

# Penalties for Alcohol and Drug-Related Driving Violations in New York



**Violation**



**Maximum Jail Term**



**Mandatory Fine**



**Mandatory Driver License Action**

Driving While Ability Impaired by Alcohol (DWAI)	<b>15 days</b>	<b>\$300 - \$500</b>	Suspended for 90 days
Second DWAI violation in 5 years	<b>30 days</b>	<b>\$500 - \$750</b>	Revoked for at least 6 months
Third or subsequent DWAI within 10 years (Misdemeanor)	<b>180 days</b>	<b>\$750 - \$1,500</b>	Revoked for at least 6 months
Driving While Intoxicated (DWI) or Driving While Impaired by a Drug (DWAI-Drug)	<b>1 year</b>	<b>\$500 - \$1,000</b>	DWI: Revoked for at least 6 months DWAI-Drugs: Suspended for at least 6 months
Second DWI/DWAI-Drug violation in 10 years (E felony)	<b>4 years</b>	<b>\$1,000 - \$5,000</b>	Revoked for at least 1 year
Third DWI/DWAI-Drug violation in 10 years (D felony)	<b>7 years</b>	<b>\$2,000 - \$10,000</b>	Revoked for at least 1 year
Driving While Ability Impaired by a Combination of Alcohol/Drugs (DWAI-Combination)	<b>1 year</b>	<b>\$500 - \$1,000</b>	Revoked for at least 6 months
Second DWAI/Combination in 10 years (E felony)	<b>4 years</b>	<b>\$1,000 - \$5,000</b>	Revoked for at least 1 year/18 months
Third DWAI/Combination in 10 years (D felony)	<b>7 years</b>	<b>\$2,000 - \$10,000</b>	Revoked for at least 1 year/18 months
Aggravated Driving While Intoxicated (A-DWI)	<b>1 year</b>	<b>\$1,000 - \$2,500</b>	Revoked for at least 1 year
Second A-DWI in 10 years (E felony)	<b>4 years</b>	<b>\$1,000 - \$5,000</b>	Revoked for at least 18 months
Third A-DWI in 10 years (D felony)	<b>7 years</b>	<b>\$2,000 - \$10,000</b>	Revoked for at least 18 months
Zero Tolerance Law Violation	<b>None</b>	\$125 civil penalty and \$100 fee to terminate suspension	Suspended for 6 months
Second Zero Tolerance Law Violation	<b>None</b>	\$125 civil penalty and \$100 re-application fee	Revoked for 1 year or until age 21
Chemical Test Refusal	<b>None</b>	\$500 civil penalty (\$550 for commercial drivers)	Revoked for at least 1 year; 18 months for commercial drivers
Chemical Test Refusal within 5 years of a previous DWI-related charge/Chemical Test Refusal	<b>None</b>	<b>\$750 civil penalty</b>	Revoked for at least 18 months/1 year or until age 21 for drivers under age 21, permanent CDL revocation for commercial drivers
Chemical Test Refusal: Zero Tolerance Law Violation	<b>None</b>	\$300 civil penalty and \$100 re-application fee	Revoked for at least 1 year
Chemical Test Refusal: Second or subsequent Zero Tolerance Law Violation	<b>None</b>	\$750 civil penalty and \$100 re-application fee	Revoked for at least 1 year
Driving Under the Influence (Out-of-State)	<b>N/A</b>	<b>N/A</b>	Revoked for at least 90 days; if less than 21 years of age, revoked at least 1 year
Driving Under the Influence (Out-of-State) with any previous alcohol-drug violation	<b>N/A</b>	<b>N/A</b>	Revoked for at least 90 days (longer term with certain prior offenses); if less than 21 years of age, revoked at least 1 year or until age 21 (longest term)

Sources:

i. [dmv.ny.gov/tickets/penalties-alcohol-or-drug-related-violations-7.pdf](https://dmv.ny.gov/tickets/penalties-alcohol-or-drug-related-violations-7.pdf)



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