

**STOP  
DWI** New  
York

Community  
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# New York's Zero Tolerance Law

Questions  
and  
Answers

## Provisions of the Law

First time offenders driving while intoxicated (DWI) (.08 Blood Alcohol Content or more) or impaired by drugs while a child younger than 16 years old is in the vehicle may be charged with a Class E Felony punishable by up to four years in State Prison. Individuals charged will automatically have their license suspended pending prosecution.

Courts must sentence all drivers convicted of a misdemeanor or felony DWI to install and maintain an ignition interlock device for a least six months on any vehicle owned and operated by such driver.

## What is an Ignition Interlock Device?

An Ignition Interlock Device (IID) is a breath analyzer installed into a vehicle to prevent a person from starting the engine, or in certain cases, to continue to operate a motor vehicle after having consumed alcohol. The driver must blow into the device before the vehicle will start. The device records the following:

1. Attempts to start the vehicle.
2. The alcohol level of the individual at the time of starting the vehicle.
3. The alcohol level at random
4. Date and times the vehicle is operated.
5. Attempts to circumvent the device.

## Who Pays for the Device, Installation, and Maintenance?

The defendant pays all related costs unless the court determines that he/she cannot afford to pay for part or all of the related costs. Costs run roughly \$3.00/day.

Violations, service calls, and missed appointments are extra.

## **When Must the Defendant Comply with the Installation?**

The IID must be installed within ten business days after sentencing.

If the court issues a continuation of driving privileges (20 day stay upon sentencing), the defendant may not drive unless an ignition interlock device has been installed in the vehicle.

## **Is the IID Sentence Condition Required if the Defendant Does Not Own a Vehicle?**

Yes. If the defendant does not own a vehicle, he/she is still prohibited from operating a motor vehicle without the IID including motorcycles.

## **Who is Eligible?**

Interlock monitoring is mandated by the sentencing court as a condition of a DWI misdemeanor or felony.



# Which Laws are Covered Under Ignition Interlock?

DWI – PER SE, DWI (BAC .08 or higher)  
(VTL§1192.2, 1192.3)

- 1st Offense (misdemeanor)
- Fine: \$500-\$1,000
- Up to 1 year in jail
- License revocation for six month minimum
- Requirement of Ignition Interlock

AGGRAVATED DRIVING WHILE INTOXICATED  
(BAC .18 or higher) (VTL§1192.2a(a))

- 1st Offense (misdemeanor)
- Fine: \$1,000 - \$2,500
- Up to 1 year in jail
- License revocation for one year minimum
- Requirement of Ignition Interlock

AGGRAVATED DRIVING WHILE INTOXICATED  
WITH A CHILD Leandra's Law (VTL§1192.2a(b))

- 1st Offense (Class E Felony)
- Fine: \$1,000 - \$2,500
- Up to 4 years in jail
- License revocation for one year minimum
- Requirement of Ignition Interlock

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# If I Have an Ignition Interlock Device Installed, What Products Should I Avoid?

- Alcohol products – beer, wine, hard liquor, etc.
- Foods cooked with alcohol – contrary to popular belief, the alcohol does not “burn off” during cooking.
- Mouthwash, toothpaste, or tooth whiteners that contains alcohol.
- Perfumes, colognes, after-shave lotions.
- “Alcohol-free” beer and wine.
- Prescription medications – asthma inhalers, elixirs
- Over-the-counter medications – cough syrup and tinctures.

Check product labels before using.

## ADDITIONAL INFORMATION

Where do I look for ignition interlock service centers or ignition interlock monitors?

A list of service centers and monitors in New York State can be found at <http://www.criminaljustice.ny.gov>

Search: Ignition Interlock or Contact your court of conviction

If you have information about a teen alcohol party, any adult who serves alcohol to minors or information about stores or bars that regularly sell to minors, please call:  
The Sheriff's Office, Local Police Department or New York State Police

# Ignition Interlock Vendors

## Vendors (Class 1 Only)

- 1A Smart Start, Inc. 1-800-880-3394
- Intoxalock by CST, Inc. 1-515-331-7643
- #1A Lifesafer, Inc. 1-800-871-5462
- Sens-O-Lock of America, LLC  
1-404-748-4484
- Statewide Interlock Systems Inc.  
1-888-STOP-DUI (786-7384)
- Draeger Safety Diagnostics, Inc.  
1-972-929-1100

## Vendors (Class 3 Only)

- 1A Smart Start, Inc. 1-800-880-3394
- Intoxalock by CST, Inc. 1-877-777-5020
- #1A Lifesafer, Inc. 1-800-871-5462
- Draeger Safety Diagnostics, Inc.  
1-972-929-1100

Above information as of November 1, 2012  
please visit [www.stopdwi.org](http://www.stopdwi.org) for latest information.



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