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Photo by Mike Taheri

IT'S EXPENSIVE TO DRINK AND DRIVE

New Topics in Criminal Law

The cost of everything is going up, including drinking and driving. Over the past few years, New York State has enacted laws authorizing special assessments, increased surcharges and enhanced charges carrying additional fines for individuals convicted of drinking and driving. One of the most effective ways to understand the direct impact of an alcohol-related prosecution is to examine some of expenses that are associated with this crime. The chart below sets forth a list of expense items that anyone charged with this crime can expect to pay. Some of these fees, such as towing and the cost of hiring an attorney, may have to be paid even if the driver is not convicted of anything. The amounts listed are only approximate costs and can be impacted by the unique circumstances of the individual's case, such as his or her prior criminal history, driving record, and whether a person was injured in an accident.

Towing of Vehicle:	approx. \$175
Fines imposed by judge:	\$500 - \$2,500
Driver Responsibility Assessment:	\$750 (\$250/yr. for 3 years)
State Surcharge:	\$395
DMV Conditional License Fee:	\$75
Payment to Driver Improvement School:	\$225
License Re-application fees:	\$50
Legal fees (average):	\$2,500 - \$3,500
Alcohol evaluation and/or counseling program (not covered by insurance):	approx. \$1,500
Insurance Increase (for single male with full coverage):	approx. \$2,000/ year
TOTAL:	approx. \$8,100 - \$11,100

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 (\$500 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.

Of course, none of this takes into account the non-monetary effects of a DWI conviction on the driver. Drinking and driving is expensive; its impact on your reputation — priceless.

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