

Chapter 9: Alcohol and Other Drugs



CHAPTER NINE

ALCOHOL AND OTHER DRUGS

Alcohol and Other Drugs

Note: Practice quizzes are available only for those sections of the manual covering rules of the road (Chapters 4 through 11 and Road Signs).

You have probably heard the facts before - driving while impaired or intoxicated is a serious traffic safety problem in the United States. In New York State, more than 40 percent of all motor vehicle fatalities involve impaired driving. But the facts and statistics do not tell the whole story. Behind the numbers are thousands of lives cut short, permanent or disabling injuries, and families devastated because someone drove while under the influence of alcohol or other drugs.

When you drink alcohol or take other drugs, safe driving is not possible. Not every impaired or intoxicated driver causes a traffic crash, but each one is dangerous, putting their lives and those they share the road with at risk.

Young people, who have less experience with alcohol or drugs and less experience with driving, are at high risk. Drivers under age 21 are approximately 4 percent of the driving population, but 7 percent of the impaired drivers involved in fatal crashes. This is one reason the driver license revocation penalties are more severe for young drivers who drive under the influence of alcohol or other drugs.

Because driving "under the influence" is so dangerous, the penalties for alcohol or drug-related violations are tough and enforcement is important. The chance of apprehension and conviction are high and New York State law strictly limits your ability to plea bargain when charged with an offense related to alcohol or drugs.

What Alcohol Does

Alcohol delays your reaction time, reduces your ability to see clearly, changes your judgment of speed and distances, often makes you less inhibited and makes you more prone to take chances. The important skills you need to drive safely are made weaker.

Because your vision is normally restricted at night, it is especially dangerous to drink and drive after dark. Alcohol also reduces your ability to recover from the glare of headlights. When another vehicle moves toward you, you can be blinded by its headlights for a long period of time.

You do not have to look or feel intoxicated for these things to occur. The symptoms of alcohol consumption can begin long before you become intoxicated or even legally impaired and begin with the first drink.

As alcohol physically limits your ability to drive, it also makes you less aware of what is happening to your safe driving abilities. It becomes difficult for you to judge your condition. You can gain confidence about driving, when you should not be driving at all.

During each mile you drive, you make hundreds of decisions. Your decisions turn into actions that keep your vehicle controlled and ensure you avoid crashes. Alcohol makes it difficult to make correct decisions and to take the safest actions.

For example: You have just stopped at a STOP sign. You see another vehicle approaching the intersection. You must quickly make a decision whether it is safe to go through the intersection. Under the influence of alcohol, you are more likely to make a wrong decision and "take a chance." Your slower reaction time, and the bad decision, could cause a crash.

Other Drugs

Drugs, which include many prescription and over-the-counter medications, as well as illegal substances, can affect your ability to drive. They can have effects similar to alcohol or even worse. If you take medication, even a remedy for colds or allergies that is not prescribed, check the label for warnings about its effects. If you are unsure, ask your doctor or pharmacist about driving while on the medication.

Never drink alcohol while you are taking other drugs. It could be dangerous, often enhancing the effects of the alcohol and the other drug. For example, taking one drink while you are also using a cold remedy could affect you as much as several drinks.

It can be a criminal offense to drive while impaired by the effect of drugs, alcohol, or the combination of alcohol and drugs, including marijuana/cannabis, and illegal drugs such as cocaine, LSD, heroin, opium, and by some prescription drugs. Drugs can detrimentally affect your reflexes, judgment, vision and alertness and they may have other dangerous effects as well.

A combination of alcohol and other drugs severely reduces your ability to drive and can cause serious health problems, which can include death.

Alcohol, Other Drugs and the Law

In New York State, you can be arrested for any of these offenses: aggravated driving while intoxicated (Agg-

DWI), driving while intoxicated (DWI), driving with a blood alcohol content of .08 percent or more (.08 BAC), driving while ability impaired by a drug (DWAI-drug), driving while ability impaired by alcohol (DWAI), or driving under the combined influence of alcohol and drugs.

Blood alcohol content (BAC) is the percentage of alcohol in your blood and is normally determined by a chemical test of breath, blood, urine or saliva. A BAC of more than .05 percent is legal evidence that you are impaired, a BAC of .08 percent or higher is evidence of intoxication, and a BAC of .18 percent or more is evidence of aggravated driving while intoxicated.

Many people think chemical test evidence is required to prove you were intoxicated or impaired. However, the testimony of a police officer about the way you drive, and your appearance and behavior while interacting with the officer can provide enough evidence to convict you, even without a chemical test.

If you are found guilty of any alcohol or drug-related violation, the court must revoke or suspend your driver license when you are sentenced. Even if the court allows you to continue driving for 20 days, your driver license will be taken immediately.

The BAC standards and penalties for commercial drivers are even tougher than those indicated in this chapter. For complete information, [see Section 1 of the Commercial Driver's Manual](#) (CDL-10).

Your BAC

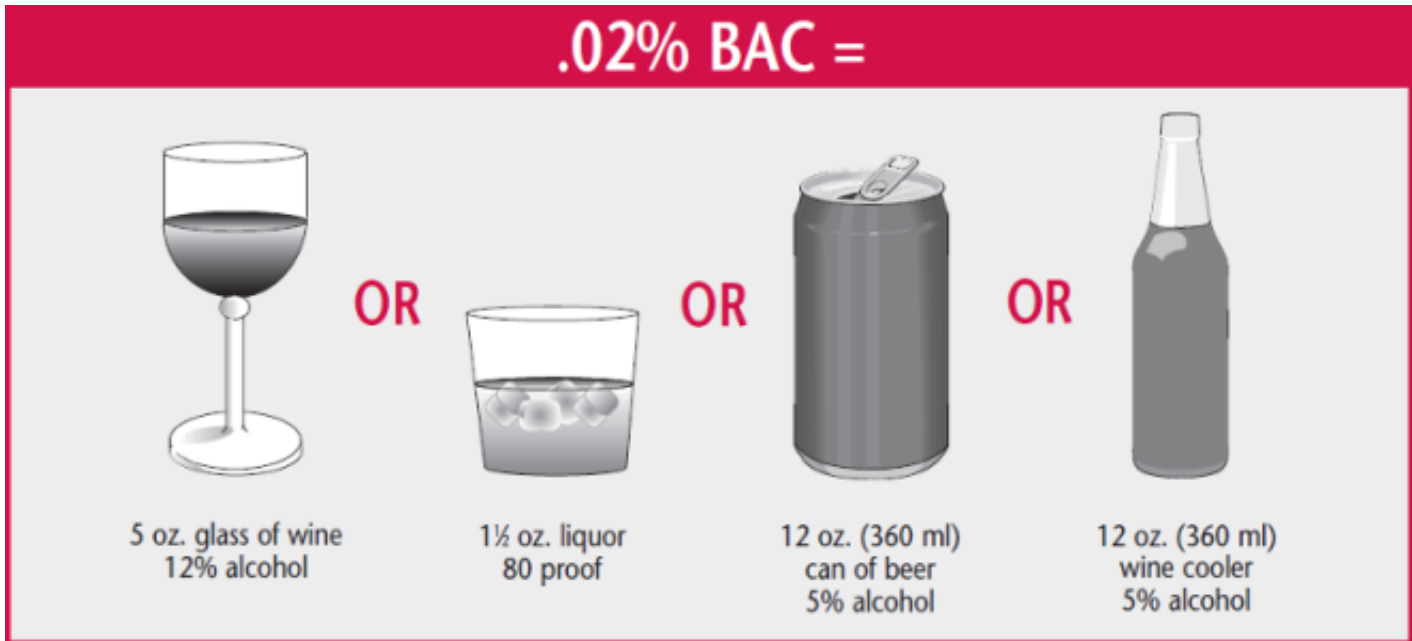
Your (BAC) depends on:

- How much alcohol you drink.
- How much time passes between drinks.
- Your weight.

Your BAC does not depend on the type of beverage you drink, how fit you are or how you can "hold your liquor."

Different types of drinks do not affect you differently. It is the amount of alcohol you consume, not whether it is in beer, wine or liquor that raises your BAC and reduces your driving ability. These drinks contain about the same amount of alcohol - 1 1/2 ounces of liquor, 5 ounces of wine, 12 ounces of beer and 12 ounces of wine cooler. None is "safer to drink" than the others.

For a 150-pound male, each one of these drinks contains enough alcohol to increase his BAC by about .02 percent. On average, it takes the body approximately one hour to remove that much alcohol. Studies indicate that a woman will take longer to process and remove alcohol from the blood. This can cause a higher BAC over a longer period of time.



Compared to the 150-pound male described above, your body weight can make some difference in the BAC and the effects of alcohol. No one has immunity to the effects of alcohol. It is a simple fact: the more you drink in a given period of time, the higher your BAC will be and the less safely you will drive.

It takes only a few drinks to increase your BAC to levels at which it is illegal to drive. And remember, the effects of alcohol on your ability to drive begin at even lower BAC levels after just one drink.

Eating before or while you drink helps slow the absorption of alcohol somewhat, but it can not prevent intoxication or impairment if you have too much to drink.

The only method to effectively reduce your BAC is to not drink over a period of time. Coffee, exercise and cold showers cannot reduce your BAC and the effects of alcohol. They can help you remain awake, but it can not change your BAC or make you sober.

Chemical Tests

Chemical tests use blood, breath, urine or saliva to measure the BAC of a person. If you are arrested for an alcohol or drug-related violation, the police officer will likely request that you submit to a chemical test. Under New York's "Implied Consent" law, when you drive a car in this state you are considered to have already given your consent to take this type of test.

Chemical test refusal is a separate issue from whether you were guilty of an alcohol or drug-related violation. If you refuse to take the test after being arrested, your driver license will be suspended when you are arraigned in court on the alcohol or other drug-related charge. In addition, the fact that you refused a chemical test can be brought up in court when you are tried on the alcohol or drug-related charge. If a DMV hearing later confirms you refused the test, your driver license will be revoked even if you are found not guilty of the alcohol or other drug-related violation. For information about driver license revocations and civil penalties for chemical test refusals, see [Penalties for Alcohol or Drug-Related Violations](https://dmv.ny.gov/book/export/html/1596).

The Consequences

The table "Penalties for Alcohol/Drug Related Violations" describes fines, surcharges, license penalties and possible imprisonment if you are convicted of an alcohol or drug-related violation. Impaired or intoxicated driving can also have other serious results.

Repeat Offenders

Drivers with repeat dangerous driving convictions in New York State face one of the toughest licensing policies in the nation. These regulations call for:

- **Lifetime Record Review by DMV:** DMV will review the lifetime record of all drivers who apply to have a license reinstated after a revocation.
- **Permanent License Denial for Persistently Drunk & Dangerous Drivers:** After conducting a lifetime record review, DMV will deny any application for reinstatement of a license after revocation if the applicant has:
 - Four alcohol or drug-related driving convictions or incidents in their lifetime, or
 - Three alcohol or drug-related driving convictions or incidents in the 25-year look back period plus at least one other serious driving offense during that period. A serious driving offense includes: a fatal crash, a driving-related penal law conviction, an accumulation of 20 or more points assessed for driving violations within the 25-year look back period or having two or more driving convictions during the 25-year look back period, each worth five points or more.
- **Delayed Re-Licensing, Driving Restrictions, & Interlocks for Other Drivers with Repeated Alcohol- or Drug-Related Driving Convictions:** For those drivers seeking reinstatement of a license after revocation who have three alcohol- or drug-related driving convictions or incidents but no serious driving offense in the 25-year look back period, DMV will:
 - Deny their applications for five years beyond their statutory revocation period if the applicant's license was revoked for an alcohol- or drug-related offense; or two additional years if the applicant's license was revoked for a reason other than an alcohol- or drug-related offense;
 - Restore the applicant's license after that additional period as a "restricted" license limiting the applicant's driving to, for example, travel to and from work or medical visits; and
 - Require an interlock device on the vehicle driven by the applicant for five years from the date of issuance of the licensing document. The interlock requirement applies to those motorists who were approved after the five-year waiting period.
- **End the Reduction of Mandatory Suspension or Revocation Periods:** Previously, drunk drivers whose licenses have been revoked or suspended twice within a 25-year period could get their full driving privileges back in as little as seven weeks by completing DMV's Impaired Driver Program. DMV's new regulations will ensure that those drivers cannot obtain their driving privileges until their full term of suspension or revocation has ended.

Zero Tolerance for Drivers Under Age 21

The legal purchase and possession age for beverages containing alcohol in New York State is 21. Under the state's "zero tolerance" law, it is a violation for a person under 21 to drive with any BAC that can be measured (.02 to .07). After a finding of violation is determined at a DMV hearing, the driver license will be suspended for six months. The driver then must pay a \$100 suspension termination fee and a \$125 civil

penalty to be re-licensed. For a second Zero Tolerance violation, the driver license will be revoked for at least one year or until the driver reaches 21, whichever is longer.

Illegal Purchase Of Beverages Containing Alcohol

When you use a driver license or Non-Driver ID card as proof of age to illegally purchase beverages that contain alcohol, state law requires the suspension of your driver license or privilege to apply for a license.

Open Container Law

It is a traffic infraction for a driver or passenger in a motor vehicle on a public highway, street or road to drink a beverage containing alcohol or to possess an open container containing an alcoholic beverage. It is also a traffic infraction for a driver or passenger in a motor vehicle on a public highway, street or road to consume marijuana/cannabis. The penalty for a first conviction is a fine up to \$150, a mandatory surcharge, a crime victim assistance fee, and possible imprisonment of 15 days. Additional offenses within 18 months bring higher penalties. The law exempts passengers in vehicles like stretch limousines and other vehicles that display a commerce certificate or permit issued by the U.S. Department of Transportation or the NYS Department of Transportation.

Penalties for Alcohol / Drug Related Violations

AGGRAVATED DRIVING WHILE INTOXICATED AGG-DWI (0.18 and higher Blood Alcohol Content [BAC])

CONVICTION FINE ONLY * JAIL SENTENCE REQUIRED LICENSE ACTION **

1st Offense (Misdemeanor)	Minimum \$1,000 Maximum \$2,500	Up to 1 year	Minimum 1-Year Revocation
2nd Offense (Class E Felony) Within 10 Years	Minimum \$1,000 Maximum \$5,000	Up to 4 years	Minimum 18-Month Revocation

DRIVING WHILE INTOXICATED OR DRIVING WHILE ABILITY IMPAIRED BY A DRUG DWI (.08 and higher Blood Alcohol Content [BAC]) or DWAI-Drug

CONVICTION	FINE ONLY *	JAIL SENTENCE	REQUIRED LICENSE ACTION **
1st Offense (Misdemeanor)	Minimum \$500 Maximum \$1,000	Up to 1 year	Minimum 6-Month Revocation (DWI); Minimum 6-Month Suspension (DWAI-D)
2nd Offense (Class E Felony) Within 10 Years	Minimum \$1,000 Maximum \$5,000	Up to 4 years (DWI & DWAI-D); minimum 5 days jail or 30 days of community service (for DWI within prior 5 years)	Minimum 1-Year Revocation

DRIVING WHILE IMPAIRED BY COMBINED ALCOHOL & DRUGS

DWAI-Combination**CONVICTION FINE ONLY * JAIL SENTENCE REQUIRED LICENSE ACTION ****

1st Offense (Misdemeanor)	Minimum \$500 Maximum \$1,000	Up to 1 year	Minimum 6-Month Revocation
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2nd Offense (Class E Felony) Within 10 Years	Minimum \$1,000 Maximum \$5,000	Up to 4 years	Minimum 1-Year Revocation
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DRIVING WHILE ABILITY IMPAIRED**DWAI (more than .05 up to .07 Blood Alcohol Content [BAC])****CONVICTION FINE ONLY * JAIL SENTENCE REQUIRED LICENSE ACTION ****

1st Offense (Traffic Infraction)	Minimum \$300 Maximum \$500	Up to 15 days	90-day Suspension
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2nd Offense (Traffic Infraction) Within 5 years	Minimum \$500 Maximum \$750	Up to 30 days	Minimum 6-Month Revocation
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3rd Offense (Misdemeanor) Within 10 years	Minimum \$750 Maximum \$1,500	Up to 180 days	Minimum 6-Month Revocation
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NOTE: Higher fines, longer jail sentences, and increased license penalties (including lifetime revocation) may result from a third or subsequent conviction within 10 years.

* Conviction fine only, does not include mandatory surcharge or crime victims assistance fee.

** The Department of Motor Vehicles determines when your license can be returned. Its return or reinstatement based on state law or regulation, is not automatic. You must reapply for your license and may have to pass a test.

NOTE: License actions for those under age 21 are different.

The Ignition Interlock Program and Leandra's Law

Courts must order all persons convicted of driving while intoxicated or aggravated driving while intoxicated, or of a penal law offense for which an alcohol related violation of any provision of section 1192 of the Vehicle & Traffic Law is an essential element to install and maintain an ignition interlock on any vehicle owned or operated by such driver for at least 12 months. (This device, purchased and installed at the expense of the motorist, is connected to a motor vehicle ignition system and measures the alcohol content of the breath of the driver. The vehicle cannot be started until the driver provides an acceptable sample breath.) The 12-month requirement may be waived by the court if the defendant demonstrates that the interlock device was installed for at least six months, unless the court orders the interlock device to be installed for a longer period of time. The judge also must order an alcohol assessment for a repeat offender. If the assessment indicates alcohol treatment is necessary, the judge may be required to order the completion of treatment as a condition of probation.

Drivers who commit these alcohol-related offenses with a child under 16 years old in the vehicle may be charged with a class E felony, punishable by up to four years in prison. (This is known as Leandra's Law.)

The law also makes it a felony to drive drunk with a conditional license, which is a license that may be issued by the DMV when someone is convicted of an alcohol-related offense. Such a license may be used only for driving to and from essential destinations such as school, work and medical appointments. The conditional driver license will be revoked if the motorist does not comply with the court terms or for a conviction for any traffic offense except parking, stopping or standing.

A Few Important Reminders

- If you kill or cause an injury to another person because of an alcohol or other drug-related violation, you can be convicted of criminally negligent homicide, aggravated vehicular homicide, vehicular manslaughter or vehicular assault. These carry a fine of thousands of dollars and can carry a maximum jail term of 25 years.
- If you drive while your license is suspended or revoked, you face a mandatory fine of \$200 to \$1000, and a mandatory jail term or probation. If impaired or intoxicated when you are arrested, the maximum mandatory fine is \$5,000 and the vehicle can be seized.
- Liability insurance may not cover the cost of injuries and damage from a traffic crash. You could be sued for thousands of dollars, and you would find it difficult and expensive to buy liability insurance for several years.
- Besides fines and surcharges, you could also face costly legal fees.
- You could have a criminal record, which makes it harder to get a job or move forward in your job.

How to Avoid Trouble

You are not likely to worry about the results of your actions while you are impaired or intoxicated. The time to consider them, and how to prevent them, is before you become impaired or intoxicated.

- If you go to events with the same group of friends, rotate drivers. Each friend takes a turn being the "designated driver" who does not drink any alcohol.
- Arrange to remain overnight or ride home with a friend who does not drink.
- Before you drink, give your car keys to a friend who does not drink and who will not let you drive after you drink.
- Call a cab, contact a Ride Share operator, or use public transportation.
- Drink slowly. Alternate between drinks with alcohol and drinks without any alcohol.
- Do not consume (e.g. smoke, vape, eat, etc.) marijuana/cannabis-based products before driving.
- Do not make alcohol the focus of your event.
- If you have had too much alcohol, stop drinking several hours before you intend to leave so your body can begin to lower your BAC.

Questions

Before you move on to Chapter 10, make sure you can answer these questions:

- How does drunk driving rank as a highway safety problem?
- What are the effects of alcohol on the skills you need to drive?
- Which of these drugs could affect your ability to drive: marijuana, a cold remedy, a tranquilizer?
- If you take a non-prescription drug, what must you do before you drive?
- What is a likely effect when you take another drug while you drink beverages containing alcohol?
- On what three conditions does your blood alcohol content (BAC) depend?
- Which of these contains more alcohol than the other three: 1 1/2 ounces (30 ml) of 80 proof liquor, five ounces (120 ml) wine, 12 ounces (360 ml) of beer, 12 ounces (360 ml) of wine-cooler?
- On average, how long does it take your body to remove the alcohol contained in 12 ounces of beer?
- What is the only effective method to reduce your BAC?
- What happens to your driver license if you refuse a chemical test?
- Other than fines, action against your driver license and a possible jail term, what are some of the results when you drive under the influence of alcohol or other drugs?

[Chapter 9 Quiz](#)