

DWI FAQ

What does BAC stand for?

BAC stands for “blood alcohol concentration.” It measures the concentration of alcohol in a person’s blood. Will I lose my license?

While licenses can be suspended or revoked for many of the alcohol and/or drug-related offenses, it is possible to obtain a conditional license. Those who are convicted of their first DWI or DWAI

may be eligible for a conditional license if they first enroll in the Drinking Driver Program. Can I negotiate for a lesser conviction that is non-alcohol and/or drug-related?

No. New York State law prohibits plea-bargaining to a non-alcohol and/or drug-related offense. What is a “Driver Responsibility Assessment”?

The Driver Responsibility Assessment is an additional fine on top of fines and surcharges associated with your alcohol and/or drug-related conviction. Failure to pay the assessment can result in a suspension of your license. For convictions of DWI

, DWAI/Alcohol

, or DWAI/Drug

, or a refusal to submit to a chemical, you will in turn be required to pay an Assessment of \$250 each year for three years following your conviction. How long will a conviction of an alcohol and/or drug-related offense stay on my record?

Generally, a conviction will stay on your record for 10 years. However, keep in mind that a repeat offense within 10 years following your first conviction can lead to more severe penalties. What is the Drinking Driver Program?

If you are convicted of an alcohol and/or drug-related offense, you may be required to enroll in the Drinking Driver Program. The Drinking Driver Program (“DDP”) is a program offered by the New York State Department of Motor Vehicles for people who have been convicted of a DWI

offense. Many people will enroll in the DDP in order to obtain a conditional driver license,

however not everyone is eligible to enroll in the program. Unless ordered by the court, drivers are ineligible for the program if they had already been convicted of a DWI

within the previous 5 years, or if they were still enrolled in the program within the previous 5 years of a DWI

conviction. What is a "Victim Impact Panel"?

If you are convicted of an alcohol and/or drug related offense, you may be required to attend a Victim Impact Panel. The Victim Impact Panel is a panel comprised of victims or friends and family of victims of drunk driving-related incidents who speak about how the incidents have impacted their lives. What is a conditional license?

A conditional license allows a person with a DWI

or DWAI

conviction to retain their license under certain restrictions. New York State Traffic Law permits drivers with conditional licenses to drive:

to and from work if so required by the person's employment

to and from class at an accredited school, college or university

to and from a state-approved institution of vocational or technical training

to and from an authorized activity as part of the alcohol and drug rehabilitation program if the person's attendance is required

to and from court-ordered probation activities

to and from the DMV for matters relating to their license

to and from medical and/or dentist appointments for the driver and/or for members of the driver's household.

to and from places of childcare, if the childcare is necessary for the person to maintain employment or enrollment in school or vocational or technical training

for three hours of consecutive personal time

What is a hardship license?

According to the Prompt Suspension Law in New York State, your license will be suspended pending prosecution if you are accused of an alcohol and/or drug-related offense. However, a driver can make an argument that suspending his/her license pending prosecution would create an "extreme hardship" and request a hardship license. New York State Vehicle and Traffic Law defines an extreme hardship to be an inability to obtain alternative means of travel to and from work or to necessary medical treatment for the driver or for a member of the driver's household. If granted, the hardship license would give the driver the specific privilege of driving to and from work, but not during work, or to the necessary medical treatment while awaiting prosecution. Commercial drivers are ineligible for a hardship license. The most popular City / Village / Town Courts our lawyers serve:

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