

Appendix C

DRIVER LICENSE PENALTIES

New York State penalties for alcohol- and drug-related driving violations. The information below is based on current New York State Department of Motor Vehicles (NY DMV) guidance for non-commercial drivers. Fines shown are conviction fines only and do not include mandatory surcharges or crime victim assistance fees.

Aggravated Driving While Intoxicated (AGG-DWI)

BAC of .18 or higher.

Conviction	Fine	Jail Sentence	Required License Action
1st offense (Misdemeanor)	\$1,000-\$2,500	Up to 1 year	Minimum 1-year revocation
2nd offense within 10 years (Class E felony)	\$1,000-\$5,000	Up to 4 years	Minimum 18-month revocation

Driving While Intoxicated (DWI) or Driving While Ability Impaired by a Drug (DWAI-Drug)

DWI: BAC of .08 or higher, or other evidence of intoxication. DWAI-Drug: impairment by a drug.

Conviction	Fine	Jail Sentence	Required License Action
1st offense (Misdemeanor)	\$500-\$1,000	Up to 1 year	DWI: minimum 6-month revocation DWAI-Drug: minimum 6-month suspension
2nd offense within 10 years (Class E felony)	\$1,000-\$5,000	Up to 4 years*	Minimum 1-year revocation

Driving While Impaired by Combined Alcohol and Drugs (DWAI-Combination)

Conviction	Fine	Jail Sentence	Required License Action
1st offense (Misdemeanor)	\$500-\$1,000	Up to 1 year	Minimum 6-month revocation
2nd offense within 10 years (Class E felony)	\$1,000-\$5,000	Up to 4 years	Minimum 1-year revocation

Driving While Ability Impaired by Alcohol (DWAI)

More than .05 up to .07 BAC, or other evidence of impairment.

Conviction	Fine	Jail Sentence	Required License Action
1st offense (Traffic infraction)	\$300-\$500	Up to 15 days	90-day suspension
2nd offense within 5 years (Traffic infraction)	\$500-\$750	Up to 30 days	Minimum 6-month revocation
3rd offense within 10 years (Misdemeanor)	\$750-\$1,500	Up to 180 days	Minimum 6-month revocation

DRIVERS UNDER AGE 21 - ZERO TOLERANCE LAW

Under New York's Zero Tolerance Law, a driver under age 21 with a measurable BAC of .02 to .07 is subject to an administrative DMV proceeding. If the BAC is .05 or greater, police may also charge the driver with DWAI or DWI depending on the circumstances.

Violation	Civil Penalty	Required License Action	Additional Fee
1st Zero Tolerance violation	\$125	6-month suspension	\$100 suspension termination fee
2nd Zero Tolerance violation	\$125	Revocation for 1 year or until age 21, whichever is longer	\$100 reapplication fee for violations on/after July 6, 2009

Additional License Rules for Drivers Under Age 21

For alcohol- or drug-related convictions other than a Zero Tolerance administrative violation, a driver who is under age 21 generally faces a minimum one-year revocation for a first violation. A second violation while under age 21 generally requires revocation for one year or until age 21, whichever is longer.

Important Notes

- License reinstatement is not automatic. NY DMV determines when a license may be returned. A driver must reapply and may be required to pass a test.
- Repeat offenses may carry greater consequences. Higher fines, longer jail sentences, and increased license penalties - including possible lifetime revocation - may apply to repeat offenders.
- Commercial drivers: Different and additional rules apply to commercial driver licenses; this appendix addresses non-commercial drivers.
- Other financial consequences: Mandatory surcharges, crime victim assistance fees, driver responsibility assessments, and other costs may apply in addition to the fines listed here.

Official Sources

[New York State Department of Motor Vehicles, Chapter 9:](#)

[New York State Department of Motor Vehicles, Pay a Driver Civil Penalty](#)

[New York State Department of Motor Vehicles, Pre-Licensing Course Student's Manual \(MV-277.1\) \(PDF\)](#)

Updated: August 21, 2026. This appendix is a summary for informational purposes. Where there is any discrepancy, current New York State law and official NY DMV guidance control.