

May 31, 1984

SUBJECT: INSURANCE

WITHDRAWN

CIRCULAR LETTER 11 (1984)

DATED: May 31, 1984

TO: ALL INSURERS AUTHORIZED TO WRITE PRIVATE PASSENGER AUTOMOBILE INSURANCE IN THIS STATE

RE: Required Informational Statement on the legal and financial consequences of operating a motor vehicle while under the influence of alcohol or drugs.

Pursuant to the provisions of Section 312, Subdivision 1 of the vehicle and traffic law, as amended by Chapter 896 of the Laws of 1983, the Insurance Department is required to provide automobile insurance companies with an informational statement outlining the legal and financial consequences of convictions for operating a motor vehicle while under the influence of alcohol or drugs which complies with the requirements of said statute.

Attached hereto is an informational statement prepared by the Insurance Department after consultation with the Department of Motor Vehicles which both Departments consider to be in compliance with statutory requirements. Insurers using the text as attached hereto may revise the form of the statement to accommodate their mailing procedures. The law requires that a statement must be provided to insureds in type that is easily readable and understandable so as to bring clearly to the attention of the insured the consequences of driving while under the influence of alcohol or drugs.

The law further requires that insurers furnish the required statement to all private passenger automobile insureds whose policies are subject to 167-aa of the Insurance Law. The statement is required for all new and renewal policies having an effective date on or after December 1, 1984. Any variation in the text of the attached statement must be submitted to the Insurance Department for review and approval.

Insurers shall acknowledge receipt of this letter and shall submit a draft copy of their required statement prior to issuance to:

MR. MARTIN BALLOT
Supervising Insurance Examiner
New York State Insurance Department
Property & Casualty Insurance Bureau
160 West Broadway
New York, New York 10013

Very truly yours,

[SIGNATURE]

JAMES P. CORCORAN

Superintendent of Insurance

Att.

TO ALL OPERATORS OF MOTOR VEHICLES IN NEW YORK

AS YOUR INSURANCE COMPANY, WE ARE NOW REQUIRED BY LAW TO ADVISE YOU OF THE LEGAL AND FINANCIAL CONSEQUENCES OF A CONVICTION FOR OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS. While we are required to send you this information prepared by the New York Departments of Insurance and Motor Vehicles, we strongly endorse the message that the law is trying to convey - - "IT DOESN'T PAY TO DRINK AND DRIVE."

Our newspapers remind us daily of the tragic consequences of drinking and driving - - yet deaths, injuries and property damage accidents attributed to alcohol-impaired driving continue to be a serious problem in New York State. In fact, studies consistently reveal that alcohol is a contributing factor in more than 40% of all motor vehicle accidents in which someone is killed.

As part of numerous efforts under way to deter and reduce alcohol-related motor vehicle accidents and incidents, increased enforcement efforts to detect alcohol-impaired driving have resulted in a dramatic increase in alcohol-related arrests and convictions during the past two years. Also, New York State has passed laws increasing penalties for conviction of operating a motor vehicle while under the influence of alcohol or drugs -- penalties which result in severe legal and financial consequences.

Please take a few minutes to familiarize yourself and any member of your household who may drive your car with this important information.

Thank you, and please remember: If you drink - don't drive!

FACT SHEET

PENALTIES FOR ALCOHOL/DRUG-RELATED DRIVING OFFENSES AS OF APRIL 1, 1984

According to New York State Vehicle and Traffic Law, the following penalties will be imposed for convictions for the noted violations:

VIOLATION	MANDATORY FINE	MAXIMUM JAIL TERM	MANDATORY ACTION AGAINST LICENSE
*DRIVING WHILE INTOXICATED (DWI)			
First Violation	\$ 350-\$ 500	1 Year	Revoked at least 6 months
Two or More Violations in 10 Years	\$ 500-\$ 5000	4 Years	Revoked at least 1 Year

VIOLATION	MANDATORY FINE	MAXIMUM JAIL TERM	MANDATORY ACTION AGAINST LICENSE
DRIVING WHILE ABILITY IMPAIRED (DWA)			
First Violation	\$ 250	15 Days	Suspended 90 days
**Two Violations in 5 Years	\$ 350-\$ 500	30 Days	Revoked at least 6 months
Three Violations in 10 Years	\$ 500-\$ 1500	90 Days	Revoked at least 6 months if current violation occurred within 5 years of the previous violation
CHEMICAL TEST REFUSAL	_	_	Revoked at least 6 months Civil Penalty -\$ 100
CHEMICAL TEST REFUSAL with Prior Alcohol-Related Incident Within the Past 5 Years	_	_	Revoked at least 1 Year Civil Penalty -\$ 25C

* DWI penalties also apply to violations of Driving with a .10 Percent of Alcohol in the Blood and Driving While Impaired by a Drug. Second or subsequent violations in ten years are felonies. However, the one-year revocation applies only if both violations were either DWI or Driving with a .10 Percent of Alcohol in the Blood, and not if one or both violations were Driving While Impaired by a Drug.

** Applicable if a DWAI violation occurs within five years of any alcohol drug-related conviction.

. When your license is revoked by the Department of Motor Vehicles, you will be required to pay a \$ 35 reinstatement fee at the time of re-application, unless you participate in the New York State Alcohol and Drug Rehabilitation Program, known as the "Drinking Driver Program (DDP)". This fee is non-refundable even if your application is denied,

and is in addition to any fines imposed by the courts.

. If you have been drinking or have been taking drugs and cause a death or serious injury as a result of a traffic accident, you may face felony charges of vehicular manslaughter or vehicular assault. Conviction of such a charge could result in a \$ 5,000 fine and/or up to seven years in prison.

. If you attend the Drinking Driver Program, you must pay an administrative fee of \$ 50 and a tuition fee of either \$ 75 or \$ 85, depending on the area of the State where you attend the program. In addition, if you are required to obtain an evaluation and/or treatment for alcohol-related problems, you must also pay for these additional services.

. If you drive while your license is suspended or revoked for DWI, DWAI, or for refusing a chemical test, you face a mandatory jail term of seven to 180 days and a mandatory fine of \$ 200-\$ 500.

. If you are under age 21, convicted of DWI or Driving While Ability Impaired by a Drug, and you do not complete the New York State DDP, your license will be revoked, at a minimum, for six months or until you are 21, whichever period is greater.

. If you are convicted of an alcohol-related offense outside of New York State, your license will be revoked in New York State for a minimum period of sixty days for a charge of Driving Under the Influence (DUI). This is in addition to any fines and/or jail sentences imposed by the court in the state in which the incident occurred, or any action against your "privilege" to drive in that state.

ALCOHOL/DRUG-RELATED CONVICTIONS AND - YOUR AUTOMOBILE INSURANCE POLICY

. The suspension of your driver's license (or the driver's license of any person who customarily operates your automobile) can be cause for your insurance company to cancel or non-renew your automobile insurance policy.

. A conviction of driving while impaired or intoxicated through the use of alcohol or drugs will probably result in your insurance policy being non-renewed and in your inability to obtain insurance in an insurance company other than through the New York Automobile Insurance Plan (Assigned Risk Plan.)

. Under the Assigned Risk Plan, a conviction of operating a motor vehicle while intoxicated or impaired by the consumption of alcohol or drugs results in a 75% surcharge (increase) on your automobile insurance premiums for three years. Most automobile insurance companies will also surcharge (increase) your premiums substantially for any convictions or operating a motor vehicle while under the influence of alcohol or drugs.

. A person injured while operating a motor vehicle while in an intoxicated condition or while such person's ability to operate such vehicle is impaired by the use of a drug is not entitled to benefits under New York's No-Fault automobile insurance law.