

# FAQ

## FREQUENTLY ASKED QUESTIONS ABOUT

# DWI

- 1. What is BAC?** BAC is short for “blood alcohol concentration” and refers to the amount of alcohol in your bloodstream. BAC, registered in percentages, is measured by breath, blood or urine testing and is often used by law enforcement to determine whether or not a motorist is “legally drunk.”
- 2. What is DUI?** DUI refers to *Driving Under the Influence* of drugs, alcohol, or a combination of both. Drugs are considered an intoxicating substance and can refer to a variety of different drugs, including marijuana, cocaine, heroin, ecstasy and other judgment impairing substances used by themselves or in conjunction with alcohol. This also includes the use of prescription medications. New York State laws make further distinction between DWI and DWAI.
- 3. What is DWI?** DWI refers to *Driving While Intoxicated*. DWI, a crime, is having a BAC of .08 or greater or other evidence of intoxication. DWI is defined as the act of operating a motor vehicle after having consumed alcohol to the point of intoxication.
- 4. What is DWAI?** DWAI refers to driving while ability impaired with regards to mental and motor skills.  
**DWAI/Alcohol** refers to *Driving While Ability Impaired* by alcohol. DWAI is having a BAC of .05 to .07.  
**DWAI/Drugs** refers to *Driving While Ability Impaired* by drugs  
**DWAI/Combination** refers to *Driving While Ability Impaired* by a combined influence of **drugs** and **alcohol** or more than one drug.
- 5. What is AGGRAVATED DWI?** Aggravated DWI refers to *Aggravated Driving While Intoxicated* where the blood-alcohol content is found to be 0.18 or higher.
- 6. What is ZERO TOLERANCE LAW?** **Zero Tolerance** refers to a driver who is less than 21 years of age and who drives with a BAC of .02 to .07 thus violating the Zero Tolerance Law.
- 7. What is a BREATHALYZER?** **Breathalyzer** is a device used to measure one’s blood alcohol content (BAC) from a breath sample. The Breathalyzer test is usually administered when the driver is pulled over at roadside. The driver blows into a device and readings indicate the suspect’s blood alcohol content level (BAC).
- 8. What is IGNITION INTERLOCK DEVICE?** An **Ignition Interlock** device is an in-car alcohol breath screening device that prevents a vehicle from starting if it detects a blood alcohol concentration (BAC) over a pre-set limit of .02. The device is located inside the vehicle, near the driver’s seat, and is connected to the engine’s ignition system.
- 9. What is CHEMICAL TEST REFUSAL?** A Chemical Test Refusal is when a motorist refuses to submit to a chemical test (normally a test of breath, blood, or urine). The result of this action can be a revocation of his or her driver’s license for at least one year, and a civil penalty fine of at least \$500.

## THE PENALTIES

**License Suspension:** A license suspension means you may not drive for the period of your suspension.

**License Revocation:** A license revocation means your driving privileges have been cancelled. You will likely need to reapply for a driver’s license after a designated length of time.

**Misdemeanor:** A crime less serious than a felony. Misdemeanors are sometimes categorized by degrees. 1st degree misdemeanors are the most serious class (with the highest fines and penalties), 2nd degree misdemeanors are less serious, and so on.

**Felony:** A serious crime, such as murder, rape or burglary, for which there is a stricter sentence given than for a misdemeanor. Some DWIs are elevated to felony status even without an injury or death, if the suspect has a given number of prior DWI convictions.

# Penalties

## ZERO TOLERANCE • Drivers Under 21 (DMV administrative finding of .02 to .07 Blood Alcohol Content [BAC])

	CIVIL PENALTY	LICENSE ACTION	ADDED FEE
1st Offense	Minimum \$125	6-Month Suspension	\$100 Suspension Termination Fee
2nd Offense	Minimum \$125	1-year Revocation or until age 21, whichever is longer	\$100 Re-Application Fee

## DRIVING WHILE ABILITY IMPAIRED BY ALCOHOL • DWAI (more than .05 up to .07 Blood Alcohol Content [BAC])

CONVICTION	FINE ONLY	JAIL SENTENCE	LICENSE ACTION
1st Offense (Traffic Infraction)	Minimum \$300 Maximum \$500	Up to 15 Days	90-Day Suspension Ignition Interlock
2nd Offense Within 5 years (Traffic Infraction)	Minimum \$500 Maximum \$750	Up to 30 Days	Minimum 6-Month Revocation Ignition Interlock

## DRIVING WHILE INTOXICATED • DWI/Alcohol (.08 and higher Blood Alcohol Content [BAC] or other evidence of intoxication) OR DRIVING WHILE ABILITY IMPAIRED BY A DRUG • DWI-Drug

CONVICTION	FINE ONLY	JAIL SENTENCE	LICENSE ACTION
1st Offense (Misdemeanor)	Minimum \$500 Maximum \$1,000	Up to 1 Year	Minimum 6-month Revocation Ignition Interlock
2nd Offense Within 10 years (Class E Felony)	Minimum \$1,000 Maximum \$5,000	Up to 4 years; minimum 5 days jail or 30 days of community service	Minimum 1-year Revocation Ignition Interlock
3rd Offense or more Within 5 years (Class D Felony)	Minimum \$2,000 Maximum \$10,000	Up to 7 years; minimum 10 days jail or 60 days of community service	Minimum 1-year Revocation Ignition Interlock

## DRIVING WHILE ABILITY IMPAIRED BY A COMBINATION OF ALCOHOL OR DRUGS • DWAI-Combination

CONVICTION	FINE ONLY	JAIL SENTENCE	LICENSE ACTION
1st Offense (Misdemeanor)	Minimum \$500 Maximum \$1,000	Up to 1 year	Minimum 6-month Revocation Ignition Interlock
2nd Offense Within 5 years (E Felony)	Minimum \$1,000 Maximum \$5,000	Up to 4 years	Minimum 1-year Revocation Ignition Interlock
3rd Offense Within 10 years (D Felony)	Minimum \$1,000 Maximum \$5,000	Up to 7 years	Minimum 18-month Revocation Ignition Interlock

## CHEMICAL TEST REFUSAL

CONVICTION	FINE ONLY	JAIL SENTENCE	LICENSE ACTION
DWI or DWAI 1st Offense	\$500 civil penalty		1 year revocation
DWI or DWAI 2nd Offense Within 5 years	\$750 civil penalty		18-month revocation
ZERO TOLERANCE 1st Offense	\$350 civil penalty		1 year revocation
ZERO TOLERANCE 2nd Offense	\$750 civil penalty		1 year revocation

## About Drug Prevention STOP-DWI

The Westchester County Drug Prevention and STOP-DWI Program of the Department of Public Safety provides DWI public information, education and enforcement in Westchester.

STOP-DWI offers schools and community groups assistance in planning and implementing projects. STOP-DWI provides speakers, programs, brochures and giveaways. STOP-DWI also serves as an information source for your questions about DWI and related issues.

For more information, please contact The Office of Drug Prevention STOP-DWI, 112 East Post Road, White Plains, NY 10601, (914) 995-4115 or check out our website at [www.westchestergov.com/stopdwi](http://www.westchestergov.com/stopdwi)



Office of Drug Prevention and STOP-DWI

Department of Public Safety

Funded by Westchester Coalition for Drug and Alcohol Free Youth Program with a federal grant.