

## **A Holiday Warning: Avoid the Life-Changing Consequences of a DWI**

By Steven Epstein

Recently the "Cake Boss," Buddy Valastro, pled guilty to driving while impaired, saying "[o]ne is too many, and that's what I'm going to practice."

Like Buddy Valastro, many people find themselves facing a DWI charge for the first time in their lives after drinking what they believed to be a socially responsible amount of alcohol.

Making that mistake can be costly.

At this time of year, when holiday parties are the norm, it is expected that police forces will once again turn up their efforts at stopping DWI by increasing the number of DWI patrols and sobriety checkpoints. An understanding of the serious consequences of a DWI may be just what the doctor ordered to prevent being arrested for drunk driving.

A conviction for any DWI offense will stay on your record for life. Although the charges may be reduced for first time offenders who don't have any aggravating factors, even the reduced charge of driving while ability impaired ("DWAI") is an offense that never gets sealed and stays on your driving and arrest record for life under New York law.

This is particularly important for DWI offenders who very often do not have any criminal record before their arrest.

The hardest hitting impact of a DWI arrest is likely the financial costs involved. Between legal fees, court fines and surcharges, insurance rate increases and other costs associated with a DWI, the costs can be expected to exceed \$20,000. This is before factoring in that many times your car itself may be taken away in a civil forfeiture proceeding, leaving you with the monthly car payment and no car. A taxi is far less expensive.

The loss of a driver's license is a serious consequence of a DWI arrest that can change a person's life in many ways. While there are some circumstances in which a person can qualify for a conditional license which will allow them to drive to and from work, there are many instances in which a person charged with DWI may not even be eligible for such a license and the loss of a license can be long enough that it may cost a person their job.

The punishment imposed by the court can often be severe. Judges and District Attorneys are often tough on DWI offenders. It is a crime that impacts the lives of so many people in so many ways. Jail is often a possibility and if not, then often a sentence of probation may be imposed.

It is against the law to drive a car while your ability to do so is impaired by drugs and the penalties apply equally to those that use drugs such as marijuana and drive.

Since a majority of people facing a DWI arrest have never been arrested before, the embarrassment and stress brought out from a DWI arrest can be devastating.

New York now requires any person who is convicted of a DWI misdemeanor offense to install and maintain an ignition interlock device in any car that person owns or operates. This is a device that an individual has to blow into before starting their car and that must be blown into every 20 minutes while driving. In addition to the shame and embarrassment of having to blow into such a device while driving, the costs install the device must be taken care of by the person convicted of DWI.

The consequences of a DWI are not limited to those that affect the life of the person who drives drunk. Alcohol-impaired driving fatalities accounted for 31% of the total vehicle traffic fatalities in 2012.

Equally staggering are the statistics associated with texting while driving. In 2011 at least 23% of auto collisions involved cell phone use totaling 1.3 million accidents related to cellphones. Studies show that the minimum amount of time your attention is taken away from the road while your texting and driving is five seconds. In those five seconds a car being driven at 55 miles per hour will travel the length of a football field without the driver looking at the road. Under New York law a driver cannot use a hand-held mobile device while driving. The current fines for using a cellphone while driving can cost as much as \$200 for a first offense and can increase to as much as \$450 for a third or subsequent offense. The most costly part of this offense is the five driver violation points and its impact on a driver's insurance rates.

The holiday season is upon us. Be aware of the risks you take if you do not drive responsibly.

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