



New York State's Drinking and Driving Laws

Zero Tolerance Law

This law makes it illegal for a driver under age 21 to consume any alcohol. A police officer may temporarily detain you to request or administer a chemical test to determine Blood Alcohol Content (BAC). If your BAC is .02 to .07 percent, you could be charged under Zero Tolerance and notified to appear at a DMV hearing. If the judge's finding supports the charge, the penalty is a six-month license suspension, a \$125 civil penalty, and \$100 suspension termination fee. Each additional offense will result in your license being revoked for at least one year or until age 21, whichever is longer, plus a \$125 civil penalty and a \$100 license re-application fee.

Driving While Ability Impaired (DWAI)

If your BAC is .05 percent but not more than .07, the police have the option of charging you with driving while ability impaired (DWAI) -- instead of under the Zero Tolerance Law -- and may prosecute the arrest in criminal court. If you are convicted of an alcohol-related traffic violation in addition to any fines, fees, penalties, or surcharges that must be paid for a traffic conviction, a driver responsibility assessment payment will also be required for three years. In addition to putting yourself, passengers and/or other drivers on the road at risk of serious injury or death, driving while under the influence of drugs or alcohol can cost you serious money!

Driving While Intoxicated (DWI)

If your BAC is .08 or greater the police will charge you with driving while intoxicated (DWI). If charged with DWI you will be prosecuted in criminal court and will face any fines, fees, penalties, or surcharges associated with a DWI conviction. In addition, a driver responsibility assessment payment will also be required for three years. If you are found to be driving while intoxicated and you have any passengers under the age of 16 riding in the vehicle, you will be charged under Leandra's Law.

Leandra's Law

On December 18, 2009, the Child Passenger Protection Act was signed into law. Known as Leandra's Law, this legislation makes operating a motor vehicle while intoxicated (.08 or higher blood alcohol content), or under the influence of drugs, with a passenger under the age of 16, a Class E felony offense. Individuals charged under Leandra's Law automatically have their license suspended while awaiting prosecution. Effective August 15, 2010, courts must order anyone found guilty of driving while intoxicated, including first-time offenders, to install and maintain an ignition interlock device on any vehicle owned or operated by the driver. The ignition interlock must remain on the vehicle for a minimum of 6 months.

Sources:

- Teen Driver Resource Guide www.dmv.ny.gov