



**STATE OF NEW YORK
INSURANCE DEPARTMENT**
25 BEAVER STREET
NEW YORK, NEW YORK 10004

George E. Pataki
Governor

Gregory V. Serio
Superintendent

WITHDRAWN EFFECTIVE July 9, 2012

**Circular Letter No. 11 (2003)
June 16, 2003**

**TO: ALL INSURERS AUTHORIZED TO WRITE MOTOR VEHICLE INSURANCE IN NEW YORK STATE;
RATE SERVICE ORGANIZATIONS; NEW YORK AUTOMOBILE INSURANCE PLAN AND
INSURANCE PRODUCER ORGANIZATIONS**

**RE: REVISED INFORMATIONAL STATEMENT ON THE CONSEQUENCES OF DRIVING WHILE UNDER
THE INFLUENCE OF ALCOHOL OR DRUGS (DWI INFORMATION STATEMENT)**

**STATUTORY REFERENCES: SECTIONS 312(1), 1192(2), 1192(6), 1193(2)(e), 1195(2)(c) OF THE VEHICLE
AND TRAFFIC LAW, CHAPTER 3 OF THE LAWS OF 2002 AS RECENTLY AMENDED**

Pursuant to Section 312(1) of the Vehicle and Traffic Law, upon issuance or renewal of a private passenger automobile insurance policy subject to Section 3425 of the Insurance Law, insurers are required to provide every insured 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 (DWI Information Statement). This statute also requires the Insurance Department to prepare and supply such an information statement to insurers, after consultation with the Commissioner of Motor Vehicles.

Chapter 3 of the Laws of 2002, signed into law on December 23, 2002, amends the Vehicle and Traffic Law with respect to the blood-alcohol content (BAC) standard necessary to sustain a conviction for driving while intoxicated. The BAC standard is lowered from .10% to .08%. By subsequent legislation recently enacted, the effective date for the lowered BAC standard is July 1, 2003. As a result of the change in the BAC standard, the DWI Information Statement has been revised.

The Federal Department of Transportation's 2001 Appropriations Act, enacted on October 23, 2000, provides that states must enact and enforce a law establishing the per se level for driving while intoxicated at .08% BAC. Analysis of data of several states that have lowered the BAC level to .08% from .10% indicates significant decreases in alcohol-related fatalities as a result of improved driving ability. The change made by Chapter 3 of the Laws of 2002 is expected to save more lives and reduce injuries and costs resulting from motor vehicle accidents. In addition, enactment of the lower threshold enables New York to maintain full eligibility for federal highway aid.

Circular Letter No. 10 (1997), which previously addressed this subject, is superseded by this circular letter, to which is attached the DWI Information Statement required by Section 312 of the Vehicle and Traffic Law. The revised statement updates the information regarding the BAC level. Insurers must provide this updated DWI Information Statement to their private passenger automobile insureds. Companies should furnish this statement to all private passenger automobile policies issued or renewed that become effective on and after July 1, 2003. Insurers may revise the format of the statement, but any variation in the text of the attached statement must be submitted to the Insurance Department for review. Such submission must include a letter pointing out deviations from the attached statement.

Very truly yours,

Mark Presser

Assistant Deputy Superintendent and Chief Examiner
Property Bureau