

A newsletter by **Taheri & Todoro, P.C.**, devoted to *Driving While Intoxicated law in New York State*  
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## Penalties for Alcohol-Related Convictions

Offense	Mandatory Fines (Minimum Fines and Maximum Fines)	Maximum Jail Term	Mandatory Penalties to License
<b>Driving While Ability Impaired (VTL § 1192[1])</b>			
First Conviction	\$300 - \$500 <sup>(1) (2) (5)</sup>	15 days Traffic Infraction	Suspended at least 90 days
Second Conviction within 5 years (Prior DWI or DWAI)	\$500 - \$750	30 days Traffic Infraction	Revoked at least 6 months
Third Conviction within 10 years (Prior DWIs or DWAI)	\$750 - \$1,500	90 days Misdemeanor	Revoked at least 6 months
<b>Driving While Intoxicated (VTL § 1192[2] and § 1192[3])</b>			
First Conviction	\$500 - \$1,000 <sup>(3) (5)</sup>	1 year Misdemeanor	Revoked at least 6 months
Second Conviction	\$1,000 - \$5,000 <sup>(4)(5)</sup>	4 years "E" Felony	Revoked at least 1 year
Third Conviction	\$2,000-\$10,000 <sup>(4)(5)</sup>	7 years "D" Felony	Revoked at least 1 year

\* This chart only sets forth court imposed sanctions; separate and additional sanctions may also be imposed by the Department of Motor Vehicles.

- <sup>(1)</sup> First alcohol or drug-related violation by a driver under the age of 21: 1 year revocation.  
Second alcohol or drug-related violation by a driver under the age of 21: revocation until age 21 or 1 year, whichever is longer.
- <sup>(2)</sup> \$75.00: State mandatory surcharge which is *in addition to* mandatory fines.
- <sup>(3)</sup> \$185.00: State mandatory surcharge which is *in addition to* mandatory fines.
- <sup>(4)</sup> \$295.00: State mandatory surcharge which is *in addition to* mandatory fines.
- <sup>(5)</sup> Chemical Test Refusal Revocation: \$300 civil penalty  
Chemical Test Refusal with prior refusal or alcohol-related violation within five years: \$750 civil penalty; *see* VTL § 1194

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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