NEW YORK · DWI CHECKLIST

New York DWI Checklist

What to do today, this week, and before your court date. Print it. Check things off. One step at a time.

YOUR LICENSE CASE

Suspension pending prosecution (court) and DMV chemical test refusal hearing

New York has no hearing-request deadline. For a refusal, the court gives you a Notice of Temporary Suspension and Notice of Hearing (AA-137) at arraignment and the DMV schedules the hearing. If the DMV does not hold it within 15 days of arraignment, your license is reinstated until the hearing. For a test of 0.08 or more, the court suspends the license at arraignment pending prosecution; any challenge is raised in court.

Who: New York State Department of Motor Vehicles (DMV), Safety and Business Hearings Bureau

KEY FACTS

SUSPENSION, 1ST FAILED TEST

Suspended at arraignment until the case ends (BAC 0.08 or more); a DWI conviction then carries at least a 6-month revocation

SUSPENSION, 1ST REFUSAL

Temporary suspension at arraignment; at least 1-year revocation and $500 civil penalty after a DMV refusal finding

1ST OFFENSE CHARGE

Misdemeanor (DWI or Aggravated DWI); DWAI-alcohol is a traffic infraction

1ST OFFENSE FINE

$500–$1,000 (Aggravated DWI: $1,000–$2,500; DWAI-alcohol: $300–$500)

1ST OFFENSE JAIL

Up to 1 year (DWAI-alcohol: up to 15 days)

INSURANCE FILING

No special filing required

PRIOR OFFENSES

Priors within 10 years count

IGNITION INTERLOCK

Required for every DWI and Aggravated DWI conviction under Leandra's Law, including first offenses. The court must order it as part of probation or a conditional discharge.

1 First 24 Hours

- [ ] **Suspension pending prosecution (court) and DMV chemical test refusal hearing: New York has no hearing-request deadline. For a refusal, the court gives you a Notice of Temporary Suspension and Notice of Hearing (AA-137) at arraignment and the DMV schedules the hearing. If the DMV does not hold it within 15 days of arraignment, your license is reinstated until the hearing. For a test of 0.08 or more, the court suspends the license at arraignment pending prosecution; any challenge is raised in court.**

- [ ] Read the papers from your arraignment — If you refused a test, look for the Notice of Temporary Suspension and Notice of Hearing (AA-137). It lists the date and place of your DMV refusal hearing.
- [ ] Know when your license stops — The judge suspends your license at arraignment if you tested 0.08 or more, or temporarily if you refused. It stays suspended while the case is pending unless the court orders otherwise.
- [ ] Plan for the DMV refusal hearing — The DMV schedules it; you do not request it. If you miss it, the DMV can revoke your license without hearing your side. If it isn't held within 15 days of arraignment, your license is reinstated until it is.
- [ ] Ask the court about a hardship privilege — New York courts can grant a limited hardship privilege during a suspension pending prosecution if you show extreme hardship, meaning you cannot get to work or necessary medical treatment (or school, if you are a student). You carry the burden of proof, and your own testimony alone is not enough. Ask at or soon after arraignment.
- [ ] Write down what happened — Where you were stopped, what you drank and when, the tests you were offered, and the exact refusal warning you heard. The refusal hearing turns on that warning.
- [ ] Talk to a lawyer before the hearing — The arresting officer usually testifies at the DMV hearing. What is said there can matter in the criminal DWI case.

2 Court

- [ ] Arraignment — You are arraigned on a misdemeanor complaint. The judge suspends your license pending prosecution if you tested 0.08 or more, or temporarily if you refused.
- [ ] Hardship privilege — Ask at arraignment. The judge can allow driving to work, school, or medical care only if you prove extreme hardship, and not on your own testimony alone.
- [ ] Discovery — The prosecution must make its initial discovery disclosures within 20 calendar days after arraignment if you are in custody, or 35 calendar days if you are not. Later deadlines and exceptions apply.
- [ ] Plea limits — Under VTL §1192(10), a plea in a DWI case must include at least a plea to a §1192 offense, such as DWAI, unless the district attorney finds the charge unwarranted. It must also require the Impaired Driver Program, unless the court waives it.
- [ ] Trial or sentencing — If you do not plead, the case goes to trial. On a DWI conviction the court sets the fine, any jail, probation or conditional discharge, and at least 12 months of ignition interlock under Leandra's Law.

3 Getting Your License Back

- [ ] Impaired Driver Program (IDP): A plea in a DWI case must include completing the IDP, including any assessment and treatment, unless the court waives it. Taking part is also the path to a conditional license. You pay the program fee.
- [ ] Ignition interlock: Required for every DWI and Aggravated DWI conviction under Leandra's Law, including first offenses. The court must order it as part of probation or a conditional discharge.
- [ ] Ask about a Conditional license (through the Impaired Driver Program); hardship privilege before conviction: The DMV notifies you by mail if you are eligible. Enroll in an Impaired Driver Program (fee about $200 to $225) and the DMV issues the conditional license. For a hardship privilege before conviction, ask the criminal court (order form MV-1193).

Your full New York DWI guide

Deadlines, penalties, the court process, license hearings, and FAQs, with links to the official sources.

https://dui911.org/new-york

Official source for your license deadline: https://dmv.ny.gov/tickets/safety-and-business-hearings

This checklist is educational and is not legal advice. Laws, deadlines and fees change; confirm them with the agency or a licensed New York attorney before you rely on them. DUI911.org is not a law firm and is not affiliated with any law firm, interlock company or insurer.