

Q WHY ARE PENALTIES FOR DRINKING AND DRIVING SO STRICT?

Drinking and driving is a hazardous combination.

CONSIDER THESE FACTS:

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- One third of the fatalities in New York State involve impaired or intoxicated drivers and pedestrians,
- With increased Blood Alcohol Content (BAC), crash risk increases sharply. A driver with a BAC of 0.08 is four times as likely to cause a crash as a driver who has not been drinking, while a driver with a BAC of 0.16 is 25 times as likely to do so.
- Young drinking drivers are at the highest risk of all. Drivers 20 years old or younger are almost three times as likely to be involved in alcohol related fatal crashes than other drivers.

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WHAT IS THE QUICKEST WAY TO SOBER UP?

The only way to reduce your BAC after drinking is to wait for your body to metabolize (eliminate) the alcohol – and that takes several hours. Your body metabolizes about one drink each hour. Coffee will not sober you up. Neither will a walk or a cold shower. They may make you feel more awake, but you will be just as impaired, and it will be just as dangerous for you to drive.

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WHAT SHOULD I DO IF I DRINK TOO MUCH?

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Find someone who has not been drinking to drive your car or give you a ride home, or call for a taxi.

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WHAT ARE THE CHANCES OF BEING CAUGHT IF I DRIVE AFTER DRINKING ALCOHOL?

Greater than ever before. Drinking driving enforcement and prosecution are more effective as a result of New York State's STOP-DWI law. The law returns drinking driving fines to counties that use the money to operate programs for drinking driving enforcement, prosecution, adjudication, and education. Every county in New York State has a STOP-DWI program. This results in more police with better equipment on the roads looking for drinking or impaired drivers, more district attorneys prosecuting them, and more judges hearing drinking driving cases.

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WHAT WILL HAPPEN TO ME IF I AM STOPPED BY THE POLICE?

If you are stopped by a police officer who believes you are under the influence of alcohol or drugs, you may be required to take a "field sobriety test" which may include a breath-screening test for the presence of alcohol. If you are arrested, you will be asked to take a "chemical test" for BAC. You may also be fingerprinted. Driving While Intoxicated (DWI) is a crime. If you are convicted, you will face a substantial fine, a mandatory surcharge, license revocation, higher insurance premiums, and a possible jail sentence.

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Q WHAT IS BLOOD ALCOHOL CONTENT (BAC)?

A BAC (Blood Alcohol Content) is a measure of the concentration of alcohol in a person's blood. It is the best predictor of the likelihood of crash involvement.

Q IS IT POSSIBLE TO "PLEA BARGAIN" TO AVOID A CONVICTION FOR DRINKING AND DRIVING?

A No, the law prohibits a plea to a non-alcohol or drug-related violation.

Q WHAT WILL HAPPEN IF I REFUSE TO TAKE THE CHEMICAL TEST?

If you refuse a chemical test for BAC (Blood Alcohol Content), your license will be suspended at arraignment in court, and revoked for at least one year (18 months for a commercial driver) at a Department of Motor Vehicles hearing. If you are age 21 or over, and you have a second refusal within five years of a previous refusal or alcohol conviction, your license is revoked for 18 months (permanent for a commercial driver).

A If you are under age 21, and you have a second refusal within five years of a previous refusal or alcohol conviction, your license is revoked for one year or until age 21, whichever is longer.

You will also be subject to a civil penalty of \$500 (second offense, \$750). A driver under 21 years old who refuses to take a chemical test under the Zero Tolerance Law is subject to a 1-year license revocation and a \$300 civil penalty. The penalties and fines for refusing to submit to a chemical test are separate from, and in addition to, the penalties and fines for alcohol or drug-related convictions.

Q WHAT ABOUT COMMERCIAL DRIVERS?

Compared to other drivers, every driver holding a Commercial Driver License (Class A, B, or C) is held to stricter Blood Alcohol Content (BAC) standards, and faces tougher penalties, while operating a vehicle that requires a CDL license. A single conviction for DWI, DWAI, or having a .04 percent or higher BAC requires a minimum 1-year revocation of the driver's license (3-years, if driving a vehicle that requires hazardous materials placards). A second conviction within the driver's lifetime results in permanent revocation, with a possible waiver after 10 years. A third conviction results in a permanent revocation without any possibility of ever getting it back. Drivers who hold a commercial license should review the Commercial Driver's Manual (CDL-10), available at motor vehicle offices, for additional information about penalties that apply to them.

**Call Your TWU Union Assistance Program Today
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