing of Vehicle:	approx. \$100
Court Imposed Fine:	\$500-\$1,000
State Surcharge and Victim Assistance Program:	\$125
DMV Conditional License Fee:	\$75
Payment to Driver Improvement School:	\$175
License Re-application fees:	\$50
Legal fees (average):	\$1,500- \$3,000
Alcohol evaluation and/or counseling program (not covered by insurance):	approx. \$1,200
Insurance Increase (for single male with full coverage):	approx. \$1,200/per year
TOTAL:	approx. \$4,925 - \$6,925

Additional legal fees and filing costs may be incurred by a driver who needs to enter Canada due to restricted access for non-citizens convicted of drinking and driving.

These typical costs assume that the driver is of legal age to drink alcohol, took a breath test, and is an unmarried male. The increase in insurance costs would differ for a female or a married male. Generally, insurance rates increase approximately two and a half times their original rate after a conviction for Driving While Intoxicated.

There are additional fees for drivers under twenty-one years of age (\$100 license re-application fee and a \$125 civil penalty) and for refusing a breath test (\$300 civil penalty). Limitations imposed on the driver license may also impact employment and the ability to fulfill family responsibilities. Of course, if the driver caused an accident resulting in property damage, injury or death, he or she will probably be sued civilly, incur increased costs in his or her criminal case, and face additional criminal penalties, including a possible jail sentence.

Drinking and driving is always dangerous and potentially very expensive. It's just not worth it.

This newsletter does not offer specific legal advice. If legal advice or other expert assistance is required, the services of a competent professional person should be sought. If you have any questions or would like a specific topic covered in the newsletter, please contact Michael S. Taheri, Esq., or Peter J. Todoro, Esq., at Taheri & Todoro, PC, 388 Evans Street, Williamsville, NY 14221, telephone no. (716) 633-0374, e-mail: taheri@localnet.com.

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