

New Driving While Intoxicated Fines and Penalties Chart: Effective Nov. 1, 2006

Offense	Mandatory Minimum and Maximum Fines	Maximum Jail Term	Mandatory Penalties to License
Driving While Ability Impaired (VTL § 1192[1])⁽¹⁾			
First Conviction	\$300 - \$500 ^{(2) (3) (6)}	15 days	90 day suspension
Second Conviction within 5 years of a conviction for ADWI, DWI or DWAI	\$500 - \$750	30 days	Revoked at least 6 months
Third Conviction within 10 years	\$750 - \$1,500	90 days	Revoked at least 6 months
Driving While Intoxicated (VTL § 1192[2] and [3])⁽¹⁾			
First Conviction (Misdemeanor)	\$500 - \$1,000 ^{(4) (6)}	1 year	Revoked at least 6 months
Second Conviction within 10 years (prior ADWI or DWI) (E Felony)	\$1,000 - \$5,000 ⁽⁵⁾⁽⁶⁾	4 years	Revoked at least 1 year (18 months if prior conviction is for ADWI) ⁽⁷⁾
Third Conviction within 10 years (prior ADWIs and/or DWIs) (D Felony)	\$2,000-\$10,000 ⁽⁵⁾⁽⁶⁾	7 years	Revoked at least 1 year (18 months if at least one prior conviction is for ADWI) ⁽⁷⁾
Aggravated Driving While Intoxicated (VTL § 1192[2-a])⁽¹⁾ (.18% or greater BAC)			
First Conviction (Misdemeanor)	\$1,000-\$2,500 ^{(4) (6)}	1 year	Revoked at least 1 year
Second Conviction within 10 years (prior ADWI or DWI) (E Felony)	\$1,000 - \$5,000 ⁽⁵⁾⁽⁶⁾	4 years	Revoked at least 18 months ⁽⁷⁾
Third Conviction within 10 years (prior ADWIs and/or DWIs) (D Felony)	\$2,000-\$10,000 ⁽⁵⁾⁽⁶⁾	7 years	Revoked at least 18 months ⁽⁷⁾

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

- (1) All convictions under Vehicle & Traffic Law section 1192 require the payment of a Driver Responsibility Assessment to the Department of Motor Vehicles in the amount \$250 per year for 3 years in addition to the mandatory fines set forth in this chart
- (2) 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
- (3) \$75.00: State mandatory surcharge which is in addition to mandatory fines
- (4) \$185.00: State mandatory surcharge which is in addition to mandatory fines
- (5) \$295.00: State mandatory surcharge which is in addition to mandatory fines
- (6) Chemical Test Refusal Revocation: \$500 civil penalty
Chemical Test Refusal with prior refusal or alcohol-related violation within five years: \$750 civil penalty, *see* VTL § 1194
- (7) Additional licensing penalties may arise if the prior offenses occurred within 4 years of the current offense